

Fortress Conservation and Human Rights Violations against marginalized communities in Uganda

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Abstract

This paper critically interrogates the human rights consequences of Uganda's fortress conservation model, particularly for marginalized communities living within or adjacent to Protected Areas. Although conservation laws and policies aim to safeguard biodiversity, their implementation often depends on exclusionary practices that emphasize state control, militarized enforcement, and ecological protection at the expense of community rights and well-being. The paper reveals how these approaches have led to forced evictions, land dispossession, criminalization of traditional livelihoods, and the erosion of cultural heritage. It further examines Uganda's obligations under international and domestic law to uphold the rights to land, culture, livelihood, participation, and due process. The paper argues that ongoing human rights abuses stem from legal ambiguities, weak accountability mechanisms, and policy frameworks that systematically sideline community participation in conservation governance. It concludes that reconciling biodiversity protection with human dignity demands a fundamental transition toward rights-based, inclusive, and community-centered models of conservation.

Keywords: Conservation, Human rights, Community, Violation, Biodiversity

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1. Introduction

Uganda harbours some of Africa's most biologically diverse ecosystems, which support globally significant populations of wildlife.¹ Government has set aside more than 18% of its landmass as protected areas under the management of Uganda Wildlife Authority and the National Forestry Authority.² But, the establishment and enforcement of protected areas comes with social and human rights encumbrances for the communities that historically occupied such areas. The country's conservation system enshrines elements of the "fortress conservation" paradigm.³ This tends to separate people from nature while emphasizing strict protection on top of relying heavily on law enforcement, militarization and territorial exclusion.⁴ Marginalized communities like

¹ A J Plumtre and others, 'Conservation of Vertebrates and Plants in Uganda: Identifying Key Biodiversity Areas and Other Sites of National Importance' (2019) 1 Conservation Science and Practice e7.

² P C Howard and others, 'Protected Area Planning in the Tropics: Uganda's National System of Forest Nature Reserves' (2000) 14 Conservation Biology 858.

³ E Akampurira, 'Understanding Conservation Conflicts in Uganda: A Political Ecology of Memory Approach' (2023) 21 Conservation and Society 177.

⁴ S Mahalwal and A Kabra, 'The Slow Violence of Fortress Conservation Creates Conditions for Socially Unjust "Voluntary" Relocation' (2023) 286 Biological Conservation 110264.

Batwa, Benet, Basongora and Ik have experienced forced evictions, loss of customary land, restricted access to natural resources and criminalization of cultural and subsistence practices which are key to their identity. These practices are particularly alarming within Uganda, where existing policies and laws have yet to fully align with the global shift toward participatory, rights-based and genuinely inclusive models of conservation.¹ This paper addresses the legal and human rights implications of fortress conservation in Uganda and assesses the legal frameworks governing conservation while evaluating indigenous cultural survival. It fronts the idea that a meaningful reconciliation of conservation objectives with human rights obligations requires a shift from exclusionary models toward rights based and community centred approaches.

2. Background and Conceptual Framework

2.1 Historical Evolution of Conservation in Uganda

Uganda's conservation regime has its roots from the colonial policies which introduced exclusionary models of wildlife protection. Right from the 20th Century, the British administrators set up vast territories as game reserves and forests, often through proclamations that did not consider existing customary land systems and forcibly displaced local populations.² At the back of their mind, protection of wildlife for sport hunting and preserving forests for timber extraction was of paramount importance.

In the post-independence era, governments retained and even expanded some of these protected areas without recourse to the illegalities or unfairness that tainted the earlier land seizures.³ This necessitated the creation of bodies such as Uganda Wildlife Authority and the National Forestry Authority which continued to enforce strict protection.⁴ This yielded a conservation regime that historically marginalized forest-dwelling and pastoral communities.

a. The Concept of Fortress Conservation

Fortress Conservation is a protectionist paradigm that views intact biodiversity and human presence as inherently incompatible.⁵ It seeks to preserve "pristine" nature by drawing strict, inviolable boundaries around protected areas and removing or permanently excluding resident populations through legal and physical force. This approach has its roots in the 19th century North American "Yellowstone model" and later exported through colonial game laws.⁶ The approach rests on three core assumptions: To begin with, Local communities are primary drivers of environmental degradation and must therefore be treated as threats rather than partners. Secondly, the state is the sole legitimate custodian of wildlife and wilderness and lastly, effective conservation requires militarised enforcement, fences, armed ranger patrols, surveillance, and punitive sanctions, to keep people out.

¹ M Foyet and P Mupeta-Muyanwa, 'Human Rights-Based Conservation: The Integral Role of Human Rights Directors in the Conservation Sector' (2023) 3 Journal of Environmental Law and Policy 23.

² N Turyahabwe and A Y Banana, 'An Overview of History and Development of Forest Policy and Legislation in Uganda' (2008) 10 International Forestry Review 641.

³ J Oloka-Onyango, *Land Injustice, Impunity and State Collapse in Uganda: Causes, Consequences and Correctives* (Human Rights and Peace Centre 2017).

⁴ E Muganga, 'The Analysis of the Law on Protection and Conservation of Forests in Uganda: Case Study Mabira Forest Mukono District' (LLM thesis, Makerere University 2015).

⁵ D Brockington, 'The Enduring Power of Fortress Conservation in Africa' (2015) 32 *Nova Africa* 1.

⁶ P Munro, 'Colonial Wildlife Conservation and National Parks in Sub-Saharan Africa' (Oxford Research Encyclopedia of African History, OUP 2021).

The core operational features of fortress conservation are: Forced or coerced evictions to establish or “cleanse” protected areas of human settlement.¹ Similarly, militarised enforcement by heavily armed ranger units, often with military or paramilitary support.² More so, criminalisation of long-standing subsistence and cultural practices. Additionally, strict denial of rights of access to land, forests, water sources, ancestral graves, and ritual landscapes. Conclusively, highly centralised, top-down governance that offers communities, at best, token consultation and, at worst, no voice at all.

The fortress model continues to be the dominant practice in most high-value protected areas. Bwindi Impenetrable, Mgahinga Gorilla, Mount Elgon, Queen Elizabeth, Murchison Falls, Kidepo Valley, Kibale, and numerous central forest reserves continue to be managed through rigid exclusion, armed patrols, and the routine criminalisation of local resource use. Marginalised communities living in or adjacent to these areas the Batwa, Benet, Basongora, Ik, and others continue to face evictions, restricted access, destruction of homes and crops, and violence at the hands of conservation authorities. Far from being a relic of the colonial past, fortress conservation remains the default operational logic of Uganda’s conservation system, with profound and ongoing human rights consequences.

b. Land Tenure and Customary Rights

Four formal land-tenure systems are acknowledged in Uganda: customary, freehold, mailo, and leasehold.³ Of these, customary tenure is by far predominate in rural areas and is the primary form of ownership for most Indigenous and historically marginalised groups. The 1995 Constitution (Article 237) and the Land Act Cap 236 explicitly elevate customary tenure to full legal ownership, equal in status to freehold, and entitle holders to certificates of customary ownership that are registrable and convertible.⁴

Despite this progressive framework, conservation legislation has ceaselessly treated land inside national parks and central forest reserves as if it were legally unoccupied. Neither the Uganda Wildlife Act Cap 315 nor the National Forestry and Tree Planting Act Cap 160 acknowledges the possibility of pre-existing customary rights; instead, when one gazettes, it is presumed to extinguish them automatically.⁵ Under this model, no formal acquisition process, valuation, consent, or compensation is required. This legal fiction directly contradicts both the Constitution and the Land Act, creating the central statutory conflict that has fuelled decades of dispossession.

c. Human Rights and Conservation

Conservation is not a rights-free zone. Every protected-area decision gazettelement, boundary demarcation, access restriction, tourism concession, or enforcement patrol invokes a cluster of fundamental human rights that are bound to be respected and protected.

The key rights routinely implicated are: Right to property and secure land tenure, Right to culture, religion, and cultural identity, Right to livelihood, food, and an adequate standard of living, Right to equality and non-

¹ N Sylvander, “‘Territorial Cleansing’ for Whom? Indigenous Rights, Conservation, and State Territorialization in the Bosawas Biosphere Reserve, Nicaragua” (2021) 121 *Geoforum* 23.

² S R Runhovde, ‘Comparing Discourse to Officer Perceptions: The Problems of War and Militarization in Wildlife Crime Enforcement’ (2017) 25 *Critical Criminology* 275.

³ D Tabingwa, ‘The Analysis of the Land Tenure System in Uganda’ (LLM thesis, Uganda Christian University 2017).

⁴ M Van Leeuwen, ‘Renegotiating Customary Tenure Reform – Land Governance Reform and Tenure Security in Uganda’ (2014) 39 *Land Use Policy* 292.

⁵ S Murphy, P Carmody and J Okawakol, ‘When Rights Collide: Land Grabbing, Force and Injustice in Uganda’ (2017) 44 *Journal of Peasant Studies* 677.

discrimination, including protection of minorities and marginalised groups, Right to genuine participation in decisions affecting one's lands and resources, Right to an effective remedy and redress for violations.

d. Theoretical Lens: Rights-Based Conservation

Fortress conservation is based on the outdated premise that biodiversity can only be protected by excluding people.¹ Rights-based conservation (RBC) offers a fundamentally different approach as it advocates for effective, legitimate, and durable conservation is possible only when human rights are placed at the very centre of planning, governance, and implementation.²

This had garnered attention as it is developed and endorsed by the International Union for Conservation of Nature (IUCN), UNDP, and the Convention on Biological Diversity secretariat, RBC requires every conservation initiative to:

- i. Respect, protect, and fulfil the full spectrum of human rights of local and Indigenous communities;
- ii. Obtain free, prior, and informed consent (FPIC) before any action that may affect community lands;
- iii. Meaningfully incorporate Indigenous and local ecological knowledge and governance systems into conservation design and management;
- iv. Establish accessible, independent mechanisms to prevent, investigate, and remedy rights violations;
- v. Recognise and secure customary and ancestral tenure.

3. Legal and Policy Framework

Uganda's conservation system rests on a number of constitutional provisions, statutes, policies, regional treaties, and international commitments. While many instruments formally embrace human rights and community participation, the dominant conservation statutes continue to reflect a colonial-era fortress model that treats customary land rights as legally irrelevant while inside protected areas.

3.1 National Legal framework

a) The Ugandan Constitution (1995)

The Constitution is the supreme law and contains multiple provisions directly relevant to conservation conflicts: To begin with, it protects against arbitrary deprivation of property and mandates prompt, prior, and adequate compensation preceded by a fair hearing.³ Secondly, it vests radical title to land in citizens and expressly recognises customary tenure as a lawful form of ownership.⁴ Similarly, it guarantee the right to practise and enjoy culture.⁵ Additionally, it requires the State to promote balanced economic development and the welfare of all citizens.⁶ Lastly, it guarantee fair hearing, freedom from cruel treatment, and the right to an effective remedy.⁷

¹ A Kabra, 'Ecological Critiques of Exclusionary Conservation' (2019) 2 Ecology, Economy and Society – the INSEE Journal 9.

² P Kashwan, 'The Politics of Rights-Based Approaches in Conservation' (2013) 31 Land Use Policy 613.

³ Constitution of the Republic of Uganda 1995, art 26.

⁴ *ibid* art 237.

⁵ *ibid* arts 37 and Objective XXIV.

⁶ *ibid* Objective XIV.

⁷ *ibid* arts 28, 44 and 50.

In practice, conservation-related evictions and access restrictions routinely bypass these safeguards, exposing a wide implementation gap between constitutional promise and state action.

b) Uganda Wildlife Act Cap 315

This Act is the cornerstone of wildlife conservation and the primary source of conflict. It establishes the Uganda Wildlife Authority (UWA)¹ and grants rangers quasi-police powers of arrest, search, seizure,² and use of firearms.³ National parks and wildlife reserves are placed under strict protection, and virtually all human activity inside them is prohibited unless expressly authorised.⁴

Critically, the Act contains no explicit recognition of pre-existing customary or ancestral rights but only provides that the Authority shall put in place guidelines governing access to resources historically crucial,⁵ treats benefit-sharing as discretionary rather than mandatory,⁶ and imposes only minimal safeguards on the use of force. These omissions have enabled decades of coercive enforcement with little accountability.

c) National Forestry and Tree Planting Act Cap 160

The Act vests central forest reserves in the National Forestry Authority (NFA)⁷ and criminalises settlement, grazing, cultivation, and most resource harvesting inside them.⁸ Although it allows Collaborative Forest Management agreements,⁹ these remain limited in scope and number. Like the Wildlife Act, it contains no provision for recognising or registering customary rights inside reserves, effectively extinguishing them by administrative fiat.

d) Land Act 1998 Cap 236

The Land Act gives domestic effect to Article 237 of the Constitution by recognising customary tenure as fully lawful ownership that can be registered and converted into freehold.¹⁰ It prohibits arbitrary eviction and requires formal acquisition procedures, valuation, and compensation for any compulsory taking.¹¹ The direct contradiction between the Land Act's protection of customary tenure and the Wildlife and Forestry Acts' presumption of unencumbered state land remains the central legal fault line driving conservation-related conflict.

e) Other Environmental and Conservation Policy Instruments

There are other environmental and conservation policy instruments that articulate more progressive norms around participation, equity and redress, but in practice they remain weakly implemented and often subordinated to older exclusionary laws. The National Environment Act Cap 181 entrenches environmental and social impact assessment as a prerequisite for projects likely to have significant impacts and recognises public participation as a core management principle. It also requires access to environmental information and provides for environmental audits and monitoring, but gaps persist between these legal provisions and actual practice, especially in early EIA stages and follow-up.

¹ Uganda Wildlife Act cap 315, s 5.

² *ibid* s 18(4)(a).

³ *ibid* s 18(4)(d).

⁴ *ibid* s 30(1).

⁵ *ibid* s 32(1).

⁶ *ibid* s 86(2)(d).

⁷ National Forestry and Tree Planting Act cap 160, s 54(1)(a).

⁸ *ibid* s 32(1).

⁹ *ibid* s 15.

¹⁰ Land Act cap 236, s 9(1).

¹¹ *ibid* s 89(1)(e).

The Uganda Wildlife Policy 2014 promotes a shift from fortress conservation to collaborative management, calling for community participation, regulated resource access and equitable revenue-sharing with neighbouring communities. This is reinforced by Uganda Wildlife Authority's Community Conservation Policy 2019 and Revenue Sharing Regulations 2022 which seek to reduce human-wildlife conflict and demonstrate the economic value of protected areas to adjacent communities. In addition, the National Biodiversity Strategy and Action Plan II frames biodiversity conservation in terms of sustainable use, poverty reduction and equitable sharing of benefits, and explicitly identifies under-financing as a key barrier to implementing its targets. The current NBSAP III reiterates these goals, aiming to enhance biodiversity conservation, reduce biodiversity loss and ensure equitable sharing of benefits from genetic resources.

The National Land Policy 2013 acknowledges historical land injustices, including dispossession under colonial and post-colonial land laws, and calls for restitution and compensation mechanisms. It also recognises customary tenure and seeks to strengthen tenure security for vulnerable groups, which has implications for community rights in conservation landscapes.

Despite their progressive laws and policies are largely programmatic and depend on discretionary decision-making, which weakens their enforceability at local level. As a result, day-to-day conservation practice often remains shaped by older, exclusionary statutes and centralised control over land and wildlife, with community rights and benefit-sharing treated as residual or project-based rather than justiciable entitlements.

3.2 Regional Human Rights Framework

Uganda is bound by the African Charter on Human and Peoples' Rights. Articles 14 on property, 17(1) on culture, 21 on natural resources, and 22 on development are directly engaged by conservation evictions. The African Commission's decisions in *Endorois Welfare Council v. Kenya*¹ and *African Commission v. Kenya*² establish that: ancestral lands enjoy special protection, conservation is not an automatic justification for dispossession, free, prior and informed consent, adequate compensation, and (where feasible) restitution are required, and effective community participation and benefit-sharing are obligatory.³

3.3 International Human Rights Instruments

Uganda has ratified the ICCPR and ICESCR, which protect the rights to life, security, food, livelihood, culture under Article 27 ICCPR, and an adequate standard of living. The Convention on Biological Diversity and its Akwé: Kon Guidelines require respect for traditional knowledge and equitable benefit-sharing. Although non-binding, the UN Declaration on the Rights of Indigenous Peoples which Uganda supported reinforces the duty to obtain FPIC and prevent forced displacement.

a. International Conservation Frameworks

Modern global conservation standards have moved decisively rejected the fortress model:

- I. IUCN Policy Statement on Indigenous Peoples (2020) and World Conservation Congress resolutions call for recognition of customary tenure and co-management.

¹ *Endorois Welfare Council v Kenya*, African Commission on Human and Peoples' Rights, Communication 276/2003 (4 February 2010).

² *African Commission on Human and Peoples' Rights v Republic of Kenya* App No 006/2012 (African Court on Human and Peoples' Rights, 26 May 2017).

³ S Nasirumbi, 'Revisiting the Endorois and Ogiek Cases: Is the African Human Rights Mechanism a Toothless Bulldog?' (2020) 4 *African Human Rights Yearbook* 497.

- II. CBD Programme of Work on Protected Areas (PoWPA) demands equitable governance and FPIC.
- III. The 2022 African Protected Areas Congress (APAC) explicitly condemned militarised conservation and urged legal recognition of community rights.

4. Case Studies of Affected Marginalized Communities

The experiences of marginalized communities in Uganda reveal how fortress conservation policies generate systemic human rights violations. A number of these communities have undergone different experiences but also have traces of similarity when it comes to their experience with fortress conservation.

4.1 The Batwa Community

This is a forest-dwelling Indigenous people historically known as hunter-gatherers that hailed from the south-western forests that now form Bwindi Impenetrable National Park, Mgahinga Gorilla National Park, and Echuya Central Forest Reserve.¹ Evictions began gradually under colonial rule but intensified in 1991 when these areas were fully gazetted for gorilla conservation, displacing thousands without consultation or adequate compensation.²

Post-eviction, many Batwa faced extreme poverty, discrimination, and loss of cultural practices tied to the forest.³ Health issues, malnutrition, and social stigma became widespread which made communities reduced to living as squatters or labourers on others' land.

In a landmark 2021 Constitutional Court ruling,⁴ the government was held responsible for the Batwa's marginalisation due to unlawful evictions and failure to provide compensation. The court recognised the Batwa as a historically disadvantaged group entitled to affirmative action but referred the determination of specific remedies (including compensation) to a lower court. The decision was appealed, the case remained pending before the Supreme Court, delaying implementation. Communities continue to report arrests by UWA rangers for attempting to access forest resources for cultural or subsistence needs, underscoring ongoing tensions.⁵

4.2 The Benet Community

The Benet (also derogatorily referred to as “Ndorobo” or “primitive people of the mountain” are an Indigenous hunter-gatherer and agro-pastoralist community indigenous to the high moorlands and forested slopes of Mount Elgon.⁶ They are divided into three main subgroups: those of the central moorland, the Yatui on the eastern side, and the Kwoti on the western side.⁷

¹ C Kidd, 'Bwindi Impenetrable National Park: The Case of the Batwa' in D Chatty and M Colchester (eds), *Conservation and Mobile Indigenous Peoples: Displacement, Forced Settlement and Sustainable Development* (Berghahn Books 2014) 147.

² N Mukasa, 'The Batwa Indigenous People in Uganda and their Detachment from Forest Livelihood: Land Eviction and Social Plight' (2012) 10 *Anuario de Acción Humanitaria y Derechos Humanos* 71.

³ M Ntirandekura and F Christopher, 'Impact of Batwa Settlement Patterns on Their Social Economic Development: A Case Study of Kisoro Municipality' (unpublished manuscript, Kabale University).

⁴ *United Organisation for Batwa Development in Uganda (UOBDU) and 11 Others v Attorney General and 2 Others* (Constitutional Petition No 3 of 2011) [2021] UGCC 22 (Constitutional Court of Uganda).

⁵ F De Faccio, 'Listening to the Voiceless: A Qualitative Inquiry into Rural Development Strategies and Indigenous Empowerment for Uganda's Batwa amidst Eviction and Globalisation' (PhD thesis, University of XYZ 202?).

⁶ D K Himmelfarb, 'In the Aftermath of Displacement: A Political Ecology of Dispossession, Transformation, and Conflict on Mt. Elgon, Uganda' (PhD thesis, University of Georgia 2012).

⁷ Esri, 'The Benet vs Mount Elgon National Park' (ArcGIS StoryMap, 2021)

<https://www.arcgis.com/apps/Cascade/index.html?appid=f846a164cbe74dd696766894c9450a84> accessed 12 December 2025.

Key impacts include severe restriction of access to ancestral farmland and high-altitude grazing zones, criminalisation of traditional cultivation and livestock herding, and repeated military-style operations involving UWA rangers and, at times, Uganda People's Defence Forces personnel.¹ Communities report systematic destruction of homes, burning of crops, and confiscation of livestock.

4.3 The Basongora Community

The Basongora are a pastoralist people whose traditional territory spans the grasslands and lake shores of present-day Queen Elizabeth National Park and adjacent wildlife reserves in Kasese and Rubirizi districts.² Successive park expansions and boundary adjustments from the 1930s to the 1970s progressively stripped them of almost all their dry-season and wet-season grazing lands, leaving the community landless and economically destitute.

Recurrent clashes with UWA rangers continue whenever cattle stray into the park in search of water or pasture. Government-led resettlement initiatives (notably in Nyakatonzi and Hamukungu) have foundered amid land shortages, conflicts with host communities, and absence of secure tenure.³ The Basongora experience exposes a chronic failure to provide the prompt, adequate, and fair compensation mandated by Article 26 of the Constitution, as well as the absence of viable livelihood restoration required under regional human rights standards.

4.4 The Ik (Tepeth) Community

The Ik inhabit the rugged escarpments and valleys around Kidepo Valley National Park in Kaabong District. Although no mass eviction accompanied the park's creation in 1958, the gazettement immediately curtailed access to the fertile valley floors and forested ridges that had sustained their hunting, gathering, and small-scale agriculture for centuries.⁴ Strict boundary enforcement has since transformed formerly lawful subsistence activities into offences punishable by arrest and fines.

The result has been chronic food insecurity, deepening poverty, and cultural erosion as rituals tied to specific groves and hunting sites can no longer be performed.⁵ The Ik's extreme political marginalisation has meant that their plight receives little national attention, yet it vividly demonstrates how even "non-eviction" fortress conservation can generate severe cumulative human rights impacts through access denial alone.

4.5 Cross-Cutting Patterns Across the Case Studies

The experiences of the Batwa, Benet, Basongora, and Ik reveal strikingly consistent patterns that transcend individual protected areas:

- I. Forced or coerced displacement (physical or functional) carried out to establish or enforce park boundaries

¹ A Dirkse, "'Left in the Forest and Forgotten': Land Policy and the Plight of the Benet' (MA thesis, University of XYZ 2008)

² Akampurira (n 3).

³ E Akampurira and E Marijnen, 'The Politics of Mourning in Conservation Conflicts: The (Un)grievability of Life and Less-than-Human Geographies' (2024) 108 Political Geography 103031.

⁴ B Heine, 'The Mountain People: Some Notes on the Ik of North-Eastern Uganda' (1985) 55 Africa 3.

⁵ C B Gade, R Willerslev and L Meinert, "'Half-Trust' and Enmity in Ikland, Northern Uganda' (2015) 21 Common Knowledge 406.

- II. Systematic non-recognition of customary and ancestral tenure inside protected areas
- III. Absence or gross inadequacy of compensation and livelihood-restoration measures
- IV. Criminalisation of subsistence and cultural practices that pre-date the parks
- V. Routine excessive use of force and impunity for ranger misconduct
- VI. Failure to seek or obtain free, prior and informed consent before major conservation decisions
- VII. Tokenistic or non-existent community participation in park governance and benefit-sharing

5. Analysis of Human Rights Violations under Fortress Conservation

The case studies from Bwindi, Mount Elgon, Queen Elizabeth, Kidepo, and numerous forest reserves reveals a clear pattern: Uganda's fortress conservation model systematically violates human rights. Far from being isolated incidents, these abuses arise directly from the legal architecture and enforcement practices of strict protected-area governance. This section analyses the principal violations through the lenses of the 1995 Constitution, regional human rights instruments, and binding international conservation commitments.

5.1 Violations of the Right to Property and Land Tenure

i. Constitutional Protections Undermined

Article 26 of the Constitution enshrines the right to own property and not to be arbitrarily deprived of property.¹ Deprivation is permissible only when it is lawful, in the public interest, accompanied by prompt, prior, and adequate compensation, and preceded by fair hearing and access to courts.² The Batwa were expelled from Mgahinga, Bwindi, and Echuya between 1991 and 1993 with no acquisition order, no valuation, and no compensation beyond token resettlement plots that quickly proved inadequate. The Benet were forcibly removed from Mount Elgon National Park in repeated operations between the 1980s and 2008 despite a 2005 High Court ruling affirming their customary rights. The Basongora lost vast grazing lands inside Queen Elizabeth and Katwe-Kikorongo without any formal expropriation process. Such actions render Article 26 a dead letter.

ii. Customary Tenure Disregarded

The Land Act explicitly recognises customary tenure as a lawful and registrable form of ownership equivalent to freehold.³ Yet the Uganda Wildlife Act and the National Forestry and Tree Planting Act treat land inside national parks and central forest reserves as if it were terra nullius unencumbered state land whose prior occupation is legally irrelevant. This statutory fiction directly contradicts the Land Act and has been used to justify mass dispossession without compensation or due process. The resulting legal conflict between conservation statutes and land law lies at the heart of decades of violent confrontation.

iii. Regional Jurisprudence Ignored

¹ D J Bakibinga, *Property and Trust Law in Uganda* (Kluwer Law International 2022).

² Constitution of the Republic of Uganda 1995, art 26(2).

³ Land Act cap 236, s 9.

The African Commission on Human and Peoples' Rights (*Endorois Welfare Council v. Kenya*, 2010) and the African Court on Human and Peoples' Rights (*African Commission v. Kenya – Ogiek case*, 2017 & 2022) have established binding precedent:¹ ancestral lands may not be expropriated for conservation purposes without (a) free, prior and informed consent, (b) full compensation reflecting both material and immaterial value, and, where feasible, (c) restitution or return of the lands. The Commission and Court further held that exclusion from sacred sites and traditional resource areas violates the rights to property (Article 14), culture (Article 17), religion (Article 8), and development (Article 22) of the African Charter. Uganda's practice unilateral gazettement, violent eviction, and permanent exclusion without consent, and refusal of restitution places the country in clear breach of these rulings and of its obligations under the Charter it ratified in 1986.

5.2 Violations of the Right to Culture

i. Constitutional and Regional Protections

The Constitution expressly guarantees every person the right to practise and promote their culture,² while the African Charter on Human and Peoples' Rights affirms the right of everyone to take part freely in the cultural life of their community.³ For many Indigenous and local communities in Uganda particularly the Batwa, Ik (Tepeth), and Benet their cultural identity, spiritual practices, and social reproduction are inseparable from specific forests, mountains, and wetlands now enclosed within strict protected areas. Eviction and permanent exclusion from sacred groves, ritual sites, caves, and ancestral burial grounds have severed these communities from the physical foundation of their cultures that have endured for centuries.

ii. Absence of FPIC and Cultural Heritage Safeguards

The UN Declaration on the Rights of Indigenous Peoples and the African Commission's rulings in *Endorois* and *Ogiek* require states to obtain free, prior and informed consent before adopting measures that may affect Indigenous cultural heritage. In Uganda, gazettement, boundary extensions, and strict access bans have been imposed unilaterally by UWA, NFA, or the central government without any prior consultation, let alone consent. Cultural impact assessments are virtually never conducted, and mitigation measures such as negotiated seasonal access to shrines are treated as privileges rather than rights. The cumulative result is a state-sponsored erosion of cultural continuity that amounts to a clear violation of both domestic and regional law.

5.3 Violations of the Right to Livelihood, Food, and Economic Survival

i. Impact of Restricted Access

The National Objectives and Directive Principles of State Policy obliges the State to ensure balanced economic development and the welfare of all citizens,⁴ while the International Covenant on Economic, Social and Cultural Rights (ICESCR) ratified by Uganda guarantee the rights to food, work, and an adequate standard of living.⁵ Fortress conservation routinely renders these obligations illusory. The Batwa were expelled from Bwindi, Mgahinga, and Echuya forests without replacement land, losing access to forest foods, medicines, and materials that once sustained them. The Basongora were displaced from Queen Elizabeth National Park grazing lands vital

¹ A K Barume, 'Indigenous Battling for Land Rights: The Case of the Ogiek of Kenya' in J Castellino and N Walsh (eds), *International Law and Indigenous Peoples* (Martinus Nijhoff 2005).

² Constitution of the Republic of Uganda 1995, art 37.

³ African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) art 17(1).

⁴ National Objectives and Directive Principles of State Policy, Objective XIV.

⁵ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) arts 11 and 12.

to their pastoralist economy. The Ik were excluded from Kidepo Valley hunting grounds, and the Benet were pushed off fertile Mount Elgon highlands. In each case, traditional livelihood systems collapsed, giving way to chronic poverty, malnutrition, and dependency.

ii. **Criminalisation of Subsistence Activities**

Protected-area regulations criminalise everyday survival practices that communities have carried out sustainably for generations: collecting firewood, harvesting medicinal plants, grazing livestock, gathering wild honey, or drawing water inside park or reserve boundaries.¹ Offenders face arrest, fines, beatings, or imprisonment for acts that pose no serious threat to biodiversity. This blanket criminalisation transforms law-abiding citizens into “poachers” overnight and drives families deeper into food insecurity and economic despair. Such measures violate the principle of proportionality and constitute indirect interference with the rights to food and livelihood protected under the ICESCR and the African Charter. When the only alternative offered is relocation to marginal, overcrowded land with no viable economic base, conservation becomes a direct cause of structural impoverishment rather than a contribution to national development.

5.2 Violations of the Right to Equality and Non-Discrimination

The human rights burdens of fortress conservation in Uganda do not fall evenly across society. They are disproportionately borne by a narrow set of communities that share four defining characteristics: ethnic minority or Indigenous status, geographic isolation on the margins of protected areas, low political influence at national level, and almost total dependence on customary land and forest resources for survival. Groups such as the Batwa, Benet (Ndorobo), Basongora, Tepeth/Ik, and certain Bakiga and Acholi clans meet all four criteria.

Article 21(1) and (2) of the 1995 Constitution prohibits discrimination on grounds including race, ethnic origin, tribe, or social standing. The African Charter on Human and Peoples’ Rights similarly forbids policies that place particular peoples at a systemic disadvantage. When conservation measures systematically deprive these already marginalised communities of land, livelihoods, and cultural continuity while the resulting tourism revenues and ecosystem services primarily benefit urban elites and the national treasury, the practice constitutes indirect discrimination, even if no overtly discriminatory intent is proven. The state’s failure to adopt special measures to protect these groups further aggravates the violation.

5.3 Violations of the Right to Participation and Access to Information

i. **Participation in Environmental Decision-Making**

Although National Environment Act² and the National Environment Management Policy 1994 proclaim community participation as a guiding principle,³ in practice communities are almost never involved at the decisive stages of protected-area creation or management. Gazettement orders, boundary demarcations, and tourism concession awards are routinely finalised before any public consultation occurs if it occurs at all. The result is participation that is late, symbolic, and incapable of altering outcomes.

ii. **FPIC Obligations**

The African Commission’s decisions in Endorois (2010) and Ogiek (2017, 2022), together with the UN Declaration on the Rights of Indigenous Peoples (which Uganda voted to adopt in 2007), establish that free, prior

¹ M S Hari, ‘The Role of Protected Areas in Conserving Biodiversity: Challenges and Success Stories’ (2025) Organized by 492.

² National Environment Act cap 181.

³ *ibid* s 2(2)(b).

and informed consent is required before any measure that substantially interferes with Indigenous or community lands, territories, or resources including conservation restrictions. Uganda has never applied FPIC in conservation governance. Communities are presented with *faits accomplis* and told that refusal is not an option.

iii. Access to Information

Meaningful participation is impossible without timely access to essential information. Yet communities living around protected areas are routinely denied copies of park maps, Environmental and Social Impact Assessments, tourism revenue statements, concession agreements, and ranger rules of engagement. This systematic withholding of information violates Article 41 of the Constitution (right to access information held by the state) and Article 9 of the African Charter, and renders any purported “consultation” illusory.

5.4 Violations Related to Enforcement and Use of Force

i. Broad Ranger Powers and Weak Oversight

The Uganda Wildlife Act grants rangers sweeping police-like powers arrest without warrant, search of persons and homes, seizure of property, and use of firearms ostensibly to combat poaching and encroachment. In the absence of effective training, independent oversight, or functioning complaint mechanisms, these powers are frequently exercised arbitrarily and excessively. Beatings, torture, sexual violence, livestock destruction, and extrajudicial killings have all been documented in multiple protected areas over decades, with the victims’ overwhelmingly poor, rural residents rather than commercial poachers. Such patterns reveal a *de facto* presumption that any community member found inside or near a protected area is a criminal precisely the inversion of due process that the Constitution forbids.

ii. Accountability Gaps

Impunity remains the norm rather than the exception in cases of ranger misconduct. Despite numerous documented incidents of beatings, torture, unlawful killings, rape, and destruction of property, almost no UWA or NFA ranger has ever been successfully prosecuted in civilian courts. Internal disciplinary processes are opaque, rarely communicated to complainants, and almost never result in dismissal or criminal referral. This systemic failure directly undermines three core constitutional guarantees: the right to a fair hearing, the prohibition of torture and cruel, inhuman or degrading treatment (Article 24), and the right to an effective remedy for rights violations. The absence of accountability not only perpetuates abuse but also erodes public confidence in the entire conservation enterprise.

iii. Regional Standards

The African Commission on Human and Peoples’ Rights has repeatedly clarified that conservation-related law enforcement is not exempt from human rights scrutiny.¹ In both the Endorois and Ogiek decisions, the Commission stressed that force must be strictly necessary, proportionate, and preceded by non-violent alternatives, and that states bear a positive duty to protect community rights even within protected areas. Uganda’s current enforcement model characterised by militarised patrols, collective punishment, and presumptive criminalisation of presence inside park boundaries flagrantly inverts this hierarchy: wildlife protection is treated as an absolute imperative that overrides human dignity and life. Such prioritisation stands in open contradiction to Uganda’s binding obligations under the African Charter.

¹ C Luoma, *Fortress Conservation and International Accountability for Human Rights Violations against Batwa in Kahuzi-Biega National Park* (Minority Rights Group 2022).

5.5 Cumulative and Structural Human Rights Violations

The human rights impacts of fortress conservation in Uganda cannot be reduced to isolated excesses; they constitute entrenched, structural violations. Generation after generation, communities have suffered the combined and cumulative effects of:

- I. permanent exclusion from ancestral lands and sacred sites,
- II. destruction of traditional livelihoods without viable alternatives,
- III. erosion of language, spiritual practices, and cultural identity,
- IV. routine criminalisation of subsistence gathering that was formerly lawful and sustainable,
- V. absence of effective judicial or administrative remedies.

6. Towards a Human Rights–Based Approach to Conservation in Uganda

The documented human rights violations associated with fortress conservation demonstrate that Uganda’s current protected-area governance model requires structural reform. A human rights–based approach (HRBA) offers a viable framework for reconciling biodiversity protection with constitutional, regional, and international human rights obligations. This section outlines the normative foundations of an HRBA, proposes legal and policy reforms, and highlights alternative conservation models that promote both ecological integrity and social justice.

6.1 Principles of a Human Rights–Based Approach to Conservation

A human rights–based approach (HRBA) to conservation does not treat human rights as an add-on or a public-relations concern; it makes respect, protection, and fulfilment of rights the foundational requirement of all conservation policy, planning, and practice.¹ In Uganda, where decades of fortress conservation have produced both ecological gains and systematic rights violations, adopting an HRBA is the only lawful and pragmatic route to lasting biodiversity protection.

The approach rests on five interdependent principles:

i. Participation and Inclusion

Local and Indigenous communities must be active co-architects not mere consultees in every phase of conservation.² This includes joint conservation planning, day-to-day protected-area management, design and oversight of benefit-sharing arrangements, and resolution of disputes. Participation must be meaningful (i.e., capable of influencing outcomes), begin early, and fully incorporate traditional ecological knowledge and customary governance systems. Token workshops or pre-determined “validation” meetings do not meet this standard.

ii. Accountability and Rule of Law

All institutions exercising conservation authority UWA, NFA, district local governments, the Uganda People’s Defence Forces, and private concessionaires must be fully accountable to affected communities and to the law. Accountability requires transparent decision-making processes, independent oversight bodies with investigative

¹ J Campese, *Rights-Based Approaches: Exploring Issues and Opportunities for Conservation* (CIFOR and IUCN 2009).

² Greiber (n 67).

powers, and accessible, safe, and effective grievance and redress mechanisms that can deliver timely remedies, including compensation and restitution.

iii. Non-Discrimination and Equality

Conservation measures must not disproportionately harm already marginalised groups.¹ The Batwa, Benet (Ndorobo), Basongora, Ik (Tepeth), and other Indigenous and minority communities have repeatedly borne the heaviest costs of protected-area creation and enforcement. An HRBA demands proactive measures affirmative recognition of their distinct rights, prioritised benefit flows, and culturally appropriate governance arrangements to prevent both direct and indirect discrimination and to advance substantive equality.

iv. Empowerment

Empowerment is the transformative core of a human rights–based approach: it moves communities from being objects of conservation policy to becoming active subjects who shape and benefit from it. In the Ugandan context, this means deliberately building the knowledge, skills, organisational strength, and legal tools that enable communities to influence decisions, manage resources sustainably, and defend their rights without needing to rely on distant NGOs or sympathetic officials.

Empowerment requires sustained investment in community-level institutions such as registered Communal Land Associations, Indigenous peoples’ organisations, women’s savings groups, and parish-level conservation committees so that they can negotiate on equal terms with UWA, NFA, district authorities, and private investors. Paralegal training programmes, already successfully piloted by organisations like UOBDU (United Organisation for Batwa Development in Uganda) and the Benet Lobby Group, should be scaled up nationally to create a cadre of community advocates who understand both customary and statutory law.

v. Legality and Alignment with Human Rights Norms

A human rights–based approach is not an optional ethical overlay; it is a strict legal requirement. Every conservation measure in Uganda whether gazettement of a new park, ranger patrol, boundary realignment, tourism concession, or eviction notice must fully comply with a clearly established hierarchy of binding norms.

At the national level, the 1995 Constitution is supreme: Articles 21 (equality and non-discrimination), 26 (protection from deprivation of property), 32 (affirmative action for marginalised groups), and 237 (land belonging to the people under customary tenure) directly prohibit the arbitrary dispossession and discrimination that have characterised fortress conservation.

Regionally and internationally, Uganda is bound by the African Charter on Human and Peoples’ Rights (ratified 1986), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The African Commission’s landmark decisions in *Endorois Welfare Council v. Kenya* (2010) and *African Commission on Human and Peoples’ Rights v. Kenya* have clarified that forced evictions for conservation purposes, denial of ancestral lands, and exclusion from sacred sites and resources constitute violations of Articles 8, 14, 21, and 22 of the Charter violations for which Uganda would be equally accountable.

¹ S Wongbusarakum, ‘The Role of Indigenous Peoples and Local Communities in Effective and Equitable Conservation’ (2021) 26 *Ecology and Society* art 18.

6.2 Legal Reforms Needed for Rights-Respecting Conservation

Several reforms can align Uganda's conservation laws with human rights standards.

i. Reforming the Uganda Wildlife Act

Despite being the most recent statute, the Uganda Wildlife Act still largely reproduces the fortress conservation logic of its 1996 and 2000 predecessors. It treats all land inside national parks and wildlife reserves as unencumbered state property and grants the Uganda Wildlife Authority sweeping powers with minimal human rights safeguards. Urgent amendments are required to bring the Act into conformity with the 1995 Constitution and Uganda's regional and international obligations.

The revised Act should:

- I. Replace the current discretionary 20 % revenue-sharing guideline with a mandatory, legally enforceable minimum percentage (not less than 30–40 %) of all park-generated revenues (gate fees, concessions, filming permits, carbon credits) to be transferred directly and annually to registered community institutions;
- II. Introduce strict limitations on the use of force by rangers, confining lethal force to situations of imminent threat to human life, requiring body cameras or alternative recording for all armed operations, and establishing mandatory independent investigation of every incident resulting in injury or death;
- III. Make free, prior and informed consent (FPIC) a statutory requirement before any gazettement, boundary alteration, introduction of new access restrictions, or tourism concession that affects community land, resources, or livelihoods, with failure to obtain consent rendering the measure ultra vires and subject to immediate judicial injunction.

ii. Reforming the National Forestry and Tree Planting Act

The National Forestry and Tree Planting Act remains rooted in colonial-era assumptions that central forest reserves are state-owned "empty" land. In reality, many reserves especially in western, eastern, and northern Uganda overlap with long-standing customary territories. The Act must therefore be comprehensively amended to bring it into alignment with the 1995 Constitution and the Land Act 1998 (as amended).

Key reforms should include:

- I. Strict limitation on evictions: evictions from forest reserves may only occur as a last resort, after independent verification of overriding public interest, full FPIC, provision of equivalent alternative land, and payment of comprehensive compensation in accordance with Land Act standards;
- II. Mandatory procedural safeguards modelled on the Land Act and the 2019 Land Acquisition Act, including public hearings, rights of appeal to the Land Tribunal, and judicial review before any eviction notice can be executed.

iii. Harmonizing Conservation and Land Legislation

Uganda's legal framework currently contains a fundamental contradiction: the Land Act 1998 (as amended) recognises customary land tenure as lawful ownership equal to freehold, while the Uganda Wildlife Act and National Forestry and Tree Planting Act treat all land inside national parks and forest reserves as unencumbered

state property of the state or its agencies. This statutory conflict has been the primary legal justification for decades of violent evictions and denial of community rights.

Resolving this contradiction requires the immediate development and enactment of a comprehensive National Protected Areas Land Rights Framework (NPALRF), either as a stand-alone statute or as a binding protocol jointly issued under the Land Act, Wildlife Act, and National Environment Act. The Framework must explicitly:

- I. Recognise pre-existing customary and ancestral rights that were never lawfully extinguished at the time protected areas were gazetted;
- II. Establish a clear hierarchy of rights inside different protected-area categories (strict nature reserves, multiple-use zones, wildlife corridors, buffer zones);
- III. Set nationally uniform, judicially enforceable standards for compensation, resettlement, and livelihood restoration whenever rights are restricted or extinguished for compelling conservation reasons;
- IV. Create a fast-track, low-cost dispute-resolution mechanism which combines customary authorities, district land tribunals, and an appellate Protected Areas Land Rights Tribunal to adjudicate historical and ongoing claims;
- V. Mandate joint registration of overlapping customary and statutory titles where full restitution is impractical, thereby allowing continued regulated access and benefit-sharing.

iv. Enacting a National FPIC Law

Drawing on the African Commission on Human and Peoples' Rights' landmark rulings in *Endorois Welfare Council v. Kenya* (2010) and *African Commission v. Kenya (Ogiek case, 2017)*, Uganda should enact a dedicated Free, Prior and Informed Consent (FPIC) statute that applies to all conservation-related decisions capable of affecting community lands, resources, or livelihoods.

The law must explicitly require:

- I. Early, good-faith consultation conducted in local languages through culturally appropriate processes well before any decision-making begins;
- II. Formal community consent which is expressed through representative institutions or customary decision-making mechanisms before any gazettelement, boundary change, resettlement, or restriction on resource access is approved;
- III. Provision of viable alternative lands of equal or better quality and size whenever displacement is unavoidable;
- IV. Prompt, fair, and adequate compensation for all lost assets, livelihoods, cultural sites, and development opportunities, calculated through independent valuation and paid before any move;
- V. Robust environmental justice safeguards, including the right to independent environmental and human-rights monitoring, ongoing benefit-sharing, and a guaranteed return option if conservation objectives fail.

6.3 Policy Reforms and Institutional Strengthening

i. Strengthening Community Participation Structures

Meaningful participation cannot remain confined to occasional consultations or advisory roles; it must be institutionalised with real decision-making authority. Three concrete reforms are essential to achieve this shift.

To begin with, Community Wildlife Committees and similar bodies around every national park and wildlife reserve must be formalised through statute, granted legal personality, and endowed with binding powers over issues such as resource-use zoning, revenue-sharing priorities, human-wildlife conflict mitigation measures, and approval of tourism concessions affecting community land. These committees should be democratically elected, gender-balanced, and include guaranteed seats for historically marginalised groups such as the Batwa and Benet. More so, Collaborative Forest Management (CFM) agreements currently limited to scattered pilot sites must be scaled up and strengthened nationwide under the National Forestry Authority. CFM partnerships should evolve from mere benefit-sharing arrangements into genuine joint-management contracts that devolve day-to-day decision-making on harvesting quotas, restoration plans, and patrol scheduling to registered community forest associations.

ii. Enhancing Accountability Mechanisms

Effective accountability is the cornerstone of rights-respecting conservation. The current system in which UWA and NFA largely police themselves has fostered impunity and eroded public trust. Comprehensive reform must therefore establish robust, independent, and independent oversight structures that are accessible to ordinary citizens.

First, Parliament should create an independent Conservation Oversight and Accountability Commission with a mandate to investigate allegations of abuse, monitor compliance with human rights standards, and recommend disciplinary or criminal action. The Commission must be statutorily independent, adequately funded, and composed of members appointed including representatives of affected communities, the Uganda Human Rights Commission, and civil society organisations with proven conservation and human-rights expertise.

Second, the Uganda Human Rights Commission (UHRC) should be empowered and resourced to operate dedicated, community-friendly grievance desks in or near every major protected area. These desks must offer free, multilingual services, protect complainants from retaliation, and be authorised to conduct rapid on-site investigations and issue binding remedial orders where violations are found.

iii. Integrating Human Rights Impact Assessments (HRIAs)

At present, Uganda requires Environmental Impact Assessments (EIAs) before gazetting or degazetting protected areas, yet these assessments routinely ignore or downplay impacts on human rights, customary tenure, cultural heritage, and livelihood security. To close this critical gap, Human Rights Impact Assessments (HRIAs) must be made mandatory and conducted in parallel with EIAs whenever a conservation initiative may affect local communities.

An HRIA is a structured, participatory process that identifies, predicts, and mitigates potential adverse effects on rights guaranteed under the 1995 Constitution and international law.¹ It must be carried out by independent

¹ N Götzmann, 'Introduction to the Handbook on Human Rights Impact Assessment: Principles, Methods and Approaches' in N Götzmann (ed), Handbook on Human Rights Impact Assessment (Edward Elgar 2019) 2.

experts in consultation with affected communities and include, at minimum: baseline documentation of existing land and resource rights; analysis of direct and indirect impacts on housing, food security, culture, and non-discrimination; evaluation of alternatives (including no-action options); and a detailed mitigation and monitoring plan with clear grievance procedures.

iv. Strengthening Benefit-Sharing Mechanisms

A rights-based conservation model cannot rely on discretionary or token payments; it demands predictable, legally enforceable benefit-sharing arrangements that deliver tangible and equitable economic gains to affected communities. The current 20 % tourism revenue-sharing guideline under the Uganda Wildlife Act is widely criticised for being non-binding, delayed, and often diverted to distant district projects rather than frontline communities. Reform must therefore transform benefit-sharing from charity into an automatic, transparent entitlement.

Legislation should mandate that a fixed minimum percentage no less than 30–40 % of gate fees, concession fees, and carbon or payment-for-ecosystem-services income from each protected area is transferred directly to registered community institutions within twelve months of collection. These funds must be ring-fenced for community-priority projects (schools, clinics, water supply) and for investment in community-managed enterprises such as cultural villages, guiding services, craft cooperatives, and lodges.

6.4 Towards Rights-Centred Conservation Models

Uganda can adopt alternative conservation strategies grounded in global best practices and regional norms.

i. Community-Based Natural Resource Management (CBNRM)

Community-Based Natural Resource Management (CBNRM) fundamentally re-orientes conservation by recognising local communities as legitimate rights-holders and primary resource managers rather than passive beneficiaries or threats.¹ Under CBNRM, governance authority over wildlife and other natural resources is devolved from central agencies to organised community institutions typically conservancies, trusts, or registered associations that are democratically accountable to their members.

The model rests on four interlocking pillars: devolved governance and secure tenure rights over land and wildlife; direct ownership by communities of revenues generated from tourism, trophy hunting, or ecosystem services; regulated sustainable use that provides incentives for conservation; and strong internal accountability mechanisms, including elected committees, transparent financial reporting, and equitable benefit-distribution rules.

ii. Co-Management of Protected Areas

Co-management is a governance model that deliberately shares decision-making power over protected areas between state agencies (primarily UWA and NFA) and affected local communities or their representative institutions.² Rather than treating communities as external stakeholders to be “consulted,” co-management accords them substantive authority over zoning, resource-use rules, tourism concessions, revenue allocation, and enforcement priorities through legally binding agreements.

¹ J S Gruber, ‘Key Principles of Community-Based Natural Resource Management: A Synthesis and Interpretation of Identified Effective Approaches for Managing the Commons’ (2010) 45 Environmental Management 52.

² H Ross and others, ‘Co-Management and Indigenous Protected Areas in Australia: Achievements and Ways Forward’ (2009) 16 Australasian Journal of Environmental Management 242.

This approach directly implements the Convention on Biological Diversity's Programme of Work on Protected Areas (PoWPA), particularly Element 2 on governance, participation, and equity. PoWPA explicitly calls for equitable governance, shared responsibility, recognition of access and benefit-sharing rights, and management systems that respect cultural diversity. Uganda is already a party to the CBD and has repeatedly committed to PoWPA targets; adopting co-management would finally translate those international promises into domestic practice.

iii. Rights-Based Conservation (RBC)

Rights-Based Conservation (RBC) is an internationally endorsed framework, developed jointly by the International Union for Conservation of Nature (IUCN) and the United Nations Development Programme (UNDP) that explicitly integrates human rights obligations into every stage of conservation programming.¹ Rather than treating human rights as an optional "social safeguard," RBC makes respect for rights a non-negotiable precondition for legitimate and effective conservation.

At its core, RBC requires four interconnected practices. First, systematic rights mapping must be conducted before any intervention to identify customary tenure, sacred sites, livelihood dependencies, and historically marginalised groups. Second, free, prior and informed consent (FPIC) must be obtained through culturally appropriate, well-documented processes that empower communities to accept, modify, or reject proposed conservation measures. Third, independent human rights monitoring by ideally involving national human rights institutions or accredited civil-society partners, must track implementation and provide early warning of potential violations. Finally, benefits arising from conservation (tourism revenue, carbon credits, payment for ecosystem services) must be distributed equitably and transparently according to pre-agreed, legally enforceable formulas.

iv. Indigenous and Community Conserved Areas (ICCAs)

Indigenous and Community Conserved Areas (ICCAs) are territories and natural resources governed, managed, and conserved by Indigenous peoples and local communities through customary laws and institutions.² Far from being empty "wilderness," many of Uganda's most biodiverse landscapes such as Bwindi and Mgahinga forests, the Rwenzori highlands, and parts of Mount Elgon, have been shaped and sustained by centuries of careful Indigenous stewardship. Recognising ICCAs would formally acknowledge this historical reality and shift conservation authority from the state alone to shared or primary community responsibility.

The benefits of legal ICCA recognition are well documented globally. Ecologically, ICCAs consistently show high biodiversity outcomes because custodians live within the landscape and have direct stakes in its health. Culturally, they preserve languages, sacred sites, and traditional practices that are inseparable from sustainable resource use. Legally, formal recognition empowers communities with secure tenure, access rights, and the ability to exclude destructive external actors and these rights are currently denied under fortress conservation statutes.

v. Landscape-Level Conservation and Buffer Zones

¹ T Greiber, *Conservation with Justice: A Rights-Based Approach* (IUCN Environmental Policy and Law Paper No 71, 2009).

² C Corrigan and T Hay-Edie, *A Toolkit to Support Conservation by Indigenous Peoples and Local Communities* (UNEP-WCMC 2013).

A shift from strict protected-area enforcement to broader ecological stewