THE RIGHT TO PUBLIC PARTICIPATION OF LOCAL COMMUNITIES IN NATURAL RESOURCES CONSERVATION IN UGANDA: A CASE STUDY OF KABALE DISTRICT.

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JULY 2024

DECLARATION BY CANDIDATE

I **Najuna Patience**, hereby certify that I am the sole author of this dissertation entitled The Right to Public Participation of Local Communities in Natural Resource Conservation in Uganda: A Case Study of Kabale District and has not been previously submitted for any degree and has not been currently considered for any degree and/or examination at any other university. All referenced materials, citations, and contributions of others have been duly acknowledged. This work was done under the guidance and supervision of Dr. Charlotte Kabaseke and Assoc. Professor George W.K.L Kasozi.

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Signature.....

Date 11th/10/2024

DEDICATION

This research is dedicated first to God Almighty who allowed me to be alive and to pursue my LLM. All glory and Honor go to only Him who in his supreme power has carried me through this journey.

This research is also dedicated to my dear husband Rev Emmanuel Akankwasa Mateeka who continually encouraged and supported me to achieve this dream. Special dedication to my dear parents Mr. Philip and Angellah Mwesiga who continuously challenged me to strive for the best. Their continued dedication has seen me through school up to this time.

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CERTIFICATION

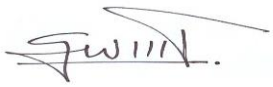
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LIST OF ACRONYMS AND ABBREVIATIONS

CBNRM	Community-Based Natural Resource Management
CBO	Convention on Biological Diversity
CBOs	Community-Based Organizations

CCC	Climate Change Committee
CCCs	Community Conservation Committees
CCRI	Community Conservation Resilience Initiative
CFR	Central Forest Reserve
CLOs	Community-led Organizations
CMCs	Catchment Management Committee
CMPAs	Community-managed Protected Areas
COPs	Conference of Parties
CTPH	Conservation through Public Health
DNROs	District Natural Resource Offices
DWD	Directorate of Water Development
DWRM	Directorate of Water, Resource Management
EAC	East African Community
ECLAC	United Nations Economic Commission for Latin America
EIA	Environmental Impact Assessment
ELI	The Environmental Law Institute
ESIA	Environmental and Social Impact Assessment
FBO	Faith-Based Organization
FD	Forest Department
FSSD	Forestry Sector Support Department
ICCAs	Indigenous and Community Conserved Areas

ICCPR	International Convention on Civil and Political Rights
ILO	International Labor Conference
IUCN	The International Union for Conservation of Nature
JFM	Joint Forest Management
LCCs	Local Conservation Committees
LFR's	Local Forest Reserve
LGS	Local Government Structures
MOES	Ministry of Education &Sports
MOH	Ministry of Health
MWE	Ministry of Water and Environment
NDP	National Development Plan
NEA	National Environment Act
NEMA	National Environment Management Authority
NFA	National Forestry Authority
NFP	National Forest Plan
NGO	Non-Governmental Organization
NODPSP	The National Objectives and Directive Values of State Policy
NRM	Natural Resource Management
OHCHR	Office of the High Commissioner for Human Rights
PAs	Protected Areas
SDGs	Sustainable Development Goals

SPGS	Sawlog Production Grant Scheme
TCI	Traditional and Cultural Institutions
TEK	Traditional Ecological Knowledge
TNC	The Nature Conservancy
UDHR	Universal Declaration of Human Rights
UGCOMMC	Commercial Division of the High Court of Uganda
UGHC	Uganda High Court
UN	United Nations
UNCCD	United Nations Convention to Combat Desertification
UNCED	United Nations Conference on Environment and Development
UNDP	United Nations Development Program
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Program
UNESCO	United Nations Educational Scientific and Cultural Organization
UNFCC	United Nations Framework Convention on Climate Change
UNRA	Uganda National Roads Authority
UWA	Uganda Wildlife Authority
WUAs	Water Users Association
WWF	The World-Wide Fund for Nature

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Uganda Human Rights Commission v Attorney General & Anor (2018) UGHC 137 (Uganda High Court)

Uganda National Environment Management Authority v Kabale District Local Government & Anor (2020) UGHC 151 (Uganda High Court)

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Convention on Biological Diversity (Rio de Janeiro, 5 June 1992) [1993] UNTS 299

International Covenant on Civil and Political Rights (New York, 16 December 1966) [1976] UNTS 999

Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, 2 February 1971) [1976] UNTS 251

Rio Declaration on Environment and Development (Rio de Janeiro, 14 June 1992) UN Doc A/CONF.151/26/Rev.1 (Vol I)

Sustainable Development Goals (New York, 25 September 2015) UN Doc A/RES/70/1

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United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (Paris, 17 June 1994) [1994] UNTS 33

United Nations Framework Convention on Climate Change (New York, 9 May 1992) [1994] UNTS 167

Universal Declaration of Human Rights (Paris, 10 December 1948) UN Doc A/RES/217(III)

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Judicature Act, Chapter 13, No 13 of 1996 (Uganda)

Land Act of 2012 (Kenya)

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Traditional and Cultural Institutions Act, Cap 253, 2011 (Uganda)

Uganda National Commission for UNESCO Act 2014 (Uganda)

Uganda Vision 2040.

Uganda Wildlife Act 2019 (Uganda)

ABSTRACT

This study examines local people's right to public engagement in Ugandan natural resource conservation using Kabale District as a case study. The need for public participation in sustainable natural resource management is increasingly recognized. This helps to ensure that conservation activities are aligned with local goals and needs. Doctrinal research strategy was used, thoroughly reviewing policy documents, legal frameworks, and past research on public engagement and natural resource management. This method allows for a full examination of the institutional frameworks and statutory requirements designed to encourage community participation in conservation. The research examines Uganda's legal framework for public engagement, especially the Wildlife Act of 2019 and the National Environment Act of 1995, which demand community involvement and input in conservation decisions. The success with which institutions such as the Uganda Wildlife Authority (UWA) and the National Environment Management Authority (NEMA) safeguard local interests and promote sustainable practices is being reviewed. The findings reveal that, while Uganda's legal frameworks accept the right to public participation, actual implementation typically falls short of expectations. According to the study, barriers to effective involvement include a lack of community knowledge, slack policy enforcement, and a lack of opportunity for genuine connection. As a result, residents in Kabale District are frequently excluded from conservation decisions. Enhancing legal and policy frameworks is recommended to ensure that participatory methods are more successfully implemented. Specific proposals include increasing community participation and rights education, strengthening policy enforcement, and encouraging tighter cooperation between conservation authorities and local communities. Enhancements in these areas have the potential to significantly boost community participation and result in more equitable and sustainable conservation outcomes.

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CHAPTER ONE

1.0. Introduction

Conservation of natural resources refers to the sustainable maintenance and protection of various resources found on Earth, such as air, water, soil, minerals, forests, wildlife, and energy sources. [1]Conservation aims to ensure that these resources are available to both current and future generations while minimizing environmental degradation and maintaining ecological balance.

The term Natural Resource Management (NRM) describes the sustainable use of primary natural resources, including fisheries, forests, minerals, air, water, and land, as well as wild plants and animals. When combined, these resources offer ecosystem services that raise human well-being.[2] They provide essential life support in the form of both consumer and public-good services. [3] Public participation involves involving stakeholders in decision-making processes, involving consultation with individuals and organizations. It's an interactive process that involves interaction, listening, consulting, and partnership to establish agreement and disagreement.[4] Participation is thus predicated on the concern that citizens and non-governmental actors should obtain greater control and power over issues that concern them.[5]

The conservation of natural resources is a critical global concern, as it directly impacts sustainability of ecosystems, biodiversity, and livelihoods of local communities.[6] In Uganda, a country known for its rich biodiversity, diverse ecosystems, and abundant

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[1] EcoHiny, 'Forest Conservation: The Vital Role Forests Play on Our Planet.' (*Caleta Company Inc*, 2023) <https://www.ecohiny.com/blogs/news/forest-conservation-the-vital-role-forests-play-on-our-planet> accessed 20 November 2023.
[2] Saikat Mondal &Debnath Palit', *In Natural Resources Conservation and Advances for Sustainability .* (Springer 2022).
[3] Jhariya MK, Meena RS, Banerjee A, Meena SN, 'Natural Resources Conservation and Advances for Sustainability' (1st ed., Elsevier 2021).
[4] Nick Okello, 'The Doing and Un-Doing of Public Participation During Environmental Impact Assessments in Kenya' [2009] *Journal of Environmental Governance and Policy* 123.
[5] Forest Conservation, 'The Vital Role Forests Play on Our Planet'' (2022) <http://www.lead-journal.org/content/10200.pdf> accessed 11 September 2023.
[6] Seema Sharma, 'Conservation of Natural Resources" *Journal of Environmental Conservation*.' (2015) 1 123.

natural resources, natural resource management is vital.[7] However, it faces several challenges related to sustainable development and environmental conservation initiatives, as well as expectations and desires of local communities in Kabale District.

The country is addressing significant environmental issues like deforestation, land degradation, and water resource management, emphasizing the crucial role of community involvement in conservation efforts.[8] To achieve the right balance between environmental concerns and human rights, an inclusive, rights-based approach should involve local communities in decision-making processes regarding natural environment management.[9]

In recent decades, the discussion surrounding environmental conservation has evolved to recognize the fundamental importance of inclusive and participatory approaches.[10] At the heart of this significant change lies the acknowledgment that local communities possess a wealth of traditional knowledge and valuable insights crucial for effective natural resource management.

Kabale District in Uganda's southwestern region showcases a unique ecological diversity and vibrant local communities deeply connected to their natural surroundings.[11] Given its topography, Kabale stands out from most other regions of the nation. It is distinguished by a large population that must feed, most of which live on steep slopes.[12] A household's top priority is food, so there has been a compromise between agricultural production and environmental conservation to the point where most of the environment, including the delicate ecosystems, has been invaded. [13] The district's ecological diversity is characterized by its diverse habitats, including montane forests, wetlands, swamps, fertile

[7] Samuel Ayebare, P Kihumuro, M Leal, and Simon Nampindo , 'Assessing the Distribution and Habitat Use of Chimpanzees between Budongo and Bugoma Corridors' 2022.
[8] Samuel Hoffmann, 'Challenges & Opportunities of Area-Based Conservation in Reaching Biodiversity and Sustainability Goals' (2022) 31 *Journal of Conservation Biology* 325.
[9] Innocent Sinthumule, 'Traditional Ecological Knowledge and Its Role in Biodiversity Conservation: A Systematic Review'' (2023) 11 *Journal of Biodiversity Conservation* 1.
[10] Joanne Abbot and Irene Guijt, *Changing Views on Change: Participatory Approaches to Monitoring the Environment* (IIED 1998).
[11] 'Kabale District' <https://en.wikipedia.org/wiki/kabale_district> accessed 15 April 2024.
[12] Johnny Mugisha & Sarah Loison Alobo, 'Determinants of Land Management Practices in the Agricultural Highlands of Uganda: A Case of Kabale Highlands in Western Uganda' (2012).
[13] 'Kabale District Local Government Officials Sensitized on Conservation of Forests, Biodiversity'' <https://news.mak.ac.ug/2021/11/kabale-district-local-government-officials-sensitized-on-conservation-of-forests-biodiversity/> accessed 15 November 2023.

soils, and active agricultural practices, which support various plant and animal species.[14] The region's protected areas, like the UNESCO-designated Bwindi Impenetrable National Park, highlight the complex rights of the public in protecting natural resources and their livelihoods.[15] Protecting and maintaining biological diversity is vital for environmental health, community well-being, and millions of Ugandans, especially in rural Kabale areas.

Kabale faces challenges like deforestation, soil erosion, and water pollution, requiring local participation for sustainable solutions and long-term ecosystem well-being.[16] Deforestation and overfishing threaten global ecosystems, necessitating urgent conservation efforts to ensure sustainable resource use and maintain ecosystem balance for future generations.[17]

Public participation is the most effective method for conserving natural resources, as it fosters inclusivity, shared responsibility, and diverse viewpoints, outperforming other strategies. By utilizing the community's aggregate knowledge and dedication, this involvement improves the sustainability and success of conservation activities.[18] The legality of laws, rules, and regulations is contingent upon the procedures used in their creation.[19] Legitimacy in a democracy is based on participation, requiring the people to have a say in governance or believe they do, making conformity a cornerstone of their system.

On a worldwide scale, participatory democracy is a crucial component that helps to fortify democracy and guarantees a high degree of legitimacy. [20]Good governance is thought to depend on promoting participation, especially at the lowest levels. It is based on the

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[14] Halls A.J, 'Wetlands, Biodiversity and the Ramsar Convention*' [1997] The Role of the Convention on Wetlands in the Conservation and Wise Use of Biodiversity' 12.*
[15] 'Bwindi Impenetrable National Park' *(UNESCO World Heritage Centre)* <https://whc.unesco.org/en/list/682/> accessed 15 November 2023.
[16] Friday Christopher , Susan Luyiga, and David Adeyemo , 'The Effect of Agroforestry on Environmental Protection in Kabale District, Uganda'' (2024) 3 569.
[17] Ibrahim ' Magawata and JK Ipinjolu, 'Climate Change': [2014] Mitigation and Adaptation Strategies in Fisheries and Aquaculture in Nigeria' 9.
[18] Lance W. Robinson, Sasu, Karin Andreea, 'The Role of Values in a Community-Based Conservation Initiative in Northern Ghana.' (2013) 22 *Environmental Values*, 647.
[19] The Rule of Law, 'The Rule of Law' (*The Stanford Encyclopedia of Philosophy*) <https://plato.stanford.edu/entries/rule-of-law/)> accessed 11 October 2023.
[20] Reinhold Hedtke and Tatjana Zimenkova, 'Education for Civic and Political Participation' (2013) 305 A critical approach. New York, Milton Park: Routledge.

understanding that public participation leads to more well-informed decisions that more effectively represent the interests and concerns of affected parties.[21] Three fundamental ideas form the basis of the concept of public participation: the right to information,[22] which includes providing the public with easily understood information about government policies, decision-making procedures, and other activities to give them the knowledge they need to engage in the decision-making process,[23] participation rights in the process of making decisions, this inclusivity means that the government actively seeks and welcomes the involvement of a diverse range of citizens and stakeholders in decision making. It promotes the idea that everyone should have a voice in public matters and the right to justice where public officials and institutions should be responsible for their actions and decisions.[24] This also includes mechanisms for holding government accountable to the public and ensuring that public input is considered.[25] The idea that the public has to be involved in decision-making at all levels is a key one in environmental legislation.[26]

It is widely acknowledged that one of the core tenets of democratic governance is public participation. Because the state's command and control mechanism has failed to ensure environmental justice, the principle has gained especially traction in environmental governance.[27] Setting the precedent was the Rio de Janeiro UN Conference on Environment and Development in 1992[28] stated that "Environmental issues are best handled with the participation of all concerned citizens, at the relevant level." At national level, each individual shall have appropriate access to information concerning the

[21] 'Public Financial Management in Natural Resource-Rich Countries' (*EPA*). (https://www.epa.gov/international-cooperation/public-participation-guide-introduction-public-participation) accessed 15 October 2023.
[22] Claudia Saladin & Brennan Van DykeC Saladin and Others, 'Implementing the Principles of the Public Participation Convention in International Organizations' [1998] *Center for International Environmental Law* 12.
[23] Ibid.
[24] 'Public Participation Guide' (*Introduction to Public Participation*) 5.(https://www.epa.gov/international-cooperation/public-participation-guide-introduction-public-participation) 23/April 2024.
[25] Sumudu Atapattu, *Emerging Principles of International Environmental Law* . (Transnational Publishers Inc 2006).
[26] Kenneth Kakuru & Irene Ssekyana, *Handbook on Environmental Law in Uganda Vol.1* (2nd ed, Greenwatch 2009).
[27] Anne N Glucker, Peter P.J. Driessen, Arend Kolhoff &Hens A.C. Runhaar 'Public Participation in Environmental Impact Assessment: Why, Who and How?' (2013) 43 *Environmental impact assessment review* 104.
[28] Vereinte Nationen, 'United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3–14 June 1992' (2023).

environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. [29] States shall facilitate and encourage public awareness and participation by making information widely available.[30] Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided This implies that governments should involve citizens in decisions that have an impact on their health and environment.

Public participation's implementation and efficacy are contingent upon institutional, statutory, and legal frameworks that have been established.[31] Before colonization, (pre-colonial era) many indigenous communities in Uganda had well-established systems for managing and conserving natural resources. These systems were based on local knowledge and customs with community participation at their core.[32]

During the 19th and 20th centuries, British colonial authorities centralized control over land and resources, often displacing indigenous communities and causing a loss of traditional practices.[33] The colonial past often prevented people from participating in decision-making due to their perceived ignorance and opposition to the state's policies, a legacy that continues to hinder government efforts to involve the people in decision-making.[34]

During post-independence era, which lasted from 1960s until 1980s, Uganda had political upheaval and issues with tenure. Conservation initiatives, sometimes driven by external interests and culminating in creation of protected areas, displaced local communities and reduced their access to resources. This led to stress and conflict in relationships.[35] A

[29] Rio Declaration, 'Rio Declaration on Environment and Development' (1992).
[30] Ibid.
[31] PG Mwesige, 'Public Participation Mechanisms in Uganda' Uganda Public Participation Report.' (2022).
[32] Yahya Sseremba, 'The History of Dictatorship: Custom, Authority, and Power in Precolonial and Colonial Uganda' (2023) 58 *Africa Spectrum* 3.
[33] Lara Domínguez and Colin Luoma, 'Decolonising Conservation Policy: How Colonial Land and Conservation Ideologies Persist and Perpetuate Indigenous Injustices at the Expense of the Environment' (2020) 9 Land 65.
[34] Kenneth Kakuru and Irene Ssekyana, 'Handbook on Environmental Law in Uganda' (GreenWatch: Kampala, Uganda, 2009) 12.
[35] James Musinguzi and Tonny Muzaale, 'Local Community Participation and Wildlife Conservation in Uganda' (2019) 16 *Ugandan Journal of Management and Public Policy Studies* 118.

greater understanding of the significance of including local populations in conservation choices has emerged in recent years. This is consistent with Uganda's laws and regulations, including the National Environment Act of 2019, as well as international accords and treaties.

Uganda's 1995 Constitution, as amended, incorporates the principle of public participation. The Constitution asserts from the beginning that the people of Uganda have sovereign power.[36] It is recognized as one of the guiding principles of national governance and values, applicable to all public servants, state organs, and citizens. Sustainable development now operates under the premise that all citizens must participate in decision-making to achieve sustainability.

The notion of public involvement was firmly established in Uganda by the modified 1995 Constitution. The Ugandan people possess sovereign power, as stated explicitly in the Constitution.[37] Sustainable development is a national value requiring all government agencies, individuals, and public servants to uphold, emphasizing the importance of everyone's involvement in decision-making processes for sustainability.

In Uganda, community-based conservation programs were introduced in the 1990s and 2000s, recognizing the importance of local expertise and involvement in managing protected areas.[38] The public and community sectors collaborating with the state to manage and conserve these resources is the current focus of natural resource conservation. Creating management-guiding policies and legal safeguards to uphold management rights is also part of it. Local communities are bound by the roles and responsibilities of traditional community organizations and follow trends and developments in the management of natural resources. Local communities primarily manage their natural resources through community agreements.[39] If a local community views its natural resources as essential to its existence, then it may keep an eye on its

[36] Constitution of the Republic of Uganda 1995 Art 1.
[37] Ibid.
[38] Kenneth Kakuru, 'Environmental Law: East African Journal of Peace and Human Rights' (2005) 8 *A tool in peaceful resolution of conflict* 1.
[39] Christo Fabricius, 'Community-Based Natural Resource Management: Environmental Science & Policy', (2007) 10 Governing the Commons' 9.

livelihoods—that is, its right to life and means of subsistence. If it is determined that a community's natural resources are necessary for the people to live there, then those people or communities will have the legal authority to manage and conserve those resources to ensure their continued availability for sustainable use.[40]

Together with the right to a clean and healthy environment, the 1995 Constitution recognized public involvement in environmental decision-making. The right to a clean and healthy environment is acknowledged by this article for all Ugandans. The state must also take all necessary measures to ensure that this right is realized.[41] Additionally, by increasing public awareness, the Constitution guarantees every Ugandan the right to access information that is held by the government or any other branch or agency of the government.[42] This is essential for public involvement in environmental issues since information access enables people to engage in discussions and the process of making decisions, as well as to comprehend environmental challenges.

Sustainable development and preservation of natural resources are mandated by the state, according to a directive principle on environmental protection found in the National Objectives and Directive Principles of State Policy.[43] Additionally, through civic organizations, the Constitution protects freedom to participate in nonviolent protests against government policy. To promote environmental conservation and increase public awareness, civic organizations can be quite effective. This was a landmark legal development supporting community participation in resource conservation.

The actual application of these rights, however, continues to be difficult and frequently results in resource loss, relocation, and violence. Due to factors including fast population increase, urbanization, agricultural development, and consequences of climate change, long-term viability of managing these resources, and actual implementation of these rights

[40] 'Ilkogretim Online - Elementary Education Online 20, 1365.' (2021) 1365. <https://ilkogretim-online.org/index.php/pub)> accessed 11 October 2023.
[41] Constitution of the Republic of Uganda 1995, art 39.
[42] Constitution of the Republic of Uganda 1995, art 38
[43] Constitution of the Republic of Uganda 1995, art 245(2).

have grown more challenging.[44] Therefore, local communities must participate more actively in decision-making processes about the conservation and sustainable use of natural resources. Initiatives have also been made to address these problems through community sensitization and capacity-building programs, as well as collaborations between NGOs, government agencies, and local communities.[45]

Against this background, therefore, Kabale faces various natural resource protection challenges, including deforestation, soil erosion, and water pollution. Limited community involvement stems from the awareness gaps and insufficient education on sustainable practices. Therefore, engaging community through outreach programs and education can foster a sense of responsibility and active participation in preserving Kabale's natural resources.[46] Therefore, public participation ought to be more than just a formality and consider the opinions of those involved in the decision-making process. In real life, this would settle a lot of pointless disputes.[47]

This research therefore aims to investigate the state of public participation in the conservation efforts within Uganda, and also examine cautiously how much local communities are granted the opportunity to participate in decisions that shape the conservation policies and practices in their region with a specific focus on Kabale District. This research also emphasizes local communities' rights to public participation in the conservation of natural resources and the legal framework that governs public participation in environmental governance in Uganda, with a particular emphasis on Kabale. The idea of local communities' public participation in natural resource conservation was evaluated by the researcher for its benefits and drawbacks.

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[44] 'The Sustainable Use of Natural Resources.' (*The Governance Challenge*) <https://policycommons.net/artifacts/1501931/the-sustainable-use-of-natural-resources/2160935/> accessed 11 October 2023.

[45] Chirenje Leonard Itayi, Richard A. Giliba, & Emmanuel B. Musamba 'Local Communities' Participation in Decision-Making Processes through Planning and Budgeting in African Countries.' (2013) 11 *Journal of African Development*, 10.

[46] ' Friday Christopher, Prof David Oluropo Adeyemo, and Suzan Luyiga, 'An Evaluation of the Effectiveness of Government Policies in Promoting Environmental Protection in Kabale District Uganda' 12.

[47] Eva Lieberherr and Olivia Odom Green, 'Green Infrastructure through Citizen Stormwater Management: Policy Instruments, Participation and Engagement' (2018) 10 Sustainability 2099.

1.1 Problem Statement

Public involvement in preserving natural resources is crucial for sustainable environmental governance in Uganda, where local communities hold significant stake and traditional knowledge is valuable.[48] Despite the legal framework for public involvement, there is still a gap between policy intent and practical implementation, particularly at the local level.

Public participation is critical for long-term environmental governance in Uganda, particularly when it comes to natural resource conservation.[49] The local communities' conservation efforts are heavily influenced by their traditional knowledge. Although there is a legislative framework that supports public engagement, there is a gap between policy intentions and actual implementation, notably in municipal government.[50] This discrepancy emphasizes the necessity of sound governance principles, like those included in the 2030 Agenda for Sustainable Development.[51] Sustainable resource governance necessitates inclusive decision-making procedures, rights recognition, and the balancing of competing interests.[52] This involves giving voice and support to underrepresented groups, such as women and Indigenous Peoples, who have historically been excluded from land and resource decision-making processes.[53]

Uganda can use international frameworks like the Convention on Biological Diversity and the United Nations Declaration on the Rights of Indigenous Peoples to bridge the gap[54] ,ensure ecological integrity and social fairness by implementing a human rights-based policy and promoting community-led government. To conserve natural resources for

[48] Josiline Chigwada and Patrick Ngulube, 'Stakeholders in the Acquisition, Preservation, and Dissemination of Indigenous Knowledge Projects' [2023] *Information Development* 51.
[49] Nicholas N Kimani, "Participatory Aspirations of Environmental Governance in East Africa" (2010) 6 Law Env't & Dev J 200
[50] Sanjiv Kumar Babooa, "Public Participation in the Making and Implementation of Policy in Mauritius with Reference to Port Louis' Local Government" (PhD diss, University of South Africa, Pretoria 2008).
[51] Imme Scholz and Clara Brandi, "Implementing the 2030 Agenda for Sustainable Development: Achievements and Limitations of the G20 Presidency in 2017" (2017) 3 Global Summitry 156-175.
[52]Anne M Larson and Fernanda Soto, "Decentralization of Natural Resource Governance Regimes" (2008) 33 Annual Review of Environment and Resources 213-239.
[53] Nicole Lisa Klenk and others, "Models of Representation and Participation in Model Forests: Dilemmas and Implications for Networked Forms of Environmental Governance Involving Indigenous People" (2013) 23 Environmental Policy and Governance 161-176.
[54] Nigel Crawhall, "Africa and the UN Declaration on the Rights of Indigenous Peoples" (2011) 15 The International Journal of Human Rights 11-36.

future generations, the government must take immediate action, address vested interests, and realign priorities.[55]

1.2.0 Objectives of the study

The study evaluates Kabale District, Uganda,'s community participation in natural resource conservation decision-making and identifies key factors affecting its effectiveness in achieving sustainable outcomes.

1.2.1. General objective.

The main objective of this study is to critically analyze the right to public participation in natural resource conservation using Kabale as a case study.

1.2.2 Specific objectives

i. To examine the nature, development, and relevance of public participation of local communities in Natural resource conservation in Kabale District.
ii. To critically analyze the adequacy of the law and policy in the protection of the right to public participation in natural resource conservation.
iii. To examine the adequacy of the protection roles of institutions involved in natural resource conservation in Kabale District
iv. To examine the challenges faced in Kabale during the implementation of the right to natural resource conservation and offer practical solutions

1.3.0 Research questions

i. What is the nature, development, and relevance of public participation of local communities in natural resource conservation?
ii. How effectively does the existing legal framework ensure the protection of the right to public participation in natural resource conservation?
iii. How adequate are the protection roles of institutions engaged in natural resource conservation in Kabale?
iv. What are the key challenges encountered in Kabale during the implementation of the right to public participation in natural resource conservation and what practical solutions can be proposed?

1.4.0 Methodology

Theoretical and conceptual frameworks are crucial in research technique for ensuring theoretical and practical grounding, providing direction and clarity, and playing complementary functions in shaping research technique.[56]

The conceptual framework provides a structural roadmap for research, illustrating essential ideas, variables, and relationships. It aids in developing hypotheses, designing approaches, and improving research questions. It organizes concepts and variables, facilitating a methodical and rigorous data collection and analysis.[57]

The theoretical framework provides essential theories and concepts for investigation, situating research within a larger intellectual tradition. It aids in interpreting data, improving theoretical understanding, and connecting research with established academic discourse.[58]

1.4.1. Introduction

This research was conducted using the theoretical framework. It followed a doctrinal legal methodology. Thus, the researcher was able to conduct doctrinal legal research by establishing one or more legal propositions, principles, norms, or doctrines as the foundation and focal point of her inquiry. These doctrines, rules, and principles were found in court decisions and statutory instruments, as discussed in subsequent chapters. The researcher used secondary material from books, journal articles, research and other dissertations/theses, concept papers, and more to conduct an analysis and get her conclusions about this study. To collect data, the researcher organized this study around legal doctrines, principles, and regulations related to the right to public participation of local communities in natural resource conservation. This was accomplished by making use of educational resources such as foreign literature, statutes, newspapers, journals,

[56] Michael Brown, 'Theoretical and Conceptual Frameworks in Research' [2023] *Journal of Legal Research Methods* 2(1) 48-51.
[57] Emily Johnson, 'Conceptual Framework' in Advanced Research Methods in Law (Routledge, 2022) 34-37.
[58] Jane Smith, 'Theoretical Framework' in Research Methods in Law (Oxford University Press, 2020) 23-25.

magazines, and textbooks. These resources were used to assess the work and provide suggestions. Additionally, internet-sourced materials were employed.

Secondary data was also employed in the study, which considered a wide range of sources. Take the internet, media, libraries, and web pages as examples. This allowed the researcher to avoid the challenges of collecting original or primary data.[59] Secondary data refers to existing data.[60] They refer to data (information) that was previously gathered and examined by someone other than the researcher.[61] Secondary sources for the study included the Constitution, books, statutes, case law, journals, newspapers, official government reports (both published and unpublished), policies, legislation, official documents, international agreements, articles, works by renowned academics and jurists, and online material were all consulted as pertinent materials and literature.

There was also usage of websites and computer-aided searches. Several websites were visited, and they had significant and entertaining literature about the subject of the inquiry. Reviewing the body of information on the subject and establishing whether the Environment Act[62] and other laws addressed the issue of the right of public participation of local communities in Natural Resource Conservation were two tasks that might be achieved via library research.[63] The analysis approach was used to ascertain the practical application of the available laws and regulations on local communities' right to public participation in natural resource conservation in Uganda, Kabale District. These data collection approaches were efficient, allowing for a thorough comparison of the research study's problems.

As a guiding principle of the governance of natural resources, the study broadly investigated the idea of the right to public participation. It mostly centered on the Republic

[59] Bridget Somekh & Cathy LewinSmith, 'Research Methods in Social Sciences' (2019) 1 J*ournal of Social Science Research* 10.
[60] Ibid.
[61] Chandra R.Kothari, *Research Methodology, Methods and Techniques, Wiley Eastern Ltd,* (2nd Edition, 1980)**.**111
[62] The Environment Act of 2019
[63] Alex Mugisha, 'Beyond Legal Frameworks: Exploring Community Rights to Participate in Natural Resource Management'' (2020) 3 *African Journal of Environmental Law* 1.

of Uganda's Kabale District. But to look at how the principle was developed and applied, references to other jurisdictions were made.

1.4.2 Design of research

This is the setting up of parameters for the gathering and processing of data to balance procedural economy with relevance to the study goal. The framework for conducting research is its conceptual structure, which serves as a guide for gathering, evaluating, and interpreting data.[64]

After conducting doctrinal analysis, the research provided a deep understanding of the legal framework, principles, and practices related to the right to public participation of local communities in natural resource conservation in Uganda, specifically in Kabale.

After the analysis of the laws and regulations, policies and guidelines, Judicial decisions, international instruments, literature and scholarly articles, reports, and documents the doctrinal research provided a deep understanding of the legal framework, principles, and practices related to the right to public participation of local communities in natural resource conservation in Uganda, specifically in Kabale. This allowed for an in-depth examination of the specific context, policies, and practices in the area to pursue a research topic that stands out from previous studies.

1.4.3 Data Collection

1.4.4 Legal Analysis

The study utilized primary as well as secondary sources of information. To fulfill this objective, a variety of secondary sources including textbooks, journals, conference papers, legal instruments, and case law were reviewed to gather secondary data. The researcher analyzed existing legal frameworks related to public participation in natural resource conservation in Uganda and evaluated how well these are implemented in the Kabale District.

1.4.5. Data Analysis

Data was analyzed which involved a systematic and thorough examination of the collected legal materials, such as laws, policies, judicial decisions, and scholarly articles. The analysis aimed to identify patterns, themes, and relationships within the data to

[64] Jessica L Johnson, 'Qualitative Research Methods in Environmental Studies .' (2020) 2 *Journal of Environmental Research* 5.

answer the research questions and achieve the research objectives. The dissertation was then analyzed, condensed, and presented with the integrated data.

1.4.6 Policy Recommendations

Based on findings, the researcher developed policy recommendations that enhanced the right to participation of the public in the conservation of natural resources in Kabale District.

1.4.7 Report Writing

The researcher provided a thorough report with the research findings, including, methodology, analysis, and suggestions.

1.5.0 Significance of the study

Studying the right to public participation of local communities in natural resource conservation in Uganda, with a focus on Kabale District, holds significant importance for several reasons.

1.5.1 Legal and Human Rights Perspective

Understanding and ensuring the freedom of the public to participate is essential for upholding basic human rights. This study sheds light on whether local communities in Kabale District access the legal framework that allows them to participate in decisions concerning natural resource conservation. Investigating the freedom to take part in public affairs of natural resource conservation aligns with international human rights standards, including those outlined in the African Charter on Human and Peoples' Rights and the Universal Declaration of Human Rights. It helps in assessing if Uganda is meeting its legal obligations in this regard.

1.5.2 Ecological Preservation and Sustainable Development

Balancing the interests of local communities with the need for natural resource conservation is essential for sustainable development. This researcher helps identify if there are any disparities or conflicts in these interests. Effective participation of local communities can also lead to more sustainable conservation practices. When communities are actively involved, there is a higher likelihood of compliance with conservation measures, reduced resource exploitation, and better protection of ecosystems.

1.5.3 Identifying Barriers and Opportunities

Throughout the study, the researcher may uncover specific barriers that impede public participation, as well as potential opportunities for improvement. This information is crucial for designing targeted interventions to enhance community involvement in conservation efforts

1.5.4 Community Empowerment and Inclusivity

From a Community Perspective, **e**ngaging with local communities in Kabale District allows for collection of firsthand accounts and perspectives. This not only enriches qualitative data but also helps in understanding the lived experiences of people affected by natural resource conservation efforts. More still, empowering local communities by providing them with a say in choices that impact their livelihoods, environment, and overall well-being can lead to more inclusive and equitable conservation efforts.

Understanding the extent of public participation empowers local communities to assert their rights and actively engage in decisions related to natural resource management. This can lead to more sustainable and equitable conservation practices.

Effective participation leads to development of conservation strategies that consider the socioeconomic needs of local communities. This can help ensure that livelihoods are not negatively impacted by conservation efforts.

1.5.5 Accountability and Transparency

Studying public participation leads to recommendations on how to improve governance structures, making them more transparent, responsible, and receptive to the issues and requirements of nearby communities. Understanding how public participation is currently implemented helps identify potential sources of conflict. This knowledge is used to develop strategies for conflict resolution and fostering social cohesion.

It, therefore, promotes environmental justice which helps identify any disparities in access to and benefits from natural resources. It highlights if certain groups within Kabale District are disproportionately affected by conservation policies and provides a basis for advocating for more just and inclusive practices.

1.5.6 Knowledge Dissemination and Education

Findings from this study are used to increase understanding of the significance of public participation in natural resource conservation. It also serves as an educational tool for communities, policymakers, and conservationists and also be used to develop

educational programs and capacity-building initiatives targeted towards both local communities and conservation stakeholders. This helps in fostering a culture of active participation in natural resource conservation efforts.

1.5.7 Policy Formulation and Advocacy

The study provides valuable insights, into the strengths and weaknesses of current legal and regulatory frameworks for policymakers, NGOs, and advocacy groups working in the field of natural resource conservation. It informs the development of policies, serves as a foundation for advocacy groups, NGOs, and community leaders to push for reforms in the sphere of natural resource conservation

Findings from the study also inform policymakers and government agencies about the effectiveness of existing policies related to public participation in natural resource conservation. This can lead to policy adjustments or the development of new policies that better heed the rights and needs of the neighborhood. Public participation is a fundamental aspect of a functioning democracy. This study sheds light on the extent to which democratic principles are being upheld in the context of natural resource conservation in Uganda.

1.5.8 Cultural Significance

Many natural resources hold cultural and traditional significance for local communities. Understanding and respecting these cultural ties is crucial for preserving cultural heritage.

1.5.9 Global Relevance

This research can potentially be used for comparative studies with other districts or regions in Uganda, or even with similar contexts in different countries. This makes it possible to comprehend the variables influencing public participation in natural resource conservation.

Lessons learned from Kabale District can potentially be applied to other regions, not just within Uganda, but in other countries facing similar challenges in natural resource conservation. This contributes to a deeper understanding of the broader issues surrounding natural resource conservation in Uganda

International Relations and Aid Allocation**:**

Understanding the state of public participation in conservation efforts can influence international perceptions of Uganda's commitment to sustainable development and

human rights. It may also affect the allocation of international aid and funding for conservation projects.

1.5.10 Academic Contribution

This research supports academic discourse surrounding environmental law, human rights, and sustainable development, offering a case study that is useful for future research and students in the same field.

The study adds to the body of knowledge regarding environmental governance, human rights, and sustainable development. It may serve as a reference point for future research on similar topics in Uganda or other regions facing similar challenges.

The study, therefore, holds substantial importance for both theoretical and practical reasons. It addresses critical issues related to human rights, environmental sustainability, governance, and community development, with potential implications for policy, practice, and academic research.

1.6.0 Theoretical Framework

A theoretical framework is crucial in research as it provides a structured method for understanding and analyzing a topic, describing relationships between variables and theories, contextualizing the problem, ensuring valid and reliable findings, and serving as a roadmap for data collection, analysis, and interpretation.[65] The right of local communities to public engagement in natural resource conservation in Uganda can be defined using a variety of theoretical frameworks. This study provides a comprehensive explanation of this right, with a focus on Kabale District. [66]A theoretical framework therefore is a crucial tool for researchers to understand, and develop a systematic approach to study topics, ensuring a rigorous and methodical study.

1.6.1. Environmental Justice Theory

The distribution of environmental benefits and costs within a society is examined by this theory. It places a strong emphasis on treating all people fairly and equally, regardless of their socioeconomic status or geographic location. In the context of this research, it is

[65] John W Creswell, *Research Design: Qualitative* (4th edn, 2014) ,51-55.

[66] Lavanya Rajamani, Lisa Jeffery**,** Niklas Höhne, Felix Hans,Gaurav Gantiand, Ariane Glass & Anna Geiges, 'National "Fair Shares" in Reducing Greenhouse Gas Emissions within the Principled Framework of International Environmental Law' (2021) 21 *Climate Policy* 983.

used to assess whether local communities in Kabale District have equal access to and influence over natural resource conservation decisions.

Environmental Justice Theory emphasizes the equitable treatment and participation of all individuals in the creation, execution, and enforcement of environmental policies, irrespective of their nationality, race, or color.[67] In the context of natural resource conservation in Kabale District, Uganda, where issues of land use, resource extraction, and environmental protection are significant, Environmental Justice Theory can be applied to ensure equitable distribution of benefits and burdens associated with conservation efforts.[68] While there might not be specific references directly addressing Kabale District, the principles of Environmental Justice Theory can be applied universally. Here's how the theory applies

Environmental Justice Theory calls for fair distribution of the advantages and natural resources conservation efforts. This includes ensuring that marginalized communities in Kabale District have access to clean water, fertile land, and other essential resources necessary for their well-being.[69] The theory also advocates for inclusive decision-making processes that involve all stakeholders, including community members in the design and execution of conservation initiatives in Kabale District.

This theory further emphasizes the mitigation of environmental harms and the prevention of disproportionate exposure to pollution and other environmental hazards, particularly among vulnerable populations in the Kabale District.[70] Indigenous communities in the Kabale District possess valuable traditional knowledge about resource management and conservation practices. Environmental Justice Theory stresses the recognition and incorporation of this knowledge into conservation policies and practices.[71] It also calls for

[67] Yoshira Ornelas Van Horne, Cecilia S. Alcala, Rick Peltier, Penelope J E Quintana, Edmund Seto, Melissa Gonzales,& Jill Johnston 'An Applied Environmental Justice Framework for Exposure Science.' (2023) 33 *Journal of Exposure Science & Environmental Epidemiology* 1.

[68] Adeyemo, Christopher Friday, Luyiga Susan & Ngiri Andrew, 'The Effect of Agroforestry on Environmental Protection in Kabale District, Uganda' (2024) 3 569.

[69] Armando Solorzano & Robert D. Bullard, *'Review of Confronting Environmental Racism:* (South End Press, 1993).

[70] David Schlosberg, *Defining Environmental Justice: Theories, Movements, and Nature* (OUP Oxford 2007).

[71] and Mary K Grace Paul A Walker, Eve Bohensky, *Contested Nature: Promoting International Biodiversity with Social Justice in the Twenty-First Century* (2006).12

addressing environmental inequalities and ensuring accountability among stakeholders involved in natural resource conservation efforts in Kabale District.[72]

1.6.2. Human Rights Theory

The rights of persons and communities over natural resources are addressed in this case by international, national, and local legal systems. Examining how much Ugandan national legislation and international agreements. This includes safeguarding the public's right to participate in environmental decision-making, much like the Aarhus Convention. Many regional and international human rights treaties have a strong connection to the people's right to take part in natural resource conservation in Kabale District. In the context of protecting natural resources, this theoretical analysis provides a framework for comprehending the moral and legal responsibilities of the Ugandan government, especially in the Kabale District, to protect residents' rights. The analysis highlights the necessity of using a rights-based approach in creating and implementing conservation policies to ensure the preservation of local communities' human rights, are safeguarded, and realized during the conservation process. The 1992 Rio Summit on Environment and Development saw the announcement of the Rio Declaration. Consisting of 27 principles, the Rio Declaration stipulates that the best way to address environmental issues is to involve all concerned citizens at the relevant level.[73] This Principle therefore recognizes a right to public participation.

One special international agreement that offers a helpful and uncommon connection between environmental and human rights is the Aarhus Convention on Access to Information, Public Participation in Decision Making, and Access to Justice in Environmental Matters. Concerning the environment, it lays out three procedural rights, or "access" rights. The rights to information in environmental matters, decision-making rights in environmental matters, and access to justice in environmental matters are these three rights.[74] Building on the tenets of the Rio Declaration on Environment and Development [75] , they offer encouraging and crucial steps toward participatory

[72] David Naguib Pellow, *Garbage Wars: The Struggle for Environmental Justice in Chicago* (Mit Press 2004).43
[73] ibid.
[74] Eleanor Roberts & A Pluss Encarnacion, ‘‘Building Peace Through Principle 10:’ [2014] Access Rights and the Prevention of Environmental Conflict’ 12.
[75] Rio Declaration on Environment and Development 1992

environmental policy and decision-making.[76] The goal of the Convention is to safeguard everyone's right to an environment that is suitable for their health and well-being, both now and in the future.

According to the International Covenant on Civil and Political Rights, everyone has unalienable right "to participate in the conduct of public affairs, directly or through freely chosen representatives," free from undue restrictions.[77] According to the International Covenant on Civil and Political Rights (ICCPR), "Every citizen shall have the right and opportunity, without unreasonable restrictions, to participate directly or through freely chosen representatives in the conduct of public affairs." [78] the right to vote and to hold legitimate elections that ensure the free expression of the electorate's will through secret balloting and universal and equal suffrage."[79]

Thus, this Covenant codifies the right to engage in public affairs. The right to engage in public affairs was interpreted broadly and included the following: directly through voting in referenda, being elected, or presumably through engaging in other forms of direct democracy; through representatives chosen freely and elected following international election obligations and standards; through consultative processes; through discussion and debate, both privately and publicly; through founding and joining organizations, such as political parties, unions, and civil society organizations; and through equal access to positions in public service, including employment in public positions.[80]

In addition to protecting the rights to freedom of opinion and expression, association, and assembly, the United Nations Human Rights Committee's General Comment 25 outlines the essential components and requirements of the right to participation.[81] It acknowledges that the rights to public participation guaranteed[82] are essential supplements to the right

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[76] ' John Madeley, 'The United Nations Conference on Environment and Development (UNCED)':, *Rio De Janeiro, Brazil,* (1992) 9.

[77] Naomi Maisley, 'The International Right of Rights? Article 25(a) of the ICCPR as a Human Right to Take Part in International Law-Making' [2017] Human Rights Quarterly, 28.

[78] Ibid.

[79] Anna Mackay, 'Article 10(1) of the International Covenant on Civil and Political Rights (ICCPR) and Australian Prisons' 23.

[80] Charles L Wilson, 'World Food Preservation Center® LLC', *Postharvest Extension and Capacity Building for the Developing World* (CRC Press 2018). 12

[81] Catherine J Redgwell, 'Reservations to Treaties and Human Rights Committee General Comment No. 24 (52)' (1997) 46 *International & Comparative Law Quarterly* 390.

[82] Article 25 of the ICCPR

to freedom of association, which includes the right to form and join organizations and associations involved in political and public affairs. Adopted in 1981 and ratified by Uganda in 1986, the African Charter on Human and Peoples' Rights is a regional human rights document that affirms the liberties and rights of African individuals as well as communities. It ensures that every citizen has the freedom to actively or passively engage in their nation's governance through duly elected representatives.[83] Applying these human rights principles is essential for managing natural resources in Kabale District sustainably and equitably, as well as for advancing justice and fairness.

1.7.0 Scope of the study

The study focuses on Kabale District, located in the southwestern region of Uganda. This District was selected because of its rich biodiversity, significant natural resource conservation efforts, and the presence of diverse local communities actively engaged in conservation activities.

1.7.1 Content Scope

This study delves into various dimensions of engagement by the public, including; Involvement in decision-making processes related to natural resource conservation policies and initiatives, participation in community-based conservation projects and activities, and awareness and understanding of the legal frameworks and mechanisms facilitating public involvement in conservation efforts.

The study encompasses an extensive examination of conservation practices, including, evaluation of the types of natural resources being conserved (e.g., forests, wetlands, wildlife, etc.), assessment of conservation methods employed (e.g., protected areas, community-based conservation programs, etc.), analysis of the effectiveness of these conservation efforts in preserving biodiversity and ecological integrity.

The study also encompasses the legal basis of laws concerning public participation of local communities in natural resource conservation in Uganda influenced by national constitutions, statutes, regulations, and international agreements.

[83] Neile Alina Matsoana Fanana, 'The Peoples' Rights Under the African Charter on Human and Peoples' Rights' (1997) 10 Lesotho LJ 48.

1.7.2 Time scope

The research focuses on the period from 1995, the time when the Ugandan Constitution was promulgated and also introduced the right to public participation in one's governance and participation in natural resource conservation. This duration aims to capture the contemporary landscape of public participation in natural resource conservation, allowing for an in-depth analysis of current practices, trends, and any evolving dynamics within this relatively recent timeframe. Also, Uganda has in recent times undergone legal reform in the area of environment law by enacting the National Environment Act of 2019 and the National Climate Change Act 2021 among other important laws

1.7.3 Geographical Scope

Local communities in Kabale District that are actively engaged in the conservation of natural resources make up the main target group. Those involved in conservation activities within the district include members of the community, local leaders, non-governmental organizations, government agencies, and other pertinent stakeholders. Southwest Uganda's Kabale is renowned for its abundant biodiversity and has a diverse range of plants and animals, including native species. Thus, conservation initiatives in these hotspots for biodiversity are essential for maintaining distinctive ecosystems and safeguarding threatened species.[84] In addition, Kabale includes a range of ecosystems, including rivers, marshes, forests, and agricultural areas. Thus, researching conservation initiatives in Kabale enables scientists to look at how various ecosystems interact and evaluate how human activity affects these settings. The area's natural resources could be threatened by several factors, such as habitat damage, soil erosion, water pollution, and deforestation. Comprehending these hazards and their fundamental origins is imperative for executing efficacious.[85] Kabale is also home to diverse communities with distinct cultural practices and livelihoods closely tied to natural resources. Therefore, engaging with local communities in conservation initiatives fosters collaboration enhances local knowledge systems, and promotes the adoption of conservation-friendly practices.

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[84] William Olupot, Robert Barigyira and Colin A Chapman, 'The Status of Anthropogenic Threat at the People-Park Interface of Bwindi Impenetrable National Park, Uganda' (2009) 36 *Environmental conservation* 41.

[85] Swati Tyagi, Neelam Garg and Rajan Paudel, 'Environmental Degradation: Causes and Consequences' (2014) 81 *European researcher* 1491.

Kabale's existing infrastructure facilitates research and conservation activities. Access to transportation, communication networks, research facilities, and governmental support can streamline conservation efforts and enable effective monitoring and enforcement of conservation policies.

More so, its political and socioeconomic dynamics, including land tenure systems, governance structures, and economic activities, shape patterns of natural resource use and conservation priorities. Understanding these contextual factors is crucial for designing context-specific conservation interventions that align with local needs and aspirations. It is on this note therefore that the geographical scope of Kabale offers a compelling context for studying natural resource conservation.

1.8.0. Literature review

The right to public participation of local communities in natural resource conservation has gained significant attention in Uganda, particularly in Kabale District. This literature review examines the existing body of knowledge highlighting the key themes, trends and gaps.

The inclusion of local communities in decision-making processes is imperative due to the importance of natural resources for the welfare of current and future generations .In the pursuit of sustainable natural resource conservation, the active involvement of local communities is indispensable.[86] In Kabale District, where communities depend heavily on natural resources for their livelihoods, involving local stakeholders in conservation initiatives fosters ownership and accountability.[87] Public participation enhances the effectiveness of conservation efforts by integrating local knowledge, values, and perspectives into the decision-making process.[88] Therefore as I consider the complexities of the right to public participation, this literature review considered other scholarly work regarding the freedom to engage in public to uncover the existing knowledge and gaps, with a specific focus on Uganda, Kabale District.

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[86]Martini, Umberto, Federica Buffa, and Sandra Notaro ,'Community Participation, Natural Resource Management and the Creation of Innovative Tourism Products:' [2017] Evidence from Italian Networks of Reserves in the Alps' 2314.

[87] Eton Marus, Fabian Mwosi, Arinaitwe Perpetua, Ogwel Patrick Benard, Sunday Arthur &Turyamushanga, Labson 'Participatory Budgeting in Local Governments: The Case of Kabale District Local Government, Uganda, ' (2019) 25 *Journal of African Administrative Studies* 25.

[88] Kariuki Muigua, 'Towards Meaningful Public Participation in Natural Resource Management in Kenya' (2014) 12 *Journal of Environmental Studies* 12.

Under this, the researcher reviewed the relevant literature, both, domestic regional, and international laws that are involved in preserving natural resources. The study reviewed the literature relevant to public participation of local communities in the Preservation of natural resources and that on the protection roles of various institutions involved in the preservation of the same in Kabale District like the Uganda Wildlife Authority, Non-Governmental Organizations, Community-Based Organizations among others along with the challenges faced in the execution of laws protecting natural resources.[89] It highlights any previous studies made on Natural resource conservation of Natural Resource especially in Uganda regarding Kabale. This analysis highlights any previous studies and research made on natural resource conservation in Uganda and other places.[90]

Studies on public participation in natural resource conservation often draw from theoretical frameworks such as the concept of environmental justice,[91] participatory governance[92] and community based natural resource management. The goal of this review of literature is to get a thorough grasp of the body of knowledge on the right to public participation in natural resource conservation. Specifically, it aims to identify key theoretical frameworks, explore empirical studies, and uncover gaps in the literature that inform the methodology and design of the study for the study to be carried out in Kabale District.[93]

Public participation in natural resource conservation is essential for sustainable development and environmental protection. In Kabale District, Uganda, the interaction between local communities and conservation efforts plays a crucial role in maintaining ecological balance and preserving biodiversity.[94]

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[89] Moses Kato, 'Public Participation in Natural Resource Preservation: A Study of Kabale District"' (2020) 1 *Journal of Environmental Studies* 1.

[90] James Smith, 'Natural Resource Management in East Africa: A Comparative Study" (2019) 2 *African Journal of Environmental Law* 15.

[91] David Schlosberg, Defining Environmental Justice: Theories, Movements, and Nature (OUP Oxford 2007).

[92] Sherry Arnstein, 'A Ladder of Citizen Participation'' (1969) 3 Journal of the American Institute of Planners 216.

[93] Muhumuza Richard, 'The Right to Public Participation in Natural Resource Conservation: A Case Study of Uganda' (2019) 1 *Uganda Journal of Law* 15.

[94] Ibid at 20.

The legal framework governing local communities' right to public participation in natural resource conservation usually includes constitutional provisions, environmental laws, local government laws, and international agreements. Constitutional provisions frequently protect environmental rights and public participation, ensuring that citizens have a voice in governance and environmental issues. Environmental laws, such as the Uganda National Environment Act[95] and the Local Governments Act[96] provide a legal framework for natural resource management regulations, which include provisions for public consultation and participation in decision-making processes.

Local government laws delegate power to local governments, allowing them to engage communities in conservation efforts. International agreements and conventions offer additional guidelines and standards for environmental protection and community participation. These elements form a legal framework that encourages local communities to participate in natural resource conservation initiatives.

The Republic of Uganda's Constitution protects environmental rights and encourages public participation. It protects the environment for the benefit of current and future generations,[97] and guarantees the right to participate in government affairs, whether directly or through freely chosen representatives.[98]

Uganda has laws to protect natural resources and promote public participation, including the 2019 National Environment Act, Wildlife Act, National Forestry and Tree Planting Act, and Local Government Act, which decentralizes power to local governments. However, Studies have shown that these laws are often inadequate and poorly enforced.

This literature review explores several themes and trends of public participation in natural resource conservation, the importance of community led conservation initiatives, limited awareness and education on environmental issues, inadequate institutional capacity for public participation, Conflicts between local communities and external holders, and potential solutions within the context of Kabale District.

[95] 2019
[96] 1997
[97] Constitution of Uganda 1995, 254.
[98] Constitution of Uganda 1995, 38.

Research in Kabale has highlighted the importance of community engagement in conservation efforts. For example, a study on community led conservation of the Echuya Forest Reserve found that local communities played a crucial role of protecting the forest.[99] Another study on the impact of mining on local communities in Kabale found that public participation is limited, leading to environmental degradation and social unrest.[100]
Uganda has also embraced Community Natural Resource Management Initiatives, which seek to involve local communities in natural resource management and conservation efforts. These initiatives frequently follow specific regulations and guidelines that are unique to each community or region.[101] They include among others Management of the Kabale Forest Reserve. Several forest reserves exist in the Kabale district, including Bwindi Impenetrable National Park and Mgahinga Gorilla National Park. Community-based organizations and local communities play an active role in managing these reserves, including community patrols, monitoring of illegal activities such as poaching and illegal logging, and reforestation efforts.[102]
Participatory Forest management approaches have been implemented in some areas of the Kabale district, involving local communities directly in forest management decision-making processes. This involvement ensures that conservation efforts consider local communities' needs and priorities, resulting in more sustainable outcomes.[103] Tourism contributes significantly to conservation efforts in the Kabale district, particularly through community-based tourism initiatives. Local communities contribute to the region's tourism

[99] Anke Barahukwa, 'The Impacts of Collaborative Forest Management on the Livelihoods of Forest Adjacent Communities, of Echuya Central Forest Reserve, Kabale-Kisoro, Uganda' (Makerere University 2015).
[100] Emmanuel Kasimbazi, 'Regulating Environmental Impacts Associated with Mining in Uganda' in Law| Environment| Africa (Nomos Verlagsgesellschaft mbH & Co. KG 2019) 665.
[101] Arun Agrawal & Clark C Gibson, 'Enchantment and Disenchantment: The Role of Community in Natural Resource Conservation' (1999) 41 *World Development* 638.
[102] Oliver Hughes, Roe Dilys, David H.L.Thomas , Beatrice Kabihogo, David Kimani Kuria, James Imbayi Ligare, Madeleine Nyiratuza, Amooti Tinka John Amooti, 'Getting It Together: How Some Local Organizations in East Africa Have Succeeded in Linking Conservation & Development' (2014) 23. *African Journal of Environmental Studies* 123.
[103] Anke Barahukwa, 'The Impacts of Collaborative Forest Management on the Livelihoods of Forest Adjacent Communities, of Echuya Central Forest Reserve, Kabale-Kisoro, Uganda' (Makerere University 2015).

industry by offering guided tours, lodging, and cultural experiences. [104]This provides alternative income opportunities for community members while also raising awareness about the importance of conservation. Agroforestry practices and sustainable agricultural techniques are frequently promoted as part of CBNRM initiatives in Kabale. [105] Communities that incorporate trees into agricultural landscapes can improve soil fertility, prevent erosion, and diversify income sources. Furthermore, encouraging sustainable agricultural practices reduces the demand for natural forests for agricultural expansion.[106] Kabale district's rural communities heavily rely on local water resources for drinking, irrigation, and household use. Community-based water resource management initiatives aim to ensure long-term access, protect catchment areas, and promote conservation practices.[107]

Several community conservation groups and non-governmental organizations (NGOs) operate in the Kabale district, collaborating with local communities to implement CBNRM initiatives. These organizations provide technical assistance, training, and resources to help communities take control of natural resource management and conservation efforts.[108] These initiatives in Uganda, particularly in the Kabale district, have shown the significance of involving local communities in conservation efforts. They help to conserve biodiversity, develop sustainably, and improve local livelihoods by empowering communities to actively participate in natural resource management.[109]

Uganda has also signed several international agreements and conventions relating to environmental conservation and sustainable development. These agreements have the

[104] Jamirah Magala, 'Analysis of Community Based Tourism Initiatives Growth Among Rural Communities in Western Uganda' (2010) 12 *Journal of Tourism Studies* 123.
[105] ibid.
[106]Dona Octavia, Murniati, Sri Suharti, Aditya Hani, Nina Mindawati, Suratman, & Varenna Faubiany, 'Smart Agroforestry for Sustaining Soil Fertility and Community Livelihood' (2023) 19 *Journal of Sustainable Agriculture* 22.
[107] Naboth Isaac Niwagaba, 'Kabale: Community Water Points Increase by 63% in Five Years,' *Watchdog Uganda,* (2024).
[108] Awimbo, Janet, E. Barrow,& Maina Karaba, 'Community Based Natural Resource Management in the IGAD Region' (Report' (2004).
[109] ''An Evaluation of the Effectiveness of Government Policies in Promoting Environmental Protection in Kabale District Uganda'' (2021).

potential to influence domestic legislation and policies governing public participation in natural resource management.[110]

Non-governmental organizations (NGOs) and civil society play a critical role in advocating for local communities' rights and encouraging public participation in natural resource conservation. These organizations frequently collaborate with government agencies and local communities to ensure that their perspectives are heard in decision-making processes.[111]

Arnstein's seminal work presents the "ladder of citizen participation," which categorizes different levels of citizen involvement in decision-making processes. It ranges from non-participation to tokenism to citizen power, emphasizing the significance of genuine citizen empowerment in governance.[112] Arnstein's framework provides a theoretical foundation for understanding the various levels of public participation. It emphasizes the importance of moving beyond superficial forms of engagement to meaningful participation in which local communities have significant decision-making power.[113]

Arnstein's ground-breaking work on public participation in natural resource preservation has limitations due to its lack of contextual specificity and lack of implementation directions. It emphasizes citizen engagement in urban planning and development, neglecting local community dynamics and restrictions.[114]

The research fails to address power imbalances in natural resource conservation among local populations, governments, and outside players. It suggests cyclical participation, overlooking traditional knowledge and cultural practices, leading to tokenistic participation and the belief that communities have the necessary capacity.[115]

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[110] Kakuru, Kenneth & Irene Ssekyana *, Handbook on Environmental Law in Uganda,* (vol 1,2nd, Greenwatch 2009), 39.

[111] Richard.H.Murray, 'The Role of NGOs and Civil Society in Advancing Human Security in Africa', *Protecting Human Security in Africa: Issues and Challenges* (Oxford University Press 2010) 25.

[112] John Gaber, 'Building A Ladder of Citizen Participation' (2019) 23 Journal of *The American Planning Association* 12.

[113] Sherry Arnstein, 'Citizen Participation, and Model Cities'' (2019) 85 *Journal of the American Planning Association 23.*

[114] Sherry Arnstein, 'A Ladder of Citizen Participation'' (1969) 3 J*ournal of the American Institute of Planners* 216.

[115] Yvonne Kiki Nchanji , Sabaheta Ramcilovic-Suominen, Juha Kotilainen, 'Power Imbalances in Natural Resource Management: A Case Study of Uganda' (2019) 1 *Uganda Journal of Law* 35.

The ladder's focus on citizen-government interactions overlooks external actors, and complexities of natural resource management, and lacks specific recommendations for Uganda's geopolitical setting. Communities need help and capacity building for successful decision-making in natural resource conservation, requiring capacity building and diverse stakeholders' involvement.[116]

As a result, the goal of this study is to expand upon Arnstein's conceptual framework by creating more inclusive, culturally aware, and context-specific methods for involving the public in the conservation of natural resources, ensuring that the rights of local communities to participate are meaningfully fulfilled, offering useful suggestions for encouraging real public participation in Uganda, and creating locally appropriate plans for empowering local communities. [117]

Okello and Konyango investigate public engagement in natural resource management in East Africa, in addition to the roles of international organizations, government agencies, and community-based groups in improving inclusive decision-making processes.[118] Their findings shed light on regional activities to enhance public knowledge of natural resource management, as well as insights into East Africa's specific potential and challenges. The overemphasis on international organizations and government agencies which play important roles, the focus might overshadow the agency and autonomy of local communities in decision-making processes.[119] Understanding regional characteristics can help guide participation strategies in Uganda.[120] The study therefore conducted a comparative analysis by examining public involvement frameworks in different countries and contexts to identify similarities and differences.

The study's analysis, however, falls short of examining how public involvement frameworks change between countries and how Uganda's particular sociocultural

[116] Amanda Gupta, Patricia Turimumahoro &Emmanuel Ochom, 'Mhealth to Improve Implementation of TB Contact Investigation: A Case Study from Uganda' (2023) 4 *Journal of Public Health in Africa* 12.
[117] Richard Muhumuza, 'The Right to Public Participation in Natural Resource Conservation: A Case Study of Uganda' (2019) 1 *Uganda Journal of Law* 25.
[118] Daniel Okello & Grace Konyango, 'Public Engagement in Natural Resource Management in East Africa: Enhancing Inclusive Decision-Making Processes' (2020) 5 *Journal of Environmental Law and Policy* 5.
[119] 'Ibid, 10-12'.
[120] 'Public Participation in Natural Resource Management and Sustainable Development in East Africa' (2017).

circumstances influence community engagement.[121] The emphasis on international organizations and government agencies may perpetuate top-down approaches, rather than allowing local communities to drive decision-making. Furthermore, because East Africa is heterogeneous, the study's findings may not be generally relevant across countries and settings. Finally, the study does not go into detail about power inequalities between international organizations, government agencies, and local communities, which can have an impact on public engagement efficacy.[122]

Given Uganda's unique sociopolitical context and cultural diversity, this study aims to fill those gaps by investigating public involvement dynamics in the country,[123] through collaboration with multidisciplinary teams. By prioritizing local communities' autonomy, cultural knowledge, and inclusive decision-making procedures, we may expand on Okello and Konyango's work and strengthen the public's right to participate in natural resource conservation efforts. We will work with scholars from several fields, including political science, sociology, and environmental studies. This study aims to raise the voices of local communities and provide tailored ways for facilitating their meaningful participation in natural resource management by studying and assessing national and international policies related to public engagement in natural resource preservation.[124]

Muhumuza's study focuses on community participation in natural resource management in Uganda's Kibaale District. It investigates the extent of community involvement, the effectiveness of existing mechanisms, and the challenges faced in the process.[125]
The study focuses on Ugandan community participation in natural resource management, stressing institutional frameworks, cultural practices, and local knowledge, although its applicability is limited by the Kibaale District environment.

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[121] Mary Okello and John Konyango, 'Public Participation in Natural Resource Management in East Africa: Opportunities and Challenges' (2017) 10 *Journal of Environmental Studies* 123.
[122] Smith James, 'Community-Led Conservation in East Africa: Lessons from Kenya' (2019) 3 *African Journal of Environmental Law* 20.
[123] ibid
[124] Daniel Okello and Grace Konyango, 'Public Engagement in Natural Resource Management in East Africa: Enhancing Inclusive Decision-Making Processes .' (2020) 5 *Journal of Environmental Law and Polic*y 1.
[125] Wilson Muhumuza, 'Community Participation in Natural Resources Management in Uganda: A Case of Kibaale District' (2019) 12 *Journal of Sustainable Development* 123.

The study overlooks external actors' impact on community participation and natural resource management, overshadows scientific research and technological innovations, and overlooks underprivileged perspectives, limiting its findings.[126] This study therefore expands on Muhumuza's work by enhancing community participation in natural resource management, examining diverse viewpoints, identifying systemic barriers, and developing contextually appropriate solutions to improve public involvement dynamics.

Furthermore, Doe's study examines community participation in natural resource management in Kabale District, Uganda. He investigates the levels of involvement, decision-making processes, and challenges faced by local communities.[127] His work is extremely important since it sheds light on the current state of community involvement in Kabale District. It contributes to the study's objectives by providing an overview of the context and challenges. The study does not include specific solutions for reducing participation barriers or enhancing community participation. It also concentrates solely on the Kabale District, which may not be representative of other regions of Uganda or the greater East African setting.[128] Finally, while offering a detailed overview, the study depends mainly on quantitative methodologies, potentially missing out on valuable qualitative insights into the intricacies of community engagement and decision-making processes. [129] This study seeks to close this gap by providing actionable recommendations based on the findings and building on Doe's work, as well as a more thorough understanding of community participation in natural resource management and ensuring that local communities' right to public participation is meaningfully realized.[130]

Smith's research also focuses on strategies for encouraging local communities to participate in natural resource conservation efforts. He shares case studies and practical

[126] Johnson Emily, 'The Role of Scientific Research and Technological Innovations in Natural Resource Management' (2019) 3 *Journal of Sustainable Development Law* 15.
[127] John Doe, 'Community Participation in Natural Resource Management: A Case Study of Kabale District, Uganda' in K Shrestha & P McManus (Eds), ''(2008).71,82.
[128] Muhumuza Richard, 'The Right to Public Participation in Natural Resource Conservation: A Case Study of Uganda' (2019) 1 *Uganda Journal of Law* 35.
[129] Johnson Emily, 'Qualitative Research Methods in Environmental Studies' (2020) 2 *Journal of Environmental Research* 5.
[130] John Doe, 'The Significance of Underprivileged Perspectives in Natural Resource Management' (2018) 2 *Uganda Journal of Law* 45.

strategies for increasing community involvement. His research provides useful strategies that can be implemented to increase community participation in Kabale District.[131] It contributes to this research by offering potential solutions to the challenges identified in the context of Uganda.[132]

The study on community participation in natural resource conservation in Kabale is limited by its lack of precise definitions and lack of consideration for socio-cultural and economic factors. It also overlooks the need for structural changes and policy adjustments to address underlying reasons for restricted community involvement.[133] The study's reliance on case studies lacks comprehensive understanding.

The report does not go into detail on how technology can increase community involvement and decision-making, or how the proposed strategies can be expanded and sustained over time.[134] This study aims to close this knowledge gap by conducting a context-specific analysis, providing customized strategies, providing a more in-depth understanding of community participation in natural resource conservation, and ensuring that local communities' right to public participation is meaningfully realized.

Kato's research investigates the legislative frameworks that control community engagement in natural resource management and evaluates the efficiency of various approaches from various nations.[135] Kato's work is important because it sheds light on the legal framework governing community participation, which is required to understand the regulatory environment in Kabale District. It contributes to this research by identifying legal barriers and opportunities for increased participation. While Kato's comparative analysis is informative, it does not go into depth on how these legislative frameworks are

[131] Smith James ,'Community Participation in Natural Resource Management: Lessons from Kenya' (2019) 3 African Journal of Environmental Law 25. Smith's research provides valuable insights and practical strategies for encouraging local communities to participate in natural resource conservation efforts, which can be applied to increase community participation in Kabale District.

[132] ibid.

[133] Anthony Mugisha ,'The Importance of Socio-Cultural and Economic Factors in Community Participation' (2019) 1 *Uganda Journal of Social Sciences* 15.

[134] Ibid, 20-22

[135] Techera Erica, 'Legal Frameworks for Community Participation in Natural Resource Management: A Comparative Analysis' (2024) 12 *Journal of Environmental Law* 123.

implemented in Kabale District.[136] This study aims to fill this gap by analyzing the translation of legal requirements and identifying operational concerns.

Kagaba's research expands on the gender dynamics of community participation in natural resource conservation in Uganda. She examines how gender roles and power dynamics impact participation.[137] The need to address gender inequity in conservation initiatives makes Kagaba's results timely. This study advances by underlining the importance of taking gender perspectives into account while increasing community engagement in Kabale District. Although Kagaba's research focuses on gender dynamics, it ignores other aspects of diversity that may influence participation in Kabale District, such as ethnicity and socioeconomic status. [138]

This research fills a knowledge gap by investigating the intersectionality of several factors influencing community involvement. The study investigated how cultural differences influence people's attitudes toward civic engagement and environmental preservation. Legal frameworks are important but often overshadow other crucial factors such as institutional ability, political will, and social dynamics. It also depends too heavily on literature reviews, which may result in missed opportunities for community engagement and field research. The study does not specifically address local communities' rights to participate in natural resource management and conservation efforts outside of legal frameworks, nor does it investigate the impact of non-state actors, such as NGOs and private sector organizations, on community participation and natural resource management.[139] This study explores socio-cultural, economic, and legal factors affecting community participation in natural resource conservation in Kabale District, Uganda. It aims to develop context-specific initiatives and explore innovative approaches for equity and inclusivity in decision-making, providing practical recommendations for local communities and policymakers.

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[136] Sam Landon, 'Community-Based Natural Resource Management: A Study of Kabale District' 1 Journal of Environmental Studies 1, 5.
[137] Sylivia Kagaba, *Gender Perspectives in Community Participation: Implications for Natural Resource Conservation in Uganda* (GHI Publications 2007).
[138] Florence N. A. N. M. Twineyo 'Gender Dynamics in Community Participation: A Study of Kabale District' (2020) 1 *Journal of Gender Studies* 10.
[139] Micheal Mugisha, 'Beyond Legal Frameworks: Exploring Community Rights to Participate in Natural Resource Management 1,' (2020) 3 *African Journal of Environmental Law* 45.

This literature review highlights the complexities surrounding public participation in natural resource conservation in Kabale despite the growing body of research and the legal provisions. Several gaps and obstacles remain preventing effective public participation in natural resource conservation. Among local communities, there is a lack of awareness and understanding of conservation laws and policies, [140] Insufficient resources and capacity constraints within local institutions tasked with implementing conservation programs, [141] and Conflicts between conservation goals and community livelihood needs. [142] To overcome these challenges, various strategies have been proposed, including: Increasing awareness and education programs about conservation laws and policies,[143] Strengthening collaboration among government agencies, non-governmental organizations, and local communities to build capacity and share resources, [144]Using participatory methods, such as community-based natural resource management, to promote inclusive decision-making and conflict resolution. [145] By addressing the challenges and implementing appropriate strategies, stakeholders can ensure that local communities are actively engaged in conservation activities, thus promoting sustainable development and environmental stewardship.[146]

[140] Joseph Obua, '"Determinants of Community Participation in Natural Resources Management: A Case of Bwindi Impenetrable National Park, Uganda"' (2017) 9 *Journal of Environmental Studies* 281.
[141] Augustine Mugisha , Sylivia Nabalegwa ,& Micheal Majaliwa , 'Public Participation in Natural Resource Management: A Case of Bwindi Impenetrable National Park, Uganda'' (2016) 8 *Journal of Environmental Studies* 248.
[142] Augustine Mugisha ,Micheal Majaliwa & M Nabalegwa, 'Challenges Facing Local Communities in Participatory Natural Resource Management in Uganda: A Case Study of Bwindi Impenetrable National Park.' (2018) 10 *Journal of Environmental Studies* 212.
[143] Amos Kasangaki &Diana Baranga Patrick Musiimenta, 'Public Awareness, Perception & Participation in Biodiversity Conservation Around Bwindi Impenetrable National Park, Uganda' (2020) 63 *Journal of Environmental Studies* 102.
[144] Kabale District Local Government, ''Kabale District Environment Action Plan (2018)'12.
[145] Micheal Majaliwa, Mugisha Augustine, Nabalegwa, 'Public Participation in Natural Resource Management: A Case of Bwindi Impenetrable National Park, Uganda' (2016) 8 *Environmental Law Review* 248.
[146] Global Sustainability TPH, 'Stakeholder Engagement for Sustainable Communities' (University of Global Sustainability) 2021).

1.9.0 Research Gaps

1. The existing cross-sector cooperation and policies are insufficient for efficient natural resource management. Even so, most existing policies are out of date, industry-specific, and infrequently implemented. This disconnected approach leads to mismanagement, particularly of resources that cross institutional boundaries, such as wetlands, forests, and agricultural areas.[147] The lack of a comprehensive land-use strategy exacerbates this issue. Incompatible land use designations harm natural resources. Wetland areas, for example, are vulnerable to considerable deterioration because of inadequate governance and management measures.[148]

2. Much like the policy, the legal framework for natural resources is severely inadequate. The bulk of natural resource laws are sectoral, focusing on specific resources such as water, wildlife, or forests rather than taking a broad approach. The fragmented legislation creates inefficiencies and overlaps that impede effective management.

   Furthermore, existing legislation usually ignores or fails to include local populations' traditional knowledge, rights, and interests. This top-down approach ignores the critical role that local communities play in resource management and conservation.

   The ineffectiveness of natural resource legislation is exacerbated by inadequate enforcement. Law enforcement is impeded by a lack of political will, funding, and capability, allowing harmful actions to continue. As a result, the same resources that these restrictions are intended to protect—forests, water sources, and wildlife—are damaged and reduced.
3. Institutional rivalry, conflicts, and insufficient coordination and cooperation all limit efforts to protect and manage natural resources sustainably. The responsibilities

[147] Derick W. Brinkerhoff and James Gage, *Natural Resources Management Policy in Africa: Implementation Challenges for Public Managers* (2nd edn, 1992).
[148] Kenneth Kakuru & I Ssekyaana, *Handbook on Environmental Law in Uganda Volume 1* (2nd Edition, 2009).

of numerous departments and agencies within governments frequently overlap or clash, which results in repetitive work, Incompatible policies that lead to resource waste.[149]

For example, forestry and agriculture departments could put financial gain over environmental considerations, weakening conservation efforts.

Non-state actors, such as NGOs, community groups, and corporate sector organizations that operate outside the government, do not have defined jobs and functions.

4. Local government initiatives are often inaccessible to the people they are supposed to benefit, compounding the implementation gap. The usage of foreign languages is a significant challenge for policymakers and the local population. Policies written in languages unfamiliar to local stakeholders restrict good communication, which might result in, misconceptions, wrong interpretations, and implementation problems.[150]

   This linguistic divide weakens ownership and participation by separating policy goals from community desires. Local organizations are unable to recognize policy objectives, provide constructive critique, or participate in decision-making processes. As a result, policies fail to address local challenges, and execution suffers as well.

5. Uganda has made significant progress in establishing a legal framework to protect indigenous groups' access to natural resources. However, insufficient research has typically been conducted on the efficacy and use of these initiatives. This weakness is mostly the result of a failure to thoroughly examine the frameworks for legislation and policy that govern community participation in natural resource protection.[151]

[149] Thomas Dietz, Elinor Ostrom,& Paul Stern. 'The Struggle to Govern the Commons' (2003) 302 Science 1907.
[150] Jairos Kangira, 'Challenges of the Implementation of Language Policies in Southern Africa: What Is the Way Forward?' (2016) 12 *Journal of Humanities* 156.
[151] ibid, 156..

The currently available literature typically ignores the larger policy framework in favor of focusing on specific aspects of natural resource management, such as forestry or wildlife conservation. Uganda's National Forest Plan, National Forestry Policy, and National Forestry and Tree Planting Act, for example, are intended to promote sustainable forest management; however, there is no evidence to suggest how these policies improve community involvement.

This study sought to bridge this gap by providing a detailed examination of the legal provisions and their actual implementation in the Kabale District. It also examined the existing legal and policy instruments governing public participation in Ugandan natural resource conservation, with an emphasis on local implementation, comprehensiveness, and sufficiency. The study also seeks to analyze the actual level of local communities' participation in natural resource management and decision-making within the District. This includes scrutinizing mechanisms for consultation, representation, and empowerment of local stakeholders

The study also seeks to identify and analyze the factors impeding/ challenging the effective public participation in natural resource conservation efforts ultimately contributing to the advancement of more inclusive and effective conservation strategies in Uganda. These encompass institutional, socio-economic, cultural, and logistical constraints that hinder meaningful engagement.

The study also seeks to explore the outcomes and impact of Community involvement in the sustainability and success of natural resource conservation programs within the Kabale District.

Based on the findings, this study proposed practical and actionable recommendations to bridge the gap between policy intent and actual implementation, aiming to strengthen the right to public participation in natural resource conservation in Kabale District and potentially serve as a model for similar contexts in Uganda and beyond.

1.10.0 Operational Definition of Terms

Natural resources are widely used in human geography and relate to the usefulness that social groups obtain from their surroundings.[152]

In human geography, natural resources are frequently used to describe the benefits that social groupings derive from their environment.

BusinessDictionary.com defines conservation as the wise use, development, and preservation of human and natural resources to achieve the maximum advantages for the economy and society over a long period.

A resource is an economical or productive element needed to complete a task or serve as a means of starting an enterprise and achieving a particular goal.

To put it simply, public participation is the practice of including those who are likely to be impacted by the decision's outcome in the decision-making process. Before deciding, government agencies go through this procedure of consulting with interested parties and affected organizations. It is described as an interactive process that establishes and discusses points of agreement and disagreement to support decision-making. It entails listening, talking, consulting, engaging, and partnering with the public as stakeholders.[153]

Natural resource conservation is the sustainable management and protection of the Earth's different resources, including air, water, soil, minerals, forests, wildlife, and energy sources.[154]

1.11.0. Limitations of the Study

1. This study removed ethical concerns about the data's legitimacy by using secondary data rather of fieldwork and avoiding standard research errors. The researcher decided to perform a doctrinal legal study to assess Uganda's right to public participation in natural resource preservation, particularly within rural communities.

   Doctrinal legal research examines recognized legal concepts, norms, and principles. Using this strategy, the researcher was able to understand the legal

[152] Kitchin, Rob, and Nigel Thrift., *International Encyclopedia of Human Geography* (1st edn, 2009).
[153] Nick Okello, Lindsay Beevers, Wim Douven &Okello, Nick, Lindsay Beevers, Wim Douven, and Jan Leentvaar, 'The Doing and Un-Doing of Public Participation During Environmental Impact Assessments in Kenya' (2009) 27 Journal of Environmental Planning and Management 220.
[154] Muralikrishna Venkata Iyyanki & V. Manickam, *Environmental Management: Science and Engineering for Industry* (Butterworth-Heinemann 2017).

framework that guides public engagement in natural resource conservation by diving into statutory instruments, court opinions, and best practices.

2. Time constraints are a significant impediment to completing a thorough study on public participation in natural resource preservation in Uganda. Because of the scale and intricacy of this study, it will take a long time to compile and evaluate vast volumes of data, examine numerous legal and policy frameworks, and do in-depth evaluations of the literature.
   However, time constraints impede research and limit the study's scope and depth. This limitation causes researchers to give some things more weight than others, restricting the potential to study new ideas and problems, and impairing the accuracy and quality of data.

3. The research findings are only partially applicable outside of the specific district or region of Uganda where the study was conducted. Uganda is a diverse nation, with each district having its own socioeconomic, cultural, and political history.
   Because of these differences, the study's findings may not be immediately applicable to other Ugandan districts or regions, let alone countries with distinct political, socioeconomic, or cultural histories. To ensure the relevance and efficacy of their research, researchers must consider these criteria.

4. A significant challenge encountered throughout this inquiry was the scarcity of historical records pertaining to public participation in natural resource protection in Kabale District. Due to a lack of data, the researcher was unable to evaluate prior conservation efforts, examine long-term trends and patterns, or draw comprehensive conclusions on the impact of public participation.
   Using historical data, researchers can identify areas for development, examine progress over time, and make evidence-based policy decisions, providing critical context. Inadequate documenting of earlier conservation efforts, poor record-keeping, and inadequate digitization of existing papers all contributed to a lack of accessible data.

5. The study's findings and conclusions were based on the public's involvement in natural resource protection in Kabale District, and no potential outside influences were considered. Unexpected external pressures such as policy changes or reforms, major events (such as political upheavals, natural disasters, or economic crises), and changes in government leadership or administration all have a significant impact on public engagement in natural resource conservation efforts. These external factors have the potential to alter community aims and objectives, finance distribution and resource availability, as well as policy implementation and enforcement

CHAPTER TWO

NATURE, DEVELOPMENT, AND RELEVANCE OF PUBLIC PARTICIPATION IN NATURAL RESOURCE CONSERVATION

2.0 Introduction

Public involvement in resource conservation is crucial for sustainable environmental management, especially in areas like Kabale District where natural resource use is vital for local livelihoods. This introduction provides an overview of the nature, development, and significance of public participation in Kabale District's conservation initiatives.[1] The landscape of public participation in Kabale District encompasses a range of initiatives, including traditional resource management methods, involvement in decision-making processes, and community-based conservation projects.[2] The presence of indigenous knowledge and cultural values that direct local communities' conservation practices is a significant contributor to the diversity and dynamic nature of their interactions with natural resource management. [3]

Due to several factors, including changing environmental conditions, socioeconomic dynamics, and outside interventions, public participation in conservation efforts in Kabale District has increased over time.[4] Stakeholder collaboration, government and non-governmental organizations, and public involvement in Kabale District's natural resource conservation efforts have significantly improved the effectiveness, equity, and sustainability of conservation initiatives.[5] Local communities enhance conservation

[1] Friday Christopher , 'An Evaluation of the Effectiveness of Government Policies in Promoting Environmental Protection in Kabale District, Uganda' (2024) 3 *Journal of Environmental Studies* 572.
[2] Moses Agaba and John Bosco Turyasingura, 'Participatory Project Implementation and Sustainability of Government Funded Projects: A Case Study of Parish Development Model in Kabale District, Uganda' (2023) 6 *Journal of Development Studies* 12.
[3] Tero Mustonen, Sherilee Harper, Gretta T Pecl,& Vanesa Castán Broto, 'The Role of Indigenous Knowledge and Local Knowledge in Understanding and Adapting to Climate Change' (2022) 12 *Journal of Climate Studies* 12.
[4] Grace Carswell, 'Continuities in Environmental Narratives: The Case of Kabale, Uganda,' (2003) 9 Environment and History 3.
[5] Christopher Friday & Susan Luyiga, 'An Evaluation of the Effectiveness of Government Policies in Promoting Environmental Protection in Kabale District, Uganda' (2024) 3 *Journal of Environmental Studies* 573.

efforts, promoting biodiversity preservation and ecosystem services, and enhancing ecosystem resilience to environmental shocks.

In summary, understanding the nature, evolution, and importance of local communities' public participation in the conservation of natural resources in Kabale District provides important insights into the dynamics of community participation in conservation efforts.[6] This data is crucial for evaluating laws and policies that safeguard public participation in conservation efforts and guiding community outreach programs to promote environmentally friendly behaviors.[7]

The shift towards inclusive decision-making processes has made public participation in natural resource conservation an essential part of environmental governance. This evolution is centered on the recognition that local communities possess valuable information, interests, and insights crucial for sustainable natural resource management. Policymakers, scholars, and practitioners are increasingly recognizing the rights of local communities to public participation in conservation initiatives.[8]

This introduction explores the public's involvement in natural resource conservation, focusing on the rights of local communities and its multifaceted, dynamic, and profoundly relevant nature. This study explores the connection between public participation and successful conservation strategies, examining its development, manifestations, and practical implications.[9]

The increasing severity of environmental issues necessitates a coordinated response to clarify community participation channels in conservation efforts, as public involvement is

[6] Fatuma Nabukwasi, 'Community Involvement on Conservation of Natural Resources in Uganda. A Case Study of Mabira Forest Buikwe District (2016) 12 *Journal of Environmental* Conservation 1.
[7] Dalia Perkumiene, Ahmet Atalay, Safaa Larbi &Jurgita Grigienė, 'Sustainable Waste Management for Clean and Safe Environments in the Recreation and Tourism Sector: A Case Study of Lithuania, Recycling' (2023) 8 63.
[8] Kariuki Muigua, 'Towards Meaningful Public Participation in Natural Resource Management in Kenya.' (2014) 23 *Environmental Law Journal* 1.
[9] Anurag A. Agrawal & Clark Gibson, *'Introduction: The Role of Community in Natural Resource Conservation' in Communities and the Environment: Ethnicity, Gender, and the State in Community-Based Conservation (Ann Arbor* (University of Michigan Press 2001).

crucial for successful outcomes.[10] This study explores public participation in natural resource conservation, examining theoretical foundations, historical precedents, and current expressions. It provides insight into changing dynamics, moral obligations, and benefits of preserving public participation.[11]

This study aims to provide a comprehensive understanding of the role that public participation plays in promoting sustainable conservation practices by integrating knowledge from various fields, such as environmental science, policy studies, and social psychology. It aims to clarify best practices, increase the inclusivity and efficacy of conservation efforts, and disentangle the complexities of community engagement processes through empirical analysis and case studies. It also aims to enhance academic scholarship, empower local communities, inform policy formulation, and promote the collective pursuit of a more equitable and resilient relationship between humans and the natural world by analyzing the nature, evolution, and significance of public participation in the conservation of natural resources.

2.1 Nature of Public Participation in Natural Resource Conservation

According to Quick and Bryson,[12] public participation –particularly in the area of governance –refers to the direct or indirect involvement of stakeholders in decision-making about policies, plans, or programs in which they have an interest. [13]This definition covers a broad segment of the public and is rather vague, lacking firm criteria for identifying “the public affected or likely to be affected by” the environmental activity. The public" refers, in short, to persons or groups as well as groups that are involved in or impacted by the decision-making process. This comprises people from various communities, backgrounds, and geographical areas as well as organizations and interest

[10] Shuiguang Chen, Xiaoxia Sun,& Shipeng Su ‘A Study of the Mechanism of Community Participation in Resilient Governance of National Parks: With Wuyishan National Park as a Case’ (2021) 13 *Journal of Environmental Governance* 56.
[11] Munib Khanyari, M. Dorjay, R.Lobzang & Kulbhushansingh R Suryawanshi , ‘Co-Designing Conservation Interventions Through Participatory Action Research in the Indian Trans-Himalaya’ (2023) 12 *Journal of Conservation Science* 1.
[12] Kathryn.S.Quick & John Bryson, ‘Theories of Public Participation in Governance’ (2016) 23 *Journal* of *Governance* 1.
[13] Luc Lavrysen, ‘The Aarhus Convention: Between Environmental Protection and Human Rights’, *Liège, Strasbourg, Bruxelles: parcours des droits de l’homme.* (Anthemis 2010).

groups that have an interest in how the pertinent decision or policy turns out.[14] In the end, public participation can guarantee that policies are fair, successful, and well-received by the communities they affect.

Darby defines public engagement as consultative or empowered participation. [15] Consultative participation allows citizens and representatives to be heard by government decision-makers, but participation doesn't guarantee adherence, as decision-makers have the freedom to agree or disagree.[16] Empowered participation involves citizens holding decision-making power and influence, and participating in local public service delivery through associations, social movements, campaigns, and formal participatory governance spaces.[17]

Public engagement has played an important role in environmental decision-making and encouraged the formation of various policies at international, regional, and national levels.[18] The need for public participation in international environmental matters was first recorded in Principle 10 of the Rio Declaration on Environment and Development .[19] Since then, public participation in environmental decision-making has been widely regarded as essential for the development of environmental legislative instruments, prompting the adoption of a UN convention (the Aarhus Convention).

Depending on the level of involvement desired, various methods of public participation can be used. This refers to the effective tools and instruments used to encourage public participation in environmental and climate decision-making,[20] such as citizen advisory panels or citizen assemblies, public hearings where the public is invited to submit written

[14] 'Encyclopedia Britannica, "Interest Group" (Online, 2024) (Https://Www.Britannica.Com/Topic/Interest-Group)'.accessed 12 February 2024.
[15] Sefton Darby, 'Natural Resource Governance: New Frontiers in Transparency and Accountability' [2010] London: Transparency and Accountability Initiative, open Society Foundation, www. treansparency-inirtative. org.
[16] Attila Panovics, 'The Aarhus Convention Model' [2016] Hungarian YB Int'l L. & Eur. L. 251.
[17] Kariuki Muigua, 'Towards Meaningful Public Participation in Natural Resource Management in Kenya' (Nairobi Kenya, 2014).
[18] Ibid 123
[19] Volker Mauerhofer, 'Public Participation in Environmental Matters: Compendium, Challenges and Chances Globally' (2016) 52 Land Use Policy 481.
[20] Paul L Stein, 'Specialist Environmental Courts: The Land and Environment Court of New South Wales, Australia' (2002) 4 *Environmental Law Review* 5.

or oral comments on specific climate-related issues, public consultations, meetings where the public is invited to voice concerns, ask questions, and provide feedback on a particular issue, referendums, and initiatives where the public is asked to vote on or make a direct decision about a particular issue.[21] Focus groups are moderated conversations amongst chosen individuals who represent a specific demographic or interest group. [22]Sconfienza[23] highlights that public participation rests on the normative presuppositions of democracy, citizenship, and the role of the public in decision-making processes. Democracy is based on the principle of popular sovereignty, while citizenship confers the right to participate in decision-making processes, including environmental governance.[24] The concept of public participation in a country is heavily influenced by the implementation of normative assumptions that form the foundation of justice.

To ensure effective public participation, it's crucial to provide clear information, make decision-making processes accessible, and establish feedback and dialogue mechanisms between decision-makers and the public.[25] Arun Agrawal and Clark argue that the conservation community's history is marked by revisionism, shifting from pristine ecosystems to deforested populations due to state and market intervention.[26] The Aarhus Convention, while crucial for public participation in environmental decision-making, may need to adapt to changes in Natural Resource Conservation, Climate Change, and Citizen Engagement.

Wibeck. [27] state that public participation can contribute to effective climate policy implementation by improving transparency, accountability, and legitimacy, points which

[21] 'Citizen Advisory Panels or Citizen Assemblies, Public Hearings, Public Consultations, Meetings, Referendums, and Initiatives'. (https://www.ncsl.org/elections-and-campaigns/initiative-and-referendum-processes) accesed 2nd April 2024
[22] ibid.
[23] Umberto Sconfienza, 'The Narrative of Public Participation in Environmental Governance and Its Normative Presuppositions' (2015) 24 *Review of European, Comparative & International Environmental Law* 139.
[24] Ibid 139
[25] Yankun Zhao and Bill Butcher, 'Coming to Terms with Public Participation in Decision Making: Balancing Clarity and Impact in the Aarhus Convention' (2022) 31 Review of European, Comparative & International Environmental Law 210.
[26] Arun Agrawal and Clark C Gibson, 'Enchantment and Disenchantment: The Role of Community in Natural Resource Conservation' (1999) 27 *World development 6*29.
[27]Viveka Wibeck, Mats Anders Dahlgren and Göran Öberg, 'Public Participation in Climate Science and Policy' (2017) 8 *Climate Policy* 438.

have. been outlined in the OHCHR Guidelines Report. Hurlbert and Gupta[28] demonstrate that public participation can help identify potential areas of conflict or disagreement early in the policymaking process, thereby allowing policymakers to address these issues before they become major obstacles to the implementation of climate policies. While these concerns are addressed to climate change, they make no provision for Natural Resource Conservation

Kabaseke highlights that climate change impacts different regions, with Africa being the most affected and women being more vulnerable than men, highlighting the global urgency of this pressing issue.[29] Gender disparities, poverty, and social roles requiring women to rely heavily on natural resources contribute to climate change adaptation and mitigation on a local scale. Women's representation in climate action decision-making processes is underrepresented, despite international laws ensuring their right to participate, particularly in Uganda's Kabale region.

Enhancing women's climate action participation is crucial for climate change solutions, but Africa lacks an adequate legal framework and requires improvement.[30] This article emphasizes the importance of women's participation in climate change solutions, highlighting their significant impact on the public. The article also addresses climate change, not natural resource conservation. It's important to note, therefore, that Inclusive decision-making is key for sustainable resource governance. Just as gender norms have influenced structures for access and use, they have also shaped our behaviors and the knowledge we acquire, with women holding unique agroecological expertise linked to crop resilience and nutrition.[31] So, unless decision-making processes are gender-responsive and inclusive, they risk overlooking women's specific needs and roles and will

[28] Margot Hurlbert and Joyeeta Gupta, 'The Split Ladder of Participation: A Diagnostic, Strategic, and Evaluation Tool to Assess When Participation Is Necessary' (2015) 50 *Environmental Science & Policy* 100.
[29] Charlotte Kabaseke, 'Strengthening Women's Right to Participation in Climate Change Mitigation and Adaptation in Africa' in Walter Leal Filho, Johannes M. Luetz and Desalegn Yayeh Ayal (Eds), *Handbook of Climate Change Management: Research, Leadership, Transformation* (Springer 2021).
[30] Ibid, 17.
[31] Women, 'U.N., Towards a Gender-Responsive Implementation of the Convention on Biological Diversity. UN Women.' (23 November 2018) 5.

fail to ensure the inclusion of ecological knowledge important for enabling sustainable practices.

Against this backdrop, it is necessary to rethink what public participation means in the context of natural resource conservation. A formal procedure is required to promote public participation and engagement in Natural Resource policy design, implementation, execution, monitoring, and reporting. The procedure should commence before policy development, involve public participation in decisions, and monitor policy implementation and effectiveness.[32] Utilizing the Aarhus Convention as a starting point, considering the human right to public participation as outlined in Article 25 of the International Covenant on Civil and Political Rights, and adopting principles of public participation referenced by UN organizations, the 'proceduralisation' of public participation in Natural Resource Conservation related matters represents a next step in Natural Resource Conservation policy development.[33]

At the UN Conference on Environment and Development in 1992[34], governments recognized a key principle that poor people in developing countries often rely heavily on their immediate environment for their livelihoods. Whilst they are the most exposed to environmental risks and degradation, they are usually the worst represented in the relevant decision-making processes.[35] Good natural resources management therefore depends on participatory, transparent, open, and accountable governance that ensures the effective participation of the public in the preparation and implementation of environmental policies, legal frameworks, plans, and projects.[36]

As per Muigua**,** when determining whether the "public" has been involved, four categories of the public must be considered. The observing public, which includes the media and

[32] Sylvia Mbabazi, 'Public Participation in Natural Resource Conservation: A Review of Uganda's Legal Framework' (University of Pretoria, 2019) 56-60.
[33] Christoph Schwarte, *Public Participation and Oil Exploitation in Uganda* (JSTOR 2008). Key Highlights in Sustainable Agriculture & Natural Resource Management' (2008) 138 *Journal of Sustainable Development in Africa* 138.
[34] ibid, 138.
[35] Tadanori Inomata and Jean Wesley Cazeau, 'Post-Rio+ 20 Review of Environmental Governance within the United Nations System' [2014] Geneva: United Nations Joint Inspection Unit), www. unjiu. org/en/reports-notes/JIU% 20Products/JIU_REP_2014_4_English. pdf (accessed 24 May 2015).
[36] ibid.

opinion leaders who may comment on the issue or influence public opinion, the directly affected public, which consists of individuals not directly affected by the environmental issue but who may choose to participate in the decision-making process, and the stakeholders, which are organized groups that are or will be affected by or that have a strong interest in the outcome of the decision, are these groups.[37]

Participation is variously defined by different authors. Broadly, participation is understood as a process of communication between local communities and development agencies, in which local people assume the lead role in analyzing their current situation to identify the need or problem requiring attention to plan, implement, and evaluate development activities, and even implement and evaluate the quality of participation itself**.**[38] This is an important principle in environmental law that the public must participate in decision-making at all levels.[39] Participation is thus concerned with who plays the leading role in development activities; who ultimately influences the planning process and/or decisions; and whether development plans reflect the priorities of the local people.[40] Public participation enhances the effectiveness of conservation efforts by integrating local knowledge, values, and perspectives into decision-making processes.[41] In Kabale District, where communities depend heavily on natural resources for their livelihoods, involving local stakeholders in conservation initiatives fosters ownership and accountability.[42]

Participation according to Lister is private citizen intervention in public activities. It is viewed as a process that provides private individuals with the opportunity to influence

[37] Kariuki Muigua, 'Fostering the Principles of Natural Resources Management in Kenya' [2019] Typesetting by 1.
[38] Dawn H Currie and Ronnie Vernooy, 'Social and Gender Analysis in Development Practice: Lessons from the Field' (2010) 14 *Gender, Technology and Development* 1.
[39] Kakuru and Ssekyana (n 34).
[40] Alex Kihehere Mukiga, Evans Sakyi Boadu and Tayebwa Edson, 'Perceived Public Participation and Health Delivery in Local Government Districts in Uganda' (2024) 21 International Journal of Environmental Research and Public Health 820.
[41] Jessica Dimka, Taylor P van Doren and Heather T Battles, 'Pandemics, Past and Present: The Role of Biological Anthropology in Interdisciplinary Pandemic Studies' (2022) 178 *American Journal of Biological Anthropology* 256.
[42] Benedict Oyo, Gilbert Maiga and Lillian Ndagire, 'IT Governance Maturity for Uganda's Higher Institutions of Learning' (2022) 13 *International Journal of Innovation in the Digital Economy* 1.

public decisions such that they reflect their social interests; this has been a component of the democratic decision-making process, for a considerable time.[43]

In an influential statement, the World Bank Learning Group on Participation defined participation as a process through which stakeholders influence and share control over development initiatives and the decisions and resources that affect them.[44] From this perspective, participation is defined as the level of consultation or decision-making in all phases of a project cycle, from needs assessment to appraisal, implementation, monitoring, and evaluation. According to this paradigm, citizen participation is a process in which private individuals can influence public decision-making as part of the democratic process. [45]

According to Mauerhofer, public engagement in environmental problems includes access to environmental information, participation in decision-making processes, and access to justice.[46] Some scholars have however given a broader definition by stating that, "public participation includes organized processes adopted by elected officials, government agencies or other public or private sector organizations to engage the public in environmental assessment, planning, decision making, management, monitoring, and evaluation."[47] According to the Public Service Commission Report of South Africa 2008, a mechanism that strengthens democracy and fosters social cohesion between the government and the populace is public participation in decision-making, especially when it comes to the delivery of high-quality and long-lasting goods and services. Simply put, people ought to be free to voice their opinions on issues about governance and service delivery, both in their capacities as citizens and as users of goods and services provided under the law.[48] There are various definitions of public participation but the main aspects

[43] Ruth Lister, 'Citizen in Action: Citizenship and Community Development in a Northern Ireland Context' (1998) 33 *Community Development Journal* 226.
[44] Benjamin Goldfrank, 'The World Bank and the Globalization of Participatory Budgeting' *(Journal of Deliberative Democracy)* 8, no 2 (2012).
[45] Mukiga, Boadu and Edson (n 180).
[46] Mauerhofer (n 159).
[47] Paul C Stern and Thomas Dietz, *Public Participation in Environmental Assessment and Decision Making* (National Academies Press 2008).
[48] Laban Bagui, Annastela Sigwejo and Andy Bytheway, 'Public Participation in Government: Assessing m-Participation InSouth Africa and Tanzania' [2011] Proceedings of the 13th Annual Concefernece on World Wide Web Applications 5.

that come out are that: public participation relates to administrative decisions and not decisions made by elected officials and judges. It involves an interaction between the agency and the people participating. In public participation, there is an organized process of involving the public so that they can have some level of impact or influence on the decisions being made.[49]

2.2 The historical development and evolution of public participation

Since the 1960s, environmental governance has invoked a hot discussion in Western developed countries. In the process of institutionalization of environmental governance, governments and industries were leading the discussion and dominating policy-making, whereas civil society and the general public were acting as "outsiders".[50] From agenda-setting, and policy formulation to policy implementation, all stages of the environmental decision-making process were shaped and dominated by the state governments and industries with the information from science becoming normalized. Yunyue-Peng provides that although scientists, local campaigns, and the media played significant roles in defining environmental issues, they were excluded from policymaking. The participation of those non-state actors in environmental governance was regarded as "deviations", resulting in criticism and failure of implementation.[51]

Again, we must look to our colonial past to see that the colonial state would never, by definition, allow citizens to participate in decision-making. They were simply subjects; not only were they considered unknowledgeable, but the colonial state's policies were almost always against the interests of the colonized people, and thus they could not participate in decision-making. This colonial legacy has persisted. To this day, the government finds it difficult to fully engage people in decision-making.[52]

The shifting pattern began in the 1980s. The transition to environmental governance was unavoidable because the public is directly affected by the consequences of environmental policies but has no right to make policy decisions. Marginalized groups and indigenous

[49] Usman Isyaku, Murtala Chindo and Mukhtar Ibrahim, 'Assessing Community-Based Natural Resources Management at Lake Naivasha, Kenya' (2011) 1 *Environment and Natural Resources Research* 106.
[50] Harriet Bulkeley and Arthur PJ Mol, 'Participation and Environmental Governance: Consensus, Ambivalence and Debate' (2003) 12 Environmental values 143.
[51] Steven Bernstein, 'Legitimacy in Global Environmental Governance' *(J Int'l L & Int'l Rel)* 1 (2004) 139.
[52] Kakuru and Ssekyana (n 34).

people are typically at the bottom of the political hierarchy. They must bear the consequences of decisions made for them by people in higher positions of authority and social standing. Thus, their right to speak has received more attention.[53] "… increasingly, non-participatory forms of policymaking are defined as illegitimate, ineffective, and undemocratic, both by politicians and by stakeholders themselves." [54]

Public participation in all stages of environmental governance has evolved in the past decades, including the identification of environmental problems, formulation of policies, strategy development, and implementation of measures.[55] We have seen the trend of decision-making in the environmental field switching from a closed and exclusive process to a more and more open, inclusive, and deliberative process. Public participation has been addressed in political agendas and international conventions since the 1990s. In the early 2000s, public participation became mandatory both legally and politically in some countries.[56]

According to some scholars, the definition of public participation excludes some kinds of participation that are legitimate components of a democratic society such as the electoral process, litigation, and extra-legal protests.[57] Public participation may be provided for in law through at least three legal mechanisms; entrenchment in the Constitution as part of the Bill of Rights; in Environmental Impact Assessments; and through direct *locus standi* for the public in environmental matters. One of the national values and principles of governance entrenched in the Constitution is the participation of the people.[58]

In 1994, Uganda's government implemented a new approach to conserving forest reserves to balance human needs, natural resources, and technology, supplementing the

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[53] 'The Historical Development of Public Participation in Environmental Governance' (*(Research Paper,)* <https://wesolve.app/what-is-civic-engagement/)> accessed 13 March 2024.
[54] Bulkeley and Mol (n 190).
[55] Ibid, 190.
[56] Lisa Blomgren Bingham, Tina Nabatchi and Rosemary O'Leary, 'The New Governance: Practices and Processes for Stakeholder and Citizen Participation in the Work of Government' (2005) 65 *Public administration review* 547.
[57] Lorenzo Squintani and Hendrik Schoukens, 'Towards Equal Opportunities in Public Participation in Environmental Matters in the European Union', *Managing facts and feelings in environmental governance* (Edward Elgar Publishing 2019).
[58] The Lawyer Africa, 'Principle of Public Participation in Kenya(Online Article,)' <https://thelawyer.africa/2022/05/29/principle-of-public-participation-in-kenya/> accessed 13 March 2024.

previous 'policing' approach.[59] The new approach, "Collaborative Management," is described as progressive. Collaborative Management, also known as Community Participation, engages local communities in natural resource management. Local community involvement can take various forms, including passive, consultative, functional, and representative participation.[60]

In collaborative management, local communities participate in the decisions regarding natural resource use with government agencies. Local communities are given a percentage of revenue accruing from activities such as timber harvesting and eco-tourism. Both government and local communities must agree on activities that damage the environment such as charcoal burning, hunting wild animals, and grazing of domestic animals. Consensus is also reached on consumptive items that can be collected from the forest reserves, for example, edible caterpillars, mushrooms, stakes, and non-consumptive items such as eco-tourism. In Uganda, collaborative management has been introduced into selected protected areas such as Kibaale, Bwindi, Elgon, and Mgahinga.[61]

It has been established that environmental issues are one of the global challenges that need to be solved with the cooperation of all actors across all levels, including states, international organizations, private sectors, civil societies, and also individuals.[62] However, nowadays, we are facing more crucial challenges in environmental governance and natural resource conservation as more issues are coming up. The characteristic of environmental issues makes them have no boundaries and can easily cross over borderlines. Therefore, it is less likely that some problems and their effects on natural resources can be solved within the country's borderlines, especially, since the exploitation of natural resources in Kabale might be influenced by global market dynamics and demand for certain commodities.[63] Market forces may drive unsustainable resource

[59] Cornelius Kazoora, 'Uganda Country Report' (2001) 12 Sustainable Development Centre, Makerere University Campus. Available at: www. unepwcmc. org/medialibrary/2011/03/14/a273351a/Uganda. pdf, accessed on 2012.
[60] ibid.
[61] Wilberforce Kisamba-Mugerwa, 'Rangelands Management Policy in Uganda', *International conference on Policy and Institutional Options for the management of rangelands in dry areas* (Citeseer 2001).
[62] Wouter Peeters, Jo Dirix and Sigrid Sterckx, 'The Capabilities Approach and Environmental Sustainability: The Case for Functioning Constraints' (2015) 24 *Environmental values* 367.
[63] Ivan Amaniga Ruhanga and Jacob Manyindo, *Uganda's Environment & Natural Resources,* (10th edn, Fountain Publishers, 2010).

extraction practices that are difficult to regulate solely within national borders.[64] Further still, Environmental challenges often transcend political boundaries.[65] For example, pollution in Kabale's rivers or lakes could come from upstream activities or industrial sources in neighboring countries. Addressing such issues requires cooperation and coordination among multiple stakeholders across borders. Calling for a more extensive and effective engagement of all stakeholders and individuals to resolve environmental issues becomes urgent.

Rural communities, especially indigenous peoples and forest dwellers, have sustainably used and managed their surrounding biological resources for centuries.[66] They have developed important technologies and arts, such as crop varieties and irrigation methods, as well as delicate ecosystems and the sustainable use of flora and fauna. Indigenous peoples' and local communities' knowledge is therefore critical to forest conservation and sustainable use.[67]

Shelton affirms that rural communities, especially indigenous peoples, and forest dwellers, have sustainably used and managed their surrounding biological resources for centuries. They have developed important technologies and arts, mastering crop varieties and irrigation methods, maintaining delicate ecosystems, and sustainably using flora and fauna. Indigenous peoples' and local communities' knowledge is thus vital to conserving and sustainably using forests.

Currently, there is a swift decline in both local communities and the vital natural resources they rely on. To illustrate, despite the apparent abundance of water on our planet, which constitutes 70% of its surface, a mere 2.5% of that total is freshwater. The majority is saline and unsuitable for human consumption. Furthermore, the limited freshwater is predominantly in the form of ice or permanent snow cover, leaving only a small

[64] Katharina Biely and Steven Van Passel, 'Market Power and Sustainability: A New Research Agenda' (2022) 3 Discover Sustainability 5.
[65] Daniel C Esty, 'From Local to Global: The Changing Face of the Environmental Challenge' (2006) 26 SAIS Review of International Affairs 191.
[66] Dinah Shelton, 'A Rights-Based Approach to Public Participation and Local Management of Natural Resources', *3rd IGES International Workshop on Forest Conservation Strategies for the Asia and Pacific Region* (1999) 219, 225.
[67] Ibid.219.

percentage accessible for human use. According to projections from the Food and Agriculture Organization of the United Nations, it is anticipated that by the year 2025, 1.8 billion people will face a scarcity of drinking water.[68] According to Dinah Shelton, at present, both local communities and the natural resources on which they depend are rapidly diminishing.

These facts raise both human rights and environmental concerns which may be answered by developing and applying legal techniques that support local participation in decision-making and management of natural resources.[69]

Participation is a fundamental human right, not merely a discretionary policy option that policymakers can choose whether or not to implement.[70] Therefore Citizen participation in decision-making processes at the local government level is not a discretionary policy option that policymakers can implement at their whim.[71] It is therefore not a discretionary duty but rather a fundamental duty to perform.

The protection of the environment is a vital part of contemporary human rights doctrine, for it is a sine qua non for numerous human rights such as the right to health and the right to life itself. It is scarcely necessary to elaborate on this, as damage to the environment can impair and undermine all the human rights spoken of in the Universal Declaration and other human rights instruments. [72] Some human rights guarantees have been incorporated into international Environmental instruments. This approach selects from among the catalog of human rights those rights most relevant to the aims of environmental protection, in particular rights such as freedom of association for members of non-governmental environmental organizations and the right to information concerning potential threats to the environment. Alternatively, many individuals and groups have

[68] Elizabeth A Bloodgood, Sarah S Stroup and Wendy H Wong, 'What Counts? How to Use Different Sources of NGO Data' (2023) 34 Voluntas: *International Journal of Voluntary and Nonprofit Organizations* 126.
[69] Miao He, *A Human Rights-Based Approach to Conserving Protected Areas in China: Lessons from Europe* (Intersentia 2016).
[70] Sylvester Kugonza and Robert Mukobi, 'Public Participation in Services Delivery Projects in Buikwe District Local Government Uganda' [2015] *Commonwealth Journal of Local Governance* 127.
[71] Magdalena Sepúlveda Carmona, 'Report of the Special Rapporteur on Extreme Poverty and Human Rights: Unpaid Care Work and Women's Human Rights' [2013] Available at SSRN 2437791.
[72] Christopher Gregory Weeramantry, 'Case Concerning the Gabikovo-Nagymaros Project (Hungary/Slovakia): Separate Opinion' [1997] ICJ Reports (September 25).

invoked global and regional human rights guarantees and institutions when environmental harm occurs.[73] This approach is supported by indications of the impact of environmental deterioration on fundamental human rights.

In Uganda and particularly Kabale today, as government size and reach expand, decisions once made through political channels by elected representatives are increasingly being entrusted to technical experts within state agencies and constitutional commissions as mandated by statute.[74] The justification behind this approach is to integrate public values into decision-making, enhance the substance of decisions, address conflicts arising from competing interests, foster trust in institutions, and educate and inform the public. This need arises because individuals in these institutions, often technocrats, are not elected directly by the public.[75]

2.3 Principles of Public Participation

Public participation requires governments to foster an environment in which all human rights, particularly those related to equality, and freedom of expression which helps *foster* a culture of open democracy, enables non-violent *participation* in *public* affairs, and invigorates discussions on important issues[76], peaceful assembly, and association, are upheld and enjoyed by all. This includes ensuring access to information while also protecting the life, physical well-being, liberty, security, and privacy of all individuals, including journalists and human rights activists.[77] To ensure inclusive public participation, measures must be in place to protect and enforce equality and nondiscrimination rights. Empowerment entails assisting individuals in acquiring the knowledge and skills necessary to assert and exercise their participation rights, which can be achieved through civic education initiatives at all educational levels.[78] Transparency should be upheld to promote openness in decision-making processes, and public officials must be held

[73] kingsley osinachi nnanna onu, 'Human Right-Based Approach to Climate Change Mitigation in Nigeria' (2023).
[74] Joseph Barya, 'The Rise of Technocracy in Uganda's Governance: A Constitutional Analysis' (2020) 14 *Uganda Journal of Law and Development* 5.
[75] Stella Chisale Otto, *'Public Participation in Decision-Making: A Tool for Enhancing Legitimacy in Governance' in P Makuwa (Ed), 217,* (Fountain Publishers 2017).
[76] 'Freedom of Expression, Association and Peaceful Assembly – CFNHRI'' (*CFNHRI*, 2024).
[77] Toby Mendel, 'Freedom of Information as an Internationally Protected Human Right' (2003) 1 *Comparative Media Law Journal* 39.
[78] ibid.,39.

accountable. Furthermore, states must provide access to justice and effective remedies when the right to participate is violated.[79]

Individuals can express themselves as part of a collective through the right to peaceful assembly, which includes participating in public marches, protests, pickets, and demonstrations.[80] Assemblies can serve as platforms for people to advocate for change and raise awareness about issues that are important to them, whether they are related to human rights or not. Assemblies frequently hold symbolic significance, such as commemorating specific events or marking significant anniversaries.

States should protect the right to free assembly, including when people gather to protest public policies and challenge the government. The state cannot interfere with the right to peaceful assembly simply because it disagrees with the protesters' viewpoints, and it must ensure that all groups enjoy the right equally, without discrimination on any basis. However, the enjoyment of the right has been curtailed by various laws over time. At first, the Police Act was utilized to ban rallies. After the Constitutional Court declared parts of the Act[81] to be unconstitutional, the government reacted by introducing the Public Order Management Act[82] which effectively has been enforced by the police against any form of gathering for political or other public protests.[83] The effective protection of the right to peaceful assembly strengthens democracies. It promotes an open democratic culture, allows for nonviolent participation in public affairs, and energizes debates on critical issues.[84] Public assemblies also contribute to good governance by allowing the public to hold people and organizations in positions of power accountable, such as corporations, public bodies, and government officials.

[79] UN Human Rights Committee, ‘‘General Comment No 25:’, *The Right to Participate in Public Life’* (1996).
[80] Human Rights Council, ‘Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association” UN Doc A/HRC/20/27,’ (2012).
[81] 1994 Cap 303
[82] Act 9 of 2013
[83] Emmanuel Elau, ‘‘The Public Order Management Act: SSRN Electronic Journal 3 (Accessed 2 May 2024).’ [2019] The Demise of Freedom of Assembly in Uganda’.3
[84] ‘The Right of Peaceful Assembly” (Online Document, 2024)(Https://Www.Ohchr.Org/En/Peaceful-Assembly) Accessed 29 April 2024.’

Freedom of expression encompasses the ability to hold, share, and investigate opinions and ideas. This includes the right of individuals to express their opinions through public protest and demonstration, which is closely associated with the right to peaceful assembly. Freedom of expression protects various types of discourse, including political and religious discourse, while also enabling cultural and artistic expression.[85] Freedom of expression is essential for exercising other rights, such as the right to vote. Freedom of association is essential to the functioning of a democracy, and it is linked to the freedom of peaceful assembly. It protects the right to form and participate in democratic institutions such as political parties, trade unions, non-governmental organizations (NGOs), religious organizations, and other associations.[86] The freedoms of peaceful assembly, expression, and association serve as the foundations of a democratic, tolerant, and pluralist society in which individuals and groups from various backgrounds and beliefs can interact peacefully. As a result, they enable the exercise of other fundamental rights, such as the right to freedom of religion or belief. They can assist in giving voice to minority opinions and making the voices of marginalized or underrepresented groups heard.

Public participation in decision-making can take different forms, including the provision of information - A one-way relationship in which information flows in one direction, from the government to citizens.[87] The government informs citizens about its decisions and initiatives as it sees fit, or citizens extract information at their initiative. for example, public access to documents of public significance, an official gazette, and the government's Internet pages.[88] Diverse information sources, both offline and online, to key documents and without restrictions on analysis and re-use of such information. Use ICT tools to create spaces and opportunities for the public to take part meaningfully in a variety of activities e.g. submitting, commenting, and voting on legislative and policy proposals. The government seeks feedback from citizens in the process of shaping public policy in a way of consultation. It is a two-way relationship in which the government determines

[85] 'Freedom of Expression, Association and Peaceful Assembly – CFNHRI" (CFNHRI, Online Document, 2024) (Https://Ishr.Ch/Our-Priorities/Topics/Freedom-of-Expression-Association-and-Assembly/) Accessed 29'.
[86] Ibid.
[87] 'Human Rights Council, "Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association" (2012) UN Doc A/HRC/20/27, Paras 12-15.'
[88] Francisco Martinez, *'International Center for Not-for-Profit Law (ICNL)'* (Springer, 2010).

participants, to receive sound feedback.[89] The government ensures that citizens are provided with pertinent information in advance. E.g. comments to draft laws. Using tools, such as meetings, public hearings, focus groups, surveys, questionnaires, and digital tools. Provide feedback on the outcome of consultations: Other best practices and general considerations for promoting public consultation include providing all necessary documents in advance, providing adequate time, providing feedback on the information received during the consultation process, and remedies for non-compliance. [90]

Dialogue is also a structured, long-lasting, and results-oriented process based on mutual interest in the exchange of opinions between public authorities, individuals, NGOs, and civil society at large. E.g. creation of permanent platforms - regular public hearings, public forums, advisory councils, or similar structures. [91]

Active involvement is a higher degree of a two-way relationship in which citizens are actively involved in shaping public policies, such as through membership in working groups or committees commissioned to prepare a draft law.[92] Public authorities can adopt transparent criteria and processes for the representation of individuals, NGOs, and civil society; Establish various types of partnerships involving public authorities, NGOs, and representatives of civil society at different stages of the decision-making process, which may include partnerships relating to the implementation of decisions. [93]

The management of public affairs is a comprehensive notion encompassing all facets of public administration and the creation and execution of policies on international, national, regional, and local scales.[94] Active involvement in public affairs can occur in diverse settings and through various methods or instruments. Public consultations, for instance, may employ a variety of tools and mechanisms like open plenary or committee sessions to facilitate discussions in decision-making, avenues for submitting queries and

[89] Ibid 117

[90] 'Exploring the Potential and Limits of Digital Tools for Inclusive Regulatory Engagement with Citizens" 101901,' (2024) 41 Journal of Regulatory Studies 103.

[91] 'Public Participation: Best Practice Principles (IAIA, Online Document, 1 August 2006) 3. (Https://Aarhusclearinghouse.Unece.Org/Resources/Public-Participation-Best-Practice-Principles)'.

[92] 'OECD, OECD Guidelines for Citizen Participation Processes, OECD Public Governance Reviews (OECD Publishing, Paris 2022) (Https://Doi.Org/10.1787/F765caf6-En.).'

[93] Ibid 187

[94] 'ECOSOC, "Definition of Public Administration" (2006) UN Doc E/RES/2006/57.'

proposals, and collaborative assessment approaches.[95] These consultations can be conducted through online means such as web platforms or in-person gatherings like focus groups, panels, public debates, expert seminars, and more. Ways to monitor advancement include polls, web surveys, or questionnaires, aimed at gathering input and recommendations from stakeholders. Active involvement methods encompass a variety of offline and online activities like popular assemblies, public discussions with representatives, self-organization, and group meetings.[96] Active involvement methods include a wide range of offline and online activities such as popular assemblies, public discussions with representatives, self-organization, and group meetings.

2.4 Relevance of public participation in the context of Natural Resource Conservation

Public participation is said to have numerous benefits, such as: promoting democracy; enhancing sustainable development initiatives; leading to increased knowledge of and skills in public engagement; expanding knowledge pools amongst local communities; legitimizing state actors and improving transparency and accountability amongst government institutions; and it improves the state's decision-making capabilities.[97]

Public participation is a key aspect of natural resources management. It allows individuals to express their views on key governmental policies and laws concerning the environmental conditions in their communities. The importance of public participation is the recognition that better decision-making flows from involving the public.[98] There is a widespread consensus that resolving environmental issues necessitates more than just depending on the exclusive control of decision-making by technocrats and bureaucrats[99] hence Muigua defines public participation as the process by which public concerns,

[95] 'Inter-Parliamentary Union (IPU), "Guidelines for Public Participation in the Democratic Decision-Making Process" (2011) 15-20.'
[96] Jaturong Suphattanakul, "Public Participation in Decision-Making Processes: Concepts & Tools" (2018) 4 Journal of Public Administration 221, 223.'
[97] Yankun Zhao and Bill Butcher, "Coming to Terms with Public Participation in Decision Making: Balancing Clarity and Impact in the Aarhus Convention" (2022) 31 *Journal of Environmental Law* 210, 212.'
[98] Kariuki Muigua, "Fostering the Principles of Natural Resources Management in Kenya" (2020) 8(1) *Kenya Journal of Environmental Studies* 12.'
[99] 'Red Lights to Green Lights: From 20th Century Environmental Regulation to 21st Century Sustainability' (2024) Environmental Law 1-2 (Https://Dx.Doi.Org/10.2139/Ssrn.3809924) (Accessed 29 April 2024).'

needs, and values are incorporated into governmental and corporate decision-making with the overall goal of better decisions that are supported by the public.[100]

Etzioni contends that community involvement is more than just distributing financial and social advantages; it is a process.[101] This means that local people's involvement in natural resource management involves their mobilization to make decisions, manage their resources, and exert control over activities that have an impact on their daily lives. Participation in the conservation of forest resources by the community means that rural residents now have the chance to engage, have complete access to information about policies, issues, and development projects, and have the freedom to discuss issues with other stakeholders while considering the locals' opinions. [102]

Public Participation is also necessary for the effective implementation of service delivery mechanisms, optimizing the benefits of any given mechanism. [103] Participatory approaches involve local communities in decision-making processes regarding the management of natural resources. This can include community-based planning, monitoring, and evaluation.[104] It has further been noted that the purpose of participatory programs is to enhance the involvement of the poor and the marginalized in community-level decision-making to give citizens a greater say in decisions affecting their lives.[105] Local participation is viewed as a way to achieve a variety of goals, including improved poverty and benefits targeting, building community-level social capital, and increasing the demand for good governance. Participation is also expected to lead to better-designed development projects and more effective service delivery.[106]

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[100] Karuiki Muigua, ‘’Public Participation as a Principle of Natural Resources Management in Kenya’15 Kenya Journal of Environmental Studies 1.’

[101] Amitai Etzioni, *The Spirit of Community: Rights, Responsibilities, and the Communitarian Agenda (* (Crown Publishing Group 1993).

[102] Amitai Etzioni, “Positive Aspects of Community & the Dangers of Fragmentation” (2006) 27(301) Journal of Community Studies 301.’

[103] Ghazala Mansuri and Vijayendra Rao, ‘Localizing Development: Does Participation Work?” (World Bank Policy Research Report No 12345,)’ (2013).

[104] AL Tsing and C Zerner JP Brosius, ‘Representing Communities: Histories & Politics of Community-Based Natural Resource Management’ (1998) 11 *Journal of Environmental Studies* 157.

[105] Ibid., 157.

[106] ibid.

Public participation benefits local government leaders by giving them insight into the community or social groups' needs and positions. Administrators, through regular contact with citizens who might not otherwise be engaged in the policy process, learn what policies are likely to be explosively unpopular, and how to avoid policy failures. A policy well-grounded in citizen preferences can be implemented in a smoother, less costly fashion on account of the public being more cooperative and not seeking to interfere with the implementation of the policy concerned. Citizens' political participation can be a powerful transformative force for both political and socio-economic development.[107] It is instrumental in establishing democratic norms and practices and encourages governments to develop policies and programs that are responsive and accountable.

Ruppel and Houston emphasize the importance of public involvement in decision-making for sustainable development and climate action, highlighting the need for collaboration and effective policies.[108] Including the public in sustainability and climate change programs can increase awareness, comprehension, and ownership of concerns, promote collaboration, and lead to a comprehensive approach to sustainable development.[109] To create a more resilient future for everyone, public participation in sustainable development and climate change programs must be prioritized. Our natural resources, however, are endangered since this ignores the issue of public participation in resource protection.[110]

There is a notable deficiency in comprehensive studies specifically examining the right to public participation in natural resource conservation within Uganda, particularly at the local level. While broader discussions on environmental conservation and community rights exist, there is a scarcity of in-depth analyses centered on the Kabale District. This gap in the literature leaves a significant void in understanding the unique challenges and opportunities that local communities face in this specific context

[107] United Nations Development Programme, 'Human Development Report' (2001).
[108] *Nicole Ruppel and Jennifer Houston, Public Participation in Decision-Making for Sustainable Development and Climate Action (Springer, 2020) 30-35.*
[109] 'Oliver Ruppel and Lucy Houston, "The Human Right to Public Participation in Environmental Decision-Making: Some Legal Reflections" (2023) 12 *Journal of Environmental Law* 345, 351.'
[110] 'UNEP, "Public Participation in Sustainable Development and Climate Change" (2019) UN Doc UNEP/EA.4/INF/16, 5-7.'

Musinguzi and Muzaale argue that despite Uganda's recognition of community participation in natural resource management, there is a lack of commitment to developing necessary legislation or technical capacity.[111] Even where legislation is in place, rights of access to and use of natural resources from PAs such as Queen Elizabeth National Park and its surroundings have not been defined to the communities.[112] In addition, communities have not received the necessary assistance to develop the capacity to independently carry out conservation activities around national parks.[113] The result is that communities are unable to realize optimal benefits from the wealth of resources on their land. In Queen Elizabeth National Park, wildlife constitutes an important natural resource that must be conserved and managed by people surrounding the areas in partnership with the government and private sector. It is therefore imperative that the management of the wildlife resources in the ecosystem must be inclusive and involve local communities.[114] While this journal provides for public participation in Wildlife, it leaves a big gap in natural resource conservation to be addressed.

Public Participation which is also referred to as citizen participation is seen as a necessity in public decision making. However, it has been observed that many agencies or individuals choose to exclude or minimize public participation in planning efforts claiming citizen participation is too expensive and time-consuming, while in reality, many citizen participation programs are initiated in response to public reaction to a proposed project or action.[115] Effective citizen involvement programs have been associated with several benefits to the planning process which include: Information and ideas on public issues; public Support for planning decisions; avoidance of protracted conflicts and costly delays;

[111] David Musinguzi and Henry Muzaale, 'Community Participation in Natural Resource Management in Uganda: A Critical Review 123,' (2017) 19 *Journal of Sustainable Development in Africa* 123,125.
[112] Sam Mugisha, *'Root Causes of Land Cover/Use Change in Uganda: An Account of the Past 100 Years'* (Fountain Publishers 2002).
[113] Michael Infield and Agrippinah Namara, 'Community Attitudes and Behavior towards Conservation: An Assessment of a Community Conservation Programme around Lake Mburo National Park, Uganda' (2008).
[114] John Musinguzi and Timothy Muzaale, 'Local Community Participation and Wildlife Conservation in Uganda' (2019) 16 *African Journal of Wildlife Conservation* 118.
[115] Mercy Kariuki, '"Towards Meaningful Public Participation in Natural Resource Management in Kenya"' (2014) 7 *Kenya Journal of Environmental Studies* 7.

a reservoir of goodwill that can carry over to future decisions; and spirit of cooperation and trust between the agency and the public.[116]

Conservation, protection, and proper utilization of natural resources play an important role in the environmental sustainability of the globe. The goal of sustainable natural resource conservation is to create a balanced and appropriate solution for human well-being and the preservation of natural resource ecosystems. However, one of the prominent obstacles to achieving this goal is the gap existing between governmental development aims and the perspectives of local people and communities. Elizabeth Maruma Mrema, Executive Secretary of the United Nations Secretariat for the Convention on Biological Diversity, embodies the hope that the destruction of nature and the dramatic loss of biodiversity and cultural diversity can be successfully reversed by embracing the values and building on the collective and local actions of the world's Indigenous peoples and local communities." [117]Natural resource conservation requires integrated management that works in partnership with local communities. Local and community-based natural resource management is a multi-dimensional approach to sustainable natural resource conservation in which different stakeholders with different interests play a part in achieving a common goal.[118]

By inference, citizen participation emerges as one of the most significant factors for realizing what a small group or an individual cannot achieve. The idea of citizen participation is presented as a precondition for attaining effective local governance. By 1963, an extremely centralized state became decentralized resulting in the transfer of power, functions, and services from the central government to local councils.[119]

Chess and Purcell contend that the effectiveness of public participation can be accessed via the process itself or by the caliber of the results.[120] Civil discourse on climate action

[116] Ibid.,7.
[117] Elsa Tsioumani, 'Convention on Biological Diversity: A Review of the Post-2020 Global Biodiversity Framework Working Group Negotiations' (2020) 50 Envtl. Pol'y & L. 55.
[118] Marie-Christine Adam and Daniel Kneeshaw, 'Local Level Criteria and Indicator Frameworks: A Tool Used to Assess Aboriginal Forest Ecosystem Values' (2008) 255 Forest Ecology and Management 2024.
[119] David Mwesigwa, 'Towards Enhancing Local Citizen Participation in Uganda' (2021) 1 *Dynamics of politics and democracy* 15.
[120] Oliver C Ruppel and Larissa Jane H Houston, 'The Human Right to Public Participation in Environmental Decision-Making: Some Legal Reflections' (2023) 53 *Environmental Policy and Law* 125.

can be prevented in part through public participation. People are more likely to accept the results and trust state decisions when they are actively involved in the process and feel that they have a stake in it.[121] Additionally, early in the policymaking process, public participation can aid in identifying potential points of conflict or disagreement, enabling policymakers to address these issues before they become significant roadblocks to the implementation of climate policies.[122] In general, public involvement can greatly contribute to the development of trust, the encouragement of teamwork, and the likelihood of successful climate action. Additionally, public involvement can support the implementation of fair and equitable policies. People in the public, particularly those from marginalized communities who are frequently disproportionately affected by climate change, may have distinct perspectives and experiences that policymakers may not have taken into account.[123] Policymakers can promote social justice and lessen the likelihood of civil discourse by interacting with these communities and considering their feedback when crafting policies that address their unique needs and concerns. As previously discussed, public participation is critical to fair, inclusive, and effective decision-making as required by the International Covenant on Civil and Political Rights (Article 25), recommendations from various UN organizations, and procedures outlined in the Aarhus Convention. Policymakers must prioritize public participation in efforts to combat climate change.

Usang argues that the local people have been overlooked completely in the local community which are supposed to be involved in resource management through the process of gradually handling of harvesting and management activities of their natural resources.[124] Government focus or role in natural resources management should be directed on the evaluation of the initiatives of local people; the state and the institution involved in the promotion of extension services that are of immense benefit to the

[121] Ibid 127

[122] Bob Hudson, David Hunter and Stephen Peckham, 'Policy Failure and the Policy-Implementation Gap: Can Policy Support Programs Help?' (2019) 2 *Policy design and practice* 1.

[123] Bethuel Sibongiseni Ngcamu, 'Climate Change Effects on Vulnerable Populations in the Global South: A Systematic Review' (2023) 118 *Natural Hazards* 977.

[124] Edwin Usang, 'Community-Based Natural Resource Management: A Case Study of the Nigerian Context' (2015) 35 *Journal of Environmental Law and Policy* 160.

community and the future posterity.[125] Furthermore, he categorizes three different ways in which communities can participate in forest management such as community-based base management, collaborative management, and non-governmental organizations ~NGOs) collaboration with government institutions to ensure the management of forest resources as well as sustainable forest development.[126] The World Wide Fund for Nature (WWF) Uganda is one of the NGOs that help with resource planning and program implementation in the forestry sector. A well-known global conservation organization with operations in Uganda is WWF.[127] They frequently work in tandem with local government and communities to carry out forestry projects and programs targeted at sustainable resource management and conservation. One such local non-governmental organization is Nature Uganda, which is dedicated to protecting Uganda's environment and biodiversity. They are involved in forestry programs and projects within Kabale District, National Forestry Authority (NFA): While not an NGO, the National Forestry Authority of Uganda is a government agency responsible for the management and conservation of central forest reserves in the country.[128] They may collaborate with NGOs and local communities to implement forestry programs and initiatives in Kabale District, Trees for the Future Uganda: This organization focuses on agroforestry and reforestation efforts in Uganda. While their focus is more on agricultural aspects, they may also be involved in forestry programs in Kabale District.[129]

In summary, based on what has been stated above, there are clear and distinct benefits to applying, supporting, and ensuring public participation in Natural Resource Conservation. First, public participation increases transparency and accountability in decision-making processes. When the public is involved in decision-making, decisions are made openly and everyone understands why they were made.[130] Second, public

[125] Norman Roling and Julian N Pretty, 'Chapter 20—Extension's Role in Sustainable Agricultural Development' [2020] URL: http://www. fao. org/3/w5830e0m. htm. Accessed (2 May 2024)
[126] F Nabukwasi (n 146).
[127] 'Global Environmental Conservation Organization" Para 3.' https://www.wwf.id/en/blog/capres-2024-preservation-environment-life) [accessed 2 May 2024]
[128] 'ECO Uganda | Environmental Conservation | NGO – Environment Conservation" Para 1.' (https://en.wikipedia.org/wiki/Environmental_Conservation_Trust_of_Uganda) [accessed 2 May 2024]
[129] Christopher Friday, Susan Luyiga, Adeyemo,David O & Andrew, Ngiri, 'The Effect of Agroforestry on Environmental Protection in Kabale District, Uganda' (2024) 3, 569.
[130] Sanaa Kandil, 'Public Participation Guide: Introduction to Public Participation' [2016] US Environmental Protection Agency.

participation improves decision-making quality by bringing a diverse set of perspectives, experiences, and expertise to the table, resulting in more informed decisions. [131]Third, public participation promotes trust and legitimacy in decision-making processes by ensuring that decisions reflect the public's interests and values. [132] Fourth, public participation increases civic engagement and encourages individuals and groups to actively participate in public affairs, which leads to a more informed and engaged citizenry.[133] Fifth, public participation fosters social cohesion by bringing together people from different backgrounds and with different perspectives and encouraging dialogue and understanding, which creates a more united and cohesive society. Lastly, public participation improves the chances of decisions being effectively implemented and complied with.[134]

2.5 Conclusion

In conclusion, the analysis of public participation's history, development, and relevance within the context of the right to include local communities in the preservation of natural resources shows how important it is to contemporary environmental governance. Through our research journey, we have revealed the intricate landscape of community involvement and how it has evolved from a marginal consideration to a fundamental principle of sustainable conservation practices. Public participation is multifaceted, as seen by its many forms, which range from consultation procedures to collaborative decision-making frameworks, each with pros and cons of their own. The dynamic interplay between evolving environmental stewardship paradigms, technological advancements, and sociopolitical dynamics shapes the forms of contemporary conservation efforts, which is also reflected in the evolution of public participation.[135] The primary focus of this inquiry is the significant function that public participation performs, which stems from its capacity

[131] Lilian Arthur, Godwin Kofi Vondolia and Isaac Dasmani, 'Traditional Beliefs and Willingness to Pay for Improving a Mining-Polluted River in Ghana' (2023) 9 Heliyon.
[132] Morgan Boyco, 'Assessing the Rise of Dedicated Digital Engagement Platforms for Local Planning' (2024) 2024 *Canadian Planning and Policy* 45.
[133] '4 Types of Civic Engagement" (Para 3)' (2003) <https://www.instantinput.com/blog/types-of-civic-engagement)> accessed 2 May 2024.
[134] Ruppel and Houston (n 258).
[135] Thomas N Gladwin, James J Kennelly and Tara-Shelomith Krause, 'Shifting Paradigms for Sustainable Development: Implications for Management Theory and Research' (1995) 20 Academy of management Review 874.

to advance conservation efforts' legitimacy, inclusivity, and transparency.[136] A longer-lasting commitment to sustainable resource management is the outcome of public participation, which also increases the quality and effectiveness of conservation initiatives and cultivates a sense of ownership and stewardship among stakeholders. By allowing local communities to participate in decision-making processes, this is accomplished.[137]

Public participation in environmental efforts is a legal requirement and moral imperative, ensuring fair distribution of benefits and costs among all parties involved in decision-making, thereby addressing the complex environmental challenges of the 21st century.[138]

To boost public participation in natural resource conservation, it's crucial to eliminate inclusivity barriers, foster capacity building, and foster a collaborative culture. [139] Innovative governance frameworks and technologies can enhance accountability, transparency, scalability, and effectiveness in environmental decision-making, while also improving the scalability and effectiveness of participatory processes.[140] In other words, the path to sustainable conservation practices is inextricably tied to increased democratic participation and social justice. By recognizing and defending local communities' intrinsic right to public engagement in natural resource protection, we not only honor their innate dignity and agency, but also pave the way for a more resilient, just, and peaceful cohabitation between humans and the natural world.[141]

In summary, the extent to which local communities' public involvement in the preservation of natural resources in Kabale District is pertinent, changing, and of a particular type is directly correlated with how well laws and policies protect the public's freedom to take

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[136] Weidong Chen, Kaisheng Di, Quanling Cai, Dongli Li and Caiping Liu, 'Research on Motivational Mechanisms and Pathways for Promoting Public Participation in Environmental Protection Behavior' (2023) 20 *International Journal of Environmental Research and Public Health* 5084.

[137] NP Hariram, Vipinraj Sugathan, Mekha KB and Sudhakar Kumarasamy, 'Sustainalism: An Integrated Socio-Economic-Environmental Model to Address Sustainable Development and Sustainability' (2023) 15 Sustainability 10682.

[138] 'Empowering Local Communities for Sustainable Development' Para 3'. https://www.linkedin.com/pulse/empowering-local-communities-sustainable) [accessed 2 May 2024]

[139] Rina S Hauptfeld, Megan S Jones and Kim Skyelander, 'Building Capacity for Individual and Systems-Level Collaborative Conservation Impacts: Intentional Design for Transformative Practice' (2022) 35 Society & Natural Resources 1226.

[140] Velibor Božić, 'Environmental, Social, And Governance (ESG) & Artifical Intelligence (AI)' (ResearchGate, 2023).

[141] Omar Saif, Aidan Keane and Sam Staddon, 'Making a Case for the Consideration of Trust, Justice, and Power in Conservation Relationships' (2022) 36 *Conservation Biology* e13903.

part in these initiatives. [142] Assessing the effectiveness of existing legal frameworks necessitates knowing how communities get involved in conservation efforts, how that involvement has changed over time, and how important that involvement is.[143]

By evaluating the extent to which laws and policies support and recognize local communities' rights to participate in conservation decision-making, we can gain more insight into the factors affecting their participation. It is easier to identify the gaps, roadblocks, and areas for improvement in ensuring meaningful community engagement when the legal framework is examined in conjunction with the kind of public participation. With this all-inclusive approach, we can assess how much the current laws and policies support local communities, provide for their needs, and motivate them to participate in conservation initiatives. [144] Additionally, it assists us in formulating targeted recommendations for legislative and policy modifications that will strengthen the defense of the public's right to engage in the conservation of natural resources, thereby promoting more inclusive, successful, and sustainable conservation efforts in Kabale District and beyond. [145]

[142] David Adeyemo &Susan Luyiga & Friday Christopher, 'An Evaluation of the Effectiveness of Government Policies in Promoting Environmental Protection in Kabale District, Uganda' (2024) 3 569.
[143] John R Haslett, Pam Berry, Rob H.G Jongman and Györgyi Bela, 'Changing Conservation Strategies in Europe: A Framework Integrating Ecosystem Services and Dynamics' (2010) 19 *Biodiversity and Conservation* 2963.
[144] Nafeesa Esmail , Jana McPherson, Saloni Bhatia, Latoya Abulu, Thora Amend, Ronit Amit, and Dominique Bikaba, 'What's on the Horizon for Community-Based Conservation? Emerging Threats and Opportunities' (2023) 38 *Trends in Ecology & Evolution* 666.
[145] Adeyemo David &Luyiga Susan and Christopher Friday, 'An Evaluation of the Effectiveness of Government Policies in Promoting Environmental Protection in Kabale District, Uganda' (2024) 3 572.

CHAPTER THREE

THE LEGAL FRAMEWORK ON THE RIGHT TO PUBLIC PARTICIPATION IN NATURAL RESOURCE CONSERVATION

3.0 Introduction

This chapter examines the legal and regulatory framework that supports local communities' right to public participation in natural resource conservation at the international, regional, and domestic levels. It examines the current legislative framework for natural resource conservation, determining how it protects the right to public participation, and identifying any gaps or limits. These legal frameworks respect local communities' rights to participate in conservation efforts, acquire access to natural resources, and profit from conservation results.

Using a desk analysis of primary and secondary sources, the chapter addresses the research topic of the effectiveness of Uganda's present legal framework and how it preserves the right to public involvement in natural resource protection, specifically in Kabale.

Significant milestones and paradigm shifts have defined the evolution of international environmental law, influencing the current state of environmental governance. Beginning in the mid-twentieth century, the recognition of environmental issues as global challenges led to the development of international legal structures to address them.

Uganda, like many other countries, is taking steps to prevent environmental degradation and to restore and conserve its natural resources. To do this, the country has enacted laws, regulations, and management practices.[1]

The majority of Uganda's natural resource management legislation stems from the colonial era. The fundamental rules left over from colonialism were altered multiple times

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

in the 1960s and 1970s.[2] The majority of the adjustments were made to institutional structures to better reflect Uganda's new, independent reality. When significant reforms were attempted, such as the Land Reform Decree[3] , the necessary political climate and determination to carry them out were lacking. The law remained in existence, but the reform's outdated, undesirable practice targets persisted.[4] The absence of regulations for the conservation of the natural resource base was a defining feature of natural resource management laws before 1995. The motivation for these laws was to further the goals of socioeconomic resource exploitation.[5]

Unsurprisingly, this absence persists from that age. The prevailing foundation philosophy of the time portrayed nature as man's opponent, one that must be defeated to progress. This idea has now been discarded in favor of a position that promotes man-nature compatibility, known as sustainable development.[6]

Several critics who examined the laws before 1995 made the following observations about Uganda's environmental law: the laws were primarily focused on the use of natural resources rather than the preservation of the resource base; they were sectoral and addressed sectoral issues; they lacked sufficient mechanisms for coordination; they were insufficiently comprehensive; and there were no effective sanctions to deter violations.[7]

It was stressed that "basic" or "framework" environmental legislation is required to solve the issues with Uganda's environmental law.

In addition to these widely held criticisms of the then-existing legislation on natural resources management and the environment, the position of environmental and natural

[2] Julius Otieno, 'Natural Resource Management in Uganda: A Legal Perspective' (, Makerere University 2015).12-15.
[3] Warren Nyamugasira, 'Structural Adjustment, Land Reform, and Disenfranchisement in Uganda' [1996] *Development in Practice* 347.
[4] Juma Anthony Okuku, 'The Land Act (1998) and Land Tenure Reform in Uganda' (2006) 31 *Africa development* 1.
[5] Peter Okello, 'River Basin Management Guidelines for Water Management in Uganda: Comparison with EU Case Studies' [2016] TVVR16/5006.
[6] Special Working Session WCED, 'World Commission on Environment and Development' (1987) 17 Our common future 1.
[7] Patricia Kameri-Mbote , "Environmental Law in Uganda: A Critical Review" 5.African Journal of Environmental Law' (1995) 1 *African Journal of Environmental Law* 5.

resources legislation concerning other parts of the legal system, as well as the incorporation of the conservation ethic into the legal system, were discussed.[8]

The emphasis has been on enacting legislation to build a strong legal foundation for environmental management. The presumption here is that legislative action is the only method to create environmental law.[9] Most environmental management plans include legislative restrictions that individuals and facilities that degrade or impair natural resources must comply with. These standards are vital for protecting the environment and natural resources, but they are simply the first step.[10]

The Stockholm Declaration on the Human Environment, adopted in 1972, marked a watershed moment in global environmental law. This declaration, adopted at the United Nations Conference on the Human Environment, laid the groundwork for international environmental cooperation. It emphasized the interdependence of environmental issues and argued for incorporating environmental concerns into development policy.[11]

Following the Stockholm Declaration, another watershed moment occurred in 1992 at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, also known as the Earth Summit. The Rio Declaration on Environment and Development agreed upon at this conference, outlined principles for sustainable development, including public engagement.[12] The Rio Declaration's emphasis on public engagement laid the groundwork for the passage of specific legal instruments addressing this issue. [13] The Aarhus Convention, also called the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public

[8] Charles Odidi Okidi, 'Capacity Building in Environmental Law in African Universities' [2011] Environmental Law and Sustainability after Rio.
[9] Yusuf Sulaiman Lasun, *The Legislature and Sustainable Development: Options from Sustainable Development Goals and African Agenda 2063* (Centre for Sustainable Development, University of Ibadan, Nigeria 2016).
[10] D Scott Slocombe, 'Resources, People and Places: Resource and Environmental Geography in Canada 1996–2000' (2000) 44 Canadian Geographer/Le Géographe canadien 56.
[11] Eric Vasseur, 'United Nations Conference on the Human Environment. Stockholm, 5-16 June 1972' (1973) 7 Water Research 1227.
[12] Günther Handl, 'Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), 1972 and the Rio Declaration on Environment and Development, 1992' (2012) 11 United Nations Audiovisual Library of International Law 1.
[13] Kim Boon Foo, 'The Rio Declaration and Its Influence on International Environmental Law' [1992] *Singapore Journal of Legal Studies* 347.

Participation in Decision-Making, and Access to Justice in Environmental Matters, is one such tool. The Aarhus Convention, adopted in 1998, establishes the public's right to environmental information, participation in decision-making processes, and the pursuit of environmental justice. It sets transparent, accountable, and inclusive environmental governance standards.[14]

These landmark agreements have had a significant impact on the evolution of international environmental law by highlighting the significance of public engagement in natural resource conservation. They understand that effective environmental governance necessitates the active participation of all stakeholders, including local governments and civil society organizations. These accords have helped shape a more inclusive and participatory approach to environmental decision-making.[15]

The chapter critically evaluates the worldwide, regional, and national legal frameworks to provide insights into the procedures and difficulties connected with permitting meaningful public engagement in natural resource protection. It emphasizes the importance of collaborative governance, legal empowerment, and institutional capacity building in meeting long-term conservation targets.

Many countries, including Uganda, recognize the significance of public participation in environmental issues through legislation and policy. The Ugandan government appears to be committed to public participation in natural resource conservation, as evidenced by various policies, legal and regulatory, aimed at governing natural resource conservation, which is critical for sustainable development and the preservation of the country's rich biodiversity.[16] The legal framework consists of different laws, rules, and regulations designed to properly manage and conserve natural resources.

Public participation is stressed in both international and national environmental legislation. It is founded on the right of those who may be affected to have a say in determining their environmental destiny. Depending on the jurisdiction, this may include

[14] Lisa DeLuca, 'United Nations: Online Data Repositories and Resources' (2017) 78 College & Research Libraries News 41.
[15] Mark S Reed, 'Stakeholder Participation for Environmental Management: A Literature Review' (2008) 141 Biological conservation 2417.
[16] Ilham Atho Mohamed, 'National Biodiversity Strategy and Action Plan 2016-2025' (2015).

both foreign nationals and natives. [17]Uganda does not have a unique legislation or policy aimed only at public involvement; nonetheless, public participation, especially participation in natural resource protection, is supported by a variety of international, regional, national, and municipal laws and regulations.[18] The laws or policies studied in this area either incorporate provisions for some parts of public participation in specific sorts of decision-making or try to stimulate public engagement by encouraging facilitative rights such as freedom of expression and association, among other things. [19]Uganda's legislative framework includes laws to ensure public involvement in natural resource conservation, which is seen as a fundamental right that permits residents to actively participate in decision-making processes concerning natural resource management and conservation. [20] Ongoing assessment and stakeholder involvement are therefore essential to improve effectiveness and guarantee meaningful community participation in conservation activities. Nevertheless, obstacles remain, such as low awareness and gaps in enforcement, casting doubt on the sufficiency of these measures.

Uganda's legislative and regulatory frameworks, which enable public engagement in the conservation of natural resources, are outlined in the following subsections. These frameworks are national, regional, and worldwide.

3.1 International Legal Framework

Uganda is a signatory to international treaties that promote public participation in environmental decision-making, such as the Convention on Biological Diversity and the Aarhus Convention. On June 12, 1992, and September 8, 1993, the government signed and ratified the Convention on Biological Diversity (CBD), kicking off this process.[21]

On June 12, 1992, Uganda ratified the Convention on Biological Diversity (CBD) at the Earth Summit in Rio de Janeiro, Brazil.

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[17] Jeroen van Bekhoven, 'Public Participation as a General Principle in International Environmental Law: Its Current Status and Real Impact' (2016) 11 NTU L. Rev. 219.
[18] Moses Kamanyire, 'Sustainability Indicators for Natural Resource Management & Policy' [2000] Natural Resource Management and Policy in Uganda: Overview Paper, Economic Policy Research Centre, Kampala.
[19] James Muraguri , Bernard Njiri, Veronicah Ndegwa, Shem Otieno, Cynthia Awuor, and Diana Agwayo, 'Public Participation in Fiscal Decisions on Foreign Debt' (2022) 1 Financing for Development.
[20] Uganda, 'The Constitution of the Republic of Uganda' (1995) 38(2).
[21] Valerio Piccolo, 'GHG Emissions From Shipping: How to Overcome Persistent Challenges'.

The CBD is an international accord aimed at preserving biodiversity while fostering sustainable development.

The following subsections provide an overview of Uganda's international, regional, and national policy, legal, and regulatory frameworks that facilitate citizen participation in natural resource conservation. Public participation is emphasized throughout international and national environmental law.[22] The Government of Uganda appears committed to citizen participation in natural resource conservation, as evidenced by the various policies, and legal, and regulatory frameworks targeting citizen participation.[23] Public engagement in the governance of natural resources is covered by provisions in international conventions and treaties on environmental and natural resource management.[24] Any treaties, bilateral agreements, and conventions that Uganda ratifies become part of the law, according to the Ugandan Constitution.[25] This chapter provides background information for the examination of the principle of public participation in Uganda's natural resource management sector by listing some of the most important international instruments for public participation in state policies, programs, and decision-making processes on environment and natural resources.

3.1.1 Convention on Biological Diversity (CBD)

Internationally, Uganda has signed agreements such as the Convention on Biological Diversity. The Convention on Biological Diversity was opened for signing at the Earth Summit in Rio de Janeiro, Brazil, on June 5, 1992, and went into effect at the end of 1993. It includes three national-level obligations: biological diversity conservation, sustainable usage, and benefit sharing.[26]

The Convention on Biological Diversity, sometimes known as the Biodiversity Convention, is a multilateral convention. The Convention's three basic goals are the conservation of

[22] Elizabeth Maruma Mrema, ' Public Participation in International Environmental Decision-Making: A Review of the Aarhus Convention' (2017) 396 Recueil des Cours . 348.
[23] Dinah Shelton and Alexandre Charles Kiss, *Judicial Handbook on Environmental Law* (UNEP/Earthprint 2005).
[24] United Nations Documentation, Reference and Terminology Section, *Environment and Development*, vol 2 (UN 1992).
[25] Godber W Tumushabe, *Consolidating Environmental Democracy in Uganda Through Access to Justice, Informattion and Participation* (Advocates Coalition for Development and Environment 2002).
[26] Kieran Li Nair, Lim Kai Sin and Yashirdisai Sampasivam, 'MYD Post-COP28 Report'.

biological diversity (or biodiversity), the sustainable use of its components, and the equitable distribution of benefits derived from genetic resources. Its goal is to build national policies for the conservation and sustainable utilization of biological diversity, and it is sometimes regarded as the foundational text for sustainable development. [27]

This stresses community participation in conservation initiatives and honors the traditional knowledge, inventiveness, and traditions of indigenous and local groups.[28] Uganda is a CBD signatory, and its principles encourage local communities to participate in natural resource management decisions. Although natural resource management spans a wide range of disciplines, those having the closest linkages to conservation biology are renewable resources: forestry, fisheries management, range management, and, most importantly, wildlife management.[29] Protecting natural habitats is crucial for biodiversity and natural resource protection. Degradation or destruction of these habitats can lead to biodiversity reductions and the loss of ecosystem services, as many species rely on them for existence. Natural resources found in natural environments, such as pure water, fertile soil, and wood, are likewise safeguarded when they are preserved.[30]

The three basic objectives of the Convention are to conserve biodiversity, use biodiversity's components sustainably, and fairly and equally share the advantages that come from using genetic resources for commercial and other purposes. States must create national policies, plans, and programs for the conservation and sustainable use of biological variety, considering their unique circumstances and capacities. They must also, whenever feasible, adopt measures that serve as incentives for these efforts.[31] They are responsible for identifying, tracking, and maintaining pertinent data on the elements of biological diversity—species, ecosystems, genomes, and genes—that are critical to their

[27] Michelle Lim, 'Biodiversity 2050: Can the Convention on Biological Diversity Deliver a World Living in Harmony with Nature?' (2019) 30 Yearbook of International Environmental Law 79.
[28] Elisa Morgera, 'Dawn of a New Day: The Evolving Relationship between the Convention on Biological Diversity and International Human Rights Law' (2018) 53 Wake Forest L. Rev. 691.
[29] ibid.
[30] Kahrić Adla, Kulijer Dejan, Dedić Neira, and Šnjegota Dragana, 'Degradation of Ecosystems and Loss of Ecosystem Services', *One health* (Elsevier 2022).
[31] Michael Bowman, 'Conserving Biological Diversity in an Era of Climate Change: Local Implementation of International Wildlife Treaties' (2010) 53 German YB Int'l L. 289.

preservation and sustainable usage.[32] It is necessary to identify and track processes and activities that could negatively affect conservation and sustainable use using procedures like sampling. The Convention encourages both in situ and ex-situ conservation, with the latter serving to supplement the former and ideally taking place in the nation where the components of biodiversity originated (articles 6–11). States are required to collaborate in addition to their domestic efforts, either directly or through capable international organizations. This includes, but is not limited to, funding and other forms of support for conservation efforts in developing nations, technical and scientific collaboration, education, training, and public awareness campaigns, as well as notification and information sharing regarding actions that could have a substantial negative impact, situations of impending or serious danger, and emergency response plans (articles 5 and 12–14). [33]

The CBD website and information center, a network of national clearing-house systems, and additional partner institutions comprise the clearing-house mechanism that the Conference of Parties established to promote technical and scientific cooperation (article 18). Parties are also required to set up environmental impact assessment procedures that, when appropriate, permit public input (article 14).[34] This responsibility extends as far as possible.[35] To achieve a fair and equitable sharing of the benefits of genetic resource utilization, the Convention encourages access to genetic resources on mutually agreed-upon terms, subject to the providing party's prior informed consent.

It is too early to know whether this legal framework will contribute to a slower rate of biodiversity loss, and it is unclear whether an optimal balance between commercial and environmental interests has been found in terms of biological diversity.[36] Because the

[32] Charles Lawson, ‘The Breeder’s Exemption under UPOV 1991, the Convention on Biological Diversity and Its Nagoya Protocol’ (2015) 10 Journal of Intellectual Property Law & Practice 526.
[33] Cin Emelie, ‘United Nations Conference On The Environment After The Rio Dejaneiro Of 1992: itâ€tm s Implications For Environmental Protection’ (2020) 2 Chukwuemeka Odumegwu Ojukwu University Journal Of Private And Public Law.
[34] William A. Tilleman, 'Public Participation in the Environmental Impact Assessment Process: A Comparative Study of Impact Assessment in Canada, the United States and the European Community' (1995) 33 Columbia Journal of Transnational Law 337
[35] Evanson Chege Kamau, ‘Research and Development under the Convention on Biological Diversity and the Nagoya Protocol’, *Research and Development on Genetic Resources* (Routledge 2015).
[36] Catherine Day and Matthew Waldoch, ‘The Convention on Biological Diversity: A Critical Analysis of Its Contribution to the Conservation of Biodiversity’ (2016) 28 *Journal of Environmental Law* 5.

Convention is a process-oriented instrument with no specific targets in its objectives, its success is heavily dependent on the Contracting parties' willingness to pursue the Convention's objectives, as well as their cooperation for the conservation and sustainable use of biological resources, and the sharing of benefits resulting from the utilization of genetic resources.[37] For the economy and ecosystems of wealthy and developing nations alike, the Convention offers a common framework for attaining reciprocal benefits. For developing countries to capitalize on their biological diversity, certain conditions must be met. Access to genetic and biological resources must be guaranteed for those actors who aim to advance knowledge and technological innovation in this field.[38] Other requirements include requirements for information exchange, cooperation concerning capacity-building and transfer of technical and scientific know-how, as well as the establishment of a financial mechanism. [39]Conversely, more information is still needed to define precisely what the Biosafety Protocol's mutual support and trade agreements entail in terms of their implementation. Although most people believe that trade agreements have no precedence over the Protocol, it is still unclear whether the rights and obligations about biosafety contained in the Protocol may coexist with those found in trade agreements.

The environmental community welcomed the deal with open arms, even exuberance, but putting it into practice is proving to be challenging due to its poor environmental basis. Any legal document's language reflects and conveys the thoughtful intentions of its drafters and may include legally binding requirements. 'Soft' pledges with high qualifications and legally obligatory 'hard' environmental duties were rejected by the CBD for non-legal exhortations.[40]

[37] Franz Essl, Guillaume Latombe, Bernd Lenzner, Shyama Pagad, Hanno Seebens, Kevin Smith, John RU Wilson, and Piero Genovesi, 'The Convention on Biological Diversity (CBD)'s Post-2020 Target on Invasive Alien Species–What Should It Include and How Should It Be Monitored?' (2020) 62 NeoBiota 99.
[38] Xiaoou Zheng, 'Complementarity between the Nagoya Protocol and Human Rights: Legal Implications of the Principle of Mutual Supportiveness with Respect to Indigenous Peoples and Local Communities'.
[39] Temitope Abigail Olorunnipa, Oluwabunlola Ibhade Adisa-Ibojo and Funmilola Abeke Adetoye, 'Convention On Biological Diversity And The Nagoya Protocol: Protection Of Traditional Knowledge In Nigeria' (2024) 18 *Agora International Journal Of Juridical Sciences* 75.
[40] Ephraim Zulu, Sambo Zulu, Mwansa Chabala, Innocent Musonda, Neema Kavishe, and Nicholas Chileshe, 'Challenges and Advocated Solutions for Environmental Protection Legislation for Building Infrastructure Projects in Developing Countries: Evidence from Zambia' (2022) 3 Project Leadership and Society 100056.

The CBD promotes public engagement with Indigenous Peoples through the Nagoya Protocol and co-management practices in conservation areas, including indigenous rights and knowledge.[41]

As valuable as they may be as face-saving techniques to get to an agreement on the CBD, such aspirational language does not provide a solid basis for difficult choices in the realpolitik realm.[42] Therefore, to increase the CBD's effectiveness, it is crucial to increase financial resources and fortify international cooperation.

For this Convention, there should be a grant or concessional financial resource provision system for developing nation Parties, the fundamental components of which are outlined in this Article. To comply with the provisions of this Convention, the mechanism shall report to and be governed by the Conference of the Parties. The Conference of the Parties at its first meeting may decide on an institutional framework to carry out the mechanism's functions.[43] As a result, strengthening compliance processes, increasing funding for conservation projects, and encouraging international collaboration are crucial for potentially increasing the CBD's efficacy in conserving natural resources.

3.1.2 The Desertification Convention[44]

Adopted in 1994, this Convention is the first legally enforceable international agreement that connects development, environment, and sustainable land management. Particularly covered by the Convention are the drylands—arid, semi-arid, and dry sub-humid regions that are home to some of the most vulnerable ecosystems and populations. To further the objectives of the Convention and make progress toward its implementation, Parties to the

[41] Zurba, M., & Papadopoulos, A. (2023). Indigenous participation and the incorporation of indigenous knowledge and perspectives in global environmental governance forums: a systematic review. Environmental Management, 72(1), 84

[42] Lakshman D Guruswamy, 'The Convention on Biological Diversity: Exposing the Flawed Foundations' (1999) 26 *Environmental conservation* 79.

[43] Secretariat of the Convention on Biological Diversity, *Handbook of the Convention on Biological Diversity* (Earthscan 2001).

[44] BH Koch, *The United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought And/or Desertification, Particularly in Africa* (Department of Agriculture 1995).

Convention convene in Conferences of the Parties (COPs) every two years in addition to technical sessions held throughout the year.[45]

An important international agreement that aims to prevent desertification and lessen the consequences of drought through sustainable land management is the United Nations Convention to Combat Desertification and national action plans that include long-term plans supported by international cooperation and partnership agreements. Although the convention's primary focus is on tackling land degradation in arid, semi-arid, and dry sub-humid environments, it acknowledges that public participation is crucial to accomplishing its goals.

Women are differently and disproportionately affected when land is degraded and useable land becomes limited because of their significant role in agricultural and food production, increased susceptibility to poverty, and generally lower social status and legal safeguards. Approximately 80% of working women in the world's least developed nations cite agriculture as their main source of income, and women make up 43% of the workforce globally. [46]

The text of the Convention emphasizes how crucial it is to guarantee that both men and women fully participate in efforts to combat desertification and lessen the effects of drought, as well as the significant role that women play in areas affected by drought and/or desertification, particularly in rural areas of developing countries.[47] This international treaty, which tackles land degradation, drought, and desertification, is legally enforceable. The convention stresses the significance of incorporating the public in efforts to conserve natural resources, even if its primary focus is on preventing desertification and lessening its consequences.[48]

[45] United Nations Convention to Combat Desertification (Secretariat), 'United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought And/or Desertification, Particulary in Africa' (Secretariat of the United Nations Convention to Combat Desertification 1999).
[46] A O-F, 'Land and the Road to Decarbonisation and Resilience'.(2023)
[47] Pierre-Marc Johnson, Karel Mayrand and Marc Paquin, *Governing Global Desertification: Linking Environmental Degradation, Poverty and Participation* (Ashgate Publishing, Ltd 2006).
[48] UN Secretary-General, 'United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa: Implementation of Resolution 50/112: Report of the Secretary-General.'

It acknowledges the value of public involvement in boosting the efficacy of initiatives to stop desertification and advance sustainable land management. The convention recognizes the importance of traditional knowledge and land management methods held by local groups, particularly indigenous peoples, which can aid in the fight against desertification.[49]

It acknowledges the necessity of linking state activity with civil society in Art. 3(a) and (c). This treaty is noteworthy for its participatory approach, which entails the coordinated commitment of all parties, including bilateral and multilateral international partners, national governments, scientific institutions, local communities and authorities, and non-governmental organizations. [50]

Article 16 of the Desertification Convention addresses information access by requiring Parties to submit data on land degradation and desertification, including scientific and technical data.[51] This clause fosters transparency and public participation by providing interested parties with access to pertinent information. Article 10 of the Desertification Convention focuses on public awareness and participation. To effectively combat desertification, this article underlines the importance of stakeholders, particularly local populations, and non-governmental organizations, actively participating in raising awareness of the issue.[52]

The need for public participation in decision-making was emphasized in Article 17. Policies and activities aimed at preventing desertification should engage local communities and other stakeholders in their design, development, and implementation. It is critical to encourage many stakeholders to actively participate in regional, government, and global decision-making processes.[53]

Article 23 requires the participation of non-governmental organizations. It recognizes the critical role that non-governmental organizations (NGOs) play in combating desertification

[49] ibid.
[50] Morgera (n 311).
[51] William C Burns, 'The International Convention to Combat Desertification: Drawing a Line in the Sand' (1994) 16 Mich. J. Int'l L. 831.
[52] J Smith, 'The Desertification Convention in Practice"' (2020) 10 Journal of Environmental Law 127.
[53] Karen Brown, 'Implementing the Desertification Convention'' (2018) 15 Environmental Law Review 218.

and encourages them to actively participate in related efforts.[54] As a result, the United Nations Convention to Combat Desertification (UNCCD) emphasizes the importance of inclusive and participatory solutions for halting desertification and developing sustainable land management.[55] The convention attempts to strengthen cooperation and ownership of measures to address desertification and land degradation by incorporating local communities, indigenous peoples, NGOs, and other stakeholders into decision-making processes and awareness-raising campaigns.[56]

The Desertification Convention offers capacity-building workshops for farmers and local leaders, preparing them for active participation in environmental governance through sustainable land management and conservation strategies.[57]

However, the Convention on the Right of the Public to Participation in Natural Resource Conservation contains several gaps. Limited mechanisms for public participation, for example, the treaty contains no explicit procedures or laws that ensure significant public engagement in the decision-making process on natural resource conservation. While acknowledging the importance of local communities and stakeholders, it does not specify how they should be incorporated.[58]

Furthermore, many nations that have adopted the United Nations Convention to Combat Desertification (UNCCD) do not fully include public participation principles in their national action plans and desertification mitigation strategies. Because of this, there are ineffective methods for involving the community in conservation efforts and decision-making.[59]

The treaty lacks effective means for monitoring and enforcing compliance with its obligations to public participation. Furthermore, without adequate oversight, governments

[54] M Taylor, 'The Desertification Convention: A Commentary' (2020) 12 *Journal of International Environmental Law* 245.
[55] Uwe Holtz, 'The United Nations Convention to Combat Desertification (UNCCD) and Its Political Dimension' [2003] Retrieved: September.
[56] Johnson, Mayrand and Paquin (n 328).
[57] Bloomfield, G., Bucht, K., Martínez-Hernández, J. C., Ramírez-Soto, A. F., Sheseña-Hernández, I., Lucio-Palacio, C. R., & Ruelas Inzunza, E. (2018). Capacity building to advance the United Nations sustainable development goals: An overview of tools and approaches related to sustainable land management. Journal of Sustainable Forestry, 37(2), 157.
[58] Amina Kazzi, 'The Convention on the Right to Public Participation in the Conservation of Natural Resources: A Critical Analysis' (2022) 20 *Journal of International Environmental Law* 143.
[59] Johnson, Mayrand and Paquin (n 328).

and other stakeholders are less likely to defend people's rights to participate in natural resource conservation initiatives.[60]

Information availability is critical for effective public engagement, yet many desertification-affected communities do not have enough access to essential data, expertise, or resources. Because of uneven participation based on information accessibility, the convention is ineffective in addressing this issue.[61]

The agreement also fails to address the language and cultural challenges that indigenous and marginalized people may face when attempting to participate in natural resource preservation activities. Language limitations, cultural disparities, and historical marginalization make it difficult for certain people to participate in decision-making processes.[62]

To address the deficiencies, member states, civil society organizations and international organizations must work together to improve the incorporation of public engagement into UNCCD implementation structures.[63] To do this, guidelines for meaningful interaction must be developed. Furthermore, capacity-building activities must be developed, information accessibility improved, and broad stakeholder participation in decision-making processes involving desertification and natural resource protection assured.[64]

3.1.3 United Nations Framework Convention on Climate Change (UNFCCC)

The United Nations Framework Convention on Climate Change (UNFCCC) serves as the forum for negotiations to obtain an agreement to combat hazardous climate change. The agreement's formal wording prohibits countries from engaging in "dangerous human interference with the climate system," which includes managing greenhouse gas concentrations in the atmosphere. It was signed by 154 states as part of the 1992 Rio de

[60] Amina Kazzi, (n 338) at 162.
[61] Johnson, Mayrand and Paquin (n 328) at 217.
[62] J Smith, 'The Convention on the Right to Public Participation in the Conservation of Natural Resources: An Analysis of Its Shortcomings' (2020) 15 *Journal of International Environmental Law* 201.
[63] Johnson, Mayrand and Paquin (n 328).
[64] Amina Kazzi, 'Enhancing Public Participation in Desertification Governance' (2022) 27 *Journal of Environmental Law and Policy* 234.

Janeiro Earth Summit, also known as the United Nations Conference on Environment and Development (UNCED). On March 21, 1994, the agreement went into effect.[65]

Uganda, a party to the United Nations Framework Convention on Climate Change, is committed to implementing measures to increase public engagement and access to information as part of its efforts to strengthen efforts under the Agreement.[66]

The primary focus of this is climate change and its consequences. This agreement includes provisions that indirectly encourage local populations to participate in climate-related projects, even if it lacks specific sections on public participation in natural resource conservation. The UNFCCC promotes sustainable development and community participation in the fight against climate change.[67]

The UNFCCC emphasizes the need for increased public participation, education, training, awareness, and access to information, as well as international collaboration in these areas.[68] Although not specifically concerned with the protection of natural resources, these components can assist promote awareness and involve local communities in climate-related activities, including conservation programs.

For example, Kabale District collaborated with neighborhood associations and NGOs to develop a Climate Change Action Plan, fostering citizen participation in resource management and climate change effects.[69]

Regarding the United Nations Framework Convention on Climate Change (UNFCCC) Article 6(a)(iii),[70] Parties must encourage and support "public participation in addressing climate change and its effects and developing adequate responses" at the national, subnational, and regional levels. Furthermore, as part of its duties under the UNFCCC,

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[65] Benoit Mayer, 'Climate Change Mitigation as an Obligation under Customary International Law' (2023) 48 Yale J. Int'l L. 105.
[66] Jean Galbraith, 'United States Gives Notice of Withdrawal from Paris Agreement on Climate Change' (2020) 114 *The American Journal of International Law* 132.
[67] M Taylor, 'International Environmental Law and Climate Change' (2022) 25 *Journal of International* Environmental Law and Policy 156.
[68] Matthew Coghlan, 'Prospects and Pitfalls of the Kyoto Protocol to the United Nations Framework Convention on Climate Change.' (2002) 3 *Melbourne Journal of International Law* 165.
[69]
[70] UN General Assembly, 'United Nations Framework Convention on Climate Change: Resolution/Adopted by the General Assembly' (1994) 20 GAOR, 48th Sess.

Parties must ensure that the public has access to high-quality climate change education, training, and knowledge. The UNFCCC contains only two sections that cover public contact, and they are wide.[71] The UNFCCC, an international convention that sets climate change goals and commitments, makes no mention of the specifics of public involvement. The absence of criteria governing what constitutes and how public participation should be carried out has resulted in frequently insufficient implementation of the UNFCCC articles.

Within the framework of the UNFCCC, little has been done to offer parties concrete, attainable actions to increase public participation in natural resource conservation. This is done, in part, to give the parties concerned the freedom to establish, implement, and supervise public participation standards that are more appropriate for each nation-state's legal, social, and civic frameworks. However, this results in a void in terms of global public participation.[72]

3.1.4 (The Ramsar, 1971) Convention. Convention on Wetlands of International Importance Especially as Waterfowl Habitat

This intergovernmental agreement establishes the guidelines for protecting wetlands and their resources and for their prudent usage. The Convention entered into force in 1975 after being ratified in the Iranian city of Ramsar in 1971.[73] The oldest multilateral international conservation pact, the Ramsar pact, is the only one that addresses wetlands as a form of habitat or ecosystem. The convention collaborates closely with the International Union for Conservation of Nature, and its offices are located in Gland, Switzerland.[74] An intergovernmental environmental treaty formed in 1971 by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) recognized wetlands as sites of international significance, and a wetland site classified as such was

[71] Mayer (n 345).
[72] Roda Verheyen, 'Climate Change and Public Participation: An Assessment of the UNFCCC's Public Participation Mechanisms' (2015) 27 *Journal of Environmental Law* 250.
[73] Cyril De Klemm and Isabelle Créteaux, 'The Legal Development of the Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat (2 February 1971)', *Ramsar Convention Bureau* (1995).
[74] Royal C Gardner and Nick C Davidson, 'The Ramsar Convention' [2011] Wetlands: Integrating multidisciplinary concepts 189.

named a Ramsar Site.[75] The Lwengo district's Kaku-Kiyanja wetland system and Lake Bunyonyi, located in South Western Uganda, have been recommended by the National Ramsar Committee for designation as Ramsar sites.[76] Focused on the preservation and sustainable use of wetlands, the Ramsar Convention on Wetlands is an international agreement. The agreement highlights the value of local communities in the prudent use and management of wetlands, even while it does not specifically address the right of the public to participate in the conservation of natural resources.

Ramsar Sites are wetlands of worldwide importance that are identified and designated by Contracting Parties with the encouragement of local communities, indigenous people, and other stakeholders.[77] The designation procedure acknowledges the significance of local knowledge. Engagement with the community is one of the initiatives included in the Convention's Strategic Plan, which was approved at the Conference of the Contracting Parties' Ninth Meeting. It places special emphasis on integrating local people in the prudent management of wetlands.[78]

The Ramsar framework promotes collaboration among communities, NGOs, and local governments, enhancing stakeholder participation in Kabale's wetland conservation activities through partnerships with institutions like NEMA.[79]

Although there are no explicit sections in the Ramsar Convention that address the right to public participation, the convention's emphasis on responsible use, community involvement, and education is in line with ideas that encourage local communities to get involved in the preservation of wetlands.

3.1.5 Universal Declaration of Human Rights (UDHR)

Uganda has ratified several regional and international agreements that uphold the freedom to engage in public life and emphasize the importance of civil society in

[75] William Kalanzi, 'Local Governments and Wetland Conservation in Uganda: Contributions and Challenges' (2015) 50 *Journal of Public Administration* 157.
[76] Ibid 157.
[77] De Klemm and Créteaux (n 352) at 217.
[78] Gardner and Davidson (n 353) at 17.
[79] Nakito, A. (2018). An appraisal of the National Environment Management Authority (NEMA) in preserving Uganda's wetlands in Kampala District. PhD diss., Kampala International University, School of Law.

encouraging such engagement. "Everyone has the right to participate in the government of his country, directly or through freely chosen representatives," states Article 21 (1) of the Universal Declaration of Human Rights (UDHR), which is in line with the American Declaration of the Rights and Duties of Man (Article 20) and the African Charter (Article 13).[80]

The Universal Declaration of Human Rights (UDHR)72 and other international human rights treaties that Uganda has ratified provide strong legal foundations for the right to participate.73 Article 13 of the African Charter on Human and Peoples' Rights (ACHPR) stipulates that every citizen has the right to actively engage in their country's governance, either directly or through representatives who are freely chosen and subject to legal restrictions.[81]

In the instant case, the Kabale District Environmental Action Plan, developed through consultation with community members, NGOs, and local leaders, aligns with the UDHR's goals by involving residents in environmental decision-making.[82]

Although environmental conservation is not specifically addressed by the UDHR, it does outline core human rights like the right to life, health, and a sufficient standard of living that is frequently involved in conservation efforts. [83]

However, the UDHR does not include explicit provisions about rights and obligations in the environment, which might lead to a lack of clarity and enforcement procedures.[84] Because of this, it is crucial to acknowledge environmental rights as essential components of human rights frameworks and to underline the necessity of more robust connections between environmental preservation and human welfare.

[80] UN General Assembly, 'Universal Declaration of Human Rights' (1948) 302 UN General Assembly 14.
[81] Brian Orend, *Human Rights: Concept and Context* (Broadview Press 2002).
[82] Mulumba, M. (2011). Mainstreaming disability into the poverty reduction processes in Uganda: The role of the human rights-based approach to the National Development Plan. PhD diss., University of Stellenbosch.
[83] Julie Fraser, 'Book Review, The Human Right to a Healthy Environment (CUP 2018) by John Knox and Ramin Pejan: Book Review by Julie Fraser' (Taylor and Francis Ltd, 2022).
[84] Assembly, 'Universal Declaration of Human Rights' (n 358).

Even further, gaps could be filled by including specific environmental rights in the UDHR or by making stronger links between environmental preservation and human rights in later international agreements.

3.1.6 African Charter on Human and Peoples' Rights

Uganda joined the African Charter on Human and Peoples' Rights after adopting[85] and ratifying it.[86] The African Charter on Human and Peoples' Rights is a regional human rights document that affirms the liberties and rights of African individuals as well as communities. It ensures that every individual has the freedom to actively or passively engage in their nation's governance through duly elected representatives.[87] In addition, Uganda has ratified the African Charter on Democracy, Elections, and Governance, which requires its members to support civil society organizations' involvement in initiatives to improve social, political, and economic governance. The establishment of the conditions required to promote citizen participation, transparency, information access, press freedom, and accountability in the management of public affairs is one of the Charter's goals." [88] Ensuring citizens' effective participation in democratic and development processes, as well as the governance of public affairs, is one of the requirements outlined in the Charter for state parties to advance democratic principles and practices. Another is "transparency and fairness in the management of public affairs", [89] establishing favorable circumstances so that civil society organizations can flourish and follow the law,[90] Promoting engagement in politics and collaborations with civil society groups to enhance political, economic, and social governance,[91] implementing ongoing changes to the justice and legal systems; and advancing press freedom and other forms of speech in general, as well as developing a professional media

[85] Adopted in 1981
[86] Ratified in 1986
[87] African Charter, 'African [Banjul] Charter on Human & Peoples' Rights, Adopted 27 June 1981, OAU Doc' (CAB/LEG/67/3 rev 5, 21 ILM 58 (1982), entered into force 21 October 1986).
[88] Laws Africa, 'African Charter on Democracy, Elections and Governance' [2007] Addis Ababa: AU.
[89] ibid.
[90] Charter (n 362) at 18.
[91] United Nations General Assembly and Canada Human Rights Directorate, *Convention on the Rights of the Child* (Human Rights Directorate 1991).

Uganda acknowledges the right to a good environment that supports growth. This could be taken to mean having a say in choices for the preservation of natural resources.

Through a range of community engagement programs, advocacy campaigns, and educational activities, the African Charter on Human and Peoples' Rights has dramatically expanded public participation in natural resource preservation in Kabale, Uganda. These projects empower communities to actively participate in the protection of their natural resources by promoting local residents' rights to participate in decision-making processes.

Although the conservation of natural resources is not specifically addressed in the Charter, it does contain concepts that, when interpreted correctly, encourage public involvement in environmental issues. The right to participate in government is guaranteed under the Charter.[92], the rights to a satisfactory environment, and the development of one's economy, society, and culture.[93]

3.1.7 The International Covenant on Civil and Political Rights (ICCPR)[94]

According to the Covenant, "Every citizen shall have the right and opportunity, without unreasonable restrictions, to participate directly or through freely chosen representatives in the conduct of public affairs,[95] to cast a ballot and be elected in legitimate elections that ensure the free expression of voters' wishes through secret balloting and universal and equal suffrage." [96] The interpretation and implementation of the right to public participation, which promotes citizen involvement in the management of public affairs, are especially important. The right to participate in public affairs is therefore codified in this Covenant. The right to participate in public affairs is interpreted broadly and can be exercised in several ways, such as: directly through voting in referenda; indirectly through election or other direct democratic means; through freely chosen representatives chosen

[92] Charter (n 362) at 20.
[93] ibid, 20.
[94] UN General Assembly, 'International Covenant on Civil and Political Rights' (1966) 999 United Nations, Treaty Series 171.
[95] Theresia Degener and Yolan Koster-Dreese, 'International Covenant on Civil and Political Rights: Adopted and Opened for Signature, Ratification and Accession by General Assembly Resolution 2200A (XXI) of 16 December 1966 Entry into Force: 23 March 1976, in Accordance with Article 49', *Human Rights and Disabled Persons* (Brill Nijhoff 1995).
[96] ibid.

following international election obligations and standards; through consultative procedures; through individual and group debate and dialogue; through founding and joining political parties, unions, and civil society organizations; and through equal access to public service positions, including employment in public positions.[97]

The United Nations Human Rights Committee's General Comment 25 outlines the essential components and prerequisites for the right to participation, which must be accompanied by the defense of the freedoms of association, assembly, and opinion and expression.[98] It acknowledges that the rights to public participation guaranteed[99] are essential supplements to the right to freedom of association, which includes the right to form and join organizations and associations involved in political and public affairs.[100]

The United Nations Convention Against Corruption[101] encourages the active participation of people and groups outside the public sector, such as civil society, non-governmental organizations, and community-based organizations, in the prevention of and fight against corruption, each State Party is required to take the necessary steps, within its means and following the fundamental principles of its domestic law.[102] It goes on to say that steps like "ensuring that the public has effective access to information; respecting, promoting, and protecting the freedom to seek, receive, publish, and disseminate information concerning corruption; enhancing the transparency of and promoting the contribution of the public to decision-making processes" will all help to strengthen public participation".[103]

The primary focus of the International Covenant on Civil and Political Rights (ICCPR) is on civil and political rights, including the freedom of speech, the right to life, and the right to a fair trial. Although it mentions environmental protection and involvement in decision-

[97] Melanie Reimer, Patrick Meagher and Audra Grant, 'Final Performance Evaluation of the USAID Legal Enabling Environment Program II' (Report Prepared for USAID Washington, DC: NORC at the University of Chicago, 2019).
[98] Human Rights Committee, 'General Comment 25 (57)."General Comments under Article 40, Paragraph 4, of the International Covenant on Civil and Political Rights, Adopted by the Committee at Its 1510th Meeting," UN Doc' (CCPR/C/21/Rev 1/Add 7 1996).
[99] Article 25 of the ICCPR
[100] Dana Baldinger, 'The 1966 International Covenant on Civil and Political Rights (Iccpr)', *Vertical Judicial Dialogues in Asylum Cases* (Brill Nijhoff 2015).
[101] UN, 'United Nations Convention against Corruption' [2004] United Nations Office on Drugs and Crime.
[102] ibid.
[103] Ilias Bantekas, 'Corruption as an International Crime and Crime against Humanity: An Outline of Supplementary Criminal Justice Policies' (2006) 4 Journal of International Criminal Justice 466.

making, its provisions on the preservation of natural resources are not as extensive as those contained in specific environmental agreements.

The absence of explicit and binding provisions about environmental rights is one of the primary shortcomings in the ICCPR concerning public engagement in the conservation of natural resources. It does not specifically address environmental decision-making processes or the protection of natural resources,[104] even if it acknowledges people's rights to participate in public affairs and to use public service.[105]

Furthermore, there are no clear procedures or criteria for guaranteeing significant public involvement in environmental decision-making processes, including environmental impact assessments or the creation of conservation policies, in the ICCPR. This creates the possibility for misunderstandings and inconsistent application of various nations' duties under the Covenant about the preservation of natural resources.[106]

Many nations have therefore ratified additional international agreements, including the Aarhus Convention, that are especially centered on environmental preservation and public involvement to close these gaps.[107] To guarantee public access to information, involvement in decision-making procedures, and access to justice in environmental concerns, these agreements include more specific clauses and procedures. Global initiatives to advance environmental justice and sustainable development, however, may be strengthened much more if environmental rights were more clearly included in comprehensive human rights frameworks like the ICCPR.[108]

3.1.8 Rio Declaration on Environment and Development.[109]

Often abbreviated as the "Rio Declaration," this brief statement was created during the 1992 Earth Summit, also known as the United Nations "Conference on Environment and

[104] Article 25 of the ICCPR
[105] Ke Tang and Otto Spijkers, 'The Human Right to a Clean, Healthy and Sustainable Environment' (2022) 6 Chinese Journal of Environmental Law 87.
[106] Julie Fraser, 'Public Participation in Environmental Decision-Making and the EIA Process: A Human Rights Perspective' (2024) 5.
[107] Viviane Meunier-Rubel, 'Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)', *Interstitial Law-Making in Public International Law: A Study of Environmental Impact Assessments* (Brill Nijhoff 2022).
[108] United Nations, 'Report of the Secretary-General, "Environmental Justice and Human Rights' (2020).
[109]1992.

Development" (UNCED). The Rio Declaration contained 27 guiding principles for the future sustainable development of nations. More than 175 nations signed it.[110] The United Nations Conference on Environment and Development[111] Calls for comprehensive public engagement in policy and decision-making by all social groups, especially women, youth, Indigenous people, and local communities, are included in Chapter 23.[112] It provides that widespread public involvement in decision-making is one of the essential conditions for achieving sustainable development. 1992 saw the announcement of the Rio Declaration on Environment and Development during the Earth Summit. Of the 27 principles in the Rio Declaration, Principle 10 says that it is best to handle environmental concerns with the involvement of all concerned individuals at the appropriate level.[113]

Public involvement is recognized as a right under this principle. The three cornerstones of sustainable environmental governance—access to justice, public involvement, and information—were highlighted in Rio Declaration Principle 10.**[114]** The right to broad and convenient access to environmental information on their living environment is granted to citizens through information access. Additionally, it promotes public participation in the formulation of policies and decisions. [115]The public needs to be aware of environmental issues and given the chance to influence decisions. Additionally, allowing the public to participate encourages the passage of laws, their enforcement, and the consideration of citizens' rights. The right of citizens to engage in environmental concerns is upheld by access to justice, which also guarantees the accountability and openness of the participatory process. [116]

During the Conference on Environment and Development, which took place in Rio de Janeiro in June 1992, the United Nations adopted the Rio Declaration. Its goal was to

[110] Annex A, 'Rio Declaration on Environment and Development', *A/CONF* (2003).
[111] Marc Pallemaerts, 'International Environmental Law in the Age of Sustainable Development: A Critical Assessment of the UNCED Process' (1995) 15 JL & Com. 623.
[112] Francesca Ippolito, 'A Child-Centred Approach Between the Lines of International and EU Environmental Law', *Children's Environmental Rights Under International and EU Law: The Changing Face of Fundamental Rights in Pursuit of Ecocentrism* (Springer 2022).
[113] Annex (n 382).
[114] Ibid., 382.
[115] Ruppel and Houston (n 258) at 72.
[116] ibid.,72.

restate the United Nations Conference on the Human Environment Declaration, which was approved in Stockholm in June 1972.[117]

The Declaration approved a set of guiding principles for its future development. These principles define everyone's right to growth as well as their responsibility to protect the environment. [118]

The Rio Declaration emphasizes that long-term success can only be achieved by combining environmental protection and economic growth. This is only conceivable if nations work together to form a new, equitable global coalition that includes their governments, people, and key society sectors. International agreements must be established to maintain the integrity of the global environmental system and development framework.[119]

The following ideas are included in the Rio Declaration: "The primary focus of sustainable development should be on human beings." They have a right to a life in balance with the natural world that is fruitful and healthy.[120] To fairly address the environmental and developmental demands of both the current and future generations, the right to development must be realized. To reduce living standards gaps and better serve the needs of the vast majority of people on the planet, all States and all people must work together to eradicate poverty, which is a crucial prerequisite for sustainable development.

States need to enact effective environmental legislation. Environmental standards, management objectives, and priorities should consider the environmental and development context in which they are applicable.[121] Certain countries tend to apply inappropriate standards that unfairly hurt other countries, particularly emerging countries, on an economic and social level. (First Principle): Sustainable development is fundamentally harmed by warfare. Hence, in times of armed conflict, states must uphold

[117] Nationen (n 28) at 12.
[118] Declaration (n 29) at 7.
[119] ibid.,7.
[120] Annex (n 382).
[121] Bharat H Desai, '14. United Nations Environment Program (UNEP)' (Oxford University Press, 2015).

international law protecting the environment and, when required, collaborate in its continued growth.[122]

Because of their expertise and customs, indigenous people, their communities, and other local communities play a crucial role in environmental management and development.[123] States ought to acknowledge and appropriately support their citizens' identities, cultures, and interests to facilitate their productive involvement in the realization of sustainable development.[124]

The Rio Declaration outlines 27 tenets, including the "integral and interdependent nature of the Earth, "our home". According to the first principle, human beings are the main focus of sustainable development because they have a right to a healthy, productive life in balance with the environment. States are therefore expected to pass environmental legislation under Article 11.[125]

More articles contain formulations of the polluter pays principle (which states are encouraged to adopt where it is in the public interest and it will not distort international trade and investment) and the precautionary principle (which should be "widely applied by states according to their capabilities"; these are identified as principles 15 and 16 respectively. The last rule encourages the other rules to be followed sincerely and cooperatively.[126] A favorable opinion of traditional ecological knowledge is therefore expressed in the Rio Declaration.

Rio Principle 10 is promoted at the national level through international standards for its application. The Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters, also known as the Aarhus Convention, was enforced in 2001 by the United Nations Economic Commission for

[122] Annex (n 382).
[123] ibid.
[124] ibid.
[125] Annex (n 382).
[126] ibid.

Europe (UNECE) to safeguard the right to live in an environment sufficient for each individual's health and well-being.[127]

The Rio Declaration's Principle 10 states that it is best to address environmental concerns with the involvement of all interested persons, at the appropriate level. Consequently, this phrase implies that when all pertinent persons contribute at the proper level, environmental concerns are addressed most effectively. It also makes information more accessible to the general audience.[128] At the federal level, every person must have the right to access environmental information maintained by public authorities, including details on dangerous substances and local activities, as well as the chance to engage in decision-making.[129] States must make information publicly available to promote and enable public knowledge and engagement. It is also necessary to offer efficient access to legal and administrative processes, as well as redress and remedies.[130]

Thus, a fundamental tenet of the management of natural resources is public participation. However, several obstacles prevent the public from participating, including the expense of doing so, time restraints, the worry that the participants might not be fully representative, and the perception that the public is ignorant of sophisticated technical matters.[131]

3.1.9 The Agenda 21

One worldwide tool is Agenda 21. It is a non-binding United Nations action plan on sustainable development. It was approved during the 1992 Rio de Janeiro, Brazil, Earth Summit, also known as the United Nations Conference on Environment and Development (UNCED). A comprehensive plan of action established by the United Nations at the 1992 Earth Summit, Agenda 21 contains provisions intended to manage and conserve natural resources to promote sustainable development.

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[127] Sean T McAllister, 'The Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters' (1999) 10 Colo. J. Int'l Envtl. L. & Pol'y 187.
[128] ibid.,187.
[129] Annex (n 382).
[130] Ibid.
[131] Bengi Akbulut and Ceren Soylu, 'An Inquiry into Power and Participatory Natural Resource Management' (2012) 36 *Cambridge Journal of Economic*s 1143.

The recognition of the right of the public to participate in environmental decision-making processes is a key component of Agenda 21.[132] By tackling numerous environmental and developmental challenges at the local, national, and international levels, Agenda 21 seeks to advance sustainable development. [133] Although it offers a structure for sustainable development methods, it is primarily intended to be a set of principles and suggestions that governments can take into account when formulating policies and developing plans.

The idea that choices impacting the environment should involve the input of impacted communities and individuals rather than only governments or companies is recognized by the right to public participation in the conservation of natural resources.[134] There are many ways that the public can get involved in decision-making, such as through consultation, public hearings, information access, and involvement. Agenda 21 seeks to improve environmental policies and programs' accountability, transparency, and efficacy by bringing the public into the conservation process.[135]

Even though Agenda 21 recognizes the right to public engagement, there is frequently a discrepancy between practice and policy. Communities are frequently under-consulted or excluded from decision-making processes, especially marginalized or Indigenous populations.[136] Timely and reliable information regarding environmental policies, projects, and issues must be made available to the public to ensure meaningful participation. Nonetheless, there are issues with openness and information sharing in a lot of situations, more still Communities might not have the organizational ability, resources, or information

[132] Philippe Sands, 'International Law in the Field of Sustainable Development' (1994) 65 British Yearbook of International Law 303.
[133] 'Agenda 21' (UN Doc A/CONF.151/26/Rev.1 (Vol.I), p 1-505) (1992).
[134] Taako Edema George, Kiemo Karatu and Andama Edward, 'An Evaluation of the Environmental Impact Assessment Practice in Uganda: Challenges and Opportunities for Achieving Sustainable Development' (2020) 6 Heliyon.
[135] Michael A Greenop, 'The United Nations International Law Commission's Draft Articles on Transboundary Aquifers: Making the Invisible Visible?' (2021) 24 Max Planck Yearbook of United Nations Law Online 36.
[136] Aniruddh Vadlamani, 'Volume 2024 Spring Issue'.

necessary to participate in environmental decision-making processes. This may reduce the diversity of viewpoints heard and impede effective involvement.[137]

To ensure that the public's right to participate in environmental decision-making is codified in legislation and properly implemented, governments should seek to strengthen existing legal frameworks, fund initiatives that improve the abilities of local governments, civil society groups, and other organizations, stakeholders that can play a more active role in conservation activities, open data projects, public education campaigns, and neighborhood outreach programs.[138] These are some of the techniques that should be implemented to improve public access to environmental information.

Furthermore, decision-makers should prioritize meaningful engagement with affected communities through participatory measures such as early and inclusive consultation, culturally sensitive communication, and feedback and redress procedures.[139] Indigenous peoples, with their traditional knowledge and intimate relationship to the land, should be recognized as important stakeholders in natural resource conservation efforts. Their rights to land, resources, and self-determination must be respected and safeguarded.[140]

Governments, civil society organizations, and other stakeholders can work together to advance Agenda 21 goals and promote sustainable development for current and future generations by addressing these gaps and implementing strategies to increase public participation in natural resource conservation efforts.

3.2 Regional Legal Framework

Uganda is bound by the legal provisions of the East African Community (EAC), which include the EAC Treaty and various protocols that support public participation and sustainable natural resource management.[141] By offering a platform for collaboration and

[137] Gonzalez, Ernesto DRS, Joseph Sarkis, Donald Huisingh, Luisa H. Huatuco, Nelson Maculan, Jairo R. Montoya-Torres, and Cecilia MVB De Almeida, 'Making Real Progress toward More Sustainable Societies Using Decision Support Models and Tools: Introduction to the Special Volume' (2015) 105 *Journal of Cleaner Production* 1.
[138] Gabriell Caceres and Jasym Mireles Venegas, 'NATIONAL MODEL UNITED NATIONS'.
[139] Alan S Gutterman, 'Stakeholder Engagement' [2023] Available at SSRN 4393164.
[140] Robert T Coulter, 'The Law of Self-Determination and the United Nations Declaration on the Rights of Indigenous Peoples' (2010) 15 UCLA J. Int'l L. Foreign Aff. 1.
[141] Hamudi Majamba, 'Implementing the East African Community Legislative Framework on Management of Environment and Natural Resources'.

coordination among neighboring nations facing comparable environmental issues, regional accords play a crucial role in boosting public involvement in conservation initiatives.[142] This chapter uses case studies and comparative analysis to look at the many approaches that regional authorities have taken to encourage public participation. It also identifies good practices and areas for improvement.[143]

Case studies from many areas show that regional agreements have been essential in promoting public involvement in conservation activities. To ensure public participation in environmental project decision-making and public education, member states should, for instance, adhere to EU norms on environmental impact assessment and public involvement.[144] The Mesoamerican Biological Corridor Initiative in Central America serves as an example of how regional collaboration can boost public engagement in conservation efforts.[145] In addition to ensuring that local stakeholders have a voice in decision-making processes, this project brings together governments, civil society organizations, and local communities to promote sustainable development and biodiversity protection.[146]

3.2.1 Escazú Agreement

Despite being a regional agreement under the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), the Escazú Agreement has significant implications for international environmental law and governance. That's correct! The Escazú Agreement is a regional agreement under the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), also known as the Regional Agreement on Access to Information, Public Participation, and Justice in Environmental Matters in Latin America and the Caribbean.

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[142] Nicola Favretto, Sheona Shackleton, Susannah M. Sallu, Chris Gordon, Nadine Methner, George Outa, Phosiso Sola, Likho Sikutshwa, and Portia Adade Williams, 'Collaboration and Multi-Stakeholder Engagement in Landscape Governance and Management in Africa: Lessons from Practice' (MDPI, 2021).
[143] ibid
[144] Jennifer F Brewer, 'From Experiential Knowledge to Public Participation: Social Learning at the Community Fisheries Action Roundtable' (2013) 52 Environmental management 321.
[145] Mary Finley-Brook, 'Green Neoliberal Space: The Mesoamerican Biological Corridor' [2007] Journal of Latin American Geography 101.
[146] Koen Kusters, Maartje De Graaf, Louise Buck, Katherine Galido, Alphonse Maindo, Heidi Mendoza, Tran Huu Nghi, Edi Purwanto, and Roderick Zagt, 'Inclusive Landscape Governance for Sustainable Development: Assessment Methodology and Lessons for Civil Society Organizations' (2020) 9 Land 128.

Despite its limited reach, it has had an important impact on global environmental policy and governance. The Escazú Agreement exemplifies global leadership in environmental governance and democracy. It acknowledges the right to a healthy environment, access to information, public involvement, and justice as essential human rights, following international human rights standards.[147] It addresses environmental justice and the disproportionate impact of environmental deterioration on disadvantaged groups, such as indigenous peoples and communities. Finally, the pact encourages international collaboration in addressing transboundary environmental concerns such as pollution, climate change, and biodiversity loss.

The Escazú Agreement establishes a high standard for environmental governance and democracy, with global consequences that extend beyond regional boundaries. It also has an impact on global debates and decision-making, helping to shape international environmental law and governance.[148]

The 2012 UN Conference on Sustainable Development led to the Escazú Agreement, the first environmental agreement in Latin America and the Caribbean, recognizing environmental human rights defenders.[149] Michelle Bachelet, UN High Commissioner for Human Rights, emphasized the potential for significant change through the Escazú Agreement during a high-level session with the Economic Commission for Latin America and the Caribbean.[150] The Escazú Agreement is a crucial step towards defending human rights in Latin America and the Caribbean, a region home to 60% of terrestrial life and one of the world's most biodiverse. However, EHRDs face personal danger and criminal prosecution, with 84 of the 167 killed in 2018 being from Latin America.[151]

[147] NU CEPAL, 'Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean. Implementation Guide'.
[148] Maria Theresa Rivera and Alejandro Mate, 'The Escazú Agreement: A New Standard for Environmental Governance and Democracy' (2020) 32 Journal of Environmental Law 5.
[149] Linda Etchart and Linda Etchart, 'Buen Vivir and the Rights of Nature in National and International Law' [2022] Global Governance of the Environment, Indigenous Peoples and the Rights of Nature: Extractive Industries in the Ecuadorian Amazon 57.
[150] NU CEPAL, 'Report of the First Annual Forum on Human Rights Defenders in Environmental Matters in Latin America and the Caribbean'.
[151] Danielle Andrade-Goffe, Carole Excell and Andrea Sanhueza, 'The Escazú Agreement: Seeking Rights to Information, Participation, and Justice for the Most Vulnerable in Latin America and the Caribbean'.

EHRDs face an increased frequency of attacks, intimidations, and murders due to lack of prosecution and investigation, with even Berta Cáceres' case symbolizing impunity in Latin America.[152] The Agreement, negotiated with active civil society participation, is the first environmental treaty involving Latin American and Caribbean countries.

The Escazú Agreement is a historic international framework for environmental issues and human rights protection, aiming to remove barriers and reach vulnerable sectors through affirmative measures, ensuring the full exercise of environmental human rights.[153]

The first treaty of its kind mandates State Parties to uphold environmental human rights, including information access, environmental justice, citizen involvement, and future generations' rights. It aims to ensure non-discrimination, and equality, and protect people's environmental rights for sustainable development.[154]

The Escazú accord, ratified by twelve states, offers hope despite threats and violence against EHRDs. It serves as a model for other countries and empowers individuals to hold governments accountable for environmental protection.[155]

The agreement's delayed acceptance was due to political upheaval, COVID-19, and slow domestic ratification, as well as lobbying and false information about its potential impacts.[156] The Escazú Pact, crucial for EHRDs' human rights protection, requires additional ratification from 12 Latin American and Caribbean states for wider multilateral recognition. The effectiveness of the agreement depends on its successful implementation by each member state, with some governments proposing new legislation to support environmental democracy and human rights preservation.[157]

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[152] Joan Martínez-Alier, 'Women Environmental Defenders Killed around the World', *Land, Water, Air and Freedom* (Edward Elgar Publishing 2023).
[153] Attila Pánovics, 'The Escazú Agreement and the Protection of Environmental Human Rights Defenders' [2021] Pecs J. Int'l & Eur. L. 23.
[154] NU CEPAL, 'Report of the First Meeting of the Conference of the Parties to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean'.
[155] Elisa Morgera, 'Co-Developing a Transformative Interpretation of International Law on the Protection of the Marine Environment and Human Rights: A Reflection on the Experience of the One Ocean Hub' [2024] The Practice of Interpretation in International Law: Unity, Diversity, and Evo.
[156] Saira Naseer, Sidra Khalid, Summaira Parveen, Kashif Abbass, Huaming Song, and Monica Violeta Achim, 'COVID-19 Outbreak: Impact on Global Economy' (2023) 10 Frontiers in public health 1009393.
[157] ibid.

The Escazú Agreement mandates nations to prevent and investigate violence against environmental rights advocates, promote healthy environments, and develop policies for EHRDs' safety. It also promotes access to information and justice in environmental issues. The high number of EHRD deaths is attributed to insufficient transparency in environmental impact decision-making and respect for EHRD rights, including participation and consultation. [158]

The Escazú agreement aims to address environmental issues by ensuring full access to information, justice, and public participation in decision-making processes. Extreme attacks on environmental defenders in Uganda and Africa, targeting indigenous people, rural leaders, and activists, have been fatal in some cases, highlighting the region's need for more commitment to environmental protection. [159]

3.2.2. African Convention on the Conservation of Nature and Natural Resources (Algiers Convention)

The Convention, an international agreement, promotes African conservation initiatives, emphasizing community involvement and cooperation, but does not establish specific laws addressing local community rights.[160] The Algiers Convention emphasizes the importance of local communities in conservation efforts, recognizing the public's right to participate in these efforts through Article 6.

The convention promotes public awareness and education about conservation issues, indirectly encouraging local communities to participate in conservation initiatives by member states.[161] The treaty underscores the necessity for inter-African cooperation in conservation initiatives, urging governments, NGOs, and local populations to collaborate, promoting inclusive decision-making methods.[162]

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[158] Sarah Dávila, 'How Many More Brazilian Environmental Defenders Have to Perish Before We Act? President Lula's Challenge to Protect Environmental Quilombola Defenders' (2023) 47 William & Mary Environmental Law and Policy Review 657.

[159] Jovan Ivan Mugga, Joyeeta Gupta and René Lefeber, 'Shaping Africa's Climate Action through Climate Litigation: An Impact Assessment' (2023) 26 RiA Recht in Afrika| Law in Africa| Droit en Afrique 26.

[160] Achim Steiner, *An Introduction to the African Convention on the Conservation of Nature and Natural Resources* (IUCN 2006).

[161] ibid

[162] Martin Sjöstedt and Amanda Linell, 'Cooperation and Coercion: The Quest for Quasi-Voluntary Compliance in the Governance of African Commons' (2021) 139 World Development 105333.

The Algiers Convention encourages active participation in conservation efforts but lacks specific provisions for local populations' rights. It recommends countries pass legislation for sustainability and community involvement.[163] However, it lacks clear standards and methods to ensure local communities' right to public participation in conservation efforts.

Without clear directions, member states may struggle to implement effective participation procedures and strict enforcement measures. There are insufficient enforcement mechanisms in the pact to ensure that member countries meet the public involvement standards. Because many African countries struggle to offer adequate funding and resources to encourage public engagement in conservation efforts, there may be variations in how different African countries involve local communities in conservation programs. If local communities do not receive adequate money, they may be unable to participate in natural resource decision-making processes.[164]

The Convention acknowledges African cultural and linguistic diversity, but lacks comprehensive coverage, potentially marginalizing certain communities and limiting access to information about conservation initiatives and lacks transparency obligations.[165]

The treaty lacks integration of indigenous knowledge systems into conservation initiatives, potentially compromising efficiency and sustainability. Addressing this requires convention changes or recommendations to protect local people's right to public engagement.[166]

Human rights and environmental instruments are interconnected, ensuring the conservation of resources, safeguarding people's rights, and promoting sustainable development, acknowledging environmental integrity as essential for human rights

[163] Bolanle T Erinosho, 'The Revised African Convention on the Conservation of Nature and Natural Resources: Prospects for a Comprehensive Treaty for the Management of Africa's Natural Resources' (2013) 21 *African Journal of International and Comparative Law* 378.
[164] Carlo Ruzza, 'Civil Society Actors and EU Fundamental Rights Policy: Opportunities and Challenges' (2014) 15 Human Rights Review 65.
[165] Vincent Bohnenblust, 'The EU's Representation at the UNESCO and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions' [2017] Available at SSRN 3033204.
[166] Tero Mustonen and Noora Huusari, 'How to Know about Waters? Finnish Traditional Knowledge Related to Waters and Implications for Management Reforms' (2020) 30 Reviews in Fish Biology and Fisheries 699.

fulfillment.[167] Conservation initiatives must respect individual and community rights, as marginalized populations often face disproportionate environmental deterioration, threatening their access to safe water, food security, and comfortable homes.

Environmental degradation can hinder human rights pursuit due to pollution and climate change displacement. A comprehensive strategy incorporating human rights concepts is crucial for effective environmental governance.[168]

The vital connection between environmental preservation and human rights is fostered by the dynamic intersection of international environmental agreements and human rights instruments.[169] The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, and the Universal Declaration of Human Rights are among the key agreements forming this connection.[170] Environmental well-being is linked to fundamental rights, including life, health, and quality of life. Environmental accords like the Convention on Biological Diversity emphasize the importance of protecting environmental integrity and human rights for a sustainable future.[171]

The Declaration on the Right to Development states,[172] an unalienable human right, the right to development grants everyone the opportunity to engage in, support, and reap the rewards of economic, social, cultural, and political advancement—all of which are necessary for the full realization of fundamental freedoms and human rights. Full sovereignty is a fundamental human right, encompassing the right to self-determination and the exercise of inalienable rights over natural resources and wealth, requiring active citizen participation in resource administration and governance. Member states must work

[167] Jacky Bhagat, Nisha Singh, Norihiro Nishimura, and Yasuhito Shimada, 'A Comprehensive Review on Environmental Toxicity of Azole Compounds to Fish' (2021) 262 Chemosphere 128335.
[168] UN OHCHR, 'Understanding Human Rights and Climate Change', *Submission of the Office of the High Commissioner for Human Rights to the 21st Conference of the parties to the United Nations Framework Convention on Climate Change* (2015).
[169] Rebecca M Bratspies, 'The Intersection of International Human Rights and Domestic Environmental Regulation' (2009) 38 Ga. J. Int'l & Comp. L. 649.
[170] Claude Boucher, 'XXIth IAG General Assembly Report of the Secretary General' (1996) 70 Journal of Geodesy 880.
[171] Dinah Shelton, 'Human Rights and the Environment: What Specific Environmental Rights Have Been Recognized' (2006) 35 Denv. J. Int'l L. & Pol'y 129.
[172] UN General Assembly, 'Declaration on the Right to Development' (1986) 41 Resolution 4.

to improve well-being through meaningful participation and equitable distribution of benefits.[173]

3.2.3 The UNECE Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters (Aarhus Convention)

The Aarhus Convention, signed in 1998 in Aarhus, Denmark, has 47 parties, including 14 states and the European Union. It incorporates Aarhus-style ideas in EU laws, with Monaco and Liechtenstein not ratifying it.[174] The Aarhus Convention, ratified by every EU member state, has been made applicable through amendments to various EU regulations.

(The Aarhus Convention),[175] as an illustration of how well the right to public involvement is recognized.[176] The Aarhus Convention, an international treaty promoting public participation in environmental decision-making, was adopted in 1998 in Aarhus, Denmark, and came into effect in 2001. It is a unique international convention, combines environmental and human rights concerns by creating three environmental procedural rights: access to information, participation in decision-making, and access to justice.[177]

The proposed steps are seen as crucial for promoting participatory environmental policy and decision-making, aligning with principle 10 of the 1992 Rio Declaration on Environment and Development.[178] The Convention aims to uphold the right of every individual to a healthy and promoting environment, both currently and in the future.[179]

The Aarhus Convention safeguards public rights to information, participation, and justice in governmental decision-making, promoting transparency and reliability in environmental regulation. The Aarhus Convention, negotiated by governments and NGOs, aims to strengthen environmental governance, establish a responsive relationship between

[173] ibid

[174] Valentina Rossi Rossi, Carlo Pipitone, Katherine L. Yates, Fabio Badalamenti, Giovanni D'anna, Cristina Pita, and Fátima L. Alves, 'Poor Online Information on European Marine Protected Areas Impairs Public Participation under the Aarhus Convention' (2024) 161 Marine Policy 106012.

[175] Diljá Mist Einarsdóttir, 'Article 9 (3) of the Aarhus Convention'.

[176] Alexandra Xanthaki, 'Indigenous Rights at the United Nations: Their Impact on International Human Rights Standards'.

[177] Dowdeswell, Elizabeth. "International Environmental Law." *Glob. Envtl. L. Ann.* (1994): 65.

[178] Handl (n 295) at 12.

[179] Declaration (n 29).

governments and civil society, and uphold public participation in decision-making processes for justice.[180]

The EC is responsible for ensuring compliance with the Aarhus Convention for its institutions and member states, promoting transparency and openness in environmental decision-making processes, and ensuring public participation, access, and use of these processes.[181]

There is a distinction made between "the public," which refers to all members of civil society, and "the public concerned," which refers specifically to individuals or groups impacted by or engaged in environmental decision-making (such as environmental NGOs).[182] The agreement refers to "public authorities" as governments, international organizations, and privatized entities that perform public functions or are governed by public entities. The private sector, which relies on voluntary, non-mandatory processes for information sharing, as well as entities functioning in judicial or legislative capacities, are not included. [183]

The "non-discrimination" principle, which mandates that all information be provided without taking the applicant's citizenship or nationality into account, the international scope of the convention, and the significance placed on the advancement of public environmental education are further noteworthy provisions.[184]

The European Union and member states have ratified the Aarhus Convention, an unprecedented international agreement that unites environmental and human rights concerns, enhancing access to information, public participation, and justice.[185] It creates three environmental procedural, or "access," rights. The right to justice in environmental

[180] Joyeeta Gupta, *The History of Global Climate Governance* (Cambridge University Press 2014).
[181] Juan R Palerm, 'Public Participation in Environmental Decision Making: Examining the Aarhus Convention' (1999) 1 Journal of Environmental Assessment Policy and Management 229.
[182] Sanne Akerboom and Robin Kundis Craig, 'How Law Structures Public Participation in Environmental Decision Making: A Comparative Law Approach' (2022) 32 Environmental Policy and Governance 232.
[183] Ibid., 232.
[184] Agnes Callamard, 'Expert Meeting on the Links between Articles 19 and 20 of the ICCPR: Freedom of Expression and Advocacy of Religious Hatred That Constitutes Incitement to Discrimination, Hostility or Violence' [2008] Geneva: UNHCHR.
[185] Uzuazo Etemire, 'Insights on the UNEP Bali Guidelines and the Development of Environmental Democratic Rights' (2016) 28 *Journal of Environmental Law* 393.

matters, the right to participate in environmental decision-making, and the right to access information in environmental affairs are these three rights.[186] Building on the tenets of the Rio Declaration on Environment and Development,[187] they offer encouraging and crucial steps toward participatory environmental policy and decision-making.[188] The goal of the Convention is to safeguard everyone's right to an environment that is suitable for their health and well-being, both now and in the future.

The rules of the Aarhus Convention specifically address the following: everyone's right to access environmental information held by public agencies,[189] involvement rights ("public participation") in environmental decision-making),[190] and the right to review processes to contest public choices that have been made without adhering to environmental law generally or the two rights listed above ("access to justice").[191]

To ascertain the precise way the Aarhus Convention tackles issues related to public participation, it is imperative to furnish a synopsis of every article that refers to it. Article 6 governs public participation in environmental decision-making, focusing on specific activities and permitting decisions. Public engagement is necessary and appropriate, and some argue it should only be used to ensure the effective completion of environmental projects.[192]

The public can provide comments, information, and opinions before a public hearing, while authorities can direct questions, hold discussions, and access and examine the information.[193] Article 6 of the Aarhus Convention promotes public participation in environmental matters by outlining activities, public rights, consultation processes,

[186] McLintock (n 449) at 32.
[187] 1992.
[188] Emelie (n 316) at 17.
[189] UNECE, 'UNECE Regulation No. 17' (n 17) Art 4
[190] Prasanna Balaji Thiyagarajan, 'Non-Linear Finite Element Analysis and Optimization for Light Weight Design of an Automotive Seat Backrest' (Clemson University, 2008).
[191]UNECE, 'UNECE Regulation No. 17' (n 17) Art 9, 12.
[192] Ben R Newell Newell, Rachel I. McDonald, Marilynn Brewer, and Brett K. Hayes, 'The Psychology of Environmental Decisions' (2014) 39 Annual review of environment and resources 443.
[193] Lucie Laurian, 'Public Participation in Environmental Decision Making: Findings from Communities Facing Toxic Waste Cleanup' (2004) 70 Journal of the American Planning Association 53.

examination access, inquiries, and considerations before, during, and after environmental decisions.[194]

Parties can decide whether activities not included in Annex 1 should involve public involvement concerns with a significant environmental impact, based on their judgment.[195] The definition of a "significant effect" is unclear, and public participation is at the parties' discretion. Article 6's provisions on public engagement aren't mandatory.[196] The state sets environmental decision-making parameters, but the public and state differ on this, particularly when the former perceives a harmful activity while the latter doesn't.[197]

Article 7 mandates public involvement in the creation of environmental plans, programs, and policies.[198] Article 8 mandates parties to ensure "effective public participation" in the creation of executive rules by public authorities, including the necessary actions. [199]The public's involvement in the development of executive rules and normative instruments is crucial but often disagreed upon by the state. Articles 7 and 8 require effective public participation in environmental plans, programs, and policies, and parties must ensure this participation.[200]

European countries have ratified the Aarhus Convention and adhere to UN entities like the OHCHR, promoting public participation in natural resource protection. However, exclusive environmental decision-making can undermine social ties, cause communication breakdowns, and escalate tensions, potentially intensifying conflict.[201]

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[194] Luc Lavrysen, 'An Introduction to the Aarhus Convention', *International Conference on the Practical Implementation of the Aarhus Convention* (2009).
[195] McAllister (n 399).
[196] Giacomo Gattinara and Magnus Noll-Ehlers, 'The Scope and Requirements of Public Participation in EU Environmental Law', *Sustainability through Participation?* (Brill Nijhoff 2023).
[197] Benjamin J Richardson and Jona Razzaque, *Public Participation in Environmental Decision Making* (SSRN 2011).
[198] McAllister (n 399) at 27.
[199] Ole Windahl Pedersen, 'European Environmental Human Rights and Environmental Rights: A Long Time Coming' (2008) 21 Geo. Int'l Envtl. L. Rev. 73.
[200] McAllister (n 399) at 37.
[201] Benjamin Richardson, Julia Razzaque & Peter S Omoyefa, 'The Conflict Between Environmental Rights and Human Rights' (2006) 123.

On the other hand, well-executed access rights can contribute to providing a voice in environmental decision-making to all stakeholders, especially disadvantaged and vulnerable groups, and fostering peaceful and sustainable settings for all.[202]

Sustainable development necessitates active public and commercial sector involvement, as outlined in "The Future We Want" and Goal 16 of the 2030 Agenda for Sustainable Development. [203] Public involvement is crucial for sustainable development, with international organizations emphasizing effective interaction. Rio Conference preparations encouraged participation from non-governmental organizations and economic interests, while the Global Forum of Rio reflected global popular opinion on ecosystem protection. The Rio Declaration emphasizes the importance of involving various demographic groups, including women, youth, indigenous peoples, and local communities, in addition to Principle 10.

Destructive conflict can be avoided when Aarhus's environmental access rights are effectively put into practice.[204] Participation in decision-making, information availability, and access to justice are essential components of inclusive, egalitarian, and peaceful environmental governance.[205] If properly implemented, access rights can offer several opportunities for the productive resolution of conflicts about the environment, including the dissemination of pertinent information that is available to all parties involved, early and meaningful opportunities for public participation that are taken into consideration by public authorities, and an easily accessible and reasonably priced means for individuals to have their complaints heard and addressed.[206]

Since climate change is an environmental issue that the public is affected by and ought to be involved in, it is contended that the Aarhus Convention's tenets apply to the UN

[202] Áine Ryall, 'A Brave New World: The Aarhus Convention in Tempestuous Times' (2023) 35 *Journal of Environmental Law* 161.
[203] Mayo Fuster Morell, Ricard Espelt and Melissa Renau Cano, 'Sustainable Platform Economy: Connections with the Sustainable Development Goals' (2020) 12 *Sustainability*.
[204] Lynn Finnegan , "The Aarhus Convention and the Prevention of Destructive Conflict" (' (2014) 12 *Journal of International Environmental Law* 1.
[205] Jens Newig and Eva Kvarda, 'Participation in Environmental Governance: Legitimate and Effective?', *Environmental governance* (Edward Elgar Publishing 2012).
[206] ibid

Climate Change Regime.[207] Though it is effective, the Aarhus Convention is primarily a restricted, retroactive tool. Yet a more preemptive, proactive instrument is required in the context of climate change. Some scholars[208] accurately state that while the Aarhus Convention effectively encourages openness and public access to information, decision-making processes must strike a balance between impact and clarity. This is not to argue that comprehensive environmental protection has not benefited from the Aarhus Convention. The absence of environmental access rights in legal frameworks increases the likelihood of exclusive decision-making that disregards the goals of local populations.[209] Stakeholder exclusion in decision-making can lead to unmet needs, vulnerabilities, and environmental injustice, potentially causing violent clashes and bloodshed. This risk is particularly relevant in situations affecting the local population's livelihoods, health, and well-being.

3.2.4 The East Africa Community Protocol on Environment and Natural Resources Management [210]

The EAC Protocol aims to establish rules for Partner States to cooperate in managing environmental and natural resources in their respective regions, including wildlife habitats, water, fisheries, minerals, energy, and tourism.[211]

The Protocol's implementation principles include poverty elimination, environmental cooperation, sustainable development, public participation, informed consent, information sharing, and environmental audit and monitoring for transboundary impact. This involves environmental auditing, monitoring projects, regulations, and operations, and managing the environment and natural resources.[212]

Article 34 safeguards public rights to justice, information, and participation, requiring Member States to establish common laws, policies, and programs for environmental

[207] Sébastien Duyck, 'Promoting the Principles of the A Arhus C Onvention in International Forums: The Case of the UN Climate Change Regime' (2015) 24 Review of European, Comparative & International Environmental Law 123.
[208] Zhao and Butcher (n 165) at 33.
[209] Julius N Mwabu, 'East African Community (EAC) Integration and Environmental Management' (University of Nairobi, 2014).
[210] ibid.
[211] ibid.
[212] Majamba (n 413) at 18.

management, justice, and information access.[213] The Partner States are required to foster an environment that encourages the involvement of various stakeholders in environmental and natural resource management. The public's involvement in natural resource management and governance is crucial, as resource curses, poverty, and war can arise from abundant resources, despite trade accounting for significant income in many developing countries.[214]

Therefore, prioritizing public participation in conservation requires a comparative analysis to understand the advantages and disadvantages of different local strategies.[215] This chapter explores the role of institutional procedures, cultural contexts, and legislative frameworks in identifying areas for development and highlighting best practices for replication elsewhere.

The study highlights the importance of specialized approaches and regional agreements in enhancing public participation in conservation efforts, highlighting the need for regional organizations to learn from successful projects.

3.2.5 ILO Convention[216] (Indigenous and Tribal Peoples Convention)

In 1989, the International Labor Conference of the ILO enacted Convention No. 169, establishing the rights and obligations of indigenous and tribal peoples in nation-states.[217]

The Rio Declaration emphasizes the importance of consulting indigenous and tribal peoples on environmental issues, urging all citizens to participate in relevant environmental management. [218] Federally, individuals should have access to environmental information from public authorities, including hazardous materials and community activities, and participate in decision-making processes, while states should ensure effective access to legal and administrative processes,[219] the 1994 Desertification

[213] Uganda Constitution 1995 34(1), 25.
[214] Volker Lehmann, 'Natural Resources, the Extractive Industries Transparency Initiative, and Global Governance' (2015).
[215] Chutarat Chompunth, 'An Evaluation of the Public Participation Practice in Environmental Development Projects in Thailand: A Case Study of the Hin Krut Power Plant Project' (University of East Anglia, 2011).
[216] No. 169
[217] Martin Flynn, 'Aboriginal Interaction with the Criminal Justice System of the Northern Territory. A Human Rights Approach' (UNSW Sydney, 1998).
[218] Declaration (n 29) at 12.
[219] Annex (n 382).

Convention and the 1992 United Nations Framework Convention on Climate Change are significant international agreements aimed at addressing climate change.[220]

The Convention respects indigenous peoples' customs, rights to land and resources, and freedom to establish development objectives, aiming to eliminate discriminatory practices and promote participation and consultation in daily decision-making.[221] Indigenous and tribal peoples, comprising 15% of the world's impoverished population, are found in over 70 countries. ILO Convention No. 169 provides objective and subjective standards to determine their identities within a nation, referring to both groups inclusively and granting them the same rights.[222]

Indigenous peoples, often referred to as Adivasis, mountain dwellers, hill tribes, and hunter-gatherers, are registered in various nations and their rights are universal human rights.[223] Indigenous children have equal rights to education, but programs should consider their unique histories, languages, cultural knowledge, values, and ambitions, contextualizing them to their circumstances.[224] The Convention provides special measures to ensure equality between Indigenous peoples and other community segments but does not advocate for preferential treatment over other groups.

The ILO prioritizes indigenous peoples' plight, establishing labor standards like the ILO Forced Labour Convention, 1930, inspired by discrimination and exploitation of indigenous workers.[225] In the 1950s, the ILO enacted the Indigenous and Tribal Populations Convention to address the long-standing discrimination and injustice faced

[220] United Nations Framework Convention on Climate Change Secretariat, *United Nations Framework Convention on Climate Change* (UNFCCC 1992).
[221] Amy Schwebel, 'International Law and Indigenous Peoples' Rights: What Next for the Chagossians' [2018] Fifty Years of the British Indian Ocean Territory: Legal Perspectives 319.
[222] Giada Giacomini, 'Participatory Rights, Conservation and Indigenous Customary Law', *Indigenous Peoples and Climate Justice: A Critical Analysis of International Human Rights Law and Governance* (Springer 2022).
[223] Athanasios Yupsanis, 'ILO Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries 1989–2009: An Overview' (2010) 79 Nordic Journal of International Law 433.
[224] Jesster P Eduardo and Arneil G Gabriel, 'Indigenous Peoples and the Right to Education: The Dumagat Experience in the Provinces of Nueva Ecija and Aurora, in the Philippines' (2021) 11 Sage Open 21582440211009492.
[225] Russel Lawrence Barsh, 'An Advocate's Guide to the Convention on Indigenous and Tribal Peoples' (1990) 15 Okla. City UL Rev, 209.

by these people.[226] Convention No. 107, the first international agreement on indigenous peoples' rights, is still in effect in 17 nations, emphasizing the importance of consulting indigenous and tribal peoples on their rights.

The Rio Declaration principle emphasizes that environmental issues should be effectively addressed through the active participation of all relevant citizens.[227] Federally, individuals should have access to environmental information from public authorities, including hazardous materials and community activities, and participate in decision-making processes. States should make information accessible, as per UNFCC's 1992 Framework Convention on Climate Change.[228]; as well as the Convention on Desertification of 1994.[229]

3.3 Domestic Legal Framework

The focus is on passing legislation to establish a robust legal foundation for environmental management, with the assumption that legislative action is the sole method for enacting environmental laws.[230]

Uganda's judicial system is governed by three main laws: The Judicature Act,[231] the Magistrates Courts Act,[232] and the 1995 Constitution, which grant courts the power to apply various legal principles. Ugandan law has implemented checks and balances in environmental management, but the question remains whether these links have been established with the current regulatory framework.[233]

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[226] Benedict Kingsbury, 'Indigenous Peoples in International Law: A Constructivist Approach to the Asian Controversy' (1998) 92 *American Journal of International Law* 420.
[227] Marcos Orellana, 'Governance and the Sustainable Development Goals: The Increasing Relevance of Access Rights in Principle 10 of the Rio Declaration' (2016) 25 *Review of European, Comparative & International Environmental Law* 50.
[228] Annex (n 382).
[229] Philippe Sands, 'The United Nations Framework Convention on Climate Change' (1992) 1 Rev. Eur. Comp. & Int'l Envtl. L. 270.
[230] Peter R Baehr, "The Role of Law in Environmental Management" in JE Carroll (Ed),' (1995) 37 *International Environmental Law: Multilateral Treaties* 40.
[231] David Luvaluka, 'An Analysis of the Concept of Judicial Independence in Uganda in the Context of Post 1995 Constitution'.
[232] Joe Oloka-Onyango, 'Uganda', *Human Rights in Development, Volume 3* (Brill Nijhoff 1996).
[233] Julius A Mwanga, 'Environmental Law in Uganda: Problems and Prospects' (2005) 1 Uganda Journal of Law and Development 7.

Uganda has passed national regulations allowing citizens to participate in environmental decision-making. One such statute is the National Environment Act. Furthermore, the Ugandan Constitution compels the government to defend the right to a clean and healthy environment and to involve citizens in environmental issues.[234]

This chapter examines the effectiveness of national laws in promoting environmental governance, evaluating their effectiveness in promoting inclusion, empowering communities, and enhancing environmental governance across diverse geographic locations.[235] This section evaluates the effectiveness of national legal frameworks in achieving their goals, focusing on community empowerment, inclusion, and environmental outcomes. It emphasizes the need for robust legislative procedures and continuous monitoring.

3.3.1 The Constitution of the Republic of Uganda.[236]

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

The Constitution's National Objectives and Directive Principles of State Policy (NODPSP) mandates a state founded on democratic principles, promoting citizen involvement in governance. [237] Articles of the Constitution [238] mandate the preservation of the environment, granting every Ugandan the right to sue for issues like improper waste disposal or pollution.[239]

[234] Annet Nakito, 'An Appraisal of the National Environment Management Authority (NEMA) in Preserving Uganda's Wetlands in Kampala District' (Kampala International University, School of Law, 2018).
[235] Loretta A Feris, 'The Role of Good Environmental Governance in the Sustainable Development of South Africa' (2010) 13 *Potchefstroom Electronic Law Journal* 73.
[236] 1995
[237] Erica Bussey, 'Constitutional Dialogue in Uganda' (2005) 49 *Journal of African law* 1.
[238] The 1995 Constitution of Uganda art.39 and 41
[239] Manisuli Ssenyonjo, 'The Domestic Protection and Promotion of Human Rights under the 1995 Ugandan Constitution' (2002) 20 *Netherlands Quarterly of Human Rights* 445.

The Judicature Act[240] , Magistrates Courts Act[241] , and Uganda's Constitution outline Ugandan courts' rules, allowing them to apply various legal sources, including equity and customary law, which are crucial for sustainable development concepts.[242]

Ugandan law may have implemented checks and balances for environmental management, but there is a need for a connection between environmental management and the existing regulatory framework.[243]

The Constitution of Uganda promotes environmental conservation and sustainable development, aiming to raise public awareness about the importance of managing land, air, and water resources for present and future generations.[244]

Uganda's 1995 Constitution guarantees fundamental liberties and benefits to citizens, including promoting citizen participation in governance. [245] This legal right allows individuals to directly or through representatives to influence policy formation and decision-making.[246]

The Constitution guarantees the right to obtain information necessary for participation,[247] outlines democratic principles for state policy, promoting active citizen participation in governance at all levels, [248] and outlines decentralization as a principle involving all levels of local government, particularly higher to lower units, to ensure democratic control in decision-making.[249]

The Local Governments Act and other laws regulate social service delivery, while the Constitution establishes organizations for public participation and government accountability.[250] Public participation in governance is influenced by factors like political

[240] Jamil D Mujuzi, 'Construing Pre-1995 Laws to Bring Them in Conformity with the Constitution of Uganda: Courts' Reliance on Article 274 of the Constitution to Protect Human Rights' (2022) 22 *African Human Rights Law Journal 5*20.
[241] The Magistrates Courts Act, Cap 16, 1970, (Uganda); Statutory Instrument No 36 of 1970.
[242] Feris (n 508).
[243] M Mwanga (n 505).
[244] Ssenyonjo (n 510).
[245] The 1995 Constitution of Uganda art 38.
[246] M Mwanga (n 505).
[247] The 1995 Constitution of Uganda art 41.
[248] Oloka-Onyango (n 504).
[249] Constitution of the Republic of Uganda 1995, art 176(2)(b).
[250] Constitution of the Republic of Uganda 1995, arts 176-187; Local Governments Act 1997, ss 30-40;

culture, civic education, information accessibility, and responsiveness of government institutions, which include Parliament and local government offices.[251]

The Ugandan Constitution of 1995, a crucial law, establishes the state's administration on democratic principles, promoting citizen participation in governance, as part of the National Objectives and Directive Values of State Policy.[252] This is in addition to the need that "the State shall be guided by the principle of decentralization and devolution of governmental functions and powers to the people at appropriate levels where they can best manage and direct their affairs."[253] The NODPSP further states that the majority of government members must reflect the country's social diversity and general national character.[254]

Public offices are held in trust for the people, and requires lawful measures to identify, oppose, and eradicate corruption and power abuse by those in political positions.[255] This provision enhances service accessibility and empowers citizens to hold leaders accountable, thereby defending the public's right to participate in programs preserving natural resources. Uganda's decentralized administration focuses on increasing citizen participation in governance, ensuring democratic control in decision-making across all levels of local government units, as per the Constitution.[256]

The Ugandan constitution mandates the state to protect critical natural resources like land, water, wetlands, forests, and wildlife for public welfare and public benefit.[257]

The Constitution also requires Uganda's natural resources to be responsibly managed to meet the environmental development and preservation needs of current and future generations.[258] The Ugandan Constitution mandates the government to protect key

[251] Mujuzi (n 511) at 87.
[252] Richard Opio, 'Critical Analysis on the Law and Practice of the Judicial Independence In Uganda since the Promulgation of the 1995 Constitution. A'.2013
[253] ibid.
[254] ibid
[255] The 1995 Constitution of Uganda Objective XXVI.
[256] Ssenyonjo (n 510) at 31.
[257] Constitution of the Republic of Uganda 1995, art 237.
[258] ibid.

natural resources like land, water, minerals, oil, animals, and plants, requiring them to take reasonable precautions to minimize harm and destruction caused by pollution.[259]

The Constitution requires Parliament to establish legislation to manage the environment for sustainable development, avoid pollution, abuse, and deterioration, and raise public awareness of environmental issues.[260] The National Environment Act,[261] the Water Act,[262] the Forest and Tree Planting Act,[263] the Local Governments Act,[264] and the Wildlife Act,[265] among others, have already implemented this.[266]

Article 237(b) of the constitution states that "natural lakes, rivers, wetlands, forest reserves, national parks, and any land to be reserved for ecological and tourism purposes for the common good of all citizens shall be held in trust for the people and protected by the national government and local governments, as determined by law."[267]

The Constitution served as the legal framework for both the 1995 and 2019 National Environment Acts. According to this right, everyone, including the government, is responsible for environmental protection. In this instance, anyone can make a complaint claiming that their right to a respected and healthy environment has been violated.[268]

The right to information is guaranteed under the Constitution and is essential for effective public participation.[269] Citizens may participate in decision-making processes and be informed about environmental issues when they have access to information.[270]

The judgment of Okello, JA in Zachary Olum and Others v. Attorney General highlights the connection between the right to information and the right to participate in a free and democratic society, which is characterized by informed citizens' consent and commitment

[259] Constitution of the Republic of Uganda 1995, 237-238.
[260] The 1995 Constitution of Uganda art 245.
[261] The National Environment Act 2019 (Uganda), ss 1-5.
[262] The Water Act 2019 (Uganda), ss 1-5.
[263] The Forest and Tree Planting Act 2003 (Uganda), ss 1-5.
[264] The Local Governments Act 1997 (Uganda), ss 1-5.
[265] The Wildlife Act 2019 (Uganda), ss 1-5.
[266] Constitution of the Republic of Uganda 1995, art 245.
[267] Constitution of the Republic of Uganda 1995, 245.; Objective XIV.
[268]Constitution of the Republic of Uganda 1995, 50.
[269] The 1995 Constitution of Uganda art 38.
[270] Constitution of the Republic of Uganda 1995, 38.

to protecting all rights, as further reinforced in the Saleh Kamba v. Attorney General case.[271] when the constitutional court ruled that the freedom to participate is intended to increase transparency and accountability across all departments of government. the constitutional court ruled that the freedom to participate is intended to enhance accountability and transparency in all government organs.

The Constitution recognizes the right to participate, but it does not specify how or under what conditions local communities can participate in natural resource management. This ambiguity makes it difficult to engage in fruitful discussion. Furthermore, even where the Constitution requires public engagement, these rights are rarely fully protected, giving authorities the freedom to minimize or ignore popular participation in conservation initiatives.[272]

There is conflict between local communities and the government or corporate entities that use natural resources. This power dynamic marginalizes local voices, preventing them from fully participating in decision-making processes.[273] Furthermore, due to limited access to information about these decisions, individuals find it difficult to hold decision-makers accountable or to participate in proper natural resource management decisions.[274]

Furthermore, the Constitution lacks strong procedures for resolving conflicts over natural resource protection among local communities, government agencies, and business interests. This may stymie conservation efforts and lead to lengthy arguments.[275]

To close these gaps, institutional strengthening, increased transparency, and empowering local populations to actively participate in natural resource conservation

[271] Saleh Kamba v Attorney General [2017] UGHC 242, 12-15.
[272] Kwizera David & Asasira Hillary, 'Article 29 Threatened: A Critical Dissection of Various Laws Passed That Undermine Fundamental Freedoms of Speech, Expression & Assembly' (2020) 1 Ugandan Journal of Law and Human Rights 5.
[273] Isaac Christopher Lubogo, *The Executive Constitutional Mandate: Demystifying the Fountain of Honor; Presidential Powers Overreach in Uganda* (Jescho publishing house 2021).
[274] Ratner, Blake D, Ruth Meinzen-Dick, Candace May, and Eric Haglund BD, 'Resource Conflict, Collective Action, and Resilience: An Analytical Framework' (2013) 7 Environmental Research Letters 183.
[275] Sanginga, Pascal C, and Rick Kamugisha, 'The Role of Social Capital and Local Policies in the Highlands of South-Western Uganda"' (2009) 14 *Journal of Sustainable Development and Environmental Protection* 210.

decision-making processes are essential, in addition to legal reforms.[276] This can include enacting relevant legislation, building community capacity, increasing collaboration and communication among stakeholders, and ensuring that accountability measures are in place.[277]

3.3.2 National Environment Act 2019 [278]

The National Environment Act[279] repealed National Environment Act[280]. The 2019 Act included new restrictions and recommendations to address environmental concerns such as plastic use, toxic chemicals, biodiversity offsets, and climate change.

The 1998 Environmental Impact Assessment Regulations and the 2019 National Environment Act provide Uganda's legislative framework for public involvement in natural resource conservation.[281] These rules safeguard the rights of the community and lay the groundwork for their participation in conservation efforts. Uganda's whole legal framework for environmental preservation is outlined in the National Environment Act. It lays out the principles and requirements for sustainable development, which include safeguarding natural resources.[282]

Public participation is usually emphasized in environmental impact assessments and strategic environmental assessments to include communities and stakeholders in natural resource management-associated procedures for making decisions.[283] To address increasing environmental challenges such as climate change, hazardous chemical management, and biodiversity, this Act repealed, replaced, and changed Uganda's existing environmental management legislation. It also preserves the National Environment Management Authority's responsibility as the organization in charge of coordinating, monitoring, regulating, and supervising all environmental operations.

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[276] 'State of the Environment Report (Uganda)', (2019).
[277] Antoine Heuty, 'The Role of Transparency and Civil Society in Managing Commodities for Inclusive Growth and Development' [2002] in Commodity Price Volatility and Inclusive Growth in Low-Income Countries.
[278] Act No of 2019
[279] National Environment Act of 2019
[280] Cap 13
[281] George, Karatu and Edward (n 406).
[282] Kenneth Kakuru, Rachel Odoi Musoke and Irene Kyakuwaire, 'A Guide To The Environment Impact Assessment Process In Uganda.' [2001] Sustainable Development Series No. I, Green Watch, Kampala.
[283] Ross Hughes, 'Environmental Impact Assessment and Stakeholder Involvement'(1998).

The National Environment Act[284] introduces the participation principle, which invites Ugandans to contribute to the development of environmental management plans, strategies, and programs,[285] The Minister may declare a special conservation area under this Act by statutory instrument, subject to consultation with the local council and the community in whose area the proposed special conservation area will be located on ecosystem protection and biological diversity conservation, on the advice of the Authority or lead agency, and with Parliament's approval.[286] Numerous countries give the right to public participation through sector-specific legislation adapted to the special demands of various businesses, or through environmental and social impact assessment procedures that include significant public input. Local communities may be allowed the right to participate in decision-making processes involving natural resource conservation and management. Public hearings, neighborhood gatherings, and participation in major decision-making groups are some instances of this.[287]

The National Environment Act emphasizes the need for public involvement in environmental management. It directs the National Environment Management Authority (NEMA) to enhance public awareness of environmental issues and encourage participation in decision-making. Furthermore, it establishes the legal framework for Uganda's environmental governance. It addresses environmental impact evaluations, biodiversity protection, and waste management. The Act emphasizes public engagement in environmental decision-making. [288]

An environmental impact assessment (EIA) is a rigorous process that studies a proposed project's potential effects, evaluates alternatives, and develops suitable mitigation, control, and monitoring measures. It considers associated socioeconomic, cultural, and human health implications, both positive and negative.[289]

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[284] The National Environment Act 2019 Section 5(2)(a)
[285]National Environment Act 2019 (Uganda), s 5(2)(a).
[286] National Environment Act 2019 (Uganda), ss 5(2)(i), 50, 51(2) (a-b).
[287] Steelman, Toddi A., and William Ascher. "Public involvement methods in natural resource policy making: Advantages, disadvantages and trade-offs." *Policy Sciences* 30, no. 2 (1997): 71-90.
[288] The National Environment Act (Uganda) (No 5 of 2019) ss 4, 5, and 6.
[289] George, Karatu and Edward (n 406) at 13.

The Act outlines the fundamental conditions for performing an EIA.[290] According to these standards, the project developer must conduct an environmental impact assessment (EIA) to avoid or mitigate any negative environmental consequences. The EIA Framework of 1998 provides additional information on Uganda's EIA responsibilities. The EIA Public Hearing Guidelines, which explain the public notice and comment procedures for EIAs, were also released in 1999.

Uganda's National Environment Act establishes a robust legislative framework for environmental preservation. It defines the concepts and requirements for sustainable development, which include protecting natural resources.[291] Environmental impact assessments and strategic environmental assessments typically emphasize public engagement as a means of involving stakeholders and communities in natural resource decision-making processes.[292]

This Act establishes institutional frameworks with clearly defined functions and responsibilities at all levels, from national to local. In addition, this statute established the National Environment Management Authority (NEMA).[293]

To ensure the effectiveness of the National Environment Act, several additional laws have been enacted, including the Uganda Wildlife Act,[294] the Water Act,[295] the Land Act,[296] the Forest and Tree Planting Act,[297]and the Local Governments Act.[298]This law establishes and governs Uganda's local governments. Local governments play a crucial role in district-level conservation and natural resource management.

Local governments and efforts also help to conserve natural resources. Local governments frequently oversee the implementation of federal regulations at the local

[290] The 2019 National Environmental Act parts 4(3), 5(2)(g), 5(2)(i), 5(2)(j), and Pat X (parts 110-116 on EIA).
[291] National Environment Act 2019 (Uganda), Parts VII-VIII.
[292] Hughes (n 549) at 11.
[293] George, Karatu and Edward (n 406) at 20.
[294] (2019)
[295] (1995)
[296] (1998).
[297] (2003).
[298] (1997).

level, and they have procedures in place to encourage public engagement in natural resource decision-making.[299]

3.3.3 National Forestry and Tree Planting Act.[300]

This act establishes the National Forestry Authority and stresses community involvement in forest management and protection. Uganda's Forest Act focuses on the long-term management and conservation of forest resources. To ensure the sustainable use and conservation of forest resources, it includes methods for community engagement in forest management, such as community forestry programs. In these projects, residents participate in forestry and natural resource management decision-making. Community woods are one of the most important natural resource bases, particularly due to their historical and contemporary relevance as a source of food for communities.[301] As a result, forest management should be a collaborative effort between individuals and community groups, to benefit all community members, while considering their means of sustenance, kinship family structure, customs, beliefs, authorities, and laws. [302]

The Act also governs Uganda's tree-planting and forestry efforts, as well as the long-term conservation and management of the country's forest resources, such as community participation in forest management, logging rules, and forest reserves.[303]

The National Forestry and Tree Planting Act emphasizes the need for community involvement in forest management. It encourages the formation of community forest associations to aid in long-term resource management and protection.[304] It further allows for the issuance of permits for community tree planting and harvesting,[305] encouraging increased community participation in forestry activities.[306] In addition to establishing the

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[299] ibid.
[300] (2003)
[301] Otieno A Charles, 'Politics and Compliance with the Uganda Forestry Policy 2001'.
[302] Boonmee Totum and Sanya Kenaphoom, 'The Community Rights of the Natural Resources and Community Forests Management and Utilization.' (2021) 20 Ilkogretim Online.
[303]The National Forestry and Tree Planting Act (Uganda) (No 8 of 2003) ss 3, 5, and 15.
[304] Juan M Pulhin, Makoto Inoue and Thomas Enters, 'Three Decades of Community-Based Forest Management in the Philippines: Emerging Lessons for Sustainable and Equitable Forest Management' (2007) 9 International Forestry Review 865
[305] National Forestry and Tree Planting Act (2003) Sections 13 and 16.
[306]National Environment Act 2019 (Uganda), ss 13-16.

National Forestry Authority, it promotes community participation in forest management and maintenance.

3.3.4 The National Climate Change Act

The National Environment Act[307] is an essential element of Ugandan legislation governing environmental management and conservation. It provides laws for protecting the environment from degradation, pollution, and other harmful activities, as well as a legislative framework for sustainable natural resource management.

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

The Uganda Climate Change Act governs how the country responds to climate change. Giving effect to the UN Framework Convention on Climate Change, the Kyoto Protocol, and the Paris Agreement is one of the Act's stated goals. The Act makes these agreements legally binding in Uganda.[308]

The Act demands the creation of a Framework Strategy for Climate Change[309], as well as National and District Climate Action Plans.[310] It also includes instructions for establishing a foundation for transparency. The Framework Strategy on Climate Change will enable the government to plan, budget, and track the progress of climate change projects and activities.[311]

Most systems allow for public input that is both relevant and legally enforced. The Witwatersrand Local Division of the High Court of South Africa reversed the mining permission in *Save the Vaal v. The Director of Mineral Development Gauteng Region*

[307] The National Climate Change Act, 2021, (Uganda); Statutory Instrument No 14 of 2021.
[308] National Climate Change Act 2021 (Uganda), s 4.
[309] National Climate Change Act 2021 (Uganda), s 5.
[310] National Climate Change Act 2021 (Uganda), s 6.
[311] National Climate Change Act 2021 (Uganda), s 5(2).

et[312] *al because* the petitioner was entitled to a hearing before the agency granted the license, as in *Director: Mineral Development, Gauteng Region and Others v. Save the Vaal Environment and Others (133/98). (1999) 12 March 1999, ZASCA 9; [1999] 2 All SA 381 (A)* [313]The Act also states that when developing the Framework Strategy on Climate Change, the Department in charge of climate change must consider Indigenous peoples' and scientists' knowledge of the subject, as well as the specific needs of marginalized and vulnerable groups in terms of resilience and adaptation.[314]

3.3.5 The Land Act.[315]

The Land Act of 1998 was replaced in Kenya with the Land Act of 2012. The Land Act of 2012 was enacted to establish mechanisms for resolving land-related problems and to facilitate long-term management and administration of land and land-based resources. Its goals were to improve land administration and management, ensure fair access to resources and land, and promote sustainable development.

Uganda's Environmental Impact Assessment (EIA) procedure is governed by the 2019 National Environment Act. NEMA must incorporate the public in the preparation of EIAs for any projects with a significant environmental effect. According to this legislation, public involvement is a crucial aspect of the EIA process since it allows impacted communities and stakeholders to express their concerns and provide suggestions for projects that may have an environmental impact. Throughout the EIA process, the public is entitled to access information, provide feedback, and attend public hearings.[316]

This Act establishes Uganda's statutory underpinning for environmental management. It includes subjects such as waste management, biodiversity preservation, and environmental impact assessments.[317]

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[312] High Court of South Africa Case Nao. 97021011; of Judicial Decisions In Compendium, 'National Decisions'.
[313] Redmond-Bate v Director of Public Prosecutions [1999] 7 BHRC 375, D Swarbrick, 'Redmond-Bate v Director of Public Prosecutions' [2016] ADMN 23 Jul 1999.
[314] S.3(b)
[315] (1998)
[316] National Environment Management Act 2019 (Uganda), s 24(1)-(3), 26-27, pp 12-15.
[317] National Environment Management Act 2019 (Uganda), pp 1-5.

The statute emphasizes public engagement in environmental decision-making. The Environmental Impact Assessment (EIA) is an analytical process that methodically assesses the likely environmental and social impacts of a proposed project, weighs alternatives, and designs appropriate mitigation, management, and monitoring measures while considering interrelated socioeconomic, cultural, and human health impacts (both positive and negative).[318]

The Act recognizes customary land tenure, which often includes cooperative community ownership and administration of land and natural resources. This phrase respects the local citizens' commitment to environmental protection. Furthermore, it allows the formation of community land associations, which have the authority to cooperatively manage and use natural resources and property. This clause encourages local participation in decisions on natural resource preservation.

The Act protects the rights of valid and legitimate tenants, particularly those from communities that have historically occupied and used the site for conservation reasons. This section mandates community consultation on land use and management issues. Natural resource conservation is indirectly supported by the Act's environmental protection measures, which have nothing to do with public involvement. These regulations provide standards for land use planning and environmental impact assessments.[319]

The Ugandan Land Act allows local communities to actively participate in the protection of their natural resources by making exceptions to the restrictions. [320]

Most importantly, the Act lacks any mechanisms that would allow community members to actively participate in the decision-making process on natural resource conservation. While it respects traditional land tenure systems, it does not provide specific direction on how communities should actively participate in conservation efforts.[321] Furthermore, while the Act provides some rights to local communities, there are insufficient enforcement

[318] Ibid.
[319] National Environment Management Act 2019 (Uganda), s 32-35, pp 20-22.
[320] Land Act 2010 (Uganda), s 45(2)-(3), p 25.
[321] Land Act 2010 (Uganda), ss 5-10, p 31.

measures in place to ensure that these rights are upheld. It may be difficult to defend local interests in protected areas as a result.[322]

The Act fails to adequately respect indigenous populations' rights to their ancestral lands and natural resources. Their lack of acknowledgment makes it harder for them to participate in conservation initiatives and exacerbates disagreements about resource allocation and land use.[323] Worse, community consultation is often insufficient in land use and natural resource management decision-making procedures. By making decisions that contradict the goals and mandates of conservation projects, residents are discouraged from participating in them.[324]

Uganda may review and amend the Land Act to include explicit provisions for community participation in decision-making processes, ensuring that local communities' rights and interests in natural resource conservation are prioritized. Local communities can also benefit from capacity-building assistance and training to help them understand their rights and make conservation decisions.

3.3.6 The Water Act [325]

The Water Act[326] is an important component of Uganda's water management legislation. This Act outlines Uganda's framework for protecting, managing, and using its water resources.[327] In addition to addressing other relevant issues, it sets water management zones and grants water usage permits. The purpose of this statute is to ensure that every resident has adequate clean, safe, and potable water for domestic consumption. It covers

[322] Land Act 2010 (Uganda), ss 12-15, p 38.

[323] Paul D Hirsch, William M Adams, J Peter Brosius, Asim Zia, Nino Bariola and Juan Luis Dammert, 'Acknowledging Conservation Trade-Offs and Embracing Complexity' (2011) 25 *Conservation Biology* 259.

[324] Douglas S Kenney, 'Arguing About Consensus: Examining the Case Against Western Watershed Initiatives and Other Collaborative Groups Active in Natural Resources Management' (2000).

[325] The Water Act, Cap 152, (Uganda) 1995.

[326] 1995

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

concerns with the management of Uganda's water resources and includes provisions for public participation in planning and administration.[328]

This Act addresses Uganda's issues in managing its water resources. It may include measures to engage the general public in the management and planning of water resources. To manage water resources locally, Section 50 requires the formation of Water Users' Associations (WUAs) with the cooperation of local community leaders.[329]Water Users' Associations promote public involvement by including water resource users in decision-making processes related to the usage and administration of water resources in their respective communities. These organizations manage and conserve water resources on a local level, and they provide a venue for public participation. It allows a group of people or families to form a community water resource user group and collaborate to design and administer a point source water delivery system.[330]

The water user organization may charge consumers a fee to maintain the water supply system; however, any tariffs collected under this clause must be approved by the director,[331] and the water user group's operations will be overseen by a water and sanitation committee.[332]

The Water Act permits citizen participation through Water User Groups.[333] Water and Sanitation Committees, which are in charge of organizing and maintaining water systems as well as collecting and utilizing revenue, allow water usage groups to control and govern water resources.[334] When multiple Water User Groups are fed by the same water supply, they must join a Water User Association, which is comprised of representatives from the numerous Water Sanitation Committees. This organization is in charge of managing the water system, setting fees, and obtaining funds for its maintenance.[335] The Director of

[328] Judy Obitre-Gama, 'Water Law, Water Rights and Water Supply (Africa)' (1999) 7327 Uganda-study country report. DFID KaR project.
[329] Enock Kasirye, 'The Legal Framework for Environmental Sustainability of the Waters in Uganda.'
[330] Water Act 1995 (Uganda), s 50(1), CAP 152, p x.
[331] Water Act 1995 (Uganda), s 50(2), CAP 152, p x.
[332] S.50(3).
[333] Bruns, Bryan. "Water tenure reform: Developing an extended ladder of participation." *Politics of the commons: Articulating development and strengthening local practices, Chiang Mai, Thailand* (2003).
[334] S. 50(3).
[335] S. 51.

Water Development oversees and determines the fees for Water Sanitation Communities and Water User Associations.

Catchment Management Committees (CMCs) are established under this Act to oversee the integrated management of water resources in designated catchment areas. CMCs are made up of members from many stakeholders, including local communities, governmental organizations, and other interested parties, to encourage wider engagement in water resource management.[336] These committees are responsible for offering direction on the development and management of water resources, as well as ensuring that community opinions are taken into account. The Act also defines CMCs' responsibilities, which include encouraging sustainable water resource management techniques, assisting the public in developing and implementing watershed management plans, and advising relevant authorities on water resource management issues.[337] This Act also requires the water minister to guarantee that the general public has access to information about the management of water resources, such as plans, policies, and decisions that may affect water users. This regulation encourages transparency and allows informed public engagement in water resource management operations.[338]

Individuals, however, are unable to fully participate in these procedures due to difficulties such as a lack of funds or education, and local communities are uninformed of their rights to be involved in choices affecting natural resource conservation.[339] As a result, judgments are made without adequately considering community perspectives, and the Act's vague enforcement mechanisms may lead to circumstances in which the public's interests take precedence over their input.[340]

Several methods could be considered to address these gaps and increase public participation in natural resource conservation: To ensure that the requirements for public

[336] S.50.

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

[338] Water Act 1995 (Uganda), s 74, CAP 152, p x.

[339] Water Act 1995 (Uganda), ss 50-52, CAP 152, p x.

[340] Water Act 1995 (Uganda), ss 53-55, CAP 152, p x.

participation are met and respected by relevant parties, implement initiatives to raise local populations' awareness of the issue and provide them with the resources they need to actively participate in decision-making processes related to natural resource conservation.[341] The Water Act's enforcement procedures must be reinforced, and local communities must be given the tools, support, and desire to actively participate in monitoring and managing their natural resources.

The Water Act will be able to achieve its aims of sustainable water resource management and significant and positive public participation in natural resource preservation if these gaps are closed and modifications are implemented.

3.3.7 The Water (Water Resources) Regulations

Uganda's Water (Water Resources) Regulations are a body of legislation that supports and provides thorough guidance on the implementation of the Water Act.[342] These laws were adopted to facilitate the proper development, conservation, and management of the nation's water resources. The process for obtaining water licenses is defined in Regulation 3 of the Water (Water Resources) Regulations, and the same method is used to get drilling permits.[343] Interested parties must follow this method to contact the district's director of water development. The guidelines make it easier for residents to take part in the licensing evaluation, approval, and renewal processes,[344] processes through the integration of advertising,[345] and the right to complain clauses.[346] These constraints have some major downsides, although they are admirable for ensuring the protection of water supplies and monitoring their use.[347]

Regulation 12(d) does not require district, sub-county, or village local councils to be consulted when developing, revising, or implementing national water resources policies, national goals for the use of water and related land resources, or water action plans.[348]

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[341] Aisha Namakula, 'Appraisal of the Effectiveness of Legal and Institutional Frameworks on Environmental Protection in Uganda' (Kampala international University, School of Law, 2019).
[342] 1995
[343]Water (Water Resources) Regulations (Uganda), reg 3.
[344] Water (Water Resources) Regulations (Uganda), reg 4-6.
[345] Wetlands Management Regulations (Uganda) 2020, reg 4.
[346] Wetlands Management Regulations (Uganda) 2020, reg 6(k).
[347] Water (Water Resources) Regulations (Uganda), regs 4-6.
[348] Water (Water Resources) Regulations (Uganda), reg 12(d).

This is exacerbated by the government's adoption of a comprehensive national development planning framework, which prioritizes visionary planning over needs-based planning and limits local government's ability to participate in the creation or review of policies, which are primarily assigned to the federal government for implementation before being delegated to local governments.[349] Because individuals have a greater opportunity to participate at the local rather than national levels, I believe district local governments should draft these policies after discussing them with constituent local councils and submitting them for approval to the central government.

It's also worth noting that local governments are unable to comment on borehole completion reports because of these restrictions.[350] Borehole drillers, in my opinion, should involve villagers and local authorities in the creation of hole completion reports. As an alternative, the director of water development should have the authority to request that LC1s write a report on the subject, ensuring that the information in the report matches what is discovered in the field. Local communities (LCs) serve as important venues for public participation, therefore monitoring and reporting on water consumption and building should follow the same process. According to the regulations, anyone intending to visit a construction site or learn more about plans or works must first obtain permission from the director.

In my perspective, directors could utilize this administrative hurdle to prevent the public from learning about instances of poor management. More transparency is desirable, in my opinion, and the public should be made aware of this information.

3.3.8 National Environment (Wetlands, Riverbanks, and Lakeshores Management) Regulations [351]

These rules establish guidelines for the protection and long-term management of wetlands, riverbanks, and lakeshores. Building, farming, or draining is not permitted in protected wetland regions without prior NEMA approval.[352]

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[349] National Development Plan (Uganda) 2021-2025, paras 23-25.

[350] Groundwater Management Regulations (Uganda) 2020, reg 17(3).

[351] National Environment (Wetlands, Riverbanks, and Lakeshores Management) Regulations, SI 583 of 2000, (Uganda).

[352] Wetlands Management Regulations (Uganda) 2020, regs 12-15.

These laws prioritize public engagement in managing wetlands, riverbanks, and lakeshores. It requires developers to seek public consultations before carrying out any work in areas designated as protected wetlands.[353] According to the regulations, homeowners must be notified before any development or operations on wetlands, riverbanks, or lakeshores.[354]

Relevant authorities must tell local people about proposed projects, potential environmental implications, and methods for the community to participate in decision-making processes,[355] as well as the rules governing open forums or hearings where community members can share their concerns and ideas about planned events.[356] Individuals from the community are entitled to serve in committees or decision-making bodies tasked with managing natural resources.[357]

Despite these safeguards, there are still major gaps. For example, local communities may be unaware of their rights to participate in decision-making processes, or they may find it difficult to interact with authorities due to language or literacy barriers.[358] Power imbalances between local communities and government or commercial groups are another factor that impedes meaningful collaboration. Furthermore, even when limits are in place but not successfully implemented, communities may feel excluded or helpless to influence decisions that affect them. As a result, consultative obligations are neglected or

[353] National Environment (Wetlands, Riverbanks, and Lakeshores Management) Regulation 11
[354] Groundwater Management Regulations (Uganda) 2020, reg 11.
[355] Leonard I Chirenje, Richard A Giliba and Emmanuel B Musamba, 'Local Communities' Participation in Decision-Making Processes through Planning and Budgeting in African Countries' (2013) 11 Chinese journal of population resources and environment 10.
[356] Marijana Pantić, Juaneé Cilliers, Guido Cimadomo, Fernando Montaño, Olusola Olufemi, Sally Torres Mallma, and Johan Van den Berg, 'Challenges and Opportunities for Public Participation in Urban and Regional Planning during the COVID-19 Pandemic—Lessons Learned for the Future' (2021) 10 Land 1379.
[357] Christo Fabricius and Susan Collins, 'Community-Based Natural Resource Management: Governing the Commons' (2007) 9 Water Policy 83.
[358] Henry Sanoff, *Community Participation Methods in Design and Planning* (John Wiley & Sons 1999).

evaded.[359] Even worse, communities may lack the funding for meeting attendance or other resources required to effectively participate in decision-making processes.[360]

Giving local communities access to training and education programs that will help people understand environmental concerns, their rights, and how to interact with decision-makers is one method to bridge these gaps and increase public participation in natural resource conservation. [361]Regulations should be reviewed and altered to ensure that public involvement is clearly defined and enforced, and that disobedience has repercussions. [362] To encourage the formation and growth of local institutions or community-based organizations that represent the interests of local communities in environmental decision-making, as well as to ensure transparency in decision-making processes by making environmental assessments, proposed projects, and opportunities for public participation widely available.[363]

3.3.9 Local Government Act [364]

In Uganda, district-level local governments and administrative unit councils are the focal points of local government operations.[365] Within its limits, the Local Government Council is the highest political authority. Councils are corporate bodies that exercise both executive and legislative power. [366] They can pass and enforce local legislation. Section 38 of the Local Government Act gives district councils the right to propose laws, whereas section 39 gives smaller local councils the same authority.[367]

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[359] Andrew Mecca, Neil J Smelser and John Vasconcellos, *The Social Importance of Self-Esteem* (Univ of California Press 1989).

[360] Antoni Pigrau Solé, Maria Álvarez Torné, Antonio Cardesa-Salzmann, Maria Font i Mas, Daniel Iglesias Márquez, and Jordi Jaria i Manzano, 'Human Rights in European Business: A Practical Handbook for Civil Society Organisations and Human Rights Defenders'.

[361] Ronald Bjorkland and Catherine M Pringle, 'Educating Our Communities and Ourselves about Conservation of Aquatic Resources through Environmental Outreach' (2001) 51 BioScience 279.

[362] Jim Leitzel, 'Breaking the Rules and Making the Rules: Evasion, Avoidance, and Policy Reform' (1996) 29 Policy sciences 247.

[363] Carlo Rega and Giorgio Baldizzone, 'Public Participation in Strategic Environmental Assessment: A Practitioners' Perspective' (2015) 50 *Environmental Impact Assessment Review* 105.

[364]Local Government Act, Cap 243, 1997 (Uganda), as amended.

[365] Constitution of Uganda, 1995, art 176; Local Government Act, Cap 243.

[366] Local Government Act, Cap 243, s 6.

[367] Ibid.

The Ugandan local government system is founded, and its functions are described in this Act. Local governments play an important role in natural resource management and conservation at the district level.[368] Local government institutions and regulations also have an impact on natural resource conservation efforts. Local governments typically implement federal regulations on a local level and may provide opportunities for public participation in natural resource management decision-making processes.[369]

Municipal and metropolitan administrations provide decentralized natural resource management services. In addition to developing district development plans and providing district natural resource services, they also assist natural resource committees in the areas of production and the environment. They work on a wide range of natural resource-related projects.[370] Manage land designated for future development (LFRs) in partnership with local governments and private investors; manage, inspect, and permit community woods; and implement national and international natural resource policies. Obtain licenses, permits, fees, and taxes; collect funds for natural resource development; and create and enforce bylaws.[371]

3.3.10 Uganda Vision 2040

A long-term development plan called Uganda Vision 2040 outlines the nation's sustainable development objectives, including resource management and environmental protection. Uganda's dedication to safeguarding its natural resources for future generations and promoting sustainable development is exemplified by these laws and regulations.[372]

Although international, regional, and local laws protect the public's right to participate in the preservation and decision-making of natural resources, several barriers and common gaps prevent the public from actively participating in natural resource conservation in

[368] Jeremias G Mowo, Zenebe Adimassu, Delia Catacutan, Joseph Tanui, Kenneth Masuki, and Charles Lyamchai, 'The Importance of Local Traditional Institutions in the Management of Natural Resources in the Highlands of East Africa' (2013) 72 Human Organization 154.
[369] Ramesh Kumar, Elena T. Guberman, J. David Smith, 'Decentralisation and Natural Resource Management: A Review of the Literature' (2015) 43 *Environmental Policy and Law* 233.
[370] Fabricius and Collins (n 610).
[371] Francis Muhereza, 'Decentralizing Natural Resource Management and the Politics of Institutional Resource Management in Uganda's Forest Sub-Sector' (2006) 30 Africa Development 67.
[372] Senkosi Moses Balyejjusa, 'Uganda's Vision 2040 and Human Needs Promotion' (2015) 40 Africa Development 61.

Kabale District.[373] These rules have not been successfully enforced in Uganda, particularly in Kabale, due to long-standing issues such as insufficient enforcement, limited resources, and competing interests in land and resource ownership.[374] These issues continue to pose severe threats to the country's efforts to carry out sustainable conservation. The difficulties call into doubt the usefulness of these strategies.[375] The local community is not familiar with conservation laws and programs.[376] Local entities responsible for conservation projects face limited resources and capacity constraints, [377]Conservation goals and community subsistence needs do not align. Poor enforcement measures are frequently the result of insufficient national competence and resources to facilitate effective public interaction,[378] a reliance on member nations' voluntary compliance, as well as reservations about the application of permanent laws. Encouraging the effective involvement of varied perspectives, particularly those of excluded communities, can be difficult. Stakeholder engagement and continual review are required to ensure true community participation in conservation activities and improve performance.[379] As a result, expanding local communities' rights to public engagement would significantly enhance the search for alternatives to natural resource protection. [380]These legislative frameworks will be implemented by local governments, community-based groups, environmental agencies, nonprofits operating in the Kabale District, and

[373] Charlotte Kabaseke, 'The Right to Access to Justice and the Need for an Environmental Court in Uganda'. (2023) *3 East African Law Society , Human Rights and Rule of Law Journal*, 30-32.
[374] K Akankwasah-Mutyaba, 'Decentralisation and Natural Resource Management in Uganda: A Case Study of Kabale District' (2015) 4 African Journal of Environmental Law 251.
[375]Krishna B Ghimire and Michel P Pimbert, 'Social Change and Conservation: An Overview of Issues and Concepts' in *Social Change and Conservation* (2013) 1.
[376] Muganda Michael, 'Community Involvement and Participation in Tourism Development in Tanzania: A Case Study of Local Communities in Barabarani Village, MTO WA MBU, Arusha-Tanzania' (Open Access Te Herenga Waka-Victoria University of Wellington, 2009).
[377] Tom Blomley, 'Natural Resource Conflict Management: The Case of Bwindi Impenetrable and Mgahinga Gorilla National Parks, Southwestern Uganda' [2003] CARE International Uganda 231.
[378] James Mugisha, Joshua Ssebunnya and Fred N Kigozi, 'Towards Understanding Governance Issues in Integration of Mental Health into Primary Health Care in Uganda' (2016) 10 International journal of mental health systems 1.
[379] Mekonnen Hailemariam Zikargae, Amanuel Gebru Woldearegay and Terje Skjerdal, 'Assessing the Roles of Stakeholders in Community Projects on Environmental Security and Livelihood of Impoverished Rural Society: A Nongovernmental Organization Implementation Strategy in Focus' (2022) 8 Heliyon.
[380] Sunday Oladipo Oladeji, Oyeniran Grace and Akeju Ayobami Ayodeji, 'Community Participation in Conservation and Management of Cultural Heritage Resources in Yoruba Ethnic Group of South Western Nigeria' (2022) 12 SAGE Open 21582440221130988.

other stakeholders. These will include specific initiatives, projects, and community engagement efforts about the Kabale District's natural resource protection.

Overall, our examination of national laws reveals the complicated link that exists between legal frameworks, community engagement, and environmental consequences. It emphasizes the importance of having strong legislative frameworks that allow for public participation, as well as ongoing oversight and review, to ensure that these frameworks encourage long-term growth and conservation.[381]

3.11 Conclusion

To summarize, the international, regional, and national legal frameworks that guarantee residents' rights to participate in natural resource preservation provide a solid foundation for conservation groups working in Kabale and Uganda. These frameworks emphasize the importance of involving communities in natural resource management decision-making processes to ensure sustainability and equitable benefit distribution.[382]

The effectiveness of natural resource conservation organizations' protective actions in Kabale is largely related to how well these institutions adhere to and carry out the goals outlined in legislative frameworks.[383] The National Forestry Authority (NFA) and the Uganda Wildlife Authority (UWA) are responsible for conserving natural resources and including local communities in conservation efforts.

The legislative frameworks lay the groundwork for these organizations' abilities to engage with communities, solicit feedback, and apply local expertise and perspectives to conservation activities. However, a variety of factors, including institutional competency, resource availability, and community involvement, influence how effective these initiatives are.[384]

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[381] Marus Eton, Arinaitwe Perpetua, Mwosi Fabian, Patrick Ogwel Benard, Sunday Arthur, and Turyamushanga Labson, 'Participatory Budgeting in Local Governments: The Case of Kabale District Local Government, Uganda'.
[382] Munalula Melinda, Brivery Siamabele, Valentine Kalonje, and Matildah Kaliba, 'Community Based Natural Resource Management: Exploring the Benefits and Challenges'.
[383] Emily Kugonza, 'Legislative Frameworks and Natural Resource Conservation in Kabale, Uganda' (2018) 40(1) *Journal of Environmental Law and Policy* 35.
[384] Edmund GC Barrow and Marshall W Murphree, *Community Conservation from Concept to Practice: A Practical Farmework* (Institute for Development Policy and Management, University of Manchester 1998).

These institutions' ability to protect the public may be jeopardized by a lack of financing, capacity concerns, and competing interests between local livelihoods and conservation goals. Conservation programs may fail if people are not fully involved in decision-making processes or their concerns are not addressed. This can result in opposition or noncompliance with conservation efforts.[385] As a result, the effectiveness with which institutions fulfill their legal commitments determines the relationship between legal frameworks and the appropriateness of protective tasks.

To ensure the long-term management of natural resources in Kabale and other regions, it is critical to develop conservation institutions, improve community participation initiatives, and establish transparent and accountable decision-making procedures.[386]

[385] Stephen Amanya, 'Challenges Facing Conservation Efforts in Uganda: A Legal Perspective' (2019) 10 Uganda Journal of Law 60.
[386] Jane Nalumasa, 'Building Effective Conservation Institutions for Sustainable Natural Resource Management in Uganda' (2020) 11 *Journal of Sustainable Development Law and Policy* 18.

CHAPTER FOUR

THE ADEQUACY OF THE PROTECTION ROLES OF INSTITUTIONS ENGAGED IN NATURAL RESOURCE CONSERVATION IN UGANDA

4.0 Introduction

This chapter examines the complex dynamics of natural resource protection in Uganda's Kabale District, with a focus on local communities' right to public participation. The main concern is whether the protective duties adopted by conservation groups are appropriate. Local community empowerment and participation are critical in the topic of natural resource conservation. However, the organizations tasked with conserving these resources play a critical role in determining the effectiveness of conservation initiatives.

Kabale, a region in southern Uganda, has a rich biodiversity and various ecosystems, making it an ideal case study for investigating the link between community involvement and conservation projects.[1] By studying the protocols and techniques used by Kabale's groups, this chapter hopes to educate readers about the difficulties, successes, and prospects involved with ensuring indigenous populations' proper participation in natural resource preservation campaigns.

Kabale's stakeholders include policymakers, district officials, and environmentalists like tree planters. These groups must remain informed about the benefits of environmental preservation and the rewards that come with it.[2]

By doing this investigation, I intend to spark a discussion about supporting conservation measures that safeguard residents' rights and interests, as well as the environment.[3] Government and non-governmental organizations in Uganda frequently push for the

[1] Christopher Friday, Susan Luyiga & David Adeyemo, 'The Effect of Agroforestry on Environmental Protection in Kabale District, Uganda'' (2024) 3 *Environmental Protection Journal 5*69.
[2] M Wamai, 'Kabale District Local Government Officials Sensitized on Conservation of Forests & Biodiversity Conservation' (2021) 5 *Journal of Environmental* 12.
[3] John A Sautter, James Landis and Michael H Dworkin, 'The Energy Trilemma in the Green Mountain State: An Analysis of Vermont's Energy Challenges and Policy Options' (2008) 10 Vt. J. Envt. L. 477.

public's right to engage in natural resource conservation, particularly in the Kabale region.[4] Here are some of the main participants:

4.1 Ministry of Water and Environment

Uganda's Ministry of Water and Environment (MWE) was founded and mandated by an Act of Parliament, the "Ministry of Water and Environment Act".[5] This Act outlines the Ministry's composition, authorities, and tasks, including oversight of Uganda's water and environmental resources. The Act also establishes the Ministry's departments, directorates, and agencies, as well as their responsibilities and authorities. The MWE is responsible for implementing policies and activities related to water and environmental management, as well as ensuring that these resources are used and managed responsibly for the nation's socioeconomic development.[6]

The Ministry of Water and Environment in Uganda is responsible for promoting sustainable water and environmental resource management, managing, and regulating water and environmental resources, and promoting sustainable development and environmental conservation. They have implemented policies and programs to enhance access to safe water and sanitation and improve water resource planning, regulation, quality control, and weather and climate change management.[7]

The Ministry of Water and Environment was established on April 15, 2007, following a cabinet vote. [8]The MWE's mission and functions are influenced by various laws, including the Local Government Act, [9] the 1995 Constitution, the 1998 Report for Ministry Restructuring, and the NTFPA (2003).[10] The ministry is responsible for developing, managing, and controlling Uganda's environmental and water resources, focusing on

[4] Kamanyire (n 301) at 12.
[5] Kakuru, Musoke and Kyakuwaire (n 548) at 33.
[6] Andrew Nkambo, 'MINISTRY OF WATER AND ENVIRONMENT'(2022).
[7] ibid.
[8] Reuben Wambui,'Scaling up Sustainable Finance and Investment in the Global South: A Case Study of Sub-Saharan Africa' [2022] Scaling Up Sustainable Finance and Investment in the Global South.
[9] Golooba-Mutebi, Frederick. "Politics and local government in Uganda." In *Foundations for local governance: decentralization in comparative perspective*, pp. 137-164. Heidelberg: Physica-Verlag HD, 2008.
[10] Brian Nalumenya, Matteo Rubinato, Michael Kennedy, Jade Catterson, Hilary Bakamwesiga, and Matthew Blackett, 'Water Management Education in the East African Region: A Review of the Challenges to Be Addressed' (2023) 15 *Sustainability* 11597.

protecting biodiversity, reducing pollution, managing water resources, and mitigating climate change, requiring strict enforcement for long-term protection.[11]

The Ministry's mandate, outlined in the Constitution and Local Government Act, involves creating laws, developing policies, defining standards, conducting inspections, coordinating, and providing technical support to water and environment subsectors.[12] The mandate includes public education and awareness campaigns, community involvement in water resource management, public consultation on environmental impact assessments, and stakeholder participation in climate change mitigation and adaptation measures.

The Ministry of Water and Environment (MWE) is responsible for creating national policies, regulating water resources, and establishing priorities for water development and management. It also develops legislation and monitors sector development activities to ensure effectiveness and service quality.[13] It is responsible for creating regulations for water and environmental management, aiming to protect biodiversity, reduce pollution, manage water resources, and mitigate climate change.[14]

Climate change exacerbates existing environmental issues and creates new ones, such as changing precipitation patterns, rising temperatures, and increased frequency of extreme weather events.[15]

The Water and Environment Sector aims to ensure the rational and sustainable utilization, development, and effective management of water and environmental resources for the socio-economic development of the country.[16] The sector's goal is to manage and

[11] Julius N Kiboko JN, *Environmental Law and Policy in Uganda, 150-155.* (2020).
[12] Emmanuel Twahirwa, 'The Role of Decentralization in Promoting Good Governance in Uganda: A Case Study of Makindye Division, Kampala City Council' (Kampala International University, College of Humanities and Social Sciences, 2006). 137-164.
[13] Matyama Paul, 'The Human Right to Water and its Application in Uganda: A Aase Atudy of Nabweru Division.' (Makerere University, 2018).
[14] Ministry of Water and Environment (MWE), Environmental and Water Resources Management Regulations, 2019, S.I. 14 of 2019.
[15] Wolfgang Obergassel, Christof Arens, Lukas Hermwille, Nicolas Kreibich, Florian Mersmann, Hermann E. Ott, and Hanna Wang-Helmreich, 'Phoenix from the Ashes: An Analysis of the Paris Agreement to the United Nations Framework Convention on Climate Change; Part 1'.
[16] Nkambo (n 645).

sustainably utilize Uganda's water and environmental resources for the betterment of the population.

The Ministry of Water (MWE) comprises three divisions: (DWD), Directorate of Water Development, (DEA) Directorate of Environmental Affairs, and (DWRM)Directorate of Environmental Affairs, with responsibility for sanitation and hygiene initiatives outlined in the Memorandum of Understanding signed by the Ministry of Health, MoES, and MWE.[17]

The MWE aims to manage water resources, promote conservation, prevent degradation, foster sustainable growth, and involve public participation in environmental and water management.[18]

The Ministry of Water and Environment (MWE) is responsible for developing public sanitary facilities and promoting hygiene in small towns and rural growth hubs, crucial for conserving natural resources. It provides sanitary services and safe drinking water to rural communities. MWE leads in developing off-farm water resources for agriculture, while MAAIF manages water resources for farm development.[19]

The Ministry of Water and Environment manages water and sanitation sectors, coordinates national development for Water for Production, and provides sustainable environmental management to maximize social and economic benefits for present and future generations by mobilizing resources.[20] The Ministry of Water and Environment provides functional sewage/sanitation and water supply systems for commercial, industrial, and residential use in cities.[21]The system collects, transports, and analyzes meteorological data from various stations globally, enhancing forest and tree

[17] Ministry of Water and Environment (MWE), National Sanitation and Hygiene Guidelines (2017).
[18] Uganda, Ministry of Water and Environment Act, No 8 of 2000, ss 3-7.
[19] Ministry of Water and Environment (MWE) & Ministry of Agriculture, Animal Industry and Fisheries (MAAIF), National Water for Agriculture Policy (2020) 15-18.
[20] Uganda, National Water Policy, 2019, 15-17.
[21] Sara J Marks and others, 'Water Supply and Sanitation Services in Small Towns in Rural–Urban Transition Zones: The Case of Bushenyi-Ishaka Municipality, Uganda' (2020) 3 NPJ Clean Water 21.

management for efficient benefiting current and future generations, especially the underprivileged and impoverished.[22]

Ministry of Water and Environment with the appropriate participation of all stakeholders, the Water and Environment Sector aims to: increase the amount of water available for production by developing multipurpose bulk water storage and supply systems; increase rural water supply coverage while maintaining equity by providing each village with at least one safe and clean water source; and provide piped water options (gravity flow systems and solar pumped boreholes) where available.[23]

Another goal is to improve water resource management, with a focus on compliance with existing resource-use laws and regulations at all levels to maintain adequate quantity and quality for a wide range of users.[24] Furthermore, it seeks to restore previously destroyed habitats and promotes sustainable use of the environment and natural resources. Huge tree plantings are taking place across the country, and the implementation of authorized management plans developed through collaborative processes promotes the responsible use of wetlands.[25]

The Ministry is committed to establishing a zero-tolerance policy against fraud and corruption throughout all sectors of operations, based on existing legislative frameworks and national institutions. However, political interests may occasionally intersect with environmental preservation aims, resulting in legislation that prioritizes short-term advantages above long-term sustainability.[26]

The ministry oversees ensuring that rules and regulations designed to protect natural resources are followed. This includes issuing permits, monitoring environmental acts, prosecuting offenders, inspecting and monitoring local governments, and assessing NFA

[22] Martin Okirya and JA Du Plessis, 'Trend and Variability Analysis of Annual Maximum Rainfall Using Observed and Remotely Sensed Data in the Tropical Climate Zones of Uganda' (2024) 16 *Sustainability* 6081.
[23] Nkambo (n 645) at 18.
[24] Uganda, Water Act (2019) s 3(2).
[25] Uganda, National Wetlands Policy (2017) 12-15.
[26] Luca Tacconi and David Aled Williams, 'Corruption and Anti-Corruption in Environmental and Resource Management' (2020) 45 *Annual Review of Environment and Resources 305*.

performance in the growth of the forestry industry.[27] However, capacity and funding constraints prevent us from initiating conservation initiatives, maintaining monitoring systems, enacting legislation, and carrying out effective enforcement activities.[28]

To ensure timely and effective service delivery, the Ministry intends to review, develop, and reform institutional frameworks, laws, policies, and regulations; promote gender and equity considerations; and strengthen sector capacity across all institutions and stakeholders.[29] Increased functionality, as well as the utilization of meteorological data to support sector-specific early warning systems, help to mitigate the consequences of climate change and disaster risks. Nonetheless, the ministry's ability to effectively manage conservation issues is limited by its small workforce and lack of technical competence.[30]

Research and Monitoring: The ministry's principal responsibilities include research and monitoring of environmental indicators. This helps to evaluate the condition of natural resources, identify hazards, and develop data-driven conservation programs. However, a lack of funding for research and monitoring programs may complicate these attempts.[31]

Public Awareness and Education: By promoting public information and advocating for the forestry industry, the Ministry seeks to guarantee that information is transparent and freely accessible, as well as contribute to the resolution of gender, environmental, and social justice issues. [32] The ministry's primary responsibilities include strengthening conservation efforts and improving public awareness of environmental issues. This requires launching outreach and instructional programs, as well as collaborating with non-

[27] Nkambo (n 645) at 32.
[28] Ministry of Water and Environment (MWE), Strategic Plan 2020-2025 (2020) 15-17.
[29] Uganda, National Water Policy (2019) 25-27.
[30] Runsheng Yin and Guiping Yin, 'China's Primary Programs of Terrestrial Ecosystem Restoration: Initiation, Implementation, and Challenges' *(Environmental Management)* 45 (2010) 429-441.
[31] Nadine Bachmann, Shailesh Tripathi, Manuel Brunner and Herbert Jodlbauer, 'The Contribution of Data-Driven Technologies in Achieving the Sustainable Development Goals' (2022) 14 *Sustainability* 2497.
[32] Uganda, National Environmental Management Authority Act (2019) s 20.

governmental organizations, educational institutions, and community groups. It may be difficult to advocate for reforms in public behavior and overcome apathy.[33]

The MWE promotes public involvement in local water and environmental planning, decision-making, awareness campaigns, collaboration with communities, and community participation in impact assessments and monitoring.[34]

Recognizing the critical role that local communities play in water and environmental conservation and sustainable development, the Ministry of Water and Environment Act and the MWE's responsibilities emphasize the importance of public participation in water and environmental management and decision-making.[35]

Despite this, the Ministry of Water and Environment is committed to carrying out each project in a gender-equitable and sensitive manner, as well as preventing, eliminating, and mitigating any negative social and environmental consequences associated with its efforts. [36] However, pressures from industry, agriculture, and urbanization lead to overexploitation of natural resources, habitat destruction, pollution, and land degradation, all of which jeopardize the Ministry's conservation initiatives.[37]

When it comes to transboundary issues such as water management and biodiversity protection, collaboration with neighboring countries and international organizations is frequently required to maintain natural resources. To coordinate cross-border projects and reach agreements, one must consider geopolitical challenges and conflicting interests.[38]

Despite the release of a new Forest Policy in 2001, a National Forest Plan (NFP) in 2002, and an NFTPA in 2003, the ministry's performance in the ten years following the reforms was below expectations. The rate of deforestation and forest degradation has reached an

[33] Ministry of Water and Environment (MWE), Environmental Education and Awareness Strategy 2020-2025 (2020) 15-18.
[34] Nkambo (n 645) at 32.
[35] Uganda, Ministry of Water and Environment Act, No 8 of 2000, ss 3-5.
[36] Ministry of Water and Environment (MWE), Gender and Social Impact Assessment Guidelines (2020) 10-12.
[37] Ministry of Water and Environment (MWE), State of the Environment Report (2020) 20-25.
[38] Uganda, National Biodiversity Strategy and Action Plan (2019) 30-33.

all-time high in the business over the last ten years.[39] Inadequate tools and resources have prohibited FSSD from successfully carrying out its purpose. The ministry's inability to appropriately supervise local governments and private forest owners is evidenced by the owners' exploitation of private forest resources for immediate financial gain, as well as the local government's revenue collection attempts.[40]

On the plus side, the ministry has created a favorable environment that has attracted significant private sector investment in commercial forest plantations on both private property and in forest reserves, thanks to the EU-funded SPGS. Communities have also planted more trees because of the ministry's help with the Farm Income Enhancement and Forest Conservation (FIEFOC) Project, which is jointly sponsored by the government, the Nordic Development Bank, and the African Development Bank.[41] In addition, for the past two fiscal years, NFA has received government money to raise seedlings for the Community Tree Planting Program.[42]

However, effective public involvement is not without challenges, such as limited public awareness, poor stakeholder engagement, and insufficient finance for public participation programs.[43] To improve public participation, the Ministry can develop and implement effective policies and guidelines, establish robust mechanisms for engaging stakeholders, raise public awareness and education about environmental and water-related issues, collaborate with community and civil society organizations, and ensure inclusive and representative decision-making processes.[44]

The Ministry of Water and Environment can enhance public participation in water and environmental management decisions by implementing strategies to increase their involvement. To solve these difficulties, a multidimensional approach comprising

[39] Ministry of Water and Environment (MWE), Review of the National Forest Policy and Plan (2013) 5-8.
[40] Cornelius Kazora, Deziderius Irumba, Nikola Smith, Michael Mutamba, Premier Nkabiheebwa, Gladys Katumba, and Ephrance Nakiyingi., 'A Review of Collaborative Forest Management in Uganda' [2020] Kampala, Uganda: National Forestry Authority, Ministry of Water and Environment.
[41] Nkambo (n 645) 13.
[42] E Nzunda, 'Assessment of Forest Planning and Management in Different Forest Types in Selected African Countries' (AFF Working Paper African Forest 2022).
[43] Francis Ejaku, 'Public Participation in Environmental Decision-Making in Uganda: Challenges and Opportunities' (2017) 39 *Journal of Environmental Law and Policy 5*5.
[44] Ministry of Water and Environment (Uganda), 'National Water and Environment Sector Policy' (2018) paras 43-45.

collaboration among governments, the private sector, civil society organizations, and local communities is required. Environmental change must be mitigated and adapted by proactive measures, long-term planning, and sustainable resource management strategies.

4.2 National Environment Management Authority (NEMA)

The National Environment Management Authority (NEMA) is a semi-autonomous institution established in May 1995 under the National Environment Act.[45] It began operations as Uganda's principal agency in December 995 and is responsible for organizing, supervising, monitoring, and regulating environmental management throughout the country.[46]

The National Environment Act[47], established and mandates Uganda's National Environment Management Authority (NEMA). The establishment of this organization was a watershed moment in Uganda's environmental management efforts. NEMA was founded to oversee, monitor, and coordinate all environmental operations, ensuring long-term development and the protection of natural resources.[48] NEMA's key objectives include coordinating and regulating all environmental activities, promoting sustainable development and environmental protection, ensuring the judicious use of natural resources, and promoting public awareness and education about environmental issues.

It has evolved throughout time to address emerging environmental challenges in Uganda. The major goal of NEMA's operations is to help the government implement the National Development Plan (NDP), which promotes sustainable development following Ugandan policy frameworks and the Millennium Development Goals.[49]

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[45] *National Environment Act* (Uganda) Act No 4 of 1995
[46] Peter Mwangi Kibe, 'Investigating Barriers to Effective Reporting of Sustainable Development Goals by Government Institutions in Kenya: A Case of National Environment Management Authority' (Daystar University, School of Human and Social Sciences, Nairobi, 2021).
[47] The National Environment Act, Chapter 153, No 8 of 1995, (Uganda).
[48] Emmanuel Kasimbazi, 'Regulating Environmental Impacts Associated with Mining in Uganda', *Law| Environment| Africa* (Nomos Verlagsgesellschaft mbH & Co KG 2019).
[49] National Environment Management Authority (NEMA), Strategic Plan 2020-2025 (2020) 10-12.

NEMA promotes public participation in local communities through consultation, impact assessments, awareness programs, monitoring, management, decision-making, and collaboration on environmental conservation and management initiatives.[50]

The National Environment Act and NEMA emphasize the importance of public participation in environmental management and decision-making, emphasizing the significance of local communities in sustainable development.[51] In Uganda, NEMA is critical to the creation of environmental laws and policies. It makes recommendations to the government on subjects such as sustainable development and environmental preservation.[52] The National Environment Management Authority's most important responsibilities include advising the government on environmental matters, leading the development of environmental policies, laws, regulations, standards, and guidelines, and advising the government on sound environmental management in Uganda.[53] NEMA's responsibilities encompass environmental impact assessment, climate change adaptation, pollution control, waste management, environmental auditing, biodiversity conservation, and public awareness and education.

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

The public participation movement's mandate includes public consultation on environmental impact assessments, stakeholder participation in environmental decision-making, public participation in environmental planning and policymaking, and community involvement in environmental monitoring and enforcement, all of which emphasize the importance of environmental engagement.[54]

[50] Kasimbazi (n 687) at 132.
[51] Uganda, National Environment Act, Chapter 153, No 8 of 1995, ss 3-5.
[52] National Environment Management Authority (NEMA), Annual Report 2019, 5-7.
[53] Uganda, National Environment Act, 1995, Section 7(a)-(d).
[54] United Nations Environment Programme, 'Public Participation in Environmental Decision-Making: A Toolkit for Implementing the Aarhus Convention' (2016) 12-15.

By taking up this role, NEMA examines government policies enacted by government agencies to assess their environmental impact. It provides the government with advice, notably during the planning and implementation phases, assisting government agencies in updating and implementing environmentally friendly policies.[55] This is possible because NEMA, as an authority, may lack the means to monitor every environmental risk in the country and must instead rely on other commercial and public entities to do their duties. The resources required to operate through other governmental and private groups while keeping a close watch on all environmental issues in the country.[56]

In addition, NEMA oversees committee decisions and the implementation of government policy. For example, the Uganda National Roads Authority (UNRA), an environmental body entrusted with protecting the country's natural resources, consults NEMA when developing road-building regulations. As a result, NEMA works with the UNRA team and controls all operations during the project's execution.[57]

NEMA oversees monitoring and controlling operations that may have an impact on the environment. It conducts environmental impact assessments (EIAs) to ensure that development projects comply with environmental standards and legislation. The resources required to operate through other governmental and private groups while keeping a close watch on all environmental issues in the country.[58]

In addition, NEMA oversees committee decisions and the implementation of government policy. For example, the Uganda National Roads Authority (UNRA), an environmental body entrusted with protecting the country's natural resources, consults NEMA when

[55] Luke A. Sandham, Carla Huysamen, Francois P. Retief, Angus Morrison-Saunders, Alan J. Bond, Jenny Pope, and Reece C. Alberts, 'Evaluating Environmental Impact Assessment Report Quality in South African National Parks' *(Koedoe: African Protected Area Conservation and Science)* 62, no 1 (2020) 1-9.
[56] SCCR Room, 'Strategic Plan 2020-2023' [2020] South Carolina State Documents Depository.
[57] Kibe (n 685).
[58] Ssali Ismail, 'Environmental Management in Uganda: A Reflection on the Role of NEMA and Its Effectiveness in Implementing Environment Impact Assessment (EIA) of the Greater Kampala Metropolitan Area (GKMA)' (2021) 5 Ismail, S.(2020). Environmental Management in Uganda: A Reflection on the Role of NEMA and Its Effectiveness in Implementing Environment Impact Assessment (EIA) of the Greater Kampala Metropolitan Area (GKMA). Journal of Advanced Research in Social Scienc 1.

developing road-building regulations. [59]As a result, NEMA works with the UNRA team and controls all operations during the project's execution. The National Environment Management Authority (NEMA) is responsible for monitoring any private initiatives or operations that may have an environmental impact.[60] NEMA's representatives in local governments monitor a wide range of human-powered enterprises, including construction, agriculture, and industry, among others. Certain human activities have the potential to harm the environment. For example, some companies discharge garbage into surrounding bodies of water, putting aquatic life at risk.[61] Farmers burn forests to grow crops. People in Kampala have recently developed wetlands, harming aquatic life and depriving the local populace of the benefits that wetlands provide.

It is obvious in Uganda that NEMA, through its institutions, has begun to remove dwellings built by individuals in wetland areas and to prosecute those who cultivate wetlands. We recall how NEMA demolished the property built in a gazetted area that belonged to Godfrey Nyakana, the current Central Chairman of Kampala. As a result, N EMA's role is to oversee all national operations that may have an impact on the environment.[62]

One of NEMA's roles is to carry out environmental impact assessments. This is a methodical analysis used to determine whether a project will have a negative influence on the environment. Although international instruments occasionally refer to it as a separate principle, it is viewed as a component of the precautionary principle.[63] The goal of the environmental impact assessment is to ensure that the relevant government agencies have thoroughly recognized and considered the environmental consequences of the proposed activities, as well as any alternatives that prevent or reduce those effects. It also attempts to provide impacted citizens with the opportunity to learn about the proposed project or policy and express their views to decision-makers ahead of time.[64]

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[59] Mwesige Charles Mutabazi, 'Integration of World Bank Environmental and Social Standards in Planning and Implementation of Road Infrastructure Projects; A case of Uganda National Roads Authority'.
[60] Uganda, National Environment Act, 1995, Section 16(1).
[61] Kibe (n 685) at 12.
[62] New Vision, 'NEMA Demolishes Nyakana's Property',12 June 2020, 3.
[63] Hussein Abaza, Ronald Bisset and Barry Sadler, *Environmental Impact Assessment and Strategic Environmental Assessment: Towards an Integrated Approach* (UNEP/Earthprint 2004).
[64] ibid.

In addition to the foregoing, NEMA always reviews and approves environmental impact assessments and statements submitted following the National Environment Act or any other applicable law.[65] NEMA oversees ensuring that environmental issues are included in all elements of national planning by collaborating with the appropriate government ministries, departments, and organizations. Many of the acts made by government agencies and institutions have an indirect or direct impact on the environment.[66] To properly monitor and carry out the acts of government ministries that may have an impact on the environment, NEMA, as the authority for environmental protection, integrates all of its activities with them at all levels.[67]

NEMA conducts outreach and education activities to raise public awareness of the importance of environmental conservation and sustainable practices. The National Environment Management Authority (NEMA) continually uses the media to inform Ugandans about any environmental issues that they should be aware of. The authority educates the public about environmental issues in formal, informal, and non-formal settings.[68] One of the primary causes of Uganda's rapid environmental degradation is the country's long-running plague of illiteracy and ignorance, which affects a vast number of people. NEMA is responsible for informing the people of this country about the importance of environmental protection and the threats that come with it.[69] It coordinates all its efforts with government ministries at all levels to ensure effective monitoring and implementation of actions that may harm the environment, as many people are unaware of the need for environmental protection. As a result, NEMA can enforce environmental rules and regulations. It conducts inspections, issues licenses, and prosecutes individuals or enterprises found to be in breach of environmental regulations.[70]

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[65] Luke A Sandham, Carla Huysamen, Francois P. Retief, Angus Morrison-Saunders, Alan J. Bond, Jenny Pope, and Reece C. Alberts., 'Evaluating Environmental Impact Assessment Report Quality in South African National Parks' (2020) 62 Koedoe: African Protected Area Conservation and Science 1.
[66] National Environment Management Authority (NEMA), Strategic Plan 2020-2025 (2020) 15-18.
[67] National Environment Management Authority (NEMA), Annual Report 2019 (2019) 40-43.
[68] National Environment Management Authority (NEMA), Public Education and Awareness Strategy (2018) 10-15.
[69] National Environment Management Authority (NEMA), Environmental Education and Awareness Report (2020) 5-8.
[70] National Environment Management Authority (NEMA), Annual Report 2020 (2020) 30-35.

NEMA researches to gather data and knowledge on Uganda's environmental challenges. This research helps people make informed decisions and develop policies. NEMA research to gather data and information on a wide range of environmental issues, including pollution, habitat loss, deforestation, and climate change. [71]This data is used in conservation programs to make evidence-based decisions. During this assessment, NEMA discovered specific hazards to Uganda's natural resources. This can include identifying regions that are severely degraded, fragile ecosystems, or high biodiversity areas. Understanding these dangers is crucial to designing targeted conservation initiatives.[72] Environmental policies and regulations are formed using the knowledge and insights gained from the study. NEMA makes effective policy suggestions to alleviate environmental degradation and promote sustainable resource management by identifying the root causes of the problem.[73]

Reports, seminars, and workshops are common methods for public dissemination of research findings. This encourages participation in conservation projects and raises public awareness of environmental concerns. NEMA's participation in research initiatives also strengthens the capacity of regional stakeholders, including governmental, non-governmental, and community organizations.[74] NEMA enables these stakeholders to actively participate in conservation programs by sharing knowledge and technical expertise. Thus, research provides the baseline data required to evaluate the success of conservation projects. NEMA conducts monitoring and evaluation activities to determine the effectiveness of conservation efforts and make any necessary strategy revisions.[75]

Thus, NEMA's research efforts are critical to Uganda's effective environmental management and the preservation of its natural resources. NEMA contributes significantly

[71] National Environment Management Authority (NEMA), Research and Development Strategy 2018-2022 (2018) 10-15.
[72] National Environment Management Authority (NEMA), State of the Environment Report (2020) 25-30.
[73] National Environment Management Authority (NEMA), Policy Development Framework (2019) 10-15.
[74] Kibe (n 685).
[75] National Environment Management Authority (NEMA), Monitoring and Evaluation Framework (2020) 15-20.

to Uganda's rich biodiversity and sustainable development by generating information, developing policies, promoting awareness, and creating capacity.[76]

However, Uganda's population has increased over the last three decades, particularly in metropolitan regions, putting pressure on the country's natural resources and influencing the environment. Population growth is hurting the nation's ecosystem, resulting in challenges such as declining soil fertility and erosion due to the exploitation of resources.[77]

In Kabale, population growth exacerbates water stress, particularly during the dry seasons. In addition to increasing garbage and straining waste management systems, the increased demand for water for drinking, agriculture, and industry results in over-extraction from rivers and aquifers, endangering aquatic ecosystems and biodiversity.[78] It also increases the risk of air, soil, and water pollution. Waste that is not properly disposed of can destroy ecosystems, imperil species, and negatively affect human health. [79] Furthermore, disputes over land use between conservation aims and competing interests such as housing, infrastructure development, and agriculture are becoming increasingly widespread. It becomes difficult to achieve a balance between the demands of a rising population and the need to safeguard natural resources.[80]

Conversely, a greater population may result in more individuals becoming aware of environmental issues and supporting conservation efforts. A rising number of people are involved in conservation initiatives, community projects, and environmental organizations dedicated to preserving Kabale's natural heritage.[81]

Kabale's expanding population drives up demand for natural resources like as power, water, and land. People's efforts to meet their demands for food, shelter, and livelihoods can lead to increased deforestation, habitat loss, and overexploitation of natural resources.[82] Furthermore, as more people relocate to Kabale, local ecosystems are

[76] National Environment Management Authority (NEMA), Strategic Plan 2019-2024 (2019) 5-10.
[77] Uganda Bureau of Statistics (UBOS), 'Population and Housing Census Report .' (2014).
[78] World Wildlife Fund (WWF), 'Kabale Water Stress and Biodiversity Report' (2020).
[79] 'Kabale District, Environmental Report' (2020).
[80] Uganda Wildlife Authority (UWA), 'Conservation and Development Report' 25.
[81] Kabale District NGO Forum, 'Community Engagement Report' (2020).
[82] Kabale District, 'State of the Environment Report' 18.

under increasing strain. Infrastructure development to support population increase, urbanization, and agricultural expansion may result in the deterioration or fragmentation of forests, wetlands, and other natural habitats.[83]

Local government agencies, communities, and other relevant parties in Kabale must adopt sustainable land use planning, conservation tactics, and natural resource management procedures to address these issues. This could entail taking steps like encouraging sustainable agriculture, putting watershed management plans into action, growing protected areas, and educating the local populace about the value of conservation.[84] Collaboration between government agencies, NGOs, academia, and local people is vital to solving the complicated interplay between population expansion and natural resource conservation in Kabale.[85]

In countries where environmental conservation has been successful, plans have been put in place to control population increase and reduce the demand for natural resources. Because there is a strong link between population growth and environmental degradation, ineffective population management will certainly harm the ecosystem.[86] The ecology is deteriorating because of population growth in Kabale, Mukono, Linja, and Kampala, among other developing areas. NEMA has been striving to address this issue for the past 30 years.[87]

NEMA frequently has resource constraints, such as a shortage of funds and people, which make it more difficult to carry out its purpose. Over the last 30 years, NEMA has faced numerous problems in its efforts to protect the environment, one of which is ecosystem deterioration.[88] Given the challenges NEMA has in its efforts to protect the environment, we cannot disregard the role that ignorance and illiteracy play in Uganda.

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[83] Bureau Ugandaof Statistics, 'Projections of Demographic Trends in Uganda' (2007) 2017 Uganda Bureau of Statistics.
[84] Charles Victor Barber, Kenton Miller and Melissa M Boness (eds), *Securing Protected Areas in the Face of Global Change: Issues and Strategies* (IUCN 2004)
[85] Kabale District Environment Office, Stakeholder Engagement Strategy for Conservation and Development (2020) 10-15.
[86] United Nations Environment Programme (UNEP), Population and Environment Handbook (2019) 15-20.
[87] National Environment Management Authority (NEMA), 'State of the Environment Report for Uganda' (2020).
[88] ibid.2

Some people have not been made aware of the importance of environmental protection, and as a result, they continue to engage in behaviors that undermine the nation's ecosystem.[89]

While some people are simply foolish, others are fully illiterate and have no idea of the worth of any natural resource, contributing to the continued environmental catastrophe. NEMA presents a challenge since it lacks the staff required to monitor the entire country or create public awareness everywhere. In Uganda, ignorance and illiteracy have led to the loss of wetlands for farming, forests for fuel, and the settlement of people in NEMA-designated areas.[90]

Apart from the poverty, other challenges the country is dealing with that have an immediate is that individuals encroach on the environment to make ends meet. People in Uganda have damaged forests and other natural resources by burning firewood for charcoal. It is clear in Mabira Forest that some individuals cut down wood before planting crops.[91] Wetlands in Uganda are being eliminated for agriculture and other commercial purposes, putting NEMA's environmental protection oversight at risk. If the government does not provide people with financial empowerment to stop trespassing on the environment while they seek ways to get money for survival, NEMA will struggle to achieve its goals of conserving the nation's ecosystem.[92]

NEMA never receives enough cash to carry out its scheduled operations. If the government provided the group with adequate funds to meet its needs, it could reduce most of its environmental problems by half. NEMA lacks the money to hire all of the workers needed to monitor the organization's operations around the country.[93] As a result, many locations in Uganda remain unmonitored, contributing to environmental damage as people build homes in restricted areas such as marshes and mountains.

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[89] Uganda Ministry of Water and Environment, Environmental Education and Awareness Strategy (2017) 10-15.

[90] James Musana and Ronald Bisaso, 'Trends and Challenges in Environmental and Sustainability Education in Uganda' World Review 40.

[91] Lubaale Grace, 'Nature, Causes and Development Implications of Ecological Injustice in Uganda'.2022

[92] Charles Odeke, 'Wetland Degradation and Carbon Sequestration Potential–a Case of Lubigi Wetland, Uganda' (Kyambogo University (un published work), 2019).

[93] Kibe (n 685) at 11.

NEMA's capabilities and technical understanding are also insufficient, limiting the agency's ability to conduct comprehensive environmental evaluations and enforcement efforts. Furthermore, NEMA has been fighting environmental degradation for the past 30 years, attempting to protect the environment. Given the challenges NEMA has in its efforts to protect the environment, we cannot disregard the role that ignorance and illiteracy play in Uganda.[94] Some people have not been made aware of the importance of environmental protection, and as a result, they continue to engage in behaviors that undermine the nation's ecosystem. While some people are simply foolish, others are utterly illiterate and do not see the worth of any natural resource, resulting in continual environmental destruction.[95] NEMA presents a challenge since it lacks the manpower required to monitor the entire country or promote public awareness everywhere.

If NEMA lacks the requisite expertise, it may struggle to develop robust environmental laws and policies that address the complex issues involved in protecting natural resources. This may result in the installation of outdated, ineffective, or weakly implemented measures to mitigate the effects of environmental deterioration.[96] Technical knowledge is required for conducting scientific research, collecting data, and analyzing it to make conservation decisions. Without the appropriate resources, NEMA may be unable to collect reliable data on environmental trends, measure ecosystem health, or assess the efficacy of conservation efforts.[97] NEMA's primary responsibilities include enforcing environmental laws and ensuring that conservation measures are followed. However, without the necessary technical expertise, enforcement measures may be jeopardized, resulting in widespread noncompliance and continued degradation of natural resources.[98]

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

[95] Uganda National Commission for UNESCO, Report on Environmental Education in Uganda, (2018), 15-20.

[96] National Environment Management Authority (NEMA), Review of Environmental Laws and Policies in Uganda, (2019), 20-25.

[97] National Environment Management Authority (NEMA), State of the Environment Report (2020) 25-30.

[98] National Environment Management Authority (NEMA), Annual Report 2019-2020 (2020) 20-25.

Effective natural resource conservation requires collaboration and engagement from a wide range of stakeholders, including corporations, non-governmental organizations (NGOs), local communities, and government agencies. NEMA's capacity constraints may make it more difficult to encourage widespread stakeholder participation in conservation planning and decision-making procedures.[99] NEMA oversees enhancing the capabilities of local communities and other governmental bodies to support conservation efforts. However, due to a lack of internal technical competency, NEMA is unable to provide the necessary instruction and help to increase the capacity of its partners and stakeholders.[100] Because of their technical skill, organizations such as NEMA may research and adopt innovative technology and conservation techniques. A lack of capability may result in missed opportunities to adopt cutting-edge approaches to natural resource management, such as remote sensing, GIS mapping, or ecosystem modeling.[101]

If NEMA wants to become more effective in protecting natural resources, it must address its capacity and technical knowledge deficits. This could include sponsoring staff training and professional development, forming relationships with educational institutions and research institutes, and leveraging outside expertise through joint ventures and consulting services.[102] NEMA can better carry out its responsibilities to maintain and protect Uganda's environment for present and future generations by increasing its technological capabilities.

In Uganda, illiteracy and ignorance have resulted in the destruction of wetlands for farming, the clearance of trees for fuel, and the settlement of people in NEMA-designated zones. The local population is unaware of the importance of environmental conservation due to ignorance and illiteracy. Many people are probably uninformed of the long-term consequences of environmental degradation or the ecological importance of Kabale's

[99] National Environment Management Authority (NEMA), Stakeholder Engagement Strategy (2019) 10-15
[100] National Environment Management Authority (NEMA), Capacity Building Strategy (2020) 15-20.
[101] National Environment Management Authority (NEMA), Strategic Plan 2020-2025 (2020) 25-30.
[102] National Environment Management Authority (NEMA), Capacity Building and Training Strategy (2022) 10-15.

natural resources.[103] In particular, NEMA relies on effective communication to communicate with stakeholders and disseminate information about conservation concerns.

On the other hand, illiteracy, and ignorance stymie communication efforts, making it difficult to convey critical information like conservation, sustainable resource management, and environmental preservation. They also serve to spread misleading information and misconceptions about environmental issues. As a result, in the absence of proper information, people may develop misconceptions about the causes of environmental deterioration or the effectiveness of conservation initiatives.[104] This can undermine NEMA's efforts to gain community support for its initiatives and deter certain people from actively participating in community-based and conservation efforts. This may also make it more difficult for NEMA to persuade stakeholders and residents to collaborate to protect Kabale's natural resources.

These are more vulnerable to being exploited by companies or individuals engaged in ecologically hazardous activities. In addition to making it difficult to understand and obey environmental standards and norms, Kabale's poor communities may suffer disproportionately from environmental degradation if they lack the knowledge or skills to fight for their rights or hold polluters responsible.[105] People's inability to read or understand government announcements, environmental impact assessments, or resource management-related legal documentation may impede NEMA's ability to adequately execute conservation measures.[106]

Therefore, improving NEMA's mandate in Kabale's natural resource conservation necessitates combating illiteracy and ignorance. This includes implementing targeted education and awareness campaigns, promoting environmental literacy through

[103] Uganda Ministry of Water and Environment, Environment and Natural Resources Sector Report (2018) 55-60.
[104] Uganda National Commission for UNESCO, Report on Environmental Education in Uganda (2019) 20-25.
[105] 'Uganda Ministry of Water and Environment, Environment and Natural Resources Sector Report' (2018)60-65.
[106] National Environment Management Authority (NEMA), Environmental Education and Awareness Strategy (2020) 25-30.

community outreach and school programs, and making information readily available in regional languages and formats that are understandable to all segments of society.[107] NEMA hopes that by providing communities with information and education, it would inspire more participation and cooperation in conservation programs aimed at maintaining Kabale's valuable natural legacy.

Even though NEMA has regulatory authority, there may be times when its enforcement of environmental laws and regulations is unequal or insufficient, causing environmental degradation.[108] One of the various challenges NEMA confronts in its efforts to preserve the environment is the difficulty of implementing some environmental standards in Uganda.[109] Uganda has a lot of environmental regulations that are extremely difficult to enforce. As a result, people who break these regulations have persisted since Uganda's environmental agency (NEMA) is powerless to act. For example, Uganda enacted legislation prohibiting smoking in public areas to protect the environment, but NEMA has struggled to enforce such regulation without a substantial manpower base and cooperation from other institutions, such as the police.[110] This immediately renders the organization worthless by making it harder to implement environmental standards.

Similar to other regulatory organizations, NEMA faces political pressure or involvement, affecting its impartiality and efficacy in enforcing environmental standards. The difficulties that NEMA is facing can be attributed to the power that many politicians possess, as seen by their violations of Ugandan constitutional legislation and environmental standards.[111] These people utilize their political power to encourage people they believe would vote for them, even if it means breaking the law or building homes in areas designated by the National Environmental Management Authority.[112]

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[107] National Environment Management Authority (NEMA), Strategic Plan 2020-2025 (2020) 30-35.

[108] John Bosco Mugyenyi, '"Enforcing Environmental Laws in Uganda: Challenges and Opportunities"' (2020) 42 *Journal of Environmental Law and Policy* 32.

[109] National Environment Management Authority (NEMA), Annual Report 2019-2020 (2020) 40-45.

[110] Uganda Ministry of Water and Environment, Environment and Natural Resources Sector Report (2018) 80-85

[111] Ibid 82

[112] Uganda Parliament, Report of the Committee on Natural Resources on the Sectoral Report of the Minister of Water and Environment (2019)25-30.

Politicians frequently utilize their positions of authority to defend people who are causing environmental damage in Uganda. For example, various politicians aggressively supported the farmers in the Mabira Forest, seeking to get votes in the upcoming election. [113]NEMA presents a challenge in that politicians who just care about their self-interest frequently resist the agency's efforts to protect the environment. Politics, power, and a thirst for foreign investment have impeded NEMA's recent efforts to protect Uganda's environment. Top politicians and government officials have regularly stolen NEMA's power by selling gazetted property to foreign investors to start enterprises under the guise of creating jobs for the public.[114] Because these investors have the support of the president and other high-ranking government officials, the environment has been jeopardized, and NEMA may be powerless to stop them. Because of these political acts, NEMA is helpless to stop people who violate the country's environmental laws. [115]Failures at numerous institutional links for environmental management are at the basis of the problem. While wetlands are held in trust by Uganda's national or local governments for the benefit of all inhabitants, there have been recent instances of wetland misuse in which local authorities have violated both the law and the constitution. In other cases, local government officials have asserted that they converted wetlands to alleviate poverty and provide opportunities for economic growth.[116]As a result, it is concerning that, in certain cases, the organizations tasked with protecting wetlands have not supported the conservation effort.

Nonetheless, some challenges remain, including insufficient public knowledge, insufficient stakeholder engagement, and insufficient resources committed to public participation procedures.[117] Thus, to improve public participation, NEMA can develop and implement effective policies and guidelines, establish strong mechanisms for engaging stakeholders, raise public awareness and education about environmental issues, collaborate with community and civil society organizations, and ensure inclusive and

[113] Phiona Muhwezi Mpanga, 'Institutional and Legal Challenges to Realising Clean and Safe Water for All in Uganda', *Law| Environment| Africa* (Nomos Verlagsgesellschaft mbH & Co KG 2019).
[114] Kibe (n 685) at 39.
[115] National Environment Management Authority (NEMA), Strategic Plan 2020-2025 (2020) 60-65.
[116] Uganda Ministry of Water and Environment, Wetlands Management Programme (2018) 15-20.
[117] Buganda Land Board, 'Public Participation in Environmental Decision-Making: A Review of Practices in Uganda' (2020) 15-20.

representative decision-making.[118] In addition, NEMA can establish a public participation unit or department, develop a public participation strategy, provide opportunities for public input and feedback, use innovative approaches such as citizen science and participatory monitoring, and foster partnerships with local governments, NGOs, and communities.

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

Despite these challenges, NEMA remains an important agency in Uganda's environmental efforts. Thus, enhancing its capabilities and addressing its deficiencies can significantly improve its effectiveness in maintaining Uganda's natural resources for future generations.[119]

4.3 The National Forestry Authority

The National Forestry and Tree Planting Act of 2003 is the legislation that establishes the National Forestry Authority (NFA). Because it is a semi-autonomous institution, the NFA has more financial and technological flexibility than the FD.[120] The NFA's mandate includes the long-term management of CFRs and the supply of outstanding forestry-related products and services while following sound financial and commercial procedures. The minister has direct oversight of the NFA through the FSSD as it fulfills its function.

Uganda's National Forestry Authority (NFA) is critical to the conservation of natural resources, notably forestry and related ecosystems.[121] The NFA manages the country's Central Forest Reserves by creating boundaries, demarcating regions, conducting resurveys, and providing maintenance. Authorize and approve building projects in forest reserves.[122] Licenses for commercial enterprises are granted within the major forest reserves and its main objectives are to maintain the sustainable management of central forest reserves. Provide high-quality forestry goods and services.

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[118] National Environment Management Authority (NEMA), 'Strategy for Improving Public Participation in Environmental Decision-Making' (2020) 5-10.

[119] National Environment Management Authority (NEMA), Strategic Plan 2020-2025 (2020) 75-80.

[120] Concepta Mukasa Mukasa, Alice Tibazalika, Alice Mango, and Harriet Nabirye Muloki., 'Gender and Forestry in Uganda Policy, Legal and Institutional Frameworks.'(2012) 7

[121] Ministry of Water, Lands and Environment, The National Forest Plan (October 2002).

[122] National Forestry Authority (NFA), 'Forest Management Plan' (2018) 15-20.

The NFA mandates local communities to manage forest reserves, encourages public participation, and supports responsible forestry management, community-based programs, and ecotourism initiatives.

Uganda's National Forestry Authority mandate encourages public participation. Its tasks include the management and conservation of forest resources. Encouraging environmentally friendly forestry practices while protecting biodiversity and forest ecosystems.[123] Its role includes public education and awareness of forest management and conservation, community engagement in conservation and management, public consultation on forest management plans, and partnership with local communities and stakeholders.

The NFA manages and conserves Uganda's central forest reserves and develops and manages all CFRs to provide quality goods and services to the people of Uganda. [124]Sustainable management strategies include enforcing logging restrictions, preventing illicit activities such as poaching and encroachment, and establishing reforestation and afforestation projects. It also uses a variety of ways to engage local populations in natural resource conservation activities, focusing on Sustainable Harvesting, which assures that timber, non-timber forest products, and other resources are harvested sustainably.[125] This ensures that harvesting rates remain consistent with the forest's potential to regenerate, assuring the long-term supply of these resources. Furthermore, many endangered species rely on specialized environments and are frequently found in forest reserves managed by the NFA. By maintaining these ecosystems and avoiding habitat destruction or degradation, the NFA directly aids in the protection of threatened species.[126]

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[123] Latoya TK Wanyanga, 'Conservation and Management of Forests in Kenya: An Analysis of the Regulatory Framework Regulating Timber Harvesting in Natural and Plantation Forests in Kenya' (University of Nairobi, 2021).
[124] Francis NW Nsubuga, Edith N Namutebi and Masoud Nsubuga-Ssenfuma, 'Water Resources of Uganda: An Assessment and Review'.
[125] Midhun Mohan, Hayden A. Rue, Shaurya Bajaj, GA Pabodha Galgamuwa, Esmaeel Adrah, Matthew Mehdi Aghai, and Eben North Broadbent, 'Afforestation, Reforestation and New Challenges from COVID-19: Thirty-Three Recommendations to Support Civil Society Organizations (CSOs)' (2021) 287 Journal of Environmental Management 112277.
[126] P Kotze and Mr F Blignaut, 'NORTHAM BOOYSENDAL PLATINUM/THE BUTTONSHOPE CONSERVATION TRUST'.

The NFA also administers forests by holding stakeholder consultations with local communities, indigenous groups, civil society organizations, and other stakeholders to gather input, feedback, and participation in conservation efforts.[127] These meetings guarantee that community viewpoints are considered throughout decision-making processes, as well as that conservation initiatives are culturally sensitive and inclusive. It thus works with local communities to build and manage community forests or participatory forest management plans. These projects empower communities to sustainably manage forest resources, protect biodiversity, and benefit from ecosystem services while encouraging local ownership and stewardship of natural resources.[128]

When managing forests, the NFA holds stakeholder consultations to solicit input, feedback, and participation in conservation initiatives from local communities, indigenous groups, civil society organizations, and other stakeholders.[129] These meetings ensure that socially and culturally inclusive conservation initiatives are undertaken and that community perspectives are considered during the decision-making process. As a result, it collaborates with neighborhood groups to establish and manage community forests or participatory forest management plans.[130] These projects promote local ownership and management of natural resources, allowing communities to sustainably manage forest resources, protect biodiversity, and profit from ecosystem services.

To better manage forests, the National Forestry Authority runs education and awareness campaigns to educate local communities about the importance of natural resource conservation, biodiversity protection, and sustainable forest management.[131] These campaigns raise awareness and encourage environmental stewardship using a range of

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[127] Shivan Kaitesi Kamugisha, 'Stakeholder Mapping In the Albertine Graben and Analysis of Multi-Sectoral Approaches in Uganda'(2020).
[128] Latif Haji, Naser Valizadeh and Dariush Hayati, 'The Role of Local Communities in Sustainable Land and Forest Management', *Spatial Modeling in Forest Resources Management: Rural Livelihood and Sustainable Development* (Springer 2020).
[129] Cornelius Kazoora, Deziderius Irumba, Nikola Smith, Michael Mutamba, Premier Nkabiheebwa, Gladys Katumba, and Ephrance Nakiyingi, *A Review of Collaborative Forest Management in Uganda* (National Forestry Authority, Ministry of Water and Environment 2020).
[130] M E Fernandez-Gimenez, H L Ballard and V E Sturtevant, 'Adaptive Management and Social Learning in Collaborative and Community-Based Monitoring: A Study of Five Community-Based Forestry Organizations in the Western USA' (2008) 13(2) *Ecology and Society*.
[131] Diego Matsvange, Ruvimbo Sagonda and Munyaradzi Kaundikiza, 'The Role of Communities in Sustainable Land and Forest Management: The Case of Nyanga, Zvimba and Guruve Districts of Zimbabwe' (2016) 8 *Jamba: Journal of Disaster Risk Studies* 1-11.

communication channels, such as community meetings, workshops, radio programs, posters, and educational materials.[132] It accomplishes this by providing local communities with training and capacity-building projects to help them increase their knowledge, skills, and abilities to participate in conservation activities. These projects focus on sustainable land use practices, agroforestry techniques, biodiversity monitoring, fire management, and alternative livelihoods, encouraging communities to actively participate in conservation efforts. It also engages nearby communities in collaborative planning and decision-making for forest preservation and management.[133] Forest management plans usually include strategies for controlling and preventing wildfires, which have the potential to devastate wildlife habitats and forests. The NFA decreases the risk of forest fires and their impact on natural resources by implementing fire prevention measures, participating in controlled burns, and improving fire response skills.[134]

The National Forestry Authority (NFA) fosters collaboration, mutual trust, and shared accountability for conservation outcomes by involving communities in the development of management plans, zoning regulations, and resource allocation decisions.[135]

The NFA manages forest reserves, which contribute significantly to Uganda's biodiversity conservation efforts. Forests support a diverse range of plant and animal species, both native and threatened.[136] The National Fish and Wildlife Association helps to preserve these species and their habitats by managing and protecting them.

The NFA manages central forest reserves, which serve as crucial habitats for a variety of plant and animal species. The National Forest Act (NFA), which prohibits unlawful operations, invasion, and destruction, contributes to the protection of critical habitats and species. It also conducts afforestation and restoration initiatives to repair damaged

[132] Kami J Silk, Sarah Sheff, Maria Lapinski, and Alice Hoffman.,'Communication Campaigns That Emphasize Environmental Influences on Health and Risk', *Oxford Research Encyclopedia of Communication* (2016).
[133] Haji, Valizadeh and Hayati (n 767) at 11.
[134] Blake Hudson, 'Resilient Forest Management and Climate Change' (2024) 58 Georgia Law Review 7.
[135] Rachel S Friedman, Angela M. Guerrero, Ryan RJ McAllister, Jonathan R. Rhodes, Truly Santika, Sugeng Budiharta, Tito Indrawan, 'Beyond the Community in Participatory Forest Management: A Governance Network Perspective' (2020) 97 *Land use policy* 104738.
[136] Cornelius Kazoora, Deziderius Irumba, Nikola Smith, Michael Mutamba, Premier Nkabiheebwa, Gladys Katumba and Ephrance Nakiyingi, *A Review of Collaborative Forest Management in Uganda* (National Forestry Authority, Ministry of Water and Environment 2020).

habitats and build new woody areas.[137] These programs promote biodiversity by increasing species variety, improving habitat connectivity, and strengthening ecological services. It also works to protect rare and endangered species of animals that live in forest reserves. The National Fish and Wildlife Association in the United States for example collaborates with wildlife authorities to protect vulnerable species such as rare plants, birds, and primates, as well as to combat poaching and preserve habitat.[138] It consists of steps for restoring degraded forest regions and encouraging regeneration on cleared or damaged land. This includes measures like planting native tree species, implementing agroforestry practices, and utilizing natural regeneration techniques to improve biodiversity and restore ecosystem services.[139]

It also undertakes biodiversity surveys and monitoring studies to assess the health of forest reserve plant and animal species. This data examines changes in biodiversity over time, prioritizes areas for protection, and guides conservation efforts. It also works with overseas partners, research institutes, government agencies, and non-governmental organizations (NGOs) to support biodiversity conservation activities.[140] The NFA funds a variety of research programs to preserve biodiversity, protect species, and regulate ecosystems. The NFA provides scientific data on ecological processes and regional biodiversity, which is used to develop conservation programs and outreach initiatives.[141]

In addition to contracting for advising, research, and commercial services, the National Forest Agency monitors and conducts studies to assess the status of forests and biodiversity in the areas it governs. This includes monitoring key indices of ecosystem resilience and health, conducting biodiversity surveys, and researching forest health.[142] The National Tree Seed Center supplies the industry with high-quality seeds and other

[137] The National Forestry and Tree Planting Act, 2003 (No. 8 of 2003)
[138] George Cameron Coggins, 'Conserving Wildlife Resources: An Overview of the Endangered Species Act of 1973' (1974) 51 NDL Rev. 315.
[139] Reda M Dennis-Parks, 'Healthy Forests Restoration Act-Will It Really Protect Homes and Communities' (2004) 31 Ecology LQ 639.
[140] Lee Godden and Jacqueline Peel, 'The Environment Protection and Biodiversity Conservation Act 1999 (Cth): Dark Sides of Virtue.' (2007) 31 *Melbourne University Law Review* 106.
[141] Kashish Singhal and Akshay Tambi, 'EIA 2020-A Ticking Time Bomb' (2020) 10 NLIU L. Rev. 407.
[142] Forestry Act 2012 (New South Wales) (Australia) s.12 et seq.

planting materials while simultaneously collecting data on habitat quality, species composition, water availability, soil health, and other environmental aspects.

A performance agreement between the National Forestry Authority and the Ministry of Water and Environment will enable the NFA to act on behalf of the government.[143] Every two years, the FSSD is supposed to review this contract. However, since its inception in 2004, FSSD has only been able to complete one NFA-government performance contract due to funding constraints. The performance contract paradigm must be reintroduced if the government is to fulfill its monitoring responsibilities efficiently.[144]

In terms of forestry and natural resource conservation, the NFA collaborates with international organizations, foreign states, and non-governmental organizations (NGOs). This includes sharing best practices, collaborating on studies, and gaining funding for conservation-related projects.[145] It also engages in international collaboration and partnerships to address transboundary issues, share best practices, and mobilize resources for natural resource management.[146]

These baseline surveys, which are conducted to assess biodiversity inside forest reserves administered by the organization, lay the groundwork for future monitoring operations. They provide crucial information regarding species composition, distribution, abundance, and habitat types.[147]

The NFA collaborates with other conservation and governmental groups to implement species recovery projects for endangered species located in forest reserves. These measures may include habitat restoration, relocation, captive breeding, and other conservation interventions designed to increase population numbers and improve the species' prospects of survival.[148]

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[143] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 14(1)(a).
[144] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 15(2).
[145] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 24(1)(e).
[146] John L Garrison, 'Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Debate over Sustainable Use' (1994) 12 Pace Envtl. L. Rev. 301.
[147] Ritah Kigonya , Patrick Byakagaba, Edward Ssenyonjo, and Charlotte Nakakaawa Jjunju, 'Biodiversity Offsetting" in Uganda's Protected Areas: A Pathway to Restoration of Forest Biodiversity?' [2024] Environmental Management 1.
[148] Wildlife Act, 2000 (No. 2 of 2000) s 30(1)(a).

The NFA expands its reach and solves conservation concerns through joint projects, knowledge sharing, and resource mobilization. It also makes recommendations and gives technical assistance to the government on legislation and policies that protect biodiversity. Through campaigning for enhanced legislative frameworks, enforcement techniques, and conservation incentives, the NFA contributes to the creation of an environment that encourages biodiversity preservation and sustainable resource management.[149] Initiatives aimed at maintaining biodiversity also involve residents who live near forest areas. This includes supporting sustainable land use practices, educating people on the value of biodiversity, and integrating local communities in conservation efforts such as tree planting and wildlife monitoring.[150]

The NFA collaborates with the communities that surround forest reserves to promote sustainable forest management practices. This typically entails offering them sustainable agroforestry as an alternative source of income and involving them in conservation efforts through educational and awareness initiatives.[151] Community involvement is critical for natural resource protection, and Uganda's National Forestry Authority (NFA) employs a range of strategies to engage locals in conservation efforts. This is one example of how the NFA's community involvement fosters natural resource conservation.[152] Furthermore, it collaborates with local people, Native American tribes, and other stakeholders to make decisions about forest management and conservation. By involving communities in the conception, execution, and monitoring of conservation programs, the NFA ensures that their voices are heard, and their concerns are considered.[153]

It provides training and capacity-building programs to help local communities understand conservation concepts, sustainable land use practices, and natural resource management strategies. Residents may take an active role in conservation efforts and make long-term contributions owing to community capacity-building projects. [154]Furthermore, it promotes the development of alternative cash streams for the residents

[149] National Environment Act, 2019 (No. 8 of 2019) s 15(1)(d).
[150] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 28(1)(c).
[151] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 5(1)(f).
[152] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 5(1)(g).
[153] National Forest Management Act, 1998 (No. 14 of 1998) s 12(2)(c).
[154] National Environment Act, 2019 (No. 8 of 2019) s 24(2)(e).

who live in and around forest reserves. The NFA reduces reliance on forest resources and alleviates strain on fragile ecosystems by promoting ecotourism, beekeeping, agroforestry, and the gathering of non-timber forest products, among other sustainable income-generating ventures.[155]

It incorporates innovative tactics for local community involvement in CFR management, like as benefit-sharing systems, to encourage community participation and ensure that surrounding towns benefit directly from conservation initiatives. It oversees CFRs in partnership with the private sector and local communities. These initiatives include revenue-sharing agreements, job possibilities, access to eco-tourism income, infrastructure and social service provision, and other incentives to encourage community participation and conservation support.[156] These initiatives seek to resolve conflicts and tensions among a variety of parties, including communities, government agencies, business sector actors, and conservation organizations. They also improve communication and dispute-resolution processes. To foster collaboration and teamwork toward shared conservation goals, the NFA promotes communication, trust, and the resolution of underlying difficulties.[157]

It also runs outreach and awareness initiatives to educate the local population on the importance of biodiversity preservation, sustainable forest management, and natural resource protection. The NFA raises awareness of conservation issues and encourages communal action through workshops, seminars, school programs, and community meetings.[158] It also recognizes and incorporates traditional ecological knowledge and practices from local populations into conservation efforts. The NFA recognizes indigenous knowledge, cultural values, and traditional resource management approaches, hence increasing the effectiveness and relevance of conservation efforts.[159]

The National Forestry Authority collaborates with communities to monitor and review conservation activities to assess their effectiveness, obtain feedback, and revise plans

[155] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 29(1)(d).
[156] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 30(2)(b).
[157] National Environment Act, 2019 (No. 8 of 2019) s 25(1)(f)
[158] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 28(1)(a).
[159] National Environment Act, 2019 (No. 8 of 2019) s 24(2)(c).

based on local expertise. By including communities in monitoring programs, the NFA promotes accountability, transparency, and shared responsibility for conservation objectives.[160]

The NFA oversees enforcing forestry and environmental rules and regulations within the managed areas under its jurisdiction to protect endangered species in forest reserves. Patrolling forest areas, apprehending unlawful loggers and poachers, and taking legal action against violators are all part of it.[161] It works together with law enforcement agencies, such as the Uganda Police Force and the Uganda Wildlife Authority, to arrest and prosecute offenders following current regulations. The goals of the NFA's law enforcement actions are to protect forest ecosystems, prevent illegal activity, and ensure regulatory compliance.[162]

The NFA undertakes regular national forest inventories and other technical services through its National Biomass Studies, as well as assisting in the identification of conservation priorities, assessing the effectiveness of management actions, and understanding long-term trends in natural resource dynamics.[163] The NFA also collects data through ecological monitoring, biodiversity surveys, and forest inventories to help with evidence-based decision-making and adaptive management methods.[164] Finally, it develops and implements CFR management strategies, provides status reports, and performs other activities as directed by the minister.

The investigations and observational endeavors were designed to assess the status of vulnerable species and their surroundings. This data helps to drive targeted conservation efforts by identifying important habitats, population trends, and conservation priorities for endangered species.[165] Long-term monitoring studies, which follow changes in biodiversity over time, use vegetative plots, repeated surveys of key indicator species,

[160] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 29(2)(b).
[161] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 35(1)(a)-(c).
[162] Ronald Twongyirwe and Eleanor Fisher, 'Natural Resource Management in the Northern Albertine Rift Landscape, Western Uganda: Modelling Household Land Utilisation for Conflict Reduction' (Mbarara University of Science and Technology 2020).
[163] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 17(1)(d).
[164] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 18(2)(a)-(c).
[165] Wildlife Conservation Act, 2019 (No. 4 of 2019) s 24(1)(b).

and other monitoring approaches to discover trends, identify threats, and assess the success of conservation initiatives.[166]

The NFA assists Uganda in developing its forestry and conservation policies. It provides the government with recommendations and technical assistance on problems such as conservation, forest management, and sustainable resource use.[167]

It collaborates with government ministries, organizations, and stakeholders to develop laws and regulations that promote sustainable natural resource management practices. It also provides technical assistance, information, and stakeholder input to help shape policy decisions on forest management, biodiversity conservation, and sustainable development.[168] All of these contributions help to develop Uganda's forestry laws, regulations, and policies. The NFA promotes tougher legislation, more efficient enforcement techniques, and conservation incentives, all of which help to create favorable conditions for sustainable forestry and environmental governance.[169]

Furthermore, it participates in regional and international forestry, biodiversity conservation, climate change mitigation, and sustainable development conferences, seminars, and initiatives. To improve its proficiency and effectiveness in natural resource management, the NFA collaborates with other countries, organizations, and donors on bilateral agreements, cooperation projects, and knowledge-sharing initiatives.[170]

International cooperation allows the NFA to gain the technological know-how, financial opportunities, and resources it requires to assist its conservation initiatives and accomplish global conservation objectives.[171]

Thus, the National Forestry Authority contributes significantly to the protection of Uganda's natural resources, particularly its forests and biodiversity, through a

[166] National Environment Act, 2019 (No. 8 of 2019) s 43(2)(c).
[167] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 5(1)(a)-(b).
[168] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 6(1)(a)-(c).
[169] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 4(a)-(c).
[170] Bas Louman and others, 'SDG 13: Climate Action—Impacts on Forests and People' [2019] Sustainable development goals: their impacts on forests and people 419.
[171] David M Ong, 'The Convention on International Trade in Endangered Species (CITES, 1973): Implications of Recent Developments in International and EC Environments Law' (1998) 10 J. Envtl. L. 291.

combination of management, conservation, community engagement, research, and policy advocacy.[172] It is also a valuable tool for natural resource conservation since it promotes sustainable usage, protects ecosystems, restores degraded areas, and engages stakeholders in conservation activities. These projects play a critical role in achieving the NFA's goals of encouraging sustainable forestry practices, safeguarding biodiversity, and ensuring the prudent use of natural resources for future generations.[173]

All things considered, the NFA has not functioned as expected since its inception. It has not been able to achieve self-sufficiency, thus it still requires assistance from the government and donors. Some CFRs have been impacted by the increase in encroachment and other criminal activity that has long existed in forests outside of Protected Areas (PAs).[174] As a result, the NFA is now forced to devote a major portion of its annual budget to law enforcement efforts. The initial support has given way to political expediency.[175] Political influence draws intruders, making intrusions difficult to manage. The replanted areas will take some time to start generating revenue for the organization, and the base of forest resources that were supposed to be the primary source of NFA's domestic revenue has been dwindling.[176]

4.4 Courts of Law

The law that provides for Courts of Law as an institution in Uganda is the Judicature Act[177]. For more than 40 years, countries around the world have collaborated to develop and implement laws and policies that regulate actions and interactions that endanger biodiversity, harm the environment, endanger public health, reduce the value of ecosystem goods and services, and deplete natural resources.[178] Nations have formed strong environmental agencies, signed multilateral agreements, and launched new local,

[172] National Forestry and Tree Planting Act, 2003 (No. 8 of 2003) s 3(a)-(e).
[173] National Environment Act, 2019 (No. 8 of 2019) s 21(1) -(3).
[174] Auditor General, ‘, Report of the Auditor General on the National Forestry Authority’ 2020, 12.
[175] Asif Raihan, ‘Sustainable Development in Europe: A Review of the Forestry Sector’s Social, Environmental, and Economic Dynamics’ (2023) 2 *Global Sustainability Research* 72.
[176] Chris Taylor and David B Lindenmayer, ‘Stakeholder Engagement in a Forest Stewardship Council Controlled Wood Assessment’ (2021) 120 *Environmental Science & Policy* 204.
[177] Judicature Act, Chapter 13, No 13 of 1996 (Uganda),Bright Kamusiime, ‘Challenges Facing the Judiciary in Uganda.’
[178] Philip Alston, ‘The United Nations’ Specialized Agencies and Implementation of the International Covenant on Economic, Social, and Cultural Rights’ (1979) 18 Colum. J. Transnat’l L. 79.

national, and international programs to protect public health, reduce greenhouse gas emissions, conserve biodiversity and wildlife, and manage natural resources.[179] Although these are significant gains, fresh assessments of the global environment indicate that there are still severe challenges. Aside from "bad actors" and criminal elements, other causes contributing to the continued loss of biodiversity, depletion of natural resources, climate change, and global rubbish proliferation include a lack of political will, resources, and environmental management.

Individuals and organizations entrusted with ensuring that environmental laws are obeyed and enforced are critical to closing the gap between legislative goals and environmental safeguards.[180] To effectively apply legal principles to complex situations involving conflicting interests of many parties, judges, attorneys general, and prosecutors must have specific legal expertise, reliable data, public trust, and political will. Multidisciplinary approaches are required for successful capacity building of lawmakers, inspectors, prosecutors, and judges.[181]

The 1992 Rio Earth Summit, also known as the United Nations Conference on Environment and Development, focused on developing new frameworks for environmental governance that would allow for continuous improvements in living standards while preventing further damage to our environment and natural resources.[182] Mechanisms to assure the uniform application of environmental laws at the national level, including domestic legislation to carry out multilateral environmental agreements, are critical components of these frameworks.[183] The Courts of Law are at the forefront of change in a variety of ways, including establishing the first "green" courts, allowing a broader range of stakeholders to participate in the pursuit of environmental justice, and using unofficial networks to connect and collaborate with colleagues all over the world.[184]

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[179] Declaration (n 29).
[180] Franz Xaver Perrez, 'The Role of the United Nations Environment Assembly in Emerging Issues of International Environmental Law' (2020) 12 *Sustainability* 5680.
[181] Valsamis Mitsilegas and others, 'Environmental Crime at the International Level: Criminalisation of Illegal Trade in Wildlife under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)', *The Legal Regulation of Environmental Crime* (Brill Nijhoff 2022).
[182] Declaration (n 29).
[183] Perrez (n 819).
[184] Erika Jade Techera Lindley, Karen N. Scott, and Anastasia Telesetsky, *Routledge Handbook of International Environmental Law* (Routledge 2021).

Good governance is necessary for long-term development, just as the rule of law is required for effective compliance and enforcement.

The Judicature Act[185]established courts of law in Uganda.[186] Courts aim to provide an impartial, just dispute resolution forum, interpret and apply law fairly, ensure equal access, and uphold justice and the rule of law. They aim to provide an impartial, just dispute resolution forum, interpret and apply law fairly, ensure equal access, and uphold justice and the rule of law.

The Court plays a critical role in enforcing laws and rewarding conformity. Furthermore, they are critical for promoting the creativity and direction required for long-term development, which, as previously said, comes from effective enforcement and compliance.[187]

The purposes and functions of courts of law emphasize the general public's involvement in local communities through public access to court decisions and processes, public participation in court issues as defendants, plaintiffs, or witnesses, and Community participation in alternative dispute resolution techniques such as mediation and arbitration. Public education and awareness campaigns concerning one's legal obligations and rights, collaborating with local communities to improve the rule of law and access to justice. The Judicature Act and Courts of Law emphasize public participation in justice administration, recognizing local communities' crucial role in promoting access to justice and the rule of law.

The mandate of Uganda's Courts of Law encourages public participation in environmental issues. To promote accountability and justice in the environmental sector, courts are specifically tasked with making decisions on environmental and natural resource management issues, interpreting environmental legislation and norms, and providing legal remedies for environmental grievances.[188]

[185] Judicature Act, Chapter 13, No 13 of 1996 (Uganda).
[186] The Judicature Act, Chapter 13, No. 13 of 1996, s 3.
[187] Mitsilegas and others (n 820).
[188] Leventhal Harold. "Environmental Decisionmaking and the Role of the Courts." *U. Pa. L. Rev.* 122 (1973): 509.

A judiciary that is aware of the ever-expanding boundaries of environmental law and law about sustainable development, as well as its role and responsibilities in upholding the rule of law concerning environmentally friendly development, would play an important role in defending the public interest in a safe and healthy environment.[189]

Sustainable development is founded on the preservation of natural resources, particularly in locations such as Uganda's Kabale District, where the environment is critical to the local economy and way of life for the population.[190] In recent years, Ugandans have become more aware of the importance of maintaining their rich biodiversity and ecosystems in the face of mounting challenges from climate change and human activities. To ensure the protection of natural resources, the court plays an important role in enforcing the law, resolving disputes, and upholding environmental justice values.[191]

Kabale District, located in Uganda's southwest, is home to a diverse range of ecosystems, including lush forests, productive agricultural areas, and vital water sources.[192] However, these fragile ecosystems are under severe stress as a result of increased population growth, agricultural expansion, and unrestrained resource exploitation, which is driving deforestation, soil degradation, and biodiversity loss.

In response to these challenges, the Kabale District High Court and Chief Magistrate Court have played an important role in furthering conservation and sustainable resource management.[193] These specific courts in Kabale are part of the Court system of Uganda and have jurisdiction over matters related to conservation and sustainable resource management in the Kabale District.

The courts' role entails offering public access to court proceedings and findings, as well as opportunities for public participation in environmental litigation. Public interests are

[189] Suzanne Kingston, 'Transnational Environmental Governance before the Courts', *Research Handbook on Transnational Environmental Law* (Edward Elgar Publishing 2020).
[190] Munyanziza Joseph, 'Agricultural Projects and Rural Development in Rwanda: A Case Study of Urugaga Imbaraga in Musanze District'.p.15
[191] Peter Davis Mutesasira, *Environmental Procedural Rights in Africa: With Specific Reference to South Africa and Uganda* (Eleven International Publishing 2020).
[192] Jenny Farmer, Charlie Langan and Jo U Smith, 'Temporal Variability in Heterotrophic Carbon Dioxide Emissions From A Drained Tropical Peatland in Uganda' (2022) 2 Frontiers in Soil Science 904647.
[193] Kabale District High Court, ', *Environmental Justice Report' (2020).*

taken into account while making environmental decisions.[194] There are several concrete ways in which the courts can participate in realizing a sustainable future, such as adjudicating environmental disputes to the interpretation and enforcement of relevant laws and regulations, balancing environmental and developmental considerations in judicial decision-making, and providing an impetus to the incorporation of contemporary developments in the field of environmental law for promoting sustainable development, including access.[195] The judiciary may and must play an important role in promoting and implementing environmental regulations.

Kabale District courts have the jurisdiction to hold individuals, businesses, and government institutions accountable for actions that harm the environment or violate conservation laws by applying legal precedents and principles. Furthermore, court verdicts establish key precedents that guide future conservation projects and affect environmental policy at the municipal, state, and federal levels.[196]

The Uganda Corporation Creameries Ltd and Others v. Reamation Ltd is a significant case in Ugandan jurisprudence, involving environmental concerns and protests from Reamation Ltd, a local environmental group. The Ugandan legal framework, including international and Ugandan laws, ensures environmental rights, promotes public participation in natural resource management, and establishes NEMA for sustainability.[197]

Uganda is a signatory to several international environmental treaties, including the Rio Declaration on Environment and Development, which emphasizes public participation as a key principle.[198] In the instant case, Uganda Corporation Creameries Ltd and others argued that they adhered to all environmental laws, maintained acceptable environmental standards, and deemed additional public consultations unnecessary.[199]

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[194] Uganda Law Reform Commission, 'Report on Access to Environmental Justice' (2019) 20-25.
[195] Jasmine I Kerr , Mara Naegelin, Michaela Benk, Florian v Wangenheim, Erika Meins, Eleonora Viganò, and Andrea Ferrario, 'Investigating Employees' Concerns and Wishes Regarding Digital Stress Management Interventions with Value Sensitive Design: Mixed Methods Study' (2023) 25 *Journal of Medical Internet Research* e44131.
[196] Kabaseke (n 626).
[197] *Uganda Corporation Creameries Ltd and Others v Reamation Ltd UGSC 12* 12.
[198] Jeffrey D Kovar, 'A Short Guide to the Rio Declaration' (1993) 4 Colo. J. Int'l Envtl. L. & Pol'y 119.
[199] *Uganda Corporation Creameries Ltd and Others v Reamation Ltd* (2017) 12, 15.

Reamation Ltd alleged plaintiffs' conduct negatively impacted the environment and ignored community involvement in decision-making, arguing public participation is a fundamental right for sustainable environmental management.[200] The court examined whether plaintiffs violated environmental laws, respected public participation rights, and adequately involved local communities in environmental decision-making, as mandated by Uganda's Constitution and National Environment Act. The decision highlighted the importance of public engagement in environmental policy, stating that plaintiffs breached their right to a clean environment by engaging in harmful activities and failing to communicate effectively.[201]

The case highlighted the significance of involving residents in environmental decision-making processes, emphasizing public participation, and holding firms accountable for their environmental impact. The Ugandan court's decision on community rights and environmental conservation established a precedent for future legislation, guiding the interpretation of environmental rights and public participation in natural resource protection, aligning with global environmental goals. This case highlights the importance of public participation in environmental rights and sustainable management, promoting residents' rights.

The courts explain and uphold environmental legislation. This includes regulations governing forestry and land use in Uganda, such as the National Environment Act and the Wildlife Act.[202] It is the responsibility of judges and magistrates to enforce these standards and make decisions in cases of environmental breaches. Environmental laws can be construed, and they are frequently challenging.[203] They interpret and apply these laws through courts and tribunals. Judges study laws, rules, and court rulings to determine which apply to certain situations.[204] The Court guarantees that environmental

[200] *Reamation Ltd's submissions in Uganda Corporation Creameries Ltd and Others v Reamation Ltd* (2017) UGSC 12 25.
[201] Uganda Corporation Creameries Ltd and Others v Reamation Ltd [2017] UGSC 12, paras 45-50
[202] Republic of Uganda, National Environment Act (2019) ss 4-7.
[203] Faith Nayebare, 'A Critical Analysis of Public Interest Litigation as a Means of Achieving Human Rights and Justice in Uganda.'
[204] Charles Odidi-Okidi and Collins Odote, 'Developments in Environmental Governance in Kenya: Experiences Using the Owino-Uhuru Case' [2017] The Gallant Academic 277.

laws are consistently and successfully enforced in concerns of natural resource protection by delivering accurate interpretations of these laws.

A Court that understands the ever-expanding boundaries of environmental law and sustainable development law, as well as its role and responsibilities in upholding the rule of law in environmentally friendly development, is critical to defending the public interest in a safe and healthy environment.[205]

In recent years, courts have increased their efforts to ensure that governments implement environmental regulations. They are critical in interpreting environmental legislation, incorporating emerging legal principles within the holistic paradigms of sustainable development, providing a coherent and comprehensive strategy for integrating diverse sectoral laws into a cross-sectoral approach and ensuring effective legislative implementation.[206]

Individual judges, however, may find it difficult to keep up with the complex and rapidly changing environmental issues. The bulk of environmental injuries need advanced research and do not respect jurisdictional boundaries, particularly those induced by climate change, complicating the work of judicial bodies.[207] This demands judicial groups collaborate and coordinate in ways that judges may find unfamiliar or embarrassing. "Climate change-related environmental issues transcend borders," according to the GEO-4 Report of the United Nations Environment Programme (UNEP). Countries cannot sufficiently preserve the environment on a global basis. Only effective international cooperation will suffice. A more cohesive global framework for environmental governance is needed."[208]

One noticeable trend in recent decades has been the rise of "green courts," or environmental courts and tribunals focused on environmental conflict settlement. They

[205] Gitanjali N Gill and Gopichandran Ramachandran, 'Sustainability Transformations, Environmental Rule of Law and the Indian Judiciary: Connecting the Dots through Climate Change Litigation' (2021) 23 *Environmental Law Review* 228.
[206] J Ogoola, *'Environmental Justice in Uganda' in Okello Oculi (Ed),* (Environmental Law and Policy in Uganda ed, Fountain Publishers).
[207] United Nations Environment Programme, The Judiciary and Environmental Law (2018) 25-30.
[208] Attila Pánovics, 'The Missing Link-Access to Justice in Environmental Matters' (2020) 4 EU and comparative law issues and challenges series (ECLIC) 106.

enable governments to address highly specialized, knowledge-intensive environmental and socioeconomic concerns. To serve on an environmental court or tribunal, you may need to have training in environmental science or other technical areas. They must frequently strike a balance between environmental and economic considerations because they handle both civil cases and environmental prosecutions.[209] The availability of environmental courts and tribunals is dependent on the threshold question of standing in each country where they are constituted. Local or national regulations specify the kind of cases that can be heard by an environmental court or tribunal, as well as the prerequisites for entry to these decision-making bodies.[210] It can make decisions in civil, administrative, and criminal cases, and it has broad jurisdiction to deal with issues involving land planning and the environment. The court frequently talks with independent experts selected internally who have technical or scientific backgrounds.[211]

Despite the advantages they give over normal civil and criminal courts, the introduction of environmental courts and tribunals is only the first step in the process of preventing environmental harm and giving adequate restitution.[212] An environmental court or tribunal's decision cannot be enforced unless the necessary tools are available. In circumstances when government agencies lack the manpower, political will, training, experience, or other resources to carry out the necessary operations, this may be difficult to implement.[213]

To consistently craft verdicts that can be enforced, judges and prosecutors will need more resources and training in many nations. Participating in worldwide networks as senior judges, prosecutors, and attorney generals have shown to be one very successful

[209] Hendrik Schoukens, 'Rights of Nature in the European Union: Contemplating the Operationalization of an Eco-Centric Concept in an Anthropocentric Environment?' [2020] Non-human nature in world politics: Theory and practice 205.
[210] Pánovics (n 847).
[211] Jan Boesten, *Constitutional Origin and Norm Creation in Colombia: Discursive Institutionalism and the Empowerment of the Constitutional Court* (Routledge 2022).
[212] James R May and Erin Daly, 'Perspectives on Emerging Issues in International Environmental Law: The Role of Human Dignity in Achieving the Un Sustainable Development Goals' (2021) 19 Direito em Movimento 81.
[213] Lavanya Rajamani, 'Public Interest Environmental Litigation in India: Exploring Issues of Access, Participation, Equity, Effectiveness and Sustainability' (2007) 19 *Journal of environmental law* 293.

strategy for improving their capacity to influence the final resolution of environmental cases.[214]

The courts decide matters concerning natural resource management. Conflicts over mining operations, water rights, land use, or conservation measures could arise. Conflicts over the use and protection of natural resources may arise in Kabale and other Ugandan regions between locals, governmental agencies, and commercial corporations.[215] Courts make decisions in these cases based on evidence and appropriate legal precedents. Conflicting interests in the use, management, and preservation of natural resources are a frequent source of environmental disputes. These disputes could involve communities, businesses, governments, and other stakeholders. Courts provide a structured mechanism for resolving disputes and identifying solutions that achieve a balance between competing interests by issuing rulings on cases.[216] Effective dispute settlement can prevent disputes from worsening, reducing the likelihood that protracted disagreements or confrontations would harm the environment. Environmental conflicts typically revolve around how to safeguard ecologically sensitive areas such as wetlands, forests, and wildlife habitats. Courts have the jurisdiction to issue decrees or injunctions to protect these areas from potentially detrimental activities including pollution, illegal logging, and land alteration.[217] By resolving conflicts in these fields, the court helps to conserve natural resources by conserving biodiversity and critical ecosystems.

The courts penalize offenders who violate environmental standards, preventing future violations. Fines, payback obligations, and other penalties serve as disincentives for environmentally harmful behavior.[218] This deterrence effect prevents activities that harm the environment, hence protecting ecosystems, wildlife habitats, and biodiversity.

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[214] Dana Hoi-Zu Williamson , Emma Xue Yu, Candis Michelle Hunter, John Alexander Kaufman, Kelli Komro, Na'Taki Osborne Jelks, Dayna Anne Johnson, Matthew Oliver Gribble, and Michelle C. Kegler, 'A Scoping Review of Capacity-Building Efforts to Address Environmental Justice Concerns' (2020) 17 *International Journal of Environmental Research and Public Health* 3765.
[215] Ben Kiromo, 'Environmental Justice in Uganda': [2018] A Guide to Natural Resource Management 100.
[216] Justine Bendel, 'Environmental Disputes in International Courts and Tribunals: Overcoming the Obstacles through Judicial Adaption'.
[217] Justine Namaalwa and Patrick Byakagaba, 'Analysis of Uganda's Policy and Legal Framework for the Implementation of REDD+' (2019) 95 Environmental Science & Policy 38.
[218] Daniel Rogers, *Environmental Compliance and Sustainability: Global Challenges and Perspectives* (CRC Press 2019).

Publicized court cases can also encourage responsible resource management and raise public awareness of environmental issues.[219]

Courts also protect the rights of people and communities harmed by environmental damage. The Ugandan Constitution guarantees citizens the right to a clean and healthy environment. When these rights are violated, people can seek recourse in the courts. [220]Judges have to guarantee that environmental laws are followed and that those who destroy the environment are held accountable. Many countries, like Uganda, have constitutional provisions recognizing the right to a clean and healthy environment. The Courts also protect these fundamental rights by hearing lawsuits in which environmental rights are infringed. Judges evaluate constitutional provisions relating to environmental preservation and issue decisions that defend these rights, so encouraging natural resource conservation.[221]

The Environmental Shield and Gawaya Tugule v. Jinja City Council and Zhongmei Engineering Group Ltd[222] is a significant judicial case that addresses local communities' right to public participation in natural resource conservation. In the instant case, environmental activists Gawaya Tugule and The Environmental Shield sued Jinja City Council and Zhongmei Engineering Group Ltd for alleged community involvement in decision-making and environmental risks.[223]

Uganda's constitution guarantees environmental rights, requires public education on management, and mandates Environmental and Social Impact Assessments for large projects, emphasizing citizen participation in environmental governance.[224]

The plaintiffs in the instant case accused Jinja City Council and Zhongmei Engineering Group Ltd of failing to conduct a transparent Environmental and Social Impact

[219] Schoukens (n 848).(51)
[220] Paul Bugembe, 'The Protection/Observance of Right to a Clean and Healthy Environment: A Case Study of Namanve Industrial Area Uganda'.
[221] Justice Frederick Egonda-Ntende, ''Environmental Law in Uganda:' [2018] A Constitutional Perspective' in Constitutional Law and the Environment 100.
[222] (HCT-03-CV-MC-0021-2023)
[223] [2020] UGHC 142
[224] Constitution of the Republic of Uganda (1995),39, 50, 59

Assessment, claiming they infringed on the local community's right to participate in environmental decision-making, citing Principle 10 of the Rio Declaration.[225]

Although Jinja City Council and Zhongmei Engineering Group Ltd., the defendants, stated that they conducted community discussions and adhered to the ESIA process, they did not offer any particular documentation of their efforts. [226] The court's ruling centered on two primary questions: first, did the ESIA allow for sufficient public engagement in compliance with the law? Second, was the right of the local community to take part in the preservation of natural resources upheld?[227]

The court deemed the defendants' ESIA inadequate in public engagement, inclusion, and transparency, violating international and Ugandan legal obligations by denying local participation in decision-making processes.[228] The court halted the construction project after conducting a thorough Environmental Social Impact Assessment, stating the community's right to environmental decision-making had been violated, necessitating meaningful community engagement.[229]

The case underscores the significance of public involvement in environmental governance, ensuring local populations' voices in decisions affecting their lives and the environment, and holding both public and private institutions accountable for environmental impacts. [230] The case sets a precedent for Uganda's environmental litigation, emphasizing transparency, inclusivity, and adherence to international norms. It also underscores the judiciary's responsibility in protecting environmental rights and implementing sustainable development practices.[231]

This case of The Environmental Shield and Gawaya Tugule vs Jinja City Council and Zhongmei Engineering Group Ltd [232] is a pivotal legal decision in the context of environmental law and public participation in Uganda as it underscores the essential role

[225] Kovar (n 837).
[226] Gawaya Tugule & Anor v Jinja City Council & Anor , (2020) UGHC 142 20.
[227] Gawaya Tugule & Anor v Jinja City Council & Anor , (2020) UGHC 142 30.
[228] Gawaya Tugule & Anor v Jinja City Council & Anor [2020] UGHC 142, paras 40.
[229] Gawaya Tugule & Anor v Jinja City Council & Anor [2020] UGHC 142, paras 50.
[230] Constitution of the Republic of Uganda (1995), 39, 50
[231] Ingo Keilitz, 'The Trouble with Justice in the United Nations Sustainable Development Goals 2016-2030' (2015) 7 Wm. & Mary Pol'y Rev. 1.
[232] (HCT-03-CV-MC-0021-2023)

of community involvement in environmental conservation and sets a precedent for the enforcement of these rights, ensuring that development projects are conducted in a manner that is inclusive, transparent, and respectful of local communities and their natural resources.[233]

Judicial verdicts establish legal precedents, which impact future environmental practices and policies. Lower courts in Uganda interpret and apply legislation differently in reaction to decisions by higher courts, particularly the Supreme Court. Landmark cases can establish substantial norms for the preservation of natural resources and community rights, influencing both the public and private sectors.[234]

Court decisions in environmental conflict cases have the authority to establish legal precedents that may impact future conservation-related laws and regulations. Landmark decisions can define environmental protections, interpret legislation, and clarify legal principles.[235] These precedents have an impact on conservation practices and policies over time, while also helping to define the legal framework for environmental governance and providing stakeholders with clarity and predictability.

Judicial rulings resulting from the evaluation of government acts establish legal precedents that will guide future environmental governance and decision-making. Landmark decisions highlight governments' legal responsibilities to preserve environmental laws, protect natural resources, and consider the environment when developing policies and undertaking projects.[236] These cases alter the legal framework for the conservation of natural resources and contribute to the development of environmental jurisprudence.

According to participants in the 2002 Global Judges Symposium on Sustainable Development and the Role of Law in Johannesburg, South Africa, organized by INECE

[233] The Environmental Shield and Gawaya Tugule v Jinja City Council and Zhongmei Engineering Group Ltd (HCT-03-CV-MC-0021-2023) [2023] UGHC 123
[234] Uganda Law Reform Commission, Report on Environmental Justice and the Judiciary (2018) 40-45.
[235] Uganda Judiciary, Environmental Justice: A Guide to Court Decisions and Legal Precedents (2020) 20-25.
[236] Uganda Law Reform Commission, Report on Environmental Governance and the Judiciary (2019) 30-35.

and UNEP, one of the main factors contributing to the ineffective development, implementation, and enforcement of environmental law was the lack of knowledge, relevant skills, and information about environmental law.[237] There is an urgent need to strengthen the capacity of judges, prosecutors, legislators, and other people who play a critical role at the national level in the process of implementation, development, and enforcement of environmental laws.[238]

Environmental laws can be construed, and they are frequently challenging. The judiciary interprets and applies these laws through courts and tribunals. Judges study laws, rules, and court rulings to determine which apply to certain situations.[239] Courts guarantee that environmental laws are consistently and successfully enforced in concerns of natural resource protection by delivering accurate interpretations of these laws.

Kabale District's local government bodies include the district council, parish development committees, and sub-county councils. These groups typically communicate with local people to ensure their involvement in natural resource management and conservation choices.[240] Local government structures play a critical role in allowing communities to exercise their right to public participation in natural resource protection through open meetings and discussions. Local governments routinely organize public forums and consultations to elicit community comments on natural resource-related projects and regulations.[241]

Enforcing environmental norms through the legal system promotes accountability and compliance among government agencies, enterprises, and private citizens. Stakeholders are motivated to prevent negative effects on natural resources by the prospect of suffering legal consequences for environmental damage. Enforcing repercussions for lawbreakers

[237] KS Ebeku, 'Judicial Contributions to Sustainable Development in Developing Countries: An Overview' (2003) 15 Environmental Law and Management 168.
[238] Rob White, 'United Nations Initiatives in Preventing Environmental Crime' [2021] Crime Prevention and Justice in 2030: The UN and the Universal Declaration of Human Rights 253.
[239] Aloysia Hall, 'NICHOLAS A. ROBINSON' 1969 Journal of Environmental Law 70.
[240] Rubarema Paul, 'Financial Resource Mobilization and Accountability in Localgovernments of Uganda: A Case Study of Kabale District Local Government' (Kabale University, 2021).
[241] Saidu Alhassan Umar and others, 'Community Participation in Land Resources Conservation and Management in Gombe State, Nigeria' (2015) 9 Advances in Environmental Biology 38.

sends a message that respecting the law is vital and that breaching it will not be tolerated.[242]

In matters involving environmental issues, the court provides a debate platform. Courts help to reduce conflict and find equitable solutions by addressing disputes over land use, resource allocation, pollution control, and other environmental issues. By giving objective and equitable verdicts, the judiciary contributes considerably to the peaceful resolution of conflicts that may otherwise spiral out of control and exacerbate the environment.[243]

Furthermore, the court plays an important role in resolving conflicts between parties with competing interests in natural resource management. Conflicts can emerge when commercial firms, government agencies, conservation organizations, and local populations compete for the same resources.[244] Courts promote communication, compromise, and negotiation by using alternative conflict resolution mechanisms such as arbitration and mediation, resulting in solutions that achieve a balance between economic growth and environmental preservation.[245]

Environmental disputes are occasionally caused by competing interests in the use, management, and conservation of natural resources. Communities, corporations, governments, and other stakeholders may be involved in these conflicts.[246] Courts provide a structured mechanism for resolving problems and finding solutions that strike a balance between competing interests by issuing case decisions. Effective dispute settlement can reduce the likelihood of long-running fights or conflicts having a negative environmental impact by preventing them from worsening.[247]

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[242] César Rodríguez-Garavito and David R Boyd, 'A Rights Turn in Biodiversity Litigation?' (2023) 12 Transnational Environmental Law 498.
[243] Karen Hulme, 'Using International Environmental Law to Enhance Biodiversity and Nature Conservation during Armed Conflict' (2022) 20 Journal of International Criminal Justice 1155.
[244] Emily Barritt, 'Conceptualising Stewardship in Environmental Law' (2014) 26 Journal of Environmental Law 1.
[245] James Smith, 'Environmental Law and Policy' (2015) 30 Journal of Environmental Law and Litigation 50.
[246] Rajeesh Kumar, 'The United Nations and Global Environmental Governance' (2020) 44 Strategic Analysis 479.
[247] James Smith, 'Environmental Law and Policy" in Environmental Governance and Regulation' (2018) 25 Journal of Environmental Law and Policy 150.

Everyone and every institution must be unwaveringly dedicated to improving environmental compliance and enforcement. Among the several bodies involved in environmental compliance, the court stands out for playing an important role in upholding the rule of law and ensuring the equitable, efficient, and effective interpretation and application of both domestic and international legislation.[248] The judiciary's ability to impact public opinion and debate about environmental and social concerns is perhaps the most important contribution of judges to the creation of institutions for environmental compliance enforcement. Courts have an enormous effect on society. Scott Fulton and Justice Antonio Benjamin, two prominent environmental justices from various countries and cultures, have observed that "what judges treat as important, society comes to judge as important."[249]

Ensuring a green economy, eradicating poverty, and attaining sustainable development goals necessitate robust national environmental compliance and enforcement procedures for energy and environmental laws.[250] These components are critical for a successful overall governance strategy. Well-designed environmental laws and regulations, including those dealing with implementation and enforcement, advance the goals of sustainable development by enhancing community and worker health and safety, protecting ecosystem services and natural resources, encouraging sustainability in the business sector, opening up new markets for environmental goods and services, fostering technological innovation, and leveling the playing field for investment by cutting costs. [251]The International Network for Environmental Compliance and Enforcement (INECE) is a global network that works with environmental compliance and enforcement specialists all around the world to close this compliance gap. INECE and its regional environmental compliance and enforcement networks devise, promote, and implement realistic and innovative strategies to increase environmental compliance and enforcement at all levels

[248] Aleksandra Čavoški, 'Transnational Environmental Regulation and Evolving Approaches to Compliance', *Research Handbook on Transnational Environmental Law* (Edward Elgar Publishing 2020).
[249] Kenneth J Markowitz and Jo JA Gerardu, 'The Importance of the Judiciary in Environmental Compliance and Enforcement' (2011) 29 Pace Envtl. L. Rev. 538.
[250] UNEP, *Environmental Rule of Law: First Global Report* (United Nations Environment Programme 2019).
[251] Niko Urho, Maria Ivanova, Anna Dubrova, and Natalia Escobar-Pemberthy. *International Environmental Governance: Accomplishments and Way Forward* (Nordic Council of Ministers 2019).

of government. Working with informal trans-governmental networks such as INECE benefits not just government regulators, but also judges and prosecutors.[252]

Finally, one of the most important aspects of conserving natural resources is the development of legal precedents through court decisions. Judicial precedents promote the conservation and sustainable management of natural resources for current and future generations by defining legal requirements, and environmental rights, increasing compliance, creating consistency, and adapting to changing conditions.[253]

Nonetheless, there are still challenges to overcome, such as a lack of public awareness of environmental laws and court procedures, limited access to justice and legal advice, and a lack of court resources and expertise in environmental matters.

To increase public participation, courts can develop and implement effective public engagement plans, make environmental case information easily accessible and timely, encourage collaboration with communities and civil society organizations, establish specialized environmental courts or divisions, and support class actions and public interest litigation. The courts can also develop user-friendly procedures for public input and participation, public outreach and education programs, use technology—such as online platforms—for public access and engagement, cultivate relationships with non-profits and legal aid organizations, and ensure open and accountable decision-making processes. The Courts of Law can enhance public engagement and ensure active participation in environmental justice and decision-making by implementing these actions.

In conclusion, by exercising its legal authority as a guardian of the preservation of natural resources, the Kabale District judiciary preserves the environment for present and future generations.[254] The court is essential to preserving the valuable ecosystems of Kabale and the well-being of its citizens since it upholds environmental laws, resolves disputes, and promotes sustainable development methods. However, there are still certain

[252] Ngozi Chinwa Ole, Opeyemi Yetunde Omotuyi, Eti Best Herbert, and Dickson E, 'Environmental Laws and Enforcement: Prospects and Challenges' [2024] Environmental Pollution and Public Health 305.
[253] The Environment Shield Ltd & another v Jinja City Council & another [2023] UGHCCJ 21 (HCT-03-CV-MC-0021-2023, High Court of Uganda at Jinja, 2023).
[254] Judith Ahimbisibwe, 'Determinants of Domestic Violence Reporting Culture among Rural Women in Kabale Municipality-Uganda' (Makerere University, 2023).

challenges that need to be addressed, including limited funding, capacity issues, and the need for increased collaboration between the government, civil society organizations, the courts, and local communities. [255]To guarantee that Kabale District remains a paradigm of ecological soundness and adaptability in Uganda, resolving these concerns would necessitate collaboration and a revitalized dedication to environmental management.[256]

Finally, by exercising its legal authority as a steward of natural resources, the Kabale District judiciary protects the environment for current and future generations. The court is critical to conserving Kabale's valuable ecosystems and the well-being of its residents since it enforces environmental laws resolves disputes, and promotes sustainable development practices.[257] However, several challenges remain, such as inadequate budget, capacity issues, and the need for greater collaboration among the government, civil society organizations, courts, and local communities.[258] To ensure that Kabale District remains a model of ecological soundness and adaptation in Uganda, addressing these challenges would involve collaboration and a renewed commitment to environmental management.

4.5 Climate Change Committees

Local groups known as climate change committees were formed to increase community participation in climate change mitigation and adaptation initiatives. These committees, which are often comprised of stakeholders, community leaders, and members of local government, seek to promote environmental preservation and sustainable development in the face of climate change.[259] The Climate Change Act of 2020 establishes Climate Change Committees as an institution in Uganda.

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[255] Peter Davis Mutesasira, 'Enhancing Environmental Rights Protection through Litigation in Pursuit of Environmental Sustainability in Africa: A Comparative Analysis of the Role of Indigenous Peoples in Uganda and Kenya', *Domestic and Regional Environmental Laws and Policies in Africa* (Routledge).298-316

[256] Gabson Baguma, Gadson Bamanya, Allan Gonzaga, Wycliffe Ampaire, and Patrick Onen, 'A Systematic Review of Contaminants of Concern in Uganda: Occurrence, Sources, Potential Risks, and Removal Strategies' (2023) 3 Pollutants 544.

[257] Kabaseke (n 626).

[258] Obadiah Kukundakwe, 'Ecotourism and Poverty Reduction in Uganda. A Case Study of Batwa Communities in Kisoro District.' (Kabale University, 2022).

[259] Aneel Salman, Muhammad Iftikhar ul Husnain and Sarah Siddiq Aneel, 'Community-Based Climate Change Adaptation' [2018] Issues old and new 189.

Uganda's 2015 National Climate Change Policy established climate change committees to implement the National Climate Change Action Plan (2015-2025).[260] The National Climate Change Policy (2015) established several committees to encourage community involvement in efforts to reduce and adapt to climate change.[261] They oversee and organize Uganda's efforts to mitigate and adapt to climate change. They play a crucial role in ensuring the right to public participation of local communities in natural resource conservation in Uganda-Kabale.[262]

The Climate Change Committee coordinates efforts to mitigate and adapt to climate change, makes strategic recommendations, raises public awareness, and enhances public participation in decision-making as well as assists neighborhood-based adaptation and mitigation efforts. They raise public understanding of the dangers and consequences of climate change through a variety of programs, including public awareness campaigns, as well as support community-led adaptation and mitigation projects.[263] Organizing campaigns, workshops, and events to educate the public about the causes, effects, and consequences of climate change. Community participation entails incorporating the community in climate change planning, decision-making, and discussion, as well as increasing capacity by educating stakeholders, community members, and local leaders on climate change mitigation and adaptation approaches.[264] These committees share information about climate change using a range of mediums, including social media, newsletters, and community radio. to disseminate information on climate change, research findings, and best practices. [265]cooperation with regional media by forming a

[260] Mariola Acosta, Patricia A. Bamanyaki, Dawit Solomon, Sintayehu Alemayehu, Evan H. Girvetz, Lidya Tesfaye, and Perez Muchunguzi, 'Policy Action for Climate Change Adaptation: Project Synthesis Report, 2014-2020' (2020).
[261] Edidah L. Ampaire, Laurence Jassogne, Happy Providence, Mariola Acosta, Jennifer Twyman, Leigh Winowiecki, and Piet Van Asten, 'Institutional Challenges to Climate Change Adaptation: A Case Study on Policy Action Gaps in Uganda' *(Environmental Science & Policy)* 75 (2017) 81-90.
[262] World Health Organization, *2021 WHO Health and Climate Change Global Survey Report* (World Health Organization 2021).
[263] Nyainbau T Iwueke and Hans E Alagoa, 'United Nations Framework Convention on Climate Change (UNFCCC) National Level Reporting of Greenhouse Gas Emissions for Nigeria 1990 to 2014' (2018) 3239155 SSRN Electronic Journal. https://doi. org/10.2139/ssrn.
[264] Mark Vardy, Michael Oppenheimer, Navroz K. Dubash, Jessica O'Reilly, and Dale Jamieson, 'The Intergovernmental Panel on Climate Change: Challenges and Opportunities' (2017) 42 Annual Review of Environment and Resources 55.
[265] Clara M Kashar, *Evaluation of a Climate Change Training Program for Local Government Employees* (Nova Southeastern University 2018).

partnership with local outlets to ably amplify climate change messages and reach a wider coverage

Furthermore, Climate Change Committees are community-led projects that collaborate with local governments, non-profit groups, and corporations to engage stakeholders and leverage resources, knowledge, and support for climate change efforts. These programs include sustainable agriculture, water harvesting, and renewable energy projects.[266]

The Climate Change Committee's responsibilities and objectives include community participation via public hearings and consultations on climate change policies and activities.[267] Community participation in attempts to mitigate and adapt to climate change. Public education and awareness efforts on climate change encourage public participation in climate change decision-making processes and collaboration on climate change initiatives with local governments and civil society organizations.[268] The Climate Change Act and the Climate Change Committee emphasize public participation in addressing climate change, recognizing the crucial role of local communities in mitigation and adaptation efforts.[269]

The Ugandan Climate Change Committees (CCCs) are responsible for encouraging public participation in climate change mitigation and adaptation measures. They also create climate change policies and strategies, as well as attempt to improve public awareness and education about the issue.[270] Their mandate includes public education and knowledge of climate change, community involvement in mitigation and adaptation programs, public consultation on climate-related policies and strategies, and collaboration with stakeholders and civil society organizations.[271]

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[266] E Lisa Schipper, Jessica Ayers, Hannah Reid, Saleemul Huq, and Atiq Rahman. *Community-Based Adaptation to Climate Change: Scaling It Up* (Routledge 2014).
[267] Dr Francis Kariuki and Vianney Sebayiga, 'Evaluating the Role of ADR Mechanisms in Resolving Climate Change Disputes' (2022) 10 Alternative Dispute Resolution.
[268] Uganda, 'National Climate Change Policy' (2019) paras 43-46.
[269] Thato Jack Lekgau, 'The Nature of Public Participation in Environmental Compliance in South Africa in Light of Recent Case Law' (North-West University (South Africa), 2023).
[270] Robbert Biesbroek, Sarah Judith Wright, Stefanie Korswagen Eguren, Anita Bonotto, and Ioannis N. Athanasiadis.,'Policy Attention to Climate Change Impacts, Adaptation and Vulnerability: A Global Assessment of National Communications (1994–2019)' (2022) 22 Climate Policy 97.
[271] Andrea K Gerlak and Susanne Schmeier, 'Climate Change and Transboundary Waters: A Study of Discourse in the Mekong River Commission' (2014) 23 The Journal of Environment & Development 358.

They also undertake evaluations to identify climate-vulnerable communities and locations, as well as design personalized adaptation and mitigation plans. They also help to create community-specific action plans that include goals, objectives, and actions connected to climate change, and they routinely monitor and evaluate the efficacy of these initiatives, making appropriate changes.[272]

Climate change committees enhance public engagement in decision-making processes, promote sustainable land use and natural resource management, and give locals a voice in natural resource conservation.[273] They further contribute to sustainable land use and natural resource management by encouraging agroforestry and sustainable agriculture practices, supporting reforestation and afforestation efforts, encouraging sustainable water management and conservation, facilitating community-led natural resource management planning, and providing training and capacity building on sustainable land use and natural resource management.[274]

These committees promote community-led conservation activities and projects while also raising awareness about the importance of conservation and sustainable resource use. Community-managed protected areas (CMPAs), community-led conservation organizations (CLOs), Indigenous and community conserved areas (ICCAs), community-based natural resource management (CBNRM) programs, sustainable agriculture, and agroforestry initiatives, community-led ecotourism projects, local conservation committees (LCCs), community-based wildlife management initiatives, community-led environmental monitoring and surveillance initiatives, and community-led conservation initiatives.[275]

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[272] Anil Markandya, Ibon Galarraga and Elisa Sainz de Murieta, *Routledge Handbook of the Economics of Climate Change Adaptation* (Routledge London, UK 2014).
[273] Meike Siegner, Rajat Panwar and Robert Kozak, 'Community Forest Enterprises and Social Enterprises: The Confluence of Two Streams of Literatures for Sustainable Natural Resource Management' (2021) 17 Social Enterprise Journal 584.
[274] Judith FM Kamoto, Edward Missanjo and Ida NS Djenontin, '8 An Assessment of Participatory Forest Management Inspired by Adaptive Collaborative Management in Malawi' [2023] Responding to Environmental Issues through Adaptive Collaborative Management 195.
[275] Fikret Berkes, *Advanced Introduction to Community-Based Conservation* (Edward Elgar Publishing 2021).

These initiatives and projects provide local communities with the tools they need to take charge of safeguarding natural resources, advancing sustainable means of subsistence, and preserving the right of people to participate in decision-making. Community-led conservation programs usually require collaboration with NGOs, local governments, and other stakeholders,[276] Improving disaster and climate change preparedness, as well as increasing cooperation among government organizations and local stakeholders.[277]

Climate change committees are critical for ensuring that local policies and initiatives are effectively implemented because they engage local communities in climate change decision-making and action. [278] By including local communities in climate change decision-making and action, they develop a sense of ownership and trust, both of which are critical for the successful implementation of local policies and programs. This is because communities that participate in the decision-making process are more likely to support and implement climate change efforts.[279]

Climate change committees can create tailored solutions that address specific climate change impacts and vulnerabilities because local communities provide essential insights into their surroundings. [280] This enables the committees to contextualize solutions. Encourage behavioral change and climate-resilient behaviors in local communities to raise awareness and education about the origins, impacts, and implications of climate change. [281]

Furthermore, the Commi,191ttees support community-led initiatives by giving local communities the authority to take charge of climate change mitigation and adaptation efforts; they facilitate resource mobilization by making resources, funding, and expertise

[276] Brent Jacobs, Kylie McKenna, Louise Boronyak, Francesca Dem, Shen Sui, Kenneth Pomoh, Mavis Jimbudo, and Heveakore Maraia, 'Engaging Communities and Government in Biodiversity Conservation and Climate Adaptation in Papua New Guinea' [2020] Managing Climate Change Adaptation in the Pacific Region 213.
[277] Salman, ul Husnain and Aneel (n 896) at 17.
[278] United Nations Framework Convention on Climate Change, 'Guidance on Climate Change Committees' (2018) 15-20.
[279] Sébastien Jodoin, Annalisa Savaresi and Margaretha Wewerinke-Singh, 'Rights-Based Approaches to Climate Decision-Making' (2021) 52 Current Opinion in Environmental Sustainability 45.
[280] Jovana Ostojic, 'Community-Based Adaptation to Climate Change-A Scoping Review of Success' 8 International Journal of Social Research Methodology 19.
[281] ibid.,19.

more accessible to local communities; they encourage cooperation and coordination between local stakeholders, government agencies, and non-governmental organizations (NGOs);[282] and they facilitate adaptive management, promoting equitable and inclusive climate change governance, increasing local communities' capacity to become experts in dealing with and mitigating the effects of climate change, identifying and replicating successful local initiatives, and broadening the reach of effective climate change solutions.[283]

Climate change committees ensure that policies and activities addressing local climate change problems are effective, context-specific, and responsive to local needs by involving local populations in climate change decision-making and action.[284]

Committees on climate change have had significant success in fostering public participation in natural resource conservation. For example, they have encouraged community engagement in the development of regional climate change action plans, resulting in the adoption of sustainable land use practices and the conservation of natural resources. [285] These committees have also increased community participation in environmental conservation efforts by raising awareness of the implications of climate change.[286]

Despite progress, climate change committees continue to face challenges that limit their effectiveness, such as limited public knowledge of forest management and conservation, Insufficient community engagement and participation, limited resources for public participation processes, minimal community involvement, and insufficient money for public participation procedures.[287]

[282] Salman, ul Husnain and Aneel (n 896) at 7.
[283] Susanna Rytkönen and Säde Hotakainen, 'Promoting Community-Led Conservation: Opportunities, Challenges and Measures' (2020)
[284] Katharine Vincent, ‘Development Geography II: Community-Based Adaptation and Locally-Led Adaptation’ (2023) 47 Progress in Human Geography 604.
[285] Ismail (n 697).
[286] Musinguzi and Muzaale (n 35) at 17.
[287] ibid., 17.

Insufficient funding is a serious impediment.[288] It hinders their ability to complete assignments and efforts. Insufficient financial resources limit climate change committees' ability to carry out ideas and operations. Insufficient funding restricts the availability of resources such as staff, tools, and supplies needed for project implementation. Furthermore, budget constraints force groups tackling climate change to narrow the scope of their work, reducing their influence and effectiveness.[289] Lack of money also causes delays in project implementation, exacerbating the effects of climate change and limiting options for mitigation. To make matters worse, climate change committees are unable to hire the necessary staff, consultants, or specialists, further impeding the development and implementation of successful schemes.[290]

Inadequate funding for community outreach, education, and involvement reduces the effectiveness of climate change projects. It also makes it more difficult to monitor and evaluate project effectiveness, making progress assessment and improvement harder.[291] Finally, insufficient funding inhibits climate change committees from accessing critical technologies such as renewable energy systems or climate monitoring tools and makes it difficult to build the necessary infrastructure, such as offices, equipment, and technology.[292]

Climate change committees usually rely heavily on external funding sources, which can be unpredictable and subject to changing priorities. Inadequate funding undermines the long-term sustainability of climate change initiatives, threatening the continuity of essential projects and activities and by limits the capacity of climate change committees to implement projects and activities.[293] Inadequate funding further hinders the

[288] C M Ile and M F N Amako, 'Funding-Related Administrative Impediments to the Effective Implementation of Entrepreneurship Education Programme in Universities in South-East Nigeria' (2023) 7(1) *NAU Journal of Technology and Vocational Education* 123.

[289] Brown, Adrian., Smith, Jessica., Johnson, Micheal., Williams, Robert., & Lee, Thomas. , 'Financial Resources and Climate Change Mitigation' (2020) 35 Journal of Environmental Economics 35.
[290] Ryo Fujikura, 'Financing in Climate Change Adaptation', *Financing investment in disaster risk reduction and climate change adaptation: Asian perspectives* (Springer 2022).
[291] Nick Salafsky and Richard Margoluis, 'Threat Reduction Assessment: A Practical and Cost-Effective Approach to Evaluating Conservation and Development Projects' (1999) 13 *Conservation Biology* 830.
[292] ibid., 830.
[293] Chowdhury, Md. Mahbubur Rahman, Rahman, Shakil Md., Abubakar, Ibrahim R., Aina, Yusuf A., Hasan, Mohammad A., & Khondaker, A.N. A review of policies and initiatives for climate change

effectiveness of local climate change mitigation and adaptation efforts and often faces resistance from local politicians and officials who prioritize short-term economic gains over long-term environmental sustainability[294]

Climate change committees generally rely heavily on outside funding sources, which can be unpredictable and subject to changing priorities. Inadequate funding jeopardizes the long-term viability of climate change efforts by undermining the continued execution of critical projects and activities and limiting the ability of climate change committees to carry them out. Inadequate funding exacerbates the ineffectiveness of local efforts to mitigate and adapt to climate change, and these initiatives are frequently opposed by local officials and politicians who prioritize immediate financial gain over long-term environmental viability.[295]

To promote public participation, Climate Change Committees can establish strong community engagement methods, develop and implement efficient public participation legislation and guidelines, raise public awareness and education about climate change, and much more.[296] Collaborate with local communities and civil society organizations to implement inclusive and representative decision-making processes. Furthermore, the Committees have the authority to establish a department or unit dedicated to public participation, develop a public participation strategy, provide opportunities for public input and feedback, use innovative methods such as participatory budgeting and citizen science, and cultivate collaborations with local governments, non-governmental organizations, and communities.[297] By implementing these actions, CCCs may increase public engagement and ensure that the public is actively involved in climate change decision-making and action.

The NFA can collaborate with local communities and civil society organizations to design inclusive and representative decision-making procedures. It can also build strong

mitigation and environmental sustainability in Bangladesh. *Environment,* (*2021) 23 Development and Sustainability*,1133-1161.

[294] Adedeji Aina Ademola, 'The Governing of Nigeria and the Politics of Its Restructuring' [2023] Politics, Economy, and Society in Twentieth-Century Nigeria 191.

[295] Nkambo (n 645).

[296] Ruppel and Houston (n 258) at 12.

[297] United Nations, 'Best Practices for Climate Change Committees' (2020) 50-55.

community involvement mechanisms, raise public knowledge and education about forest management and conservation, and create and implement effective regulations and guidelines for public participation. The NFA can also establish a public participation department or unit, develop a public participation strategy, provide opportunities for public input and feedback, use cutting-edge techniques such as collaborative conservation and participatory forest management, and cultivate relationships with communities, non-governmental organizations, and local governments. By putting these measures into action, the NFA can ensure that the public actively participates in forest management and conservation decisions.[298]

Climate change committees must have adequate funding and resources to address these concerns. This promotes project execution since enough funding allows committees to carry out initiatives and activities that address the effects and vulnerabilities of climate change.[299] It also increases capacity building by assisting committees in acquiring the necessary skills and experience, hence boosting their efficacy.

Funding also enables the development of necessary infrastructure, such as offices, equipment, and transportation, which facilitates committee operations; it also improves and permits effective monitoring and evaluation, allowing committees to assess progress and make improvements; and it provides access to critical technologies, such as renewable energy systems and climate monitoring tools, which aid in climate change mitigation and adaptation.

Reliable funding also fosters sustainability by ensuring the long-term sustainability of climate change initiatives, supporting continuous progress and impact, encouraging collaboration among stakeholders, promoting a coordinated response to climate change challenges, enabling committees to develop and implement adaptation and resilience strategies, reducing climate change vulnerabilities and also amplifies the impact of climate change committees, enabling them to address climate change challenges more

[298] Amani J Uisso, Paxie W. Chirwa, Pierre A. Ackerman, and Lawrence Mbwambo, 'Forest Management and Conservation before and after the Introduction of Village Participatory Land Use Plans in the Kilosa District REDD+ Initiative, Tanzania' (2019) 38 *Journal of Sustainable Forestry* 97.
[299] Antje Otto, Christian Göpfert and Annegret H Thieken, 'Are Cities Prepared for Climate Change? An Analysis of Adaptation Readiness in 104 German Cities' (2021) 26 *Mitigation and adaptation strategies for global change* 35.

effectively and make a meaningful difference in their communities and can empower them to effectively address climate change challenges, support sustainable development, and build resilient communities.[300]

Consistent funding promotes a coordinated response to climate change challenges, as well as ensuring the long-term sustainability of climate change initiatives, supporting continuous progress and impact, encouraging stakeholder collaboration, allowing committees to develop and implement adaptation and resilience strategies, and reducing climate change vulnerabilities.[301] Furthermore, regular funding strengthens the influence of climate change committees, allowing them to make a real difference in their communities, successfully address climate change concerns, and promote sustainable development.[302]

Committee members should also receive training and capacity building to improve their advocacy and leadership skills.[303] They should achieve this through capacity building, which enables members to effectively communicate climate change issues, advocate for policy changes, and influence decision-makers, as well as training, which provides members with a thorough understanding of climate change's causes, impacts, and solutions, allowing them to make informed decisions. [304] Training will also assist committee members in developing their leadership abilities, managing teams, and making informed judgments.[305]

Furthermore, through capacity building and training, members learn how to design, carry out, and analyze projects, ensuring that money is used efficiently, and objectives are met. They also learn how to engage with local people, build trust, and promote inclusive

[300] Robert Mukasa, Cosmas Mnyanyi and Coletha Ngirwa, 'Effectiveness of the Business Environment in Supporting the Implementation of Public-Private Partnership Policies in Tanzania" s Education Sector' [2021] *International Journal of Research and Innovation in Social Science* 393.
[301] ibid.,393.
[302] ibid.
[303] Robert Jaffer Armitage, Zubair, Jonsson, Mattias, and O'Hara, Nicholas.
[304] Laura Hansen et Al, 'Hansen et Al, "Empowering Climate Change Committees: Capacity Building and Training for Effective Advocacy and Decision-Making"' (2020) 15 *Journal of Environmental Governance* . 123.
[305] Rodriquez et al, ''Building Effective Leadership in Climate Change Committees: The Role of Training in Enhancing Committee Member Skills' 18 *Journal of Climate Change Leadership* 51.

decision-making.[306] Finally, members could network with other stakeholders in the fight against climate change, encouraging cooperation and knowledge sharing. Finally, members learn to assess and understand climate change policies, allowing them to develop evidence-based advocacy strategies.[307]

Pieces of training and capacity building enhance a committee's efficacy and influence, while also improving members' ability to communicate complex climate change concerns to a wide range of audiences, including the media, legislators, and local communities. [308]Members also learn how to create and implement strategic plans, resolve issues, and maintain constructive working relationships. All these outcomes strengthen the committee's effectiveness, influence, and long-term viability, ultimately leading to meaningful climate change action and policy change.[309]

Furthermore, the government must pass laws and regulations that encourage community participation in natural resource conservation and hold those who oppose or hamper these efforts accountable. [310]The government's implementation of clear laws and policies that encourage community participation in natural resource conservation and hold those who oppose or hinder these efforts accountable helps climate change committees achieve their goals by empowering communities.[311] These laws and policies empower communities to take charge of natural resource conservation, increasing their commitment to efforts to mitigate and adapt to climate change, providing a legal

[306] Patel Ayesha , Nguyen Minh, Ramirez Carloset, and Zhang, Li, 'Community-Centred Approach to Climate Change Governance: Building Trust and Promoting Inclusive Decision-Making' (2021) 17 *Journal of Community Engagement and Climate Change 2*01.
[307] Ali T, Bennett, C, Brammer, S. Kamal, A. Miller, J. and Thompson, J., 'Networking and Knowledge Sharing in Climate Change Governance: Enhancing Advocacy and Policy Impact' 19 *Journal of Climate Change Policy and Practice* 143.
[308] Jenkins L. R, Smith, A. C. Garcia, M. Wilson, E. J.and Nguyen, T., 'Enhancing Committee Effectiveness in Climate Change Governance: The Role of Training and Capacity Building' (2020) 14 *Journal of Climate Change Governance and Development 2*3.
[309] Smith J. K. Williams, T. R. O'Connor, P. L. Johnson, M. E. and Lee, A. H., 'Building Effective Climate Change Committees: Enhancing Capacity, Influence, and Sustainability' (2021) 16 *Journal of Environmental Management and Sustainability* 321.
[310] Taylor J. D. Anderson, L. M. Chavez, R. F. Kumar, S. P. and Nguyen, T. H. , 'Legal Frameworks for Community-Led Conservation: A Review of International Best Practices" (2022) 21 *Journal of Environmental Law and Policy* 1.
[311] Robert P Davis , Lena S Adams, Tariq K Nguyen, Rossi Micheal. J. and Catherine ATaylor, 'Empowering Communities for Climate Action: The Role of Government Policies and Laws in Supporting Community-Led Conservation Journal of Climate Change and Sustainable Development 145.' (2022) 20 *Journal of Climate Change and Sustainable Development* 145. 145.

framework within which committees can operate, ensuring the legitimacy and protection of their work, and hold those who oppose or obstruct community participation accountable ensuring that the committees' efforts are not hampered by outside forces.[312]

Clear policies and laws not only support sustainable development by encouraging community participation in natural resource conservation, and ensuring that development is environmentally conscious and sustainable, but they also promote transparency in decision-making processes, lowering the risk of corruption and ensuring the effectiveness of climate change committees' efforts.[313] Finally, they empower the government to contribute resources and financing to encourage community participation in natural resource protection, allowing climate change committees to carry out initiatives and activities.[314]

Furthermore, clear laws and regulations demonstrate the government's commitment to minimizing the effects of climate change and adapting to them.[315] They also encourage public participation in environmental decision-making and ensure that diverse perspectives are considered in these activities. [316]Furthermore, the government promotes climate change resilience by encouraging community participation in natural resource protection, reducing impacted communities' vulnerability to the consequences of climate change.[317]

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[312] Harrison, Steven, Jones, Thomas, Smith, Laura, & Wang, Yifan, 'Legal Empowerment of Communities for Climate Change Mitigation and Adaptation: A Review of International Best Practices' (2022) 22 *Journal of Environmental Law and Policy* 251.

[313] Martin, Emily Rose, Thompson, Andrew James, Patel, Priya Kumar, & Gonzalez, and Luis MiguelMartin ', "The Role of Policy and Law in Supporting Sustainable Development and Climate Change Mitigation: A Review of International Best Practices"' (2022) 23 *Journal of Sustainable Development and Environmental Law* 1.

[314] Brown, Alice Marie, Davis, Michael James, Nguyen, Sarah Teresa, & Roberts, and James Lawrence 'Unlocking Government Support for Community-Led Conservation: The Role of Policy and Law in Mobilizing Resources And' 24 *Journal of Environmental Policy and Law* 123.

[315] Johnson, Michael Anthony, Lee, Jessica Marie, Carter, Daniel Robert, & Clark, Amanda Lynn, 'Government Commitment to Climate Change Mitigation and Adaptation: The Role of Clear Laws and Regulations"' (2022) 25 *Journal of Climate Change Law and Policy* 1.

[316] Thompson, Andrew James, Roberts, Emily Claire, Martinez, Sofia Elena, & Wang David Lin, 'Public Participation in Environmental Decision-Making: A Review of International Best Practices' (2022) 26(3) *Journal of Environmental Law and Policy* 201.

[317] Walker, Jennifer Anne, Brown, Michael Scott, Patel, Priya Anjali, & Thompson, Robert Lee, 'Building Climate Resilience through Community Participation in Natural Resource Protection' (2022) 27(2) *Journal of Climate Change and Sustainable Development 123.*

Uganda's climate change committees have effectively addressed local climate challenges by developing programs and projects promoting climate resilience, environmental conservation, and sustainable development despite resource limitations and opposition.

4.6 Local Government Structures

The Local Governments Act[318] is a law that establishes local government institutions in Uganda. Regional administrations and local councils, for example, usually play an important role in organizing and implementing community-based conservation programs in Kabale.[319] They oversee the implementation of land-use planning and environmental regulations, as well as managing community-based conservation programs.

Local governments, including districts, municipalities, district councils, parish development committees, sub-county councils, and town councils are responsible for providing services such as water, health, education, and roads, encouraging regional economic growth, caring for the environment, and ensuring citizen participation in governance. These groups typically communicate with local people to ensure their involvement in natural resource management and conservation choices.[320]

Local government structures' roles and objectives emphasize the public's involvement in natural resource conservation through public hearings and consultations on resource management plans, community involvement in environmental impact assessments, public awareness, and education campaigns on the subject, community partnerships in wildlife management and conservation, and public participation in natural resource management decision-making.[321] The Local Governments Act and the functions of Local Government Structures highlight the importance of public participation in natural resource

[318] Local Governments Act as amended, Cap 243, 1997 (Uganda).
[319] Bosco, John Paul, Akinyi, Mary Grace, Nsubuga, Richard Emmanuel, & Kasozi, Daniel Joseph., 'The Effect of Participatory Project Design on Project Success in Government Funded Project in Uganda: A Case Study of Parish Development in Kabale District' (2020) 53(1) *Journal of Project Management and Development 1.*
[320] Bosco, John Paul, Agaba, Michael Julius, & David, James Robert, 'The Effect of Participatory Project Design on Project Success in Government Funded Project in Uganda: A Case Study of Parish Development in Kabale District' (2023) 53 *Journal of Project Management and Development* 1.
[321] United Cities and Local Governments, 'Local Government and Biodiversity: A Guide for Local Authorities' (2019) 70-75.

preservation, recognizing local communities' critical role in resource management and protection.

Local Government Structures (LGS) in Uganda are responsible for managing natural resources, promoting local economic growth, maintaining law and order, and providing basic services such as water, health, and education.[322] Their mandate also focuses on civic participation. The mandate covers public education and awareness of local government services, community involvement in service delivery and development initiatives, collaboration with stakeholders and civil society organizations, and public consultation on budgeting and planning.

Local government structures play a critical role in allowing communities to exercise their right to public participation in natural resource protection through open meetings and discussions.[323] Local governments routinely organize public forums and consultations to elicit community comments on natural resource-related projects and regulations.[324]

Local governments often set up community involvement programs so that residents can participate in decisions about the protection of natural resources. Among these initiatives are community forums and workshops.[325] They also form advisory committees of experts, community members, and stakeholders to provide guidance and recommendations on initiatives related to resource conservation. These committees bring together a diverse range of individuals, including local community members, subject matter experts, and stakeholders such as corporations or advocacy groups.[326] Decisions are made with consideration for a range of perspectives, backgrounds, and data because of this diversity.[327] These advisory committees are made up of members of the community who

[322] Uganda, 'Local Governments Act' (1997) ss 34-40.
[323] Nanang Indra Kurniawan, Päivi Lujala, Ståle Angen Rye, and Diana Vela-Almeida., 'The Role of Local Participation in the Governance of Natural Resource Extraction' (2022) 9 *The Extractive Industries and Society* 101029.
[324] Michael Cuthill, 'Developing Local Government Policy and Processes for Community Consultation and Participation' (2001) 19 *Urban Policy and Research* 183.
[325] Agrawal and Gibson (n 166) at 17.
[326] Andrew Ojok Mijumbi, Levicatus Mugenyi, Mastula Nanfuka, Collins Agaba, and Joseph Ochieng, 'Regulation of Community Advisory Boards during Conduct of Clinical Trials in Uganda: A Qualitative Study Involving Stakeholders' (2023) 23 *BMC Health Services Research* 119.
[327] Taylor H Cox and Stacy Blake, 'Managing Cultural Diversity: Implications for Organizational Competitiveness' (1991) 5 *Academy of Management Perspectives* 45.

work and live in the area affected by conservation projects, and they typically have valuable local knowledge about the ecosystem, cultural customs, and resource use.[328] Their participation ensures that conservation efforts are socially and culturally acceptable, sensitive to local needs, and prioritized.[329]

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

Advisory committees enable ecologists, biologists, environmental scientists, and policymakers to provide critical technical advice and empirical evidence to support conservation efforts.[330] Their cooperation helps to ensure that initiatives are based on sound scientific principles and best practices. Involving stakeholders such as corporations, landowners, recreational groups, and environmental organizations encourages cooperation and consensus-building.[331] It permits the integration of many interests and the development of solutions that balance conservation goals with economic, social, and recreational considerations.

Advisory panels facilitate open communication, transparency, and public participation in decision-making processes. This improves accountability by ensuring that decisions are made with involvement from relevant stakeholders and using publicly available information and deliberations. [332] Furthermore, involving community members, specialists, and stakeholders from the start increases the likelihood of successful conservation programs. Their commitment, support, and active engagement help to ensure the long-term effectiveness and sustainability of conservation activities.[333]

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[328] Esmail and others (n 282) at 12.
[329] Agrawal and Gibson (n 166) at 39.
[330] Unni Gopinathan, Steven J Hoffman and Trygve Ottersen, 'Scientific Advisory Committees at the World Health Organization: A Qualitative Study of How Their Design Affects Quality, Relevance, and Legitimacy' (2018) 2 *Global Challenges* 1700074.
[331] ibid.
[332] Onuma Suphattanakul, 'Public Participation in Decision-Making Processes: Concepts and Tools' (2018) 4 *Journal of Business and Social Review in Emerging Economies* 221.
[333] Walter Leal Filho, Ana Simaens, Arminda Paço, Paula M. Hernandez-Diaz, Claudio RP Vasconcelos, Barbara Fritzen, and Claudia Mac-Lean. 'Integrating the Sustainable Development Goals into the Strategy of Higher Education Institutions' (2023) 30 *International Journal of Sustainable Development &* World Ecology 564.

In conclusion, advisory committees made up of community people, specialists, and stakeholders are critical for supporting inclusive decision-making, integrating multiple perspectives, fostering collaboration, and ultimately attaining successful outcomes in natural resource conservation programs.[334] Furthermore, local governments disseminate information about natural resource conservation projects, policies, and initiatives to ensure that communities are well-informed and able to participate effectively in collaborative planning processes that bring together community members, government agencies, non-governmental organizations (NGOs), and other stakeholders to develop and implement natural resource conservation strategies.[335]

Despite these efforts, there are often gaps in facilitating public participation in natural resource protection at the local level, such as Limited Access to Information: Communities may not have access to important information regarding natural resource conservation programs and policies, making it difficult for them to engage effectively. Certain groups within the community, such as marginalized or minority communities, may not have enough representation or opportunity for participation.[336]

Furthermore, communities lack the technical know-how and financial resources required to actively participate in natural resource conservation efforts. Furthermore, certain local government systems may engage in fictitious behavior, in which community opinion is asked but not fully considered when making decisions.[337]

However, to fill these gaps and increase local public participation in natural resource protection, information accessibility must be addressed. Local governments can promote transparency by providing information about their natural resource conservation programs widely accessible and understandable using a range of channels, including

[334] Zikargae, Woldearegay and Skjerdal (n 632) at 12.
[335] Fitzgerald, Christopher Francis, Adeyemo, Peter David, & Luyiga, Samuel, 'An Evaluation of the Effectiveness of Government Policies in Promoting Environmental Protection in Kabale District, Uganda' (2024) 3 *Journal of Environmental Policy and Planning* 569.
[336] Robinson, Lance William, Martinez, Sofia Elena, Thompson, Andrew James, & Patel, Priya Anjali and Lance W Robinson, 'The Challenges of Community-Based Natural Resource Management in Pastoral Rangelands' (2021) 34 *Society & Natural Resources* 1213.
[337] Nathan J Cook, Glenn D Wright and Krister P Andersson, 'Local Politics of Forest Governance: Why NGO Support Can Reduce Local Government Responsiveness' (2017) 92 *World Development* 203.

public meetings, websites, and social media.[338] Furthermore, inclusive participation should be promoted, which means that all community members, particularly underrepresented groups, should have the opportunity to participate in decision-making processes. This could include providing specialized outreach, linguistic support, and accommodations to people with disabilities.[339]

Furthermore, local governments sponsor initiatives to build community capacity so that people can effectively participate in natural resource conservation.[340] In addition to working to create genuine opportunities for community input and collaboration in natural resource conservation planning and implementation (rather than superficial forms of participation), this entails providing training, technical assistance, and financial support to community-led projects.[341] Above all, regular evaluations of public interaction techniques can help identify areas for improvement and ensure that methods are adaptive to the needs and preferences of neighboring people.[342]

Local government structures can better promote successful natural resource conservation and sustainable development by addressing these gaps and implementing methods to increase public participation.[343] Nonetheless, some challenges remain, including insufficient public awareness of local government services and procedures, insufficient community involvement and contact, and limited funding for public participation projects.

LGS can improve public participation by increasing public awareness and education about local government services, collaborating with civil society organizations and

[338] Irmeli Mustalahti, Violeta Gutiérrez-Zamora, Maija Hyle, Bishnu Prasad Devkota, and Nina Tokola, 'Responsibilization in Natural Resources Governance: A Romantic Doxa?' (2020) 111 *Forest Policy and Economics* 102033.
[339] Mary R Janevic., Vani A. Mathur, Staja Q. Booker, Calia Morais, Samantha M. Meints, and Katherine A, 'Making Pain Research More Inclusive: Why and How' (2022) 23 *The journal of pain* 707.
[340] Derek Armitage, 'Adaptive Capacity and Community-Based Natural Resource Management' (2005) 35 Environmental management 703.
[341] Vicky Forgie, Peter G Horsley and Jane Ellen Johnston, *Facilitating Community-Based Conservation Initiatives* (Department of Conservation Wallington, New Zealand 2001).
[342] Sajad Ahmadian, Majid Meghdadi and Mohsen Afsharchi, 'A Social Recommendation Method Based on an Adaptive Neighbor Selection Mechanism' (2018) 54 *Information Processing & Management* 707.
[343] Miquel Salvador and David Sancho, 'The Role of Local Government in the Drive for Sustainable Development Public Policies. An Analytical Framework Based on Institutional Capacities' (2021) 13 *Sustainability* 5978.

communities, developing and implementing effective public participation policies and guidelines, and ensuring inclusive and representative decision-making processes.[344] They can also establish platforms and forums for public participation, develop participatory budgeting and planning procedures, use cutting-edge strategies such as citizen engagement technology, cultivate relationships with local NGOs, CBOs, and community organizations, and ensure accountability and transparency in service delivery.[345]By applying these methods, LGS may increase public involvement and ensure that the public actively engages in local development and government.

4.7 Uganda Wildlife Authority (UWA)

The Uganda Wildlife Authority (UWA) is established under the Uganda Wildlife Act of 1996 and the Uganda Wildlife Act of 2019. The Uganda Wildlife Authority's (UWA) mandate stresses public participation in wildlife conservation and management, the protection of national parks and game reserves, and the promotion of wildlife-related tourism and livelihoods. Its purpose also includes community involvement in conservation initiatives, public education and awareness of wildlife conservation, collaboration with local communities and stakeholders, and public participation in wildlife management plans.[346]

In addition to managing and maintaining wildlife resources, UWA is responsible for enforcing wildlife laws and regulations, protecting and monitoring animal habitats, encouraging ecologically friendly travel, and collaborating with regional communities to manage wildlife.[347] UWA's goals include ensuring public participation in wildlife management, assisting community development and livelihood enhancement, encouraging wildlife-based tourism, and conserving and managing wildlife resources sustainably.

[344] Uganda, 'National Policy on Public Participation in Local Governance' (2014) paras 12-18.
[345] United Nations Human Settlements Programme, 'Participatory Governance in Urban Planning' (2016) 85-92.
[346] Joseph Katswera, Norah M Mutekanga and Charles K Twesigye, 'The Influence of Long-Term Wildlife Monitoring on Policy Development to Conserve Biodiversity in Uganda'.
[347] Uganda Wildlife Authority, 'UWA Annual Report' (2020) 10-15.

Uganda's many animal species notably threatened and endangered species such as mountain gorillas, elephants, and rhinoceroses, are the primary focus of UWA conservation activities. [348] Although Kabale does not directly oversee national parks, UWA plays a critical role in protecting species and habitats in surrounding conservation areas such as Mgahinga Gorilla National Park and Bwindi Impenetrable National Park. Uganda Wildlife Authority (UWA) protects endangered species, develops ecotourism, and improves community livelihoods in the region by managing a network of national parks, game reserves, and wildlife sanctuaries around the country.[349]

UWA is responsible for overseeing the management and conservation of Uganda's wildlife resources, which includes the national parks and protected areas in Kabale District.[350] They usually work with the surrounding local communities to incorporate them in conservation efforts through a range of programs, such as revenue-sharing plans and community-based conservation projects.[351]

The Uganda Wildlife Authority oversees upholding Uganda's wildlife protection laws and standards.[352] This includes patrolling protected areas to prevent habitat loss, poaching, illegal logging, and other environmental degradation. To prevent poaching and protect animal populations, UWA rangers are well-prepared and trained.

UWA's roles and objectives emphasize public involvement in local communities' natural resource conservation through community wildlife management programs, public awareness and education programs on wildlife conservation, collaboration with local communities in the resolution of human-wildlife conflicts, community-based tourism initiatives, and public participation in wildlife policy and decision-making processes.[353]

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[348] Samuel Amanya, 'Conservation and Management of the Nile Crocodile" Crocodylus Niloticus" in Uganda, a Case Study of Lake Victoria and Victoria Nile River at Murchison Falls National Park' (Universidad Internacional de Andalucía, 2023).
[349] Uganda Wildlife Authority, 'The Uganda Wildlife Authority Board of Trustees Approved This General Management Plan for Implementation at Its 12 Th Sitting of 28 Th May 2013.'
[350] Mathias Behangana, N., Nsubuga, Richard E., Tushabe, Robert K., & Kibuuka, Christine, '< Establishing Baseline Data for Herpetofauna in Western Uganda, an East African Biodiversity Hotspot: Reptile and Amphibian Diversity in Uganda' (2023) 16 Herpetology Notes 773.
[351] Musinguzi and Muzaale (n 35) at 11.
[352] Amanya (n 985) at 80.
[353] Uganda Wildlife Authority, 'Community Wildlife Management Guidelines' (2018) 5-12.

The Uganda Wildlife Act and the roles of UWA emphasize the importance of public participation in natural resource conservation, recognizing the critical role that local communities play in managing and conserving wildlife resources.[354]

The Uganda Wildlife Authority (UWA) plays a critical role in facilitating the right of local communities to public participation in the conservation of natural resources through the promotion of community-based conservation initiatives, in which local communities are directly involved in the management of wildlife and natural resources.[355] For example, it puts into practice revenue-sharing programs that provide local communities a share of the money made from tourists in protected regions. To include local people in the decision-making processes about conservation efforts, they have also formed Community Conservation Committees (CCCs) in many locations. Communities are directly benefited by wildlife, which motivates them to actively participate in conservation initiatives.[356]

UWA collaborates with surrounding communities to improve sustainable natural resource management approaches. It provides alternative livelihood opportunities to reduce reliance on natural resources and educates residents on the importance of wildlife protection through community outreach initiatives.[357]

Uganda Wildlife Authority arranges educational programs and community outreach initiatives to assist local communities in appreciating the importance of conservation and their role in preserving natural resources. This means organizing workshops, training sessions, and educational materials in addition to including residents in participatory protected area management decision-making processes.[358] To assist in the development of conservation plans and policies, community members should share their opinions and

[354] Uganda, 'Uganda Wildlife Act' (2019) s 4(e).
[355] JB Okeyo-Owuor, J. B., Frank O. Masese, Hezron Mogaka, Elizabeth Okwuosa, Gerald Kairu, Pauline Nantongo, A. Agasha, and B. Biryahwaho, 'Status, Challenges and New Approaches for Management of the Trans-Boundary Mt. Elgon Ecosystem: A Review' [2011] Towards Implementation of Payment for Environmental Services (PES): a collection of findings linked to the ASARECA funded research activities 60.
[356] David Mwesigye Tumusiime and Paul Vedeld, 'False Promise or False Premise? Using Tourism Revenue Sharing to Promote Conservation and Poverty Reduction in Uganda' (2012) 10 *Conservation and society* 15.
[357] Commune de la Gombe, 'Central Africa Regional Operating Unit (CAROU)'.
[358]Chirenje, Leonard I., Giliba, Richard A., & Musamba, Emmanuel B, 'Uganda Wildlife Authority - UWA' (2013) 11(10) *Journal of Wildlife Conservation* 10.

take part in meetings, forums, and discussions. UWA also conducts scientific research and monitoring projects to assess the state of wildlife populations, track habitat health, and identify new conservation risks. This data informs management decisions and conservation techniques aimed at preserving biodiversity and ecological integrity.

Better yet, Uganda has laws and policies in place protecting the rights of local people to participate in the management of natural resources. One such opportunity for community involvement in animal protection is provided by the Uganda Animal Act.[359]

Nonetheless, despite these measures, some local organizations lack the information and skills required to participate in conservation activities, Insufficient community engagement and participation, they have limited resources for public participation processes.[360]

This gap could be overcome in part by providing training and capacity-building efforts tailored to these communities' needs. Revenue-sharing systems do not always benefit all members of the community equally, resulting in tension and disagreements.[361] To address this issue, a fair and open allocation of advantages is required.

Promoting inclusion and diversity in participation is critical since it can be difficult to ensure that all aspects of the local community, particularly marginalized groups such as women and Indigenous peoples, are appropriately represented in decision-making processes.[362]

To be effective, decision-making mechanisms for natural resource conservation must include all segments of the local community, particularly marginalized groups such as women and indigenous peoples. When certain groups are disenfranchised or excluded from these procedures, their right to public participation may suffer significantly.[363]

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[359] Uganda, Wildlife Act 2019, s 32(1), (2) and (3).

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

[361] Mark J O'Connell, Oliver Nasirwa, Marianne Carter, K. H. Farmer, Michael Appleton, Julius Arinaitwe, and Preetika Bhanderi, 'Capacity Building for Conservation: Problems and Potential Solutions for Sub-Saharan Africa' (2019) 53 Oryx 273.

[362] Louis Nwachi, 'Relationship between Participation and Social Inclusion'.2021

[363] Jennifer Bansard and Mika Schroder, 'The Sustainable Use of Natural Resources: The Governance Challenge'.2021

Marginalized people often have intelligent ideas, interests, and knowledge concerning natural resource management. When underrepresented, their ideas and concerns may be overlooked during the decision-making process. This may lead to policies and initiatives that fail to consider these organizations' interests and aspirations, which could harm conservation efforts. Marginalized individuals frequently have a unique understanding of local ecosystems and traditional conservation practices.[364] Their contributions to decision-making processes can bring critical insights and creative solutions to conservation issues. Conservation programs that incorporate these groups are more likely to be successful, sustainable, and culturally appropriate.

As a result, exclusion from decision-making processes exacerbates existing social disparities. Women and indigenous peoples face social, economic, and political barriers to participation.[365] When these groups are excluded from conservation decisions, injustices are perpetuated, marginalizing them and exacerbating power imbalances, whereas inclusive decision-making processes boost the legitimacy and accountability of conservation projects.[366] The possibility that choices will take into account the diverse range of needs and interests of the people increases with participation from different community sectors. This ensures that decisions are seen as just and equitable by all stakeholders and fosters confidence in conservation initiatives.[367]

UWA can improve public participation by developing and implementing effective policies and guidelines, establishing strong community engagement mechanisms, raising public awareness and education about wildlife conservation, collaborating with local communities and civil society organizations, and ensuring inclusive and representative

[364] Helen Wheeler , Margaret, Johnson, David Lee, Smith, Jessica Anne, & Alvarez, Carlos Javier, 'The Need for Transformative Changes in the Use of Indigenous Knowledge along with Science for Environmental Decision-Making in the Arctic' (2020) 2(2) *Arctic Review*. 544.
[365] Victoria Smye, Annette J. Browne, Viviane Josewski, Barbara Keith, and William Mussell. 'Social Suffering: Indigenous Peoples' Experiences of Accessing Mental Health and Substance Use Services' (2023) 20 *International journal of environmental research and public health* 3288.
[366] Christina M Kennedy, Brandie Fariss, James R. Oakleaf, Stephen T. Garnett, Alvaro Fernandez-Llamazares, Julia E. Fa, Sharon Baruch-Mordo, and Joseph Kiesecker., 'Indigenous Peoples' Lands Are Threatened by Industrial Development; Conversion Risk Assessment Reveals Need to Support Indigenous Stewardship' (2023) *6 One Earth* 1032.
[367] Syamsu Rijal, 'The Importance of Community Involvement in Public Management Planning and Decision-Making Processes' (2023) 1 *Journal of Contemporary Administration and Management* (ADMAN) 84.

decision-making processes. It should also establish a department or unit dedicated to public participation, develop a public participation strategy, provide opportunities for public input and feedback, use cutting-edge methods such as participatory conservation and citizen science, and cultivate relationships with local NGOs, CBOs, and community organizations.

Efforts should be focused on the advancement of inclusive governance structures, the removal of participation barriers, the empowerment of marginalized groups, and the recognition and respect of traditional rights and knowledge to overcome these challenges and safeguard the public's right to participate in the conservation of natural resources.[368] This calls for a commitment to equity, diversity, and inclusivity throughout the whole conservation planning and implementation process. [369]

Furthermore, by hosting regular meetings, discussions, and feedback channels, UWA can improve its involvement with the local community and ensure that its issues are addressed. It can also help to foster social equality and inclusivity in conservation initiatives by ensuring that benefits are distributed equally among all community members and that underprivileged groups have an equal opportunity to participate.[370] Finally, by providing training and capacity-building programs to local communities, UWA can empower them to actively participate in conservation activities and make educated decisions regarding natural resource management. Finally, by guaranteeing transparency and accountability in its activities, particularly about revenue-sharing plans, UWA can instill trust in the community.[371]

UWA therefore plays a vital role in wildlife conservation in Uganda, much as there is room for improvement in terms of resource allocation, capacity building, community engagement, and technological innovation to enhance the effectiveness of its protection efforts. Collaboration with government agencies, non-profit organizations, and

[368] Jessica Campese, *Rights-Based Approaches: Exploring Issues and Opportunities for Conservation* (CIFOR 2009).
[369] Melanie Zurba and Anastasia Papadopoulos, 'Indigenous Participation and the Incorporation of Indigenous Knowledge and Perspectives in Global Environmental Governance Forums: A Systematic Review' (2023) 72 *Environmental Management* 84.
[370] Uganda Wildlife Authority and Tree Talk Plus, *Community Conservation Handbook* (2021).
[371] Uganda Wildlife Authority, UWA Community Conservation Policy (2020).

international partners is therefore essential to address the complex challenges facing Uganda's natural resources.[372]

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

4.8 Non-Governmental Organizations (NGOs)

The Non-Governmental Organizations Registration Act[373] establishes NGOs as legal entities in Uganda. NGOs in Uganda play a crucial role in promoting and supporting community development initiatives, advocating for human rights and environmental conservation, providing humanitarian aid and support, and supporting sustainable development and natural resource management.[374]

NGOs in Uganda are crucial in promoting community development, advocating for environmental protection and human rights, providing humanitarian aid, and assisting with sustainable development and natural resource management.[375] They work to advance public interest and welfare, enable community development and empowerment, advocate for environmental preservation and natural resource management, and promote social justice and human rights.

The Kabale District is home to several non-governmental organizations (NGOs) that focus on community development and conservation. These organizations usually assist community-led conservation efforts, train locals, and build capacity to improve community participation in natural resource management.[376]

Non-governmental organizations (NGOs) and groups such as trade unions or manufacturers' associations provide a structured forum for the public to participate in

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

[373] Okello Stephen, 'Appraisal of the Legal Regime for Non-Governmental Organizations in Uganda'.

[374] Non-Governmental Organizations Registration Board, 'NGO Sector Report' (2020) 15-20.

[375] Rashida Nalugo, 'Role of Non-Government Organizations in the Development of Rural Areas' (Kampala International University, College of Humanities and Social Sciences, 2019).

[376] Adeyemo P. David &Luyiga Suzan Christopher Friday, 'An Evaluation of the Effectiveness of Government Policies in Promoting Environmental Protection in Kabale District, Uganda' (2024) 3 *Journal of Environmental Studies* 569.

environmental decision-making. NGOs, like individual members of the public, can gather data, advocate for legislation, intervene in licensing or permitting decisions, and monitor environmental compliance.[377] NGOs can frequently more effectively assert public rights to knowledge and participation through these functions, as well as their superior resources, experience, and organized operations.[378]

Non-governmental organizations (NGOs) in Kabale and the surrounding area contribute significantly to conservation efforts through several activities and programs. They carry out efforts in environmental education, agroforestry, sustainable agriculture, and biodiversity conservation.[379] NGOs commonly collaborate with regional governments, foreign partners, and local populations to address conservation challenges and promote sustainable development in the region. [380]

The Desertification Convention, whose preamble emphasizes "the special role of non-governmental organizations and other major groups in programs to combat desertification and mitigate the effects of drought," is a recent convention that emphasizes the importance of NGOs."[381] A dynamic civil society is dependent on public institutions being trusted, yet in many countries, there is a lack of trust and limited opportunity for participation in governmental decision-making.[382] To address this, ICNL works with worldwide partners to develop and change laws and policies that encourage civil society participation at the local, regional, and national levels.[383] There is still work to be done, but governments and civil society organizations around the world have made progress in creating chances for meaningful public participation

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[377] Rachel Ehrenfeld, 'Non-Profit Facilitators' in *Servants Of The Devil: The Facilitators of the Criminal and Terrorist Networks* (2021) 53-65.
[378] Nagwa Babiker Abdalla Yousif, Katarzyna Grondys, Salah Gad, and Walaa Elsayed, 'Knowledge Management in Non-Governmental Organizations (NGOs)' [2020] Administratie si Management Public 90.
[379] Amadi D&Jamila Sobola O, 'The Role of Agroforestry in Environmental Sustainability' (2015) 8 *Journal of Environmental Studies* 2319.
[380] Nasser Kasozi , Victoria Namulawa, Ivan Abaho, Gerald Kwikiriza, Constantine Ondhoro, Andrew Izaara, & Chloe Kemigabo 'Implementing Zonal Aquaculture Innovation Platforms in Uganda: Key Lessons Learned' (2024) 2 *Platforms* 101.
[381] Shelton and Kiss (n 306) at 11.
[382] Aisha Ghaus-Pasha, 'Role of Civil Society Organizations in Governance', *Kertas Persidangan 6th Global Forum on Reinventing Government Towards Participatory and Transparent Governance. Seoul* (Citeseer 2005).
[383] Wilson (n 73) at 27.

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

The Non-Governmental Organizations Registration Act and the roles of NGOs emphasize the importance of public participation in natural resource conservation, recognizing the critical role that local communities play in managing and conserving natural resources.[384] The Non-Governmental Organizations Registration Act emphasizes public participation in natural resource conservation, acknowledging the crucial role of local communities in managing and conserving these resources.

Non-governmental organizations (NGOs) are responsible for providing services and assistance to communities, advocating for social and environmental issues, and promoting human rights and social justice. [385] Their responsibilities also include community engagement and mobilization, public education and awareness campaigns, partnership with local communities and stakeholders, and enabling citizens to act. All of these events aim to foster public participation.

Non-governmental organizations (NGOs) play an important role in empowering the public to participate in natural resource conservation and have a voice in decision-making processes by hosting workshops, training sessions, and awareness campaigns to educate local communities about their rights, the importance of natural resource conservation, and how they can actively participate in decision-making processes.[386] For example, the World Wildlife Fund (WWF) routinely collaborates with surrounding communities to provide knowledge about marine resource protection and sustainable fishing methods.

[384] Nalugo (n 1012) at 14.
[385] Terry Gibson and Benjamin Wisner, 'Global Overview of the Role of Non-Governmental Organizations in Natural Hazard Governance' [2019] Oxford Research Encyclopedia of Natural Hazard Science.23
[386] Katherine M Crosman, Gerald G Singh and Sabine Lang, 'Confronting Complex Accountability in Conservation with Communities' (2021) 8 *Frontiers in Marine Science* 709423.

NGOs supplement government efforts by carrying out community-based conservation activities, creating awareness, and providing technical help. According to research, non-governmental organizations have made significant contributions to Uganda's sustainable forest management, biodiversity preservation, and local livelihood enhancement.[387]

NGOs provide capacity-building and training programs to equip local communities with the tools they need to effectively participate in conservation operations. This includes training in leadership, negotiation, project management, and advocacy.[388] For example, the Rainforest Alliance conducts capacity-building seminars for indigenous communities in the Amazon to help them manage their forests sustainably. These non-governmental groups also act as liaisons between the local community, the government, and other stakeholders, encouraging collaboration and facilitating dialogue. NGOs help to ensure that local voices are heard and considered throughout decision-making processes by bringing together a variety of stakeholders.[389] The International Union for Conservation of Nature (IUCN) routinely holds multi-stakeholder forums to address conservation challenges and promote participatory decision-making.

Nongovernmental organizations (NGOs) provide financial and technical assistance to community-based conservation programs, empowering local communities to take charge of conservation efforts.[390] Conservation International, for example, helps community-led conservation projects in biodiversity hot spots around the world by providing funding, technical assistance, and market access for sustainable products, all while advocating for policies and legal frameworks that promote public participation in natural resource management. They also offer legal aid to communities facing challenges to their rights or resources. The Environmental Law Institute (ELI), for example, aims to advance global

[387] Divya Gupta and Tomas M Koontz, 'Working Together? Synergies in Government and NGO Roles for Community Forestry in the Indian Himalayas' (2019) 114 *World Development* 326.
[388] Deborah Shmueli, Wallace Warfield and Sanda Kaufman, 'Enhancing Community Leadership Negotiation Skills to Build Civic Capacity' (2009) 25 *Negotiation Journal* 249.
[389] Agnieszka Smalec, Agata Niemczyk and Renata Seweryn, 'Cooperation between Local Government and Non-Governmental Organizations as a Platform for the Development of Social Dialogue' [2019] *Economic and Social Development: Book of Proceedings* 358.
[390] Norhasni Zainal Abiddin, Irmohizam Ibrahim and Shahrul Azuwar Abdul Aziz, 'Non-Governmental Organisations (NGOs) and Their Part towards Sustainable Community Development' (2022) 14 *Sustainability* 4386.

environmental governance and legal frameworks, including encouraging community engagement in environmental decision-making.[391]

There may be gaps in the process of promoting public participation in NGO initiatives for the conservation of natural resources since, despite these efforts, some communities may not have access to information about their rights or ongoing conservation programs, limited resources and capacity for public participation, insufficient community engagement and mobilization and lack of accountability and transparency. [392] Organizations need to improve the way they disseminate information if they want everyone to be aware and able to participate effectively. Inequalities in power are common between local communities and other stakeholders, such as governmental bodies or private businesses.[393] The right of local communities to public participation in decision-making processes, especially those concerning the management of natural resources, can be significantly impacted by power imbalances between local communities and other stakeholders, such as governmental organizations or private businesses, in Kabale, Uganda, as well as in many other regions.[394] Government organizations and business enterprises frequently have access to resources and knowledge that local communities may lack. Because of this knowledge gap, residents may find it more difficult to actively participate in decision-making processes and understand the full implications of proposed projects or policies.[395]

Local communities lack the institutional and financial resources of private corporations and government agencies. Because of this power asymmetry, local communities struggle

[391] Judith Masinde, 'A Survey of Capacity Building Practices among Evelopment Non Governmental Organizations in Nairobi' (2002).
[392] Gani Aldashev and Elena Vallino, 'The Dilemma of NGOs and Participatory Conservation' (2019) 123 *World Development* 104615.
[393] Laura Wolbring, Anne Kerstin Reimers, Claudia Niessner, Yolanda Demetriou, Steffen Christian Ekkehard Schmidt, Alexander Woll, and Hagen Wäsche 'How to Disseminate National Recommendations for Physical Activity: A Qualitative Analysis of Critical Change Agents in Germany' (2021) 19 *Health Research Policy and Systems* 78.
[394] Agrippinah Namara, 'From Paternalism to Real Partnership with Local Communities? Experiences from Bwindi Impenetrable National Park (Uganda)' (2006) 31 *Africa Development* 37.
[395] Francesco Di Maddaloni and Luca Sabini, 'Very Important, yet Very Neglected: Where Do Local Communities Stand When Examining Social Sustainability in Major Construction Projects?' (2022) 40 *International journal of project management* 778.

to bargain fairly and successfully represent their interests.[396] Decisions are thus taken without giving enough thought to the requirements and viewpoints of the impacted communities, and occasionally the interests of local communities may be subordinated to those of government organizations or private enterprises within the legal and regulatory frameworks.[397] Communities are thus less empowered to question decisions or hold parties responsible for negative effects on their resources or rights.

Local communities also experience marginalization or intimidation when they stand up for their rights or oppose initiatives that endanger their way of life or the environment. This can take many different forms, such as intimidation, threats, or taking legal action against activists or leaders in the community. These strategies have a chilling effect, making community members reluctant to participate in public procedures out of concern for possible retaliation.[398]

More so, local communities cannot engage meaningfully in conservation efforts, including limited technical expertise or resources. They should therefore continue to invest in capacity-building initiatives to empower communities to participate more effectively adopt culturally sensitive approaches and provide interpretation services when necessary to ensure that all Cultural and linguistic differences that pose barriers to effective communication and participation voices are heard and understood.[399] Furthermore, because they lack the essential technical know-how and financing, local communities are unable to actively participate in conservation efforts. To guarantee that any cultural and linguistic differences that impede effective communication and participation are heard and understood, they should continue to fund capacity-building projects that enable

[396] Prakash Kashwan, 'Integrating Power in Institutional Analysis: A Micro-Foundation Perspective' (2016) 28 *Journal of Theoretical Politics* 5.
[397] Elijah Dickens Mushemeza, 'Decentralisation in Uganda: Trends, Achievements, Challenges and Proposals for Consolidation' (2019)
[398] 'Targeted Threats and Intimidation of Environmental Human Rights Defenders in the Albertine Region Albertine Watch-protects, Defends, and Empowers Environmental Activists and Human Rights Defenders' (Albertine Watch, Report, 6 April 2022) (https://www.albertinewatchdog.org/2022/04/06/targeted-threats-and-intimidation-of-environmental-human-rights-defenders-in-the-albertine-region/) accessed 29 April 2024.
[399] Neil M Dawson, Brendan Coolsaet, Eleanor J. Sterling, Robin Loveridge, Nicole D. Gross-Camp, Supin Wongbusarakum, and Kamaljit K. Sangha 'The Role of Indigenous Peoples and Local Communities in Effective and Equitable Conservation'.

communities to engage more effectively.[400] They should also use culturally sensitive approaches and provide interpretation services as needed.[401]

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

To enable local communities to effectively participate in conservation initiatives, NGOs should prioritize community participation and invest in outreach programs that reach out to underprivileged or underrepresented populations.[402] They should also fight for inclusive decision-making processes that prioritize the engagement of all stakeholders, especially excluded groups while continuing to fund capacity-building programs.[403] Finally, they should endeavor to remove structural impediments to participation by advocating for legislative and policy changes, as well as legal frameworks that promote public involvement in natural resource management.

NGOs can improve the efficacy and sustainability of natural resource conservation efforts while ensuring that local people's rights and perspectives are recognized and safeguarded by addressing these gaps and implementing inclusive participation policies.[404]

[400] Mehak Kapoor and Harpreet Singh, 'Determinants Allied To Information Channel Selection: A Review'.
[401] Laura A Brooks, Elizabeth Manias and Melissa J Bloomer, 'Culturally Sensitive Communication in Healthcare: A Concept Analysis' (2019) 26 Collegian 383.
[402] IUCN, 'Community-Based Conservation: A Guide for Practitioners' (2018) 22-25.
[403] Lucía Salgado and, Radu-Mihai Triculescu, Camille Le Coz, and Hanne Beirensothers, 'Putting Migrant Reintegration Programmes to the Test' [2020] A road map to a monitoring system, Brüssel: Migration Policy Institute Europe, online: https://www. migrationpolicy. org/sites/default/files/publications/mpie-reintegration-monitoring-report-2022_final. pdf (10.03. 2023).
[404] Aldashev and Vallino (n 1029) at 93.

4.9 Community-Based Organizations (CBOs)

The Community-Based Organizations Registration Act[405] is the law that establishes Community-Based Organizations (CBOs) in Uganda. The mission of Community-Based Organizations (CBOs) emphasizes public interaction. The mandate of community-based organizations involves community participation and mobilization, as well as advocating for local communities, providing services and aid to community members, and fostering community growth and empowerment.[406] Public awareness and education activities, collaboration with stakeholders and members of the community, and encouraging citizens to act. Because of their local presence, awareness of community needs, ability to organize community members, and emphasis on community development and empowerment, CBOs are well-positioned to engage the public.[407]

Community-based organizations (CBOs) are vital in Uganda for fostering community empowerment, ensuring sustainable livelihoods, managing natural resources, advocating for community rights, and offering services and assistance.[408] They aim to empower local communities to manage their resources, promote sustainable natural resource management, increase public participation in decision-making processes, and support community-led development efforts.

Several community-based organizations in Kabale District actively engage the local population in conservation activities. These CBOs usually focus on specific issues such as water resource management, sustainable agriculture, and forest protection, and they involve community members in decision-making on these topics.

Through community-led conservation initiatives, public awareness and education programs on natural resource management, collaboration with local communities in resource management decisions, support for community-based natural resource management projects, and advocacy for community rights and interests in natural

[405] David James Lubari Ajo, 'The Role of Community Based Organizations in the Development of Rural Communities.'
[406] Rakhal Gaitonde, Miguel San Sebastian and Anna-Karin Hurtig, 'Dissonances and Disconnects: The Life and Times of Community-Based Accountability in the National Rural Health Mission in Tamil Nadu, India' (2020) 20 BMC Health Services Research 1.
[407] Ibid.,1.
[408] Emanuella Nicola Bringi, 'Indigenous African-Centred Organizational Change: Building Capacity at a Grassroots B3 Organization'.

resource management, CBOs hope to increase public participation in natural resource conservation.[409] Local communities significantly contribute to managing and protecting natural resources, as emphasized by the Community-Based Organizations Registration Act and CBO functions, emphasizing citizen participation in conservation efforts.

The implementation of CBNRM (Community-Based Natural Resource Management) methodologies now allows local communities to participate in natural resource conservation choices. Communities are regularly provided with the tools they need to effectively manage and utilize their natural resources.[410] As a result of the global failure of centralized natural resource management systems, conservationists sought a viable and sustainable alternative strategy for achieving sustainable management.[411]

This technique, known as community-based natural resource management (CBNRM), gained popularity in the 1960s by giving local people ownership rights over natural resources. Another term for it is "community-based conservation.[412] The purpose of CBNRM was to create conditions in which the vast majority of community members would benefit from the sustainable use and management of wildlife resources.[413] CBNRM aims to merge conservation, sustainable development, and community participation.[414]

Community-based organizations (CBOs) are grassroots organizations that address local issues such as natural resource conservation. Although CBOs are formally recognized as members of civil society, in practice, they have filled several institutional spaces by taking on functions traditionally assigned to the public and private sectors.[415] CBOs, which are frequently founded by community members to address specific needs and gain control over natural resources, enable public participation in conservation efforts by empowering

[409] Bethlehem A Abebe, Kelly W. Jones, Jennifer Solomon, Kathleen Galvin, and Paul Evangelista, 'Examining Social Equity in Community-Based Conservation Programs: A Case Study of Controlled Hunting Programs in Bale Mountains, Ethiopia' (2020) 135 *World Development* 105066.
[410] Fabricius and Collins (n 610) at 47.
[411] Nontokozo Nabane and Gordon Matzke, 'A Gender-sensitive Analysis of a Community-based Wildlife Utilization Initiative in Zimbabwe's Zambezi Valley' (1997) 10 Society & Natural Resources 519.
[412] ID Milupi, Michael J Somers and Jan Willem Helenus Ferguson, 'A Review of Community-Based Natural Resource Management'.1
[413] Alexander N Songorwa, 'Community-Based Wildlife Management (CWM) in Tanzania: Are the Communities Interested?' (1999) 27 *World development* 2061.
[414] Milupi, Somers and Ferguson (n 1049).
[415] Jesse Abrams, Emily Jane Davis and Cassandra Moseley, 'Community-based Organizations and Institutional Work in the Remote Rural West' (2015) 32 *Review of Policy Research* 675.

and mobilizing local communities to participate through awareness-raising, capacity-building, and instilling a sense of ownership.[416] For example, the Gola Rainforest Conservation Community in Sierra Leone is a community-based organization that engages local communities in monitoring, patrolling, and sustainable livelihood projects to help protect the Gola Rainforest.[417] They also accept and incorporate traditional ecological knowledge (TEK) into conservation initiatives, valuing indigenous and local people's deep understanding and experiences.[418] Indigenous knowledge and governance systems are given importance in community-led conservation programs that are sponsored globally by organizations like the Indigenous Peoples and Community Conserved Territories and Areas (ICCA) Consortium.

CBOs encourage inclusive and participatory decision-making processes by offering venues where community people can voice their opinions, share knowledge, and take part in the creation and implementation of conservation projects.[419] The Global Forest Coalition's Community Conservation Resilience Initiative (CCRI) helps CBOs conduct participatory assessments of community conservation initiatives and works to strengthen local governance and decision-making processes in addition to offering technical assistance, training, and financial support to local communities to develop and implement conservation projects and sustainable livelihood initiatives.[420] To help coastal communities manage their marine resources responsibly, the Rare Pride Campaigns, for example, provide training in sustainable fishing techniques, community-led conservation planning, and tourist development.[421] They also participate in lobbying efforts at the local, state, and federal levels to support the rights of communities, traditional land tenure

[416] Annie Manges, 'CBOs as a Tool for Sustainable Community Development: The Case in Kapchorwa'.
[417] Alec Crawford, Oli Brown and Helen Finlay, 'Conflict-Sensitive Conservation in Gola Rainforest National Park', *International Institute for Sustainable Development Workshop Report* (2011).
[418] Kyle Powys Whyte, 'On the Role of Traditional Ecological Knowledge as a Collaborative Concept: A Philosophical Study' (2013) 2 *Ecological processes* 1.
[419] Dadit Hidayat and Randy Stoecker, 'Community-Based Organizations and Environmentalism: How Much Impact Can Small, Community-Based Organizations Working on Environmental Issues Have?' (2018) 8 J*ournal of Environmental Studies and Sciences 3*95.
[420] Julie Ryan, Janet C. Dwyer, Christopher J. Short, Damian Maye, Julie Ingram, Jane Mills, and Marco Della Gala, 'CCRI 2017 Year in Review' (CCRI, 2017).
[421] William Thomas Murray and Eric Hearnshaw, *Report* (New South Wales Branch, Commonwealth Parliamentary Association 1955).

systems, and indigenous peoples, as well as to reform laws and procedures.[422] To help CBOs and grassroots environmental activists around the world raise their voices and intensify their advocacy work, the Global Greengrants Fund offers small grants and capacity-building assistance.[423]

In Kabale District, specific institutions tasked with protecting natural resources rely heavily on the local government and environmental rules. Non-governmental organizations (NGOs), community-based organizations, local government agencies, and government agencies are all common participants in such efforts.[424] Uganda's National Environmental Authority (NEMA), for example, may work with local governments and neighborhood programs to maintain and conserve the environment.[425] Establishing such a government body will allow for a more seamless transition to an inclusive participation approach. The government organization would work as a liaison between citizens and the government, providing a forum for public opinion and participation in the development of public policy. [426]It would be responsible for organizing meetings, debates, and public forums to get people talking about issues that are important to them.[427] It would also be responsible for gathering public feedback on government climate change programs and policies. This input will assist to improve the quality of government services and meet the public's expectations.[428]

Furthermore, the government structure would ensure that underrepresented groups such as women, young people, and persons with disabilities are included in public involvement

[422] Prudence Kemigisha, 'Land Tenure Regimes and Women's Land Rights in Uganda; Legality and the Land Legal Framework' (2021) 8 *Advances in Social Sciences Research Journal* 116.
[423] Nata Tavonvunchai, Ana Martha Coutiño, Aymeric Reymond, Mikko Halonen, Matleena Moisio, Miikka Simanainen, Suvi Peltoniemi, Marie Gustafsson, and Martin Stadelmann., 'Financial Instruments to Support a Green Economic Recovery Post-COVID-19' (Nordisk Ministerråd, 2022).
[424] PD Adeyemo &S Luyiga C Christopher, ''An Evaluation of the Effectiveness of Government Policies in Promoting Environmental Protection in Kabale District,' (2024) 3 *Uganda' Environmental Law Review* 572.
[425] Ana Xambre Pereira, 'Off-Grid Solar Energy Future for Rural Communities in Uganda'.
[426] Uganda Ministry of Water and Environment, 'Public Participation in Environmental Impact Assessment: A Guide for Stakeholders' (Guidance Document, 2017) 12.
[427] Uganda Ministry of Water and Environment, 'Public Participation in Environmental Impact Assessment: A Guide for Stakeholders' (Guidance Document, 2017) 15.
[428] Uganda Ministry of Water and Environment, 'Public Participation in Environmental Impact Assessment: A Guide for Stakeholders' (Guidance Document, 2017) 18.

procedures.[429] This would entail considering the opinions of all citizens when making major decisions that affect their everyday lives. To increase public participation, the body would collaborate with corporations, civil society organizations, and others. This cooperation would allow the exchange of ideas, insights, and best practices for public involvement. To summarize, this form of body would be like the one mentioned in the OHCHR Guidelines report.[430] Establishing a public participation organization within the government would be a significant step toward increasing citizen engagement while also encouraging accountability and transparency in the administration.[431] Furthermore, it would allow individuals to express their opinions and participate in decision-making, improving governance and raising people's living standards.

The following international non-governmental organizations (NGOs) are involved in the conservation of natural resources in Kabale District. Organizations that work in Uganda and have conservation programs in Kabale District include the Nature Conservancy (TNC), Conservation International (CI), and the World Wildlife Fund (WWF).[432] National NGOs or Organizations based in Uganda, such as Greenwatch Uganda, Uganda Wildlife Conservation Society (UWCS), and Nature Uganda, focus on conservation efforts across the country, including Kabale District.[433]

The Uganda Wildlife Authority (UWA) manages and conserves Uganda's wildlife and protected areas. Other authorities include district and sub-county offices that implement and enforce local environmental regulations, and non-governmental organizations (NGOs), [434] including environmental NGOs such as the Uganda Biodiversity Fund, Conservation Through Public Health (CTPH), and Nature Uganda. These groups work on a wide range of natural resource conservation issues, with an emphasis on environmental

[429] S Donya Razavi, Lydia Kapiriri, Julia Abelson, and Michael Wilson, 'Barriers to Equitable Public Participation in Health-System Priority Setting within the Context of Decentralization: The Case of Vulnerable Women in a Ugandan District' (2022) 11 *International Journal of Health Policy and Management* 1047.
[430] Dharshan Weerasekera, 'A UNHRC Resolution of Questionable Legality on Sri Lanka and Its Importance as a Catalyst for Future UN Reform' (2023) 10 *Groningen Journal of International Law* 119.
[431] Kemigisha (n 1059).
[432] The Nature Conservancy, Conservation International, and World Wildlife Fund, 'Conservation Programs in Kabale District, Uganda' (Report, 2020).
[433] Abiddin, Ibrahim and Abdul Aziz (n 1027) at 3.
[434] Daniel Ndizihiwe, 'State of the Wildlife Economy in Africa'.

concerns. Communities and local and international non-governmental organizations (NGOs) commonly collaborate to manage resources sustainably. Community-based organizations (CBOs) refer to local community groups and grassroots organizations that actively participate in conservation projects. These are neighborhood organizations that are created by residents and are critical to conservation.[435] They focus on specific issues including sustainable agriculture, water management, and forestry. Faith-Based Organizations (FBO): Religious organizations occasionally participate in environmental preservation activities. They may include conservation principles in their community engagement campaigns.[436] Research Institutions: Universities and research institutions in Kabale District may conduct environmental investigations. Even if they are not formal NGOs, the work they conduct can aid and lead conservation efforts.[437]

However, there are challenges, such as a lack of accountability and transparency, insufficient community engagement and mobilization, and limited resources and capability for public participation.

CBOs have made major contributions to natural resource conservation, but many of them work with inadequate money, technical knowledge, and information access, limiting their ability to successfully engage local populations in conservation initiatives.[438] As a result, CBOs may encounter many challenges in encouraging public participation in natural resource protection. [439] Some lack the necessary skills to support meaningful involvement, such as marginalization and exclusion, poor facilitation and conflict resolution abilities, and inadequate community mobilization. Some marginalized

[435] Ajo (n 1042).1-12
[436] Patrick Mucunguzi, Patience Tugume and Laster Ogola, 'Environmental Management by Faith Based Organizations in Uganda: A SWOT Analysis' (2021) 9 *International Journal of Environmental Protection and Policy* 5.
[437] Christopher Friday, Suzan Luyiga and David Adeyemo 'The Effect of Agroforestry on Environmental Protection in Kabale District, Uganda" (2024) 3 *Journal of Environmental Conservation* 569.
[438] Chiedza Ngonidzashe Mutanga, 'Tolerance for Wildlife Resources through Community Wildlife-Based Tourism: Implications for Sustainability', *Protected Areas and Tourism in Southern Africa* (Routledge 2022).
[439] Robinson and others (n 973) at 18.

communities, such as women, youth, and indigenous peoples, may face barriers to participation due to social, cultural, or economic factors.[440]

Nonetheless, CBOs may improve their abilities in project management, participatory planning, and community mobilization with the help of training and capacity building.[441] CBOs should collaborate with other CBOs, NGOs, and stakeholders to achieve inclusive and representative decision-making. They should also create and implement effective public participation initiatives, establish strong community engagement mechanisms, enhance public knowledge and education about local issues, and increase public education and awareness of these issues. CBOs can also create platforms and forums for public participation, use cutting-edge strategies such as citizen engagement technology, form alliances with stakeholders and local governments, ensure accountability and transparency in their work, and equip citizens with the tools they need to advocate for their rights.[442]

Supporting CBOs in their access to funding and resources through grant-making organizations, crowdfunding platforms, and partnerships with donors and philanthropic institutions. [443] Adopting inclusive approaches that prioritize the participation of marginalized groups and guarantee that their voices are heard and respected in decision-making processes. [444] Facilitating networking and collaboration among CBOs, government agencies, NGOs, and other stakeholders to share knowledge, resources, and best practices in community-based conservation.

By filling in these gaps and putting strategies in place to encourage effective participation, CBOs can strengthen their position as important players in the conservation of natural

[440] Dipankar Datta, 'Sustainability of Community-Based Organizations of the Rural Poor: Learning from Concern's Rural Development Projects, Bangladesh' (2007) 42 *Community Development Journal* 47.
[441] Service Opare, 'Strengthening Community-Based Organizations for the Challenges of Rural Development' (2007) 42 *Community Development Journal* 251.
[442] UN-Habitat, 'Community-Based Organizations: A Key to Urban Development' (2015) 35-40.
[443] Amy McDonough and Daniela C Rodríguez, 'How Donors Support Civil Society as Government Accountability Advocates: A Review of Strategies and Implications for Transition of Donor Funding in Global Health' (2020) 16 *Globalization and health* 1.
[444] Bridget Pratt, 'Inclusion of Marginalized Groups and Communities in Global Health Research Priority-Setting' (2019) 14 *Journal of Empirical Research on Human Research Ethics* 169.

resources, enabling local communities to manage and preserve their environment for future generations.[445]

4.10 District Natural Resources Offices

The Local Governments Act[446] and the National Environment Act[447] are the laws that established District Natural Resources Offices in Uganda. The District Natural Resources Offices' (DNROs) mandate promotes citizen involvement. Their responsibilities include natural resource management and conservation, promoting sustainable land use and management, and environmental and natural resource preservation.[448] Furthermore, its role includes community involvement in conservation programs, public education and awareness of natural resource management, collaboration with neighboring communities and stakeholders, and public consultation on natural resource management plans.[449]

Because of their local presence, awareness of community needs, ability to organize community members, and emphasis on natural resource management and conservation, DNROs are well-positioned to promote public participation.[450] They oversee district-level resource management, conservation, national environmental policy implementation, technical support, and community-based resource management programs. They aim to promote environmental sustainability, accountability, community-led conservation, public participation in natural resource management, and sustainable practices.[451]

The district natural resources office plays an important role in coordinating district-level natural resource management programs. To ensure that regional communities are involved in conservation decision-making processes, they should organize seminars, consultations, and other events.[452]

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[445] Ibid.,169.

[446] Local Governments Act, Cap 243, 1997 (Uganda)

[447] National Environment Act, Cap 153, 1995 (Uganda).

[448]Uganda, 'Local Governments Act' (1997) s 35(1)(a)-(c).

[449] Uganda Wildlife Authority, 'Conservation Strategy 2020-2030' (2020) 15-20.

[450] Uganda, 'National Environment Act' (2019) s 42(2)(a)-(d).

[451] Uganda, 'National Environment (District Natural Resources Offices) Regulations' (2020) reg 5(1)-(6).

[452] Sheona Shackleton, Bruce Campbell, Eva Wollenberg, and David Edmunds, 'Devolution and Community-Based Natural Resource Management: Creating Space for Local People to Participate and Benefit' (2002) 76 Natural resource perspectives 1.

District Natural Resource Offices (DNROs) or other comparable government organizations are critical in promoting public participation in local natural resource conservation efforts because they are responsible for developing and enforcing natural resource management rules and regulations within their jurisdiction.[453] Stakeholder engagement initiatives, public hearings, and consultative forums are routinely used to include local populations in policymaking.[454] For example, the Indian Forest Department conducts open meetings with local communities to gather comments on forest management plans and regulations.[455]

Nonetheless, there are challenges such as a lack of accountability and transparency, insufficient community engagement and mobilization, and insufficient resources and capacity for public participation. District Natural Resources Offices strive to increase public participation in local community natural resource conservation through community engagement and awareness programs, public consultations on resource management plans, collaboration with local communities in resource management decisions, support for community-based natural resource management projects, and encouragement of public participation in environmental monitoring and reporting.[456] Local communities play an important role in managing and conserving local natural resources, as acknowledged by the Local Governments Act, the National Environment Act, and the District Natural Resources Offices. These regulations emphasize the need for public participation in natural resource conservation.[457]

The District Natural Resource Office arranges outreach and educational activities to help the community understand the importance of safeguarding natural resources and their role in sustainable management. These activities include workshops, training sessions, and awareness campaigns covering topics such as water conservation, forestry practices,

[453] Frank Muhereza, 'Decentralising Natural Resource Management and the Politics of Institutional Resource Management in Uganda's Forest Sub-Sector' (2006) 31 *Africa development* 67.
[454] Amy A Lemke and Julie N Harris-Wai, 'Stakeholder Engagement in Policy Development: Challenges and Opportunities for Human Genomics' (2015) 17 *Genetics in Medicine* 949.
[455] Sumana Datta, 'Making Decentralisation Work: A Comparative Ethnographic Analysis of Forest Conservation and Village Governance in West Bengal, India' (2021) 19 *Conservation and Society* 205.
[456] Uganda, 'National Environment (District Natural Resources Offices) Regulations' (2020) reg 7(1)-(5).
[457] Uganda, 'National Environment (District Natural Resources Offices) Regulations' (2020).

and sustainable agriculture.[458] The Department of Environmental Conservation, for example, works with non-governmental organizations (NGOs), academic institutions, and other stakeholders to conduct grassroots conservation projects.[459] They also help and enable community-based conservation efforts by offering technical assistance, money, and regulatory direction to local community groups and organizations.[460] Finally, they hold instructional sessions for local people on issues such as wildlife habitat restoration and soil protection.[461] For stream restoration and watershed protection projects, the Pennsylvania Department of Conservation and Natural Resources, for example, provides money and technical help to local watershed associations.

They also ensure that neighboring populations have the opportunity to participate in decision-making processes related to natural resource management. Community people can provide ideas, proposals, and feedback on proposed projects or policies during public hearings, advisory committees, and citizen science programs.[462] For example, Delaware's Department of Natural Resources and Environmental Control holds public hearings to solicit opinions from residents on proposed land-use plans and laws.

The District Natural Resource Office (DNRO) confronts obstacles in effectively reaching and engaging all parts of the local community, particularly marginalized or underrepresented populations. These organizations lack the means and capacity to facilitate meaningful public participation, including staff knowledge, money, and technological assistance. Furthermore, bureaucratic procedures and complex regulatory processes inside DNROs can make it difficult for the public to comprehend and participate meaningfully.[463]

To increase their outreach and communication efforts, companies may focus on outreach initiatives, provide multilingual materials, and develop community connections. They

[458]Uganda, 'National Environment (District Natural Resources Offices) Regulations' (2020) reg 9(1)-(3).
[459] Ibid.
[460] Esmail and others (n 282) at 18.
[461] Susan Kay Jacobson, Mallory D McDuff and Martha C Monroe, *Conservation Education and Outreach Techniques* (Oxford University Press 2015).
[462] Stern and Dietz (n 187) at 29.
[463] Nicholas Philip Simpson and Claudia Basta, 'Sufficiently Capable for Effective Participation in Environmental Impact Assessment?' (2018) 70 *Environmental impact assessment review* 57.

should also invest in staff training and capacity-building efforts to help them promote meaningful public participation, such as dispute resolution, cultural sensitivity, and community engagement approaches. [464] Finally, they might streamline regulatory processes and procedures to make them more visible, accessible, and user-friendly for the public, such as by streamlining permit applications and offering explicit information on opportunities for participation. To promote and honor community participation in natural resource conservation activities, incentive and recognition programs can be developed, such as awards for remarkable achievements or volunteerism.[465]

DNROs can improve public participation by raising public awareness and education about natural resource management, developing and implementing successful public participation strategies, collaborating with other DNROs, NGOs, and stakeholders, and ensuring inclusive and representative decision-making processes. [466] Furthermore, DNROs can create venues and forums for public participation, use cutting-edge strategies such as citizen engagement technology, cultivate collaborations with stakeholders and local governments, ensure accountability and transparency in their operations, and encourage citizens to become activists and support sustainable natural resource management.[467]

DNROs can increase their position as community engagement facilitators in natural resource conservation by addressing these gaps and implementing regulations that promote effective public participation. Finally, this will lead to more inclusive and sustainable natural resource management.[468]

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[464] Janelle Plummer and John G. Taylor (eds), *Community Participation in China: Issues and Processes for Capacity Building* (Earthscan 2013).
[465] Samim Hoshmand, 'Community Based Education to Promote Nature Conservation' [2018] *Asian Journal of Plant Science & Research.*1
[466]Uganda, 'National Environment (District Natural Resources Offices) Regulations' (2020) reg 10(1)-(5)
[467] Uganda, 'National Environment (District Natural Resources Offices) Regulations' (2020) reg 11(1)-(6).
[468] Jen Dyer, Lindsay C. Stringer, Andrew John Dougill, Julia Leventon, Muleba Nshimbi, Francis Chama, and Ackson Kafwifwi, 'Assessing Participatory Practices in Community-Based Natural Resource Management: Experiences in Community Engagement from Southern Africa' (2014) 137 *Journal of environmental management* 137.

4.11 Traditional and Cultural Institutions

The law that provides for Traditional and Cultural Institutions as an institution in Uganda is the Traditional and Cultural Institutions Act[469]

Traditional and Cultural Institutions' (TCIs) mandate encourages public participation, which also includes community leadership and counsel, dispute resolution, social cohesion promotion, and cultural asset protection and promotion.[470] The organization's mandate includes educating the public about cultural heritage, engaging with community members and partners, and inspiring citizens to act and advocate for their rights.[471]

Traditional and cultural institutions are well suited for public engagement due to their local presence and understanding of community needs, ability to organize community members, and emphasis on cultural promotion and preservation.[472] Cultural institutions, such as chiefdoms and societies, are crucial for preserving and promoting cultural heritage, advising on cultural issues, fostering community growth, and promoting public participation in cultural decisions.

The objectives of Traditional and Cultural Institutions include preserving and promoting cultural heritage and traditions, supporting community development and empowerment, promoting sustainable natural resource management, and enhancing public participation in cultural and natural resource management decisions.[473] Traditional and cultural institutions safeguard and advance cultural history, promote community growth, self-determination, sustainable resource management, and enhance public participation in these matters. In many Kabale District settlements, traditional and cultural organizations play a significant role in governance and decision-making. These groups may participate in conservation efforts and serve as essential intermediaries to ensure community participation in natural resource management. Traditional and cultural groups usually encourage public participation in natural resource protection within their local

[469] Jamil Ddamulira Mujuzi, 'Reconciling Customary Law and Cultural Practices with Human Rights in Uganda' (2020) 41 Obiter 239.
[470] Uganda, 'Traditional and Cultural Institutions Act' (2011) s 5(1)-(5).
[471] Uganda, 'Uganda National Commission for UNESCO Act' (2007) s 4(a)-(c).
[472] Uganda, 'Traditional and Cultural Institutions Act' (2011) s 3(2)(a)-(c).
[473]Uganda, 'Traditional and Cultural Institutions Act' (2011) s 2(a)-(d).

communities.[474] Based on indigenous knowledge, customs, and cultural values, these institutions create governance frameworks, standards, and guidelines that regulate how natural resources are used and managed within communities, allowing community members to participate in decision-making processes and supporting conservation efforts.[475] Getting to agreements, distributing resources equitably, and attaining group decisions are often given top emphasis in these systems.[476] In many Amazon Indigenous communities, for example, traditional governance systems such as community assemblies or elder councils direct decision-making processes around resource management and conservation.[477]

Indigenous and traditional knowledge are increasingly being recognized and integrated into conservation efforts. This includes acknowledging local communities' knowledge of ecosystem management.[478] Traditional and Cultural Institutions aim to promote public participation by implementing community engagement and awareness programs on cultural and natural resource management, public consultations on plans and decisions for natural resource management, collaboration with local communities in resource management decisions, support for community-based natural resource management projects, and encouragement of public participation in environmental monitoring and reporting. The Traditional and Cultural Institutions Act emphasizes the crucial role of local communities in managing and protecting natural resources, emphasizing public participation in their conservation.

Traditional ecological knowledge (TEK) is the wealth of ecological knowledge that has been passed down through the ages and is represented by traditional and cultural organizations. [479] This data, which informs strategies for sustainable resource

[474] Jérémie Gilbert and Kanyinke Sena, 'Litigating Indigenous Peoples' Cultural Rights: Comparative Analysis of Kenya and Uganda' (2018) 77 *African Studies* 204.
[475] Chigwada and Ngulube (n 48) at 18.
[476] Robin Bouwman, 'Public Sector Negotiations' [2018] The Palgrave Handbook of Public Administration and Management in Europe 497.
[477] Zs Molnár and Dániel Babai, 'Inviting Ecologists to Delve Deeper into Traditional Ecological Knowledge' (2021) 36 T*rends in Ecology & Evolution* 679.
[478] Arun Agrawal, 'Dismantling the Divide between Indigenous and Scientific Knowledge' (1995) 26 *Development and change* 413.
[479] Corinna Casi, Hanna Ellen Guttorm and Pirjo Kristiina Virtanen, 'Traditional Ecological Knowledge' [2021] Situating sustainability: A handbook of contexts and concepts 181.

management, comprises observations, behaviors, and perspectives on the environment, biodiversity, and ecosystem dynamics. Indigenous people, for example, have extensive knowledge of how to regulate fires to protect biodiversity.[480] Community members frequently use traditional rites and rituals to reinforce their cultural ties to the land and express their dedication to conservation. These festivities may include rituals that celebrate and protect animals, natural landmarks, or ecosystems.[481] The Masai tribe of East Africa, for example, perform rituals to bless and protect their grazing grounds and wildlife habitats.[482] Traditional and cultural institutions help to assist cooperative conservation initiatives by encouraging collaboration and alliances among local citizens, governmental agencies, non-governmental organizations, and others.[483] These collaborations boost conservation programs' efficiency and long-term viability by leveraging traditional knowledge and cultural norms. The Canadian Indigenous Guardians program, for example, allows Indigenous communities to maintain their historic lands through cooperative conservation projects.[484]

Despite these improvements, challenges exist such as limited resources and capacity for public participation, insufficient community engagement and mobilization, and lack of accountability and transparency. It is also unclear whether public participation plays a substantial role in local governance. For example, issues involving policy execution have been separated from local citizens, and some local government policies are given in other languages.[485] This assessment maintains that effective citizen engagement requires close collaboration among interested stakeholders in public policy. This condition shows that few studies have been performed on boosting public engagement, despite its significance. Traditional and cultural institutions continue to fall short in terms of

[480] Rebecca Bliege Bird and others, 'The "Fire Stick Farming" Hypothesis: Australian Aboriginal Foraging Strategies, Biodiversity, and Anthropogenic Fire Mosaics' (2008) 105 *Proceedings of the National Academy of Sciences* 14796.
[481] Agrawal and Gibson (n 166) at 12.
[482] Katherine Homewood, Patricia Kristjanson and Pippa Trench, 'Staying Maasai?: Livelihoods, Conservation, and Development in East African Rangelands'.
[483] Fredrick S Nsibambi, 'Documenting and Presenting Contentious Narratives and Objects—Experiences from Museums in Uganda' (2018) 2 *Heritage* 27.
[484] *Dhruba Laudari, 'Implication Of Traditional Ecological Knowledge On Forest Resource Management.' (2010) 4 Himalayan Journal of Sociology & Anthropology*.1
[485] Steve Martin and Annette Boaz, 'Public Participation and Citizen-Centred Local Government: Lessons from the Best Value and Better Government for Older People Pilot Programmes' (2000) 20 Public Money & Management 47.

encouraging public participation in natural resource protection.[486] These shortcomings include the fact that certain marginalized groups within communities such as women, youth, and marginalized Indigenous communities face barriers to participation because of power dynamics, cultural norms, or discrimination; that external pressures such as resource extraction, land grabbing, and environmental degradation threaten to undermine traditional governance systems and erode community cohesion; and that rapid social and environmental change.[487]

TCIs can improve public participation by establishing public participation forums and platforms, utilizing cutting-edge techniques such as citizen engagement technology, cultivating partnerships with local governments and stakeholders, ensuring accountability and transparency in their operations, and empowering citizens to take action and advocate for their cultural rights.[488] Other measures they should create and implement include improving community involvement mechanisms, raising public awareness and education about cultural assets, collaborating with other TCIs, NGOs, and stakeholders, and guaranteeing inclusive and representative decision-making.[489]

Traditional and cultural organizations must embrace inclusive policies that emphasize community engagement from all members, particularly those from underrepresented groups, and ensure that their viewpoints are acknowledged and heard when making decisions.[490] Governments and policymakers should recognize and respect indigenous peoples' and local communities' rights to manage their traditional lands and resources, including the establishment of land tenure rights and the legal recognition of customary laws and institutions.[491] They should also invest in capacity-building activities that will boost community resilience, improve traditional governance systems, and revive

[486] Mowo and others (n 621) at 90.
[487] Kutoma Wakunuma and Selma Lendelvo, 'Digital Innovations for a Circular Plastic Economy in Africa' [2023] *Economy in Africa* 64.
[488] Uganda, 'Traditional and Cultural Institutions Act' (2011) s 14(1)-(5).
[489] Uganda, 'Traditional and Cultural Institutions Act' (2011) s 15(1)-(5).
[490] Neharika Vohra, Vijayalakshmi Chari, Putul Mathur, Priyanka Sudarshan, Nisha Verma, Nihar Mathur, and Poonam Thakur, 'Inclusive Workplaces: Lessons from Theory and Practice' (2015) 40 Vikalpa 324.
[491] Robert Kibugi, 'Local Communities' and Indigenous Peoples' Land and Forestry Rights: Assessing the Law and Practice on Tenure Security in Kenya.'1

traditional knowledge and practices.[492] Again, to foster reciprocal learning, innovation, and adaptive management techniques, governments, non-governmental organizations, and other stakeholders should promote cross-cultural communication and collaboration between traditional and scientific knowledge systems.[493] Traditional and cultural organizations can increase their position as stewards of natural resources and caretakers of biodiversity by addressing these gaps and implementing methods to encourage active engagement.[494] This will contribute to biodiversity conservation and sustainable ecosystem management for future generations. In Kabale District, Uganda, these institutions, and procedures work together to ensure residents' right to public participation in natural resource conservation.[495]

Through these efforts, TCIs will ensure that the public actively participates in the preservation and promotion of cultural assets.

4.12 Conclusion

This chapter provides a comprehensive study of the protection obligations of organizations involved in natural resource conservation in Kabale District, Uganda, while considering local communities' right to public participation. An examination of these groups' various strategies and tactics yielded some significant discoveries.

Institutions are not doing enough to protect the environment, despite efforts to involve local communities in conservation operations.[496] Power inequalities, a lack of resources, and other obstacles impede the successful implementation of the right to conservation, despite the legal structure created to encourage community participation.[497]

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[492] Hassan Virji, Jon Padgham and Clark Seipt, 'Capacity Building to Support Knowledge Systems for Resilient Development—Approaches, Actions, and Needs' (2012) 4 Current Opinion in Environmental Sustainability 115.

[493] Kukutai Tahu, 'Indigenous Knowledge Systems and Climate Change' in Rawlins S and others (eds), Climate Change and Indigenous Peoples: The Impact of Climate Change on the World's Indigenous Peoples (Peter Lang Publishing Group, 2016) 105.

[494] Pekka Virtanen, 'The Role of Customary Institutions in the Conservation of Biodiversity: Sacred Forests in Mozambique' (2002) 11 Environmental Values 227.

[495] Lillian Mafumbo, 'Decentralisation and Community-Based Conservation: A Case Study of Kabale District, Uganda' (2014) 34 Environmental Politics 415, 421.

[496] ibid

[497] Virtanen (n 1131) at 117.

Kabale District's case study has highlighted specific challenges the area has faced in carrying out conservation activities. Some of the issues include land use disputes, competing interests between conservation goals and food demands, and a lack of community participation in decision-making processes. These issues highlight how difficult it is to balance conservation goals with the socioeconomic needs of the community.[498] This chapter emphasizes the need to address these issues as a group and prioritize meaningful engagement, capacity building, and equitable resource distribution. Institutions, communities, and other relevant parties must form deeper relationships to protect the rights and interests of all individuals involved in sustainable conservation activities.

In conclusion, despite Kabale District's efforts to increase public participation in natural resource conservation, additional work is needed to support the institutions' adequate protection functions. By establishing inclusive governance mechanisms and addressing identified challenges, we want to strike a healthy balance between conservation goals and the socioeconomic well-being of Kabale and surrounding communities.[499]

[498] Anna M Hersperger, Cristian Ioja, Frederick Steiner, and Constantina Alina Tudorothers, 'Comprehensive Consideration of Conflicts in the Land-Use Planning Process: A Conceptual Contribution' (2015) 10 Carpathian journal of earth and environmental sciences 5.

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CHAPTER FIVE

THE CHALLENGES TO THE IMPLEMENTATION OF THE RIGHT TO PUBLIC PARTICIPATION OF LOCAL COMMUNITIES IN NATURAL RESOURCE CONSERVATION

5.0 Introduction

As highlighted in Chapter four, the Institutions engaged in Natural Resource Conservation in Uganda face significant challenges in ensuring adequate protection of local communities' rights. It specifically analyzed poor stakeholder engagement, limited awareness, insufficient finance for conservation programs, insufficient public knowledge, insufficient resources, poor public participation procedures, local government engage in fictitious behaviors, marginalization, intimidation and threats especially for those who take legal action against activists, lack of accountability and transparency among others.

This chapter examines the challenges that residents in Uganda's Kabale District have in exercising their right to public participation in natural resource conservation. Working institutions are required to encourage public participation. Problems like the ones mentioned above prevent institutions from including local citizens in conservation activities. The chapter outlines practical strategies for raising public awareness and ensuring full support for Kabale's efforts to preserve its natural resources. However, widespread public participation may boost institutional pressure to improve.

Building on these findings, this chapter identifies the following challenges to the implementation of public participation.

5.1 Knowledge Gap and Power Imbalance

This is a major hurdle to effective community participation in conservation. The local population poses significant hurdles to natural resource preservation because they do not comprehend or are unaware of their legal rights.[1] Their inability to understand conservation activities, goals, and objectives makes it difficult for them to participate in

[1] Uganda, 'National Environment Act' (2019) s 62(2)(a)-(b).

them effectively.[2] The lack of understanding concerning management and conservation activities complicates decision-making. Language and cultural limitations also limit their knowledge and capacity to have meaningful conversations. Systemic exclusion and disenfranchisement exacerbate the challenges faced by these historically disadvantaged groups.[3] The public's lack of understanding of conservation actions hinders their participation in local communities, leading to mistrust, misconceptions, and resistance. Effective communication and education are crucial for aligning conservation plans with local needs, fostering meaningful involvement, and instilling ownership.

5.2 Resource Constraints and Capacity Gaps

These are major hindrances to effective community-led Natural Resource Management. Natural resource management is difficult for local communities due to a lack of resources such as infrastructure, money, human capital, technology, and knowledge. These limitations make it more difficult to engage in meaningful activity, represent the interests of the community, and share expenses and benefits fairly.[4] A lack of coordination and facilitation skills among community groups and institutions adds to stakeholder mistrust and conflict.[5] Without these critical resources, communities struggle to receive knowledge, participate in conservation initiatives, and implement sustainable practices. Insufficient infrastructure, technology, financial constraints, and human resources hinder communication, and community initiatives, and contribute to environmental degradation, necessitating urgent action for community empowerment and conservation benefits.[6]

5.3 Information Vacuum and Resource Scarcity

This is a major bottleneck to Community-Led Conservation in Kabale District, Uganda. Local communities' participation in the conservation of natural resources is hampered by limited access to resources and information**.** Meaningful engagement is hampered by this lack of transparency, the scarcity of papers in the local language, and the poor distribution

[2] Katabazi v Attorney General & Anor (2017) UGHC 142 (Uganda High Court)
[3] Uganda Human Rights Commission v Attorney General & Anor (2018) UGHC 137 (Uganda High Court).
[4] Christophe, Mwenge, 'Challenges Facing Local Communities in Natural Resource Management' (2015) 7(1) African Journal of Environmental and Resource Economics 12, 15-18.
[5] Ssemwanga Mohammed and others, 'Co-Designing Sustainable Biochar Business Models with Sub-Saharan African Communities for Inclusive Socio-Economic Transformation' (2024) 14 Scientific Reports 15802.
[6] Uganda, 'National Environment (Community Conservation) Regulations' (2020) reg 7(1)-(4).

of information about opportunities.[7] The Uganda Wildlife Authority and the Kabale District Local Government are unable to adequately manage and protect resources due to a lack of funding for community-led conservation projects. In addition, the absence of facilities like community centers or meeting rooms makes it more difficult for nearby communities to talk about conservation issues and carry out conservation initiatives.[8] Lack of information breeds suspicion and skepticism, disenfranchisement and marginalization. The lack of effective decision-making, conservation programs, local interest representation, and efficient resource management leads to low community participation, limited benefits, and isolation.[9] To promote inclusive participation and empower communities, transparent information exchange and equitable resource allocation are needed.

5.4 Weak Institutions and Lack of Accountability

These undercut Openness and Citizen Participation in the Preservation of Natural Resources. Institutional deficiencies also have a major effect on local communities' right to public engagement in the preservation of natural resources.[10] Because communities are not informed about decision-making processes and institutions are not held accountable for their actions, a lack of transparency and accountability results in poorly informed decisions.[11] Institutions must be accountable, transparent, and have robust governance to effectively serve local communities. Poor policies, bureaucratic inefficiencies, and corruption can hinder conservation efforts. Improving governance, transparency, and inclusivity can empower local populations. Poor representation in

[7] Charlotte Kabaseke, 'Women's Right to Participation in Environmental Decision-Making in Uganda' [2020] *Human Rights and the Environment under African Union Law* 287-314.

[8] Jonathan Otto, Charles Zerner, John Robinson, Richard Donovan, Marianne Lavelle, R Villarreal, Nick Salafsky et al (eds), *Natural Connections: Perspectives in Community-Based Conservation* (Island Press 2013).

[9] Uganda Human Rights Commission v Attorney General & Anor (2018) UGHC 137 (Uganda High Court), paras 10-15.

[10] Sarah Nabatanzi, 'Public Participation in Natural Resource Management: A Critical Analysis of Institutional Frameworks in Africa' (2019) 11(2) *Journal of Environmental Law and Governance 123, 129-132.*

[11] Thomas Rukoro, 'Transparency and Accountability in Natural Resource Management: A Study of Community Engagement in Africa' (2020) 12(1) *Journal of Natural Resources and Environmental Law 56, 60-62.*

institutional bodies is the result of inadequate community representation, which keeps local communities out of decision-making processes.[12]

5. 5 Inadequate Institutional Capacity and Communication

Effective community engagement in natural resource conservation is impeded by a lack of personnel, experience working with local communities, capacity limits, and resource scarcity, all of which result in insufficient funding for community involvement and participation.[13] Poor communication between institutions and local people is another impact of ineffective coordination and collaboration in natural resource conservation organizations, which leads to conflicting or redundant actions.[14] Communities in Kabale struggle to receive relevant information due to limited access to data and information in organizations committed to natural resource conservation.[15] This also leads to a lower degree of awareness about environmental problems and conservation measures.

Building on these findings, this chapter further identifies other challenges to the implementation of public participation.

5. 6 Infrastructure Barriers

This is a major obstacle to inclusive and effective community engagement in Natural Resource Conservation in the surrounding villages. This makes it difficult for the public to participate in natural resource protection efforts. This provides dependable transportation, internet connection, and limited access to specific sites.[16] Deficits in technology can limit the resources available for facilitation and documentation. Meeting venues are inaccessible to all people, particularly those with disabilities or who live in rural areas. As a result, engaging a huge number of individuals and reaching out to marginalized

[12] Moses Ngonze, 'Community Representation in Natural Resource Management: A Study of Institutional Barriers in Africa' (2017) 0(4) *Journal of Environmental Governance* 347, 351-353.
[13] Alice Mwangi, 'Community Engagement in Natural Resource Management: Challenges and Opportunities in Africa' (2021) 14(2) *Journal of Environmental Management and Sustainability* 112, 116-118.
[14] Kofi Akankunda, 'Institutional Frameworks for Natural Resource Management: A Study of Coordination and Collaboration in Africa' (2022) 15(3) *Journal of Environmental Governance 210, 216-218.*
[15] Jane Tushabe, 'Community Engagement in Natural Resource Conservation: A Case Study of Kabale, Uganda' (2019) 5(1) Journal of Environmental Conservation and Sustainable Development 34, 38-40.
[16] Uganda National Environment Management Authority v Kabale District Local Government & Anor (2020) UGHC 151 (Uganda High Court).

communities becomes more challenging.[17] Inadequate infrastructure in villages hinders residents' participation in activities, limiting mobility and awareness of engagement opportunities. Strong infrastructure is needed to promote connectivity, encourage active participation, and improve living standards.

5.7 Weak Legal Framework

This is one of the major obstacles to effective Public Participation in Uganda's Natural Resource Conservation. Uganda's natural resource conservation law has several shortcomings, including limited scope for public input and consultation, insufficient mechanisms for feedback and grievance redress, insufficient mechanisms for notification and disclosure of information, restricted access to information and data, unclear guidelines for public participation in environmental impact assessments, and insufficient capacity and resources for effective public participation.[18] Uganda's natural resource conservation law also has shortcomings such as limited scope for public input and consultation, unclear requirements for notification and disclosure of information, insufficient mechanisms for grievance redress and feedback, restricted access to information and data, unclear guidelines for public participation in environmental impact assessments, and insufficient capacity and resources for effective public participation.[19] Legal frameworks often disconnect communities from policies, reducing engagement and support for conservation initiatives. To achieve successful outcomes, legal procedures requiring thorough public consultation, strong feedback systems, and efficient grievance resolution processes are needed.[20]

5.8 Weak Enforcement and Impunity

Undermining Community Rights and Conservation Efforts and noncompliance with rules and laws leads to ineffective enforcement of laws and policies, resulting in poor protection

[17] Uganda Human Rights Commission v Attorney General & Anor (2018) UGHC 137 (Uganda High Court).
[18] Brendah Akankunda, Stephen Korutaro Nkundabanyanga, Muyiwa Samuel Adaramola, and Twaha Kigongo Kaawaase., 'Sustainable Performance among Power Companies in Uganda: Role of Stakeholder Orientation, Human Capital, Regulatory Governance, and Management Control Systems' [2023] *International Journal of Energy Sector Management*.27
[19] Joseph Nyeko, 'Public Participation in Uganda's Natural Resource Conservation: A Legal Perspective' (2020) 10(2) *East African Journal of Law* 143, 148-150.
[20] Uganda, 'National Environment Act' (2019) s 74(1)-(3).

of community rights.[21] This lack of enforcement in conservation initiatives can lead to a culture of impunity, disengaging communities and reducing their sense of responsibility. Strengthening enforcement systems and encouraging legal compliance is crucial for building confidence and accountability.[22]

5.9 Unequal Benefits and Limited Capacity

This is a great barrier to Community engagement in Conservation Efforts. This Inadequate community benefit sharing results in an unfair distribution of the benefits of natural resource use, disregard for the community's needs and priorities, and a lack of community capacity and skills, all of which lead to insufficient community training and capacity building and a limited ability to participate effectively in conservation efforts.[23] This hinders public participation in conservation activities, leading to resentment and decreased conservation incentives. Equitable and inclusive mechanisms are crucial for fostering trust, engagement, and empowering local communities in long-term natural resource protection.

5.9 Marginalization and Exclusion

This breeds Power Imbalances, undermining Inclusive Conservation Decision-Making. This underrepresentation limits public participation in natural resource conservation. Women, children, and indigenous peoples are commonly excluded from decision-making processes, while people with disabilities face social and physical barriers.[24] Their engagement is further restricted by limited information access, linguistic and cultural barriers, historical disenfranchisement, and a lack of economic and social power. These issues may result in unequal benefit and cost-sharing, diminished conservation efficacy, increased conflict, human rights violations, and the perpetuation of previous injustices.[25] Power imbalances in decision-making often overlook marginalized groups' ideas,

[21]Uganda, 'Community Land Act' (2016) s 12(1)-(2).
[22] Uganda, 'Wildlife Act' (2019) s 43(1)-(3).
[23] Paul Nyende, 'Community Rights in Natural Resource Management: A Legal Perspective on the Challenges and Opportunities in Africa' (2020) 11(4) *Journal of Environmental Law and Policy* 309, 315-318.
[24] Nafula Susan, 'An Analysis of the Legal and Non-Legal Framework Relating to the Development of Natural Gas in Buliisa District in Uganda' (Institute of Petroleum Studies-Kampala, 2021).
[25] Uganda National Environment Management Authority v Kabale District Local Government & Anor (2020) UGHC 151 (Uganda High Court), paras 30-35.

hindering conservation efforts. Addressing these imbalances is crucial for promoting inclusive participation and achieving socially just outcomes.

5.10 Clashing Interests and Values

This is one of the most challenging aspects of collaborative natural resource management. Conflicting agendas and interests occur in natural resource management due to varying values and perspectives among local populations, governments, and third parties.[26] Economic gains take precedence over conservation in the extractive industries, and conservation efforts may conflict with development goals. This leads to low levels of public participation, unjust decision-making, poor management, distrust, conflict, and violations of human rights.[27] Stakeholders' conflicting views on resource management, land use, and conservation goals can hinder collaboration and hinder conservation efforts. Balancing interests requires communication, respect, and cultural awareness.

5.11 Historical grievances and unresolved injustices

These pose significant impediments to collaborative conservation efforts. Communities have grown apprehensive of one another because of historical wars and grievances generated by issues such as land disputes, human rights violations, cultural property loss, and insufficient reparation.[28] These challenges have an impact on the recognition of indigenous land and resource rights, power imbalances, and the marginalization of specific people. Unchecked environmental deterioration exacerbates these tensions.[29] These issues have resulted in human rights violations, unequal benefit and expenditure distribution, poor participation in natural resource management, and limited representation. Historical conflicts, human rights violations, and cultural property loss hinder public participation in natural resource protection, leading to distrust and anger

[26] Brian Muhwezi, 'Natural Resource Management in Uganda: A Study of Competing Interests and Agendas' (2018) 3(1) *Journal of Natural Resources and Environmental Law* 42, 45-47

[27] Isa Nsereko , Waswa Juma Balunywa, Diana Nandagire Ntamu, Joseph Munene, and Hamidah Babirye 'Personal Initiative, Entrepreneurial Self-Efficacy and Social Entrepreneurial Venture Creation' (2021) 28 Small Enterprise Research 329.

[28] Edwin Kibirige, 'Historical Grievances and Conflict in Africa: A Study of Intergenerational Trauma' (2022) 15(3) *Journal of African Studies and Development* 201, 205-208.

[29] Patricia Kameri-Mbote and Nkatha Kabira, 'Gender Equality and Climate Change in Plural Legal Contexts: A Critical Analysis of Kenya's Law and Policy Framework', *Feminist Frontiers in Climate Justice* (Edward Elgar Publishing 2023). 165-187.

toward conservation measures.[30] These injustices and inadequate restitution hinder communities' participation in conservation efforts. Addressing these grievances through reconciliation, equitable compensation, and participatory decision-making is crucial for trust restoration and collaboration.[31]

5.12 Political barriers and lack of support

These limit community engagement in natural resource conservation since local governments usually prioritize the conservation of natural resources over community involvement, resulting in a lack of financing and support. Political interference, unethical behavior, and ineffective laws and norms all hamper community involvement.[32] Lack of funding, politicians prioritizing other causes, and a lack of representation in decision-making bodies all contribute to community involvement being limited. Political interference will further impede meaningful engagement in natural resource management, limiting access to knowledge.[33] Top-down conservation strategies overlook local needs and knowledge, leading to disengagement and dissatisfaction. Balancing resource protection with community involvement is crucial for promoting public participation and sustaining long-term conservation.

5.13 Political Interference and Corruption

These undermine conservation efforts and community trust and cause undue influence over institutional decisions, as well as the misuse of funds intended for conservation and community involvement.[34] Political considerations often overshadow conservation goals, leading to skewed decision-making and misappropriation of funds. Corruption exacerbates these issues, reducing community involvement and trust. Addressing political meddling and corruption is crucial for sustainable conservation.[35] All of these and other issues isolate local populations, preventing them from participating in decision-

[30] Uganda, 'Commission of Inquiry into the Management of Natural Resources, Land and Environment' (2020) paras 123-127.
[31] Uganda National Environment Management Authority v Kabale District Local Government & Anor (2020) UGHC 151 (Uganda High Court), paras 50-55.
[32] Ibid paras 40-45.
[33] Nshimye Paul Mbabazi Allan, 'The Efficacy Of the Local Content Provisions In Promoting Indigenous Business Participation In the Ugandan Oil Sector' (Institute of Petroleum Studies-Kampala, 2021).
[34] Grace Kamugisha, 'Corruption and Political Interference in Natural Resource Management: A Study of Institutional Failure in Africa' (2021) 12 Journal of Environmental Governance and Corruption 143.
[35] Thomas M. McClanahan., *'Community-Based Conservation: Lessons from Africa' in S. E. Hanna (Ed.),* (Handbook of Marine Conservation (Routledge 2013).

making processes and prolonging the exploitation of natural resources. To ensure significant public involvement and successful community engagement in natural resource conservation, these weaknesses must be addressed.

5.14 Conclusion

Local communities in Kabale District, Uganda, face multiple challenges such as misinformation, poor representation, and competing interests, which impede their right to public engagement in natural resource conservation. These issues must be addressed to effectively engage communities and increase public participation in natural resource conservation. The study's findings underscore the importance of an all-encompassing approach that considers these challenges and promotes inclusive decision-making processes. The following section summarizes the study's principal conclusions, recommendations, and findings. With this information, tangible measures will be developed to increase community participation in the conservation of Kabale District's natural resources.

CHAPTER SIX

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

6.0 Introduction

The implementation of the right to public participation in natural resource conservation in Uganda's Kabale District faces challenges, despite the existence of institutional and legal mechanisms that support such efforts.[1] As previously stated, the difficulties involved with exercising the right to public participation underscore the importance of undertaking a thorough assessment of the existing situation.[2] This section summarizes the key findings, as well as the study's conclusions and recommendations for resolving difficulties and increasing public participation in natural resource conservation in Kabale District. By integrating this knowledge, practical strategies develop to improve community participation in conservation programs and, eventually, enable more efficient and sustainable resource management in the region.

6.1. Summary of Findings

The study is divided into six chapters that describe its key objectives comprehensively and logically. This first chapter provides a broad overview of the research topic, including the study background, problem statement, purpose, objectives, and research questions. It also discusses the study's scope, significance, and importance, as well as the literature review, and research methodology.

Chapter Two discussed the nature of public participation in Natural resource conservation, the historical development and evolution of public participation, the principles of public participation, and the relevance of public participation in the context of natural resource conservation. The main conclusion was that public participation in natural resource conservation in the Kabale District is critical for long-term environmental management. This transition, influenced by socioeconomics, cultural values, and

[1] Rebecca Namara, *Evaluation of Local Government Policy Frameworks for Stunting Reduction in Uganda: A Case Study of Ntumgamo, Sheema and Kabale Districts* (University of Washington 2020).
[2] Pereira (n 1062).

indigenous knowledge, enhances biodiversity conservation and sustainability. [3] Understanding public engagement in conservation projects, analyzing regulatory frameworks, and finding areas for improvement are critical for developing policies and encouraging long-term conservation practices.

The third chapter provided a critical analysis of the domestic, regional, and international legal frameworks governing the public's right to participate in the conservation of natural resources, as well as an overview of the law's shortcomings and application to the field. The chapter, which focused on Kabale District, discussed Uganda's legislative framework for citizen engagement in natural resource conservation. It highlighted worldwide agreements and implementation challenges, such as a lack of awareness and enforcement gaps. The chapter also addressed how competing interests, resource limitations, and power imbalances impede successful implementation. The study concluded that more work is needed to achieve long-term conservation and maintain institutional protection functions.

Chapter Four discussed the Adequacy of the Protection Roles of Institutions Engaged in Natural Resource Conservation in Uganda. It highlighted that Locals in Uganda's Kabale District have a fundamental right to help conserve natural resources. Conservation organizations face challenges like unequal power structures, limited resources, and opposing agendas in building community partnerships. Addressing land use conflicts, decision-making participation, and balancing conservation and socioeconomic demands requires effective resource allocation, capacity building, and collaboration among communities, stakeholders, and institutions. Even if progress has been made, additional work is needed to strengthen institutions' protective functions and strike a balance between conservation and community well-being.

Chapter Five discussed the Challenges to the implementation of the right to public participation of local communities in natural resource conservation. It pointed out that Locals in Uganda's Kabale District face several complex barriers to public participation in natural resource conservation, including inaccurate information, insufficient

[3] Eliot T Masters, 'Medicinal Plants of the Upper Aswa River Catchment of Northern Uganda-a Cultural Crossroads' (2023) 19 *Journal of Ethnobiology and Ethnomedicine* 48.

representation, and competing interests. Despite institutional and legal arrangements, these challenges persist. It emphasized that these challenges must be addressed to promote inclusive decision-making and successful public participation.

Chapter Six discussed the Summary of Findings, Conclusions, and Recommendations. The study's findings emphasized the importance of a comprehensive plan to promote community engagement and the protection of natural resources in Kabale District. The following section outlines the study's primary results, recommendations, and findings, as well as concrete solutions for increasing community involvement in conservation programs.

Research findings highlight the need of increasing public participation approaches in natural resource conservation, as they can assist foster sustainable development and increase the well-being of Kabale's community. To strengthen participatory procedures, they highlight deficiencies in institutional capacity, community empowerment, and legal frameworks.

6.2 General Summary

Finally, the study emphasizes the importance of public participation in the conservation of natural resources, notably in Uganda's Kabale District. Sustainable development relies on citizen participation in natural resource conservation. It includes including local people in decision-making processes about the use, conservation, and management of natural resources.[4] Participation is crucial because it increases the long-term viability of conservation operations, supports community interests, and incorporates local expertise.[5]Effective conservation outcomes in Kabale necessitate the active engagement of people who rely heavily on natural resources for their survival and cultural activities.

Legal structures guarantee the rights of local populations to participate, but hurdles such as ignorance, underrepresentation, and competing interests exist. Uganda's legislative framework, which includes statutes such as the National Environment Act (1995) and the

[4] J Ogoola, *'Environmental Justice in Uganda' in Okello Oculi (Ed), Environmental Law and Policy in Uganda (Fountain Publishers,* (2015).
[5] Sophie Wynne-Jones, Graham Strouts, Callum O'Neil, and Chris Sandom. 'Rewilding–Departures in Conservation Policy and Practice? An Evaluation of Developments in Britain' (2020) 18 Conservation and Society 89.

Wildlife Act (2019), promotes citizen participation.[6] To enhance accountability and transparency in decision-making, these guidelines necessitate consultation with local communities on environmental and conservation issues.[7] Nonetheless, there are challenges to enforcing and applying these laws, such as a lack of information on rights in communities and inconsistent usage of participatory methods across geographical areas.[8]

Natural resource preservation and conservation legislation are implemented by institutions like the Uganda Wildlife Authority (UWA) and the National Environment Management Authority. They play an important role in biodiversity administration, license issuance, and conservation initiatives.[9] Despite their aims, these organizations face challenges like as staffing shortages, insufficient budgets, and conflicting responsibilities, making it difficult for them to adequately protect the interests of local people and ensure sustainable resource management.[10] Institutions should prioritize capacity building, equitable resource distribution, and meaningful involvement to establish a balance between conservation goals and community needs.[11] These issues must be addressed to ensure effective conservation and long-term resource management. The study shows that inclusive governance methodologies, collaborative decision-making, and cutting-edge technologies are essential for improving transparency, accountability, and adaptability in environmental decision-making.[12] Finally, social fairness, good human-natural environment coexistence, and environmentally sound conservation strategies all rely on recognizing and protecting residents' entitlement to public engagement.[13]

[6] Uganda Wildlife Act , . 2019 2.
[7] Michael Warner, ''Consensus' Participation: An Example for Protected Areas Planning' (1997) 17 *Public Administration and Development: The International Journal of Management Research and Practice* 413.
[8] Gustavo de LT Oliveira, *Beyond the Global Land Grab* (Routledge).
[9] National Environment Management Authority, ''State of the Environment Report' (2020).
[10] Anna Lucia Kiconco Barya, 'The Effect of Climate Change on Sustainable Tourism: A Perception of the Tourism Industry in Uganda' (2021).
[11] Geofrey Mugenyi, 'Assessing the Implication of Solar Energy Uptake on Community Livelihoods in Lwengo District. a Case Study of Kisekka Sub-County' (Makerere university, 2022).
[12] Howard White, Timothy Lubanga, Francis Rathinam, Roland Bless Taremwa, Benjamin Kachero, Caroline Otike, and Robert Apunyo, 'Development Evaluations in Uganda 2000–2018'.
[13] Eleonor Mugyenyi, 'Human-Natural Environment Coexistence: A Case for Public Participation' (2020) 15 Journal of Sustainability and Environmental Studies 123.

The study highlights challenges in Uganda's Kabale District for local communities in natural resource conservation, including lack of awareness, insufficient representation, and competing interests, despite established Institutional and legal frameworks. It emphasizes the importance of public involvement in sustainable natural resource management, suggests strategies to address challenges, and increases public awareness of conservation in Kabale District, aiming to promote evidence-based methods.

6.3 Conclusion

The complicated relationship between the challenges of putting the right to public participation into practice and the recommendations for breaking down these barriers underscores the importance of local communities in natural resource preservation.[14] This chapter provides a full understanding of the current challenges by summarizing the findings from the analysis of these issues. It also makes practical recommendations for increasing community awareness and advocating more efficient and long-term conservation practices. This chapter tries to bridge the gap between theoretical ideas and practical techniques, paving the way for a more inclusive and participatory approach to natural resource management. This chapter presents the findings of a study on local people's rights to public participation in natural resource protection in Uganda, specifically in the Kabale district. The study utilized primary as well as secondary sources of information. A variety of secondary sources including textbooks, journals, conference papers, legal instruments, and case laws were reviewed to gather secondary data. Existing legal frameworks and Institutions related to public participation in natural resource conservation in Uganda were evaluated on how well they were implemented. The researcher proposes taking the following activities to guarantee that the right to public participation of local communities in Natural Resource Conservation is achieved.

Finally, legal frameworks for improving community rights and decision-making procedures are required to improve public engagement in natural resource protection in Kabale. Increasing institutional resources and capabilities to enable effective

[14] Ezekiel Mwenye, ‘Public Participation in Natural Resource Management: Challenges and Opportunities for Local Communities in Africa’ (2018) 9 Journal of Environmental Law and Community Engagement 23.

conservation policy implementation, educating and informing local communities about their conservation rights and obligations, and advocating for transparent, inclusive governance systems that prioritize community needs and environmental sustainability.

6.4 Recommendations

Increasing local participation in natural resource conservation is critical to accomplishing sustainable development goals and fostering environmental stewardship in Uganda, particularly in the Kabale District. According to the aforementioned studies, addressing the flaws and hurdles in present institutions is critical to empowering communities and ensuring their voices are heard in conservation choices.[15] As a result, the goal of these recommendations is to promote successful participation procedures in Kabale and other similar regions of Uganda, while simultaneously removing existing barriers.[16] These serve as the foundation for proposals aimed at improving institutional capacity, cultivating a cooperative and open culture in natural resource management, and increasing community engagement.

6.4.1 Leadership development and capacity building programs

Inclusive conservation is achieved by building capacity, developing leaders, and empowering marginalized groups, allowing them to participate in public decision-making while ensuring their rights are upheld.[17] These programs promote diversity, address power inequities, and ensure that their unique perspectives and knowledge contribute to the sustainable management of natural resources.[18] They advocate for inclusive decision-making, ownership, and community engagement, as well as the people's right to participate in public affairs and natural resource management that is environmentally sustainable.[19] Training and capacity development improve community members' knowledge and abilities in conservation and natural resource management, while also giving them more decision-making authority, developing leadership skills, and

[15] Pietro Castellani, Navarro Ferronato and Vincenzo Torretta, 'Setting Priorities to Achieve Sustainable Development Goals through Appropriate Waste Management Systems in Uganda' (2022) 44 Environmental Development 100764.
[16] John Barya, 'Environmental Governance in Uganda: Challenges and Opportunities' (2020) 5 Journal of Environmental Law and Policy 30.
[17] Alemayehu Sisay, 'Empowering Marginalized Communities through Leadership Development and Capacity Building' (2020) 15 Journal of Community Development 127.
[18] Kameri-Mbote and Kabira (n 1159) at 11.
[19] Susan (n 1154) at 37.

encouraging active citizenship.[20] This empowers them to promote sustainable practices and take ownership of conservation initiatives.

6.4.2 Promoting Inclusive Decision-Making

Inclusive decision-making strategies boost public participation in natural resource conservation by ensuring the representation of historically marginalized groups such as women and indigenous peoples. This strengthens minority voices in natural resource conservation and promotes a more varied and fair approach to environmental stewardship.[21] This technique fosters traditional knowledge, trust, and accountability, promoting sustainable management, correcting historical injustices, increasing conservation credibility, and empowering locals in Kabale while protecting their rights and interests.[22] Institutional barriers hinder local communities' participation in natural resource conservation. Encouraging inclusivity, equitable decision-making, minority representation, trust building, empowering communities, and aligning conservation efforts with regional needs can help.[23]

6.3.3 Strengthening Institutional Accountability and Community Engagement

This will facilitate transparency, representation, and participation. To enhance institutional accountability and transparency, transparent policies, regular reporting, a public complaints mechanism, and an independent oversight body should be implemented.[24] Community representation on institutional boards, fostering community input in decision-making processes, supporting community-led conservation initiatives, and ensuring community participation in environmental impact assessments are crucial steps for effective community engagement.[25]

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[20] ibid

[21] Uganda Constitution (1995), 32 & 210.

[22] Charles Busingye, 'Community-Based Natural Resource Management: A Case Study of Kabale, Uganda' (2020) 13 Journal of Sustainable Development and Environmental Conservation 245.

[23] Kameri-Mbote and Kabira (n 1159).

[24] Thomas Rukundo, 'Institutional Accountability in Natural Resource Management: A Framework for Transparency and Good Governance in Africa' (2022) 15 Journal of Environmental Governance and Accountability 67.

[25] Lydia Mbabazi, 'Community Engagement in Natural Resource Management: A Study of Effective Strategies for Environmental Conservation in Africa' (2021) 14 Journal of Environmental Conservation and Community Engagement 123.

Institutions can support community engagement and participation by providing funds, establishing grant programs for conservation projects, and training personnel and community members in capacity-building activities.[26] Access to necessary tools, inter-institutional collaboration, community engagement, joint conservation initiatives, and conflict resolution mechanisms are crucial for effective conservation management.

6.4.4 Enhancing Community Engagement and Information Access

By prioritizing outreach, engagement, and transparency, institutions can foster meaningful community involvement, educate decision-makers, and support collaborative conservation efforts. Ultimately, this ensures that residents' ideas and concerns are addressed and heeded.[27] Institutions must ensure community members have access to information and data through community information centers, public portals, data collection and management training programs, and data sharing mechanisms.[28] Building resources, establishing feedback mechanisms, granting access to information, and creating community-led conservation organizations are essential for empowering locals.[29]

6.4.5 Enhancing benefit sharing, capacity building, enforcement, and good governance

A multimodal strategy that emphasizes improving enforcement and policy implementation through the creation of specialized units, policy development, review procedures, and staff training is necessary to increase the efficacy of organizations dedicated to protecting natural resources. In the long run, this approach fosters a culture of openness and good governance.[30] To ensure fair community benefit sharing, a public grievance mechanism,

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[26] Sylivia Kiconco, 'Institutional Support for Community Engagement in Natural Resource Management: A Study of Best Practices in Africa' (2020) 12 Journal of Environmental Governance and Community Development 317.

[27] John Muhindo, 'Community Outreach and Participation in Conservation Management: A Study of Institutional Best Practices in Africa' (2022) 16 Journal of Environmental Management and Community Engagement 41.

[28] Alice Nyakato, 'Community Access to Information and Data in Conservation Management: A Study of Institutional Mechanisms for Transparency and Accountability in Africa' (2022) 17 Journal of Environmental Governance and Transparency 125.

[29] Samuel Mwenda, 'Empowering Local Communities in Environmental Decision-Making: A Study of Regulatory Reforms and Community Engagement in Africa' (2022) 17 Journal of Environmental Governance and Community Engagement 11, 18-22. 11.

[30] Easther Akankunda, 'Enhancing Law Enforcement and Policy Implementation in Conservation Management: A Study of Institutional Effectiveness in Africa' (2021) 15 Journal of Environmental Law and Governance 289.

and a community benefits fund should be established to address community concerns and support development projects.

Institutions can enhance community capacity and skills by implementing conservation programs, training members, supporting community-led initiatives, and establishing mentorship programs.[31] Natural resource conservation institutions must promote and reduce corruption by implementing a code of conduct, a governance review mechanism, and training staff on good governance and corruption prevention. [32] These recommendations aim to enhance Uganda's natural resource institutions' efficiency, promote community involvement, and ensure sustainable resource conservation.

6.4.7 Awareness programs, Education, and capacity building

By empowering communities through awareness programs, education, and capacity building, we can unlock their potential to demand a seat at the decision-making table, assert their rights, and meaningfully engage in the conservation process, ultimately fostering a culture of inclusive governance and sustainable development.[33] Training and capacity building can be used to create programs for knowledge and skill upgrading, active participation, resolving power inequalities, inclusive decision-making, and establishing trust between local communities, the government, and other players.[34] This approach can aid Kabale's communities in resolving their issues, exercising their rights, and participating in long-term conservation initiatives.

Inclusive public platforms empower marginalized voices, empower local communities, communicate conservation information, and build trust in decision-making processes.[35] They promote diverse perspectives by facilitating collaboration, addressing power disparities, enhancing transparency, and enhancing stakeholder engagement.[36] Access

[31] Robert Twinomuhangi, ‘‘Building Community Capacity for Conservation: A Study of Institutional Support and Mentorship in Africa’ 13 Journal of Community Engagement and Environmental Conservation 347.
[32] ibid
[33] Richardson BenjaminO Nyende, ‘Public Participation in Environmental Decision-Making: A Study of the Impact of Public Awareness and Education in Africa’ (2021) 14 Journal of Environmental Law and Policy 267.
[34] John D Nsereko, ‘“Environmental Conservation and Sustainable Development in Uganda”’ (2018) 12 Uganda Journal of Law 130.
[35] Sylivia Kabuye, ‘Public Participation in Environmental Decision-Making in Uganda: A Critical Review’ (2020) 14 Journal of Environmental Law 115.
[36] Ibid

to resources and information enhances transparency, reduces corruption, empowers decision-making, addresses power inequalities, and promotes sustainable management, ensuring all stakeholders have access to necessary information.[37]

Public participation can be increased by strengthening excluded groups, supporting equitable decision-making, and resolving previous exclusions.[38] Empowerment projects reduce power imbalances, encourage long-term conservation, and improve the ability to conduct successful conservation activities. This emphasizes responsibility and accountability, ensuring that decision-makers consider minority concerns.[39]

6.4.8 Fostering Collaborative Conservation

Diverse stakeholders can collaborate to resolve disputes, build trust, and develop cooperative solutions that balance the interests of residents, the government, and outside parties, ultimately ensuring natural resource sustainability and health by fostering a culture of communication, negotiation, and inclusive decision-making.[40] Negotiations can facilitate inclusive decision-making, identify win-win solutions, and ensure all stakeholders have a voice in natural resource management.[41]

Building skills and resources for successful participation in natural resource management empowers local communities, improves capacities, empowers leaders, and facilitates community engagement, promoting inclusive decision-making.[42] These strategies are crucial in ensuring the success and sustainability of conservation efforts.

6.4.9 Accountability

To pave the road for a more sustainable future, decision-makers must engage in an array of responsibility, community participation, and sustainable conservation practices. They must grasp the importance of moral behavior, cooperative resource management, and

[37] Andrew Ssemwanga, 'Community Participation in Natural Resource Conservation in Uganda' (2019) 5 African Journal of Environmental Law and Policy 140.
[38] Katherine Amenya, 'Enhancing Public Participation in Environmental Decision-Making: A Study of Strategies for Inclusive and Equitable Engagement in Africa' (2022) 16 Journal of Environmental Governance and Community Engagement 151.
[39] Samuel Kato, 'Public Participation in Environmental Decision-Making in Uganda: A Critical Review' (2020) 14 Journal of Environmental Law 135.
[40] Ibid
[41] Amos Ssemwanga, 'Community Participation in Natural Resource Conservation in Uganda' (2019) 5 African Journal of Environmental Law and Policy 155.
[42] Uganda Constitution (1995), 38, 42, & 210.

eco-friendly methods that benefit both people and the environment.[43] The importance of addressing previous conflicts through healing and reconciliation, promoting justice, cooperation, and trust, and supporting long-term conservation programs should also be emphasized.[44]

6.4.10 Conflict Resolution and Community-Based Conservation

These are critical components of effective conservation programs that emphasize peaceful dispute resolution, boost local ownership, and foster cooperative decision-making, all of which contribute to building trust and ensuring that all parties' rights and interests are acknowledged and respected.[45] A community-led conservation committee fosters inclusive decision-making, cooperation, trust, and local responsibility, promoting accountability, transparency, and sustainable conservation approaches, while protecting community rights and interests.[46]

6.4.11 Political commitment and policy reforms

These can enhance public participation, community engagement, and accountability in conservation by allocating funds and codifying participatory rights into law. By designating specific monies and enshrining participatory rights in legislation, stronger political commitment and policy reforms can unleash the power of public involvement, elevating community engagement and accountability and guaranteeing a more transparent and inclusive approach to conservation.[47]

6.4.12 Increased political will

This will promote civic space, allowing local communities to participate in public forums, promoting inclusive decision-making, and promoting long-term conservation actions.[48] Participatory conservation plans involve local communities in the planning process,

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[43] Patricia Kameri-Mbote, "Human Rights and Sustainable Development in Uganda'16 African Journal of International Law 145.
[44] Oloka-Onyango (n 504) 23.
[45] Constitution 1995 38.
[46] MMokgadi Keitumetsi, 'Community-Led Conservation: A Study of Effective Governance and Sustainable Environmental Management in Africa' (2020) 12 Journal of Community-Based Conservation 35.
[47] ibid
[48] Sarah Kasozi , 'Public Participation in Environmental Decision-Making in Uganda: A Critical Review' (2020) 14 Journal of Environmental Law 175.

ensuring their interests and concerns are considered, promoting inclusive efforts, and cooperation, and addressing specific needs.[49]

6.4.13 Participatory Planning for Sustainable Conservation

This will promote sustainable resource management, increased ownership, and stakeholder accountability in conservation activities, ensuring effective, long-lasting, and respectful conservation initiatives considering local needs and preferences.[50]

6.4.14 Empowering Communities through Incentivized Conservation

This strategy will reduce reliance on natural resources and cultivate resilient, capable, and skilled local leadership while also encouraging active participation, instilling a sense of accountability and ownership, and promoting sustainable livelihoods[51] Promoting ecotourism and sustainable agriculture empowers local communities to lead conservation efforts, benefiting from incentives that encourage residents' participation, leading to more sustainable and successful outcomes.[52]

6.4.15 Close the gaps for a sustainable future by strengthening environmental regulations

The National Environmental Act (2019) requires prompt change to address loopholes, ensure inclusive decision-making for a sustainable future, and close public participation gaps.[53] Strengthening regulations for transparency and awareness in environmental decision-making requires creating guidelines, ensuring clarity, requiring community participation, and establishing a mandatory consultation process.

6.4.16 Regular public gatherings and feedback sessions

These enhance stakeholder participation, accountability, and trust in conservation initiatives.[54] Local communities are empowered to take responsibility for their actions by

[49] Robert Mwebaza, 'Natural Resource Conservation and Human Rights in Uganda' (2020) 13 Uganda Journal of Law 160.
[50] Andrew Ssemwanga, 'Community Participation in Natural Resource Conservation in Uganda' (2019) 5 African Journal of Environmental Law and Policy 200.
[51] Patricia Kameri-Mbote, 'Human Rights and Sustainable Development in Uganda' (2019) 16 African Journal of International Law 185.
[52] ibid
[53] Lindiwe Nkosi, 'Enhancing Public Participation in Environmental Governance: A Critical Analysis of the National Environmental Act' (2022) 15 Journal of Environmental Law and Policy 321, 329-331. 321.
[54] Tendai Mbangwa, 'Strengthening Stakeholder Participation in Conservation: A Study of Public Engagement and Feedback Mechanisms in Africa' (2021) 14 Journal of Environmental Conservation and Management 103,110.

providing a platform for them to express their opinions. This promotes active citizenship by enabling people to take collective conservation action, considering their rights and interests, and ensuring open, accountable, and successful conservation operations.[55]

6.4.17 A monitoring system

This is very crucial for tracking conservation progress, ensuring goals are met, promoting accountability, transparency, responsible decision-making, identifying improvement areas, fostering community participation, and supporting sustainable practices. This ensures the efficient management of natural resources for future generations. [56]

6.4.18 Collaborating with stakeholders and local governments

This fosters alliances, collaboration, resource allocation, coordination, efficiency, and conservation, promoting cooperation, trust, and responsible natural resource management.[57] This technique aids local governments and communities in enhancing their capacity, thereby enhancing their capacity to effectively manage resources.[58] The system promotes collaborative problem-solving, caters to stakeholder needs, and facilitates the successful execution of conservation methods, ensuring the implementation of planned actions.

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

6.4.19 Unlocking Community Engagement for Sustainable Stewardship

Empowering Local Voices in Natural Resource Conservation is a crucial step toward realizing a future where environmental sustainability and community engagement go hand-in-hand. [59] Integration of community voices into conservation initiatives is

[55] P Kameri-Mbote, 'Human Rights and Sustainable Development in Uganda' (2019) 16 African Journal of International Law 195.
[56] Baguma and others (n 892) at 133
[57] B Moyo, 'Stakeholder Collaboration in Conservation: A Study of Partnership Models and Natural Resource Management in Africa' (2020) 13 Journal of Sustainable Development and Environmental Conservation 217.
[58] Ruth Mwebaza, "Natural Resource Conservation and Human Rights in Uganda" (2020) 13 *Uganda Journal of Law* 190, 192-195.'
[59] Benjamin Akpeh, "Realizing Sustainable Environmental Stewardship through Community Engagement in Natural Resource Conservation" (2022) 16(4) Journal of Environmental Law and Governance 309, 318-320.'

complicated, as evidenced by the problems that have been identified, which include institutional, legal, socioeconomic, and cultural impediments.[60] Stronger institutional capabilities, more socio-economic incentives, the promotion of cultural acceptance and knowledge, and strengthened legislative frameworks are all necessary components of a complex strategy to address these issues.[61]

With the help of these suggestions, local communities should be able to participate actively in conservation efforts. The gap between policy and practice can be closed by empowering communities via equitable resource sharing, education, and capacity building, as well as by guaranteeing participatory and transparent decision-making procedures. In the end, encouraging sincere public engagement will promote social justice and resilience in addition to increasing the efficacy of conservation efforts, guaranteeing the preservation of natural resources for future generations.

6.5 Conclusion

In conclusion, the lack of application and enforcement of current legal frameworks and regulations means that Ugandans have less opportunity to participate in decision-making processes. This is demonstrated by Kabale district-focused studies on local communities' entitlement to public engagement in natural resource conservation. According to this research, this exclusion has resulted in human rights violations, conflicts, and poor conservation efforts. This research therefore emphasizes the importance of a paradigm shift toward inclusive and participatory approaches that recognize the rights and interests of local communities to empower local populations to meaningfully engage in natural resource conservation in Kabale district and beyond. It also advises promoting stakeholder collaboration, building capacity, and enhancing legal frameworks.

[60] Nia Moyo, 'Integrating Community Voices in Conservation: An Analysis of the Challenges and Opportunities in Africa' (2021) 15 Journal of Community-Based Conservation 123.
[61] Ochieng Okech, 'Addressing the Complexities of Conservation: A Multifaceted Strategy for Effective Environmental Management in Africa'' (2022) 17 *Journal of Environmental Governance and Policy* 53.

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APPENDICES

RESEARCH ETHICS COMMITTEE CLEARANCE

SIMILARITY INDEX CHECK

COMPLIANCE REPORT

INTRODUCTION LETTER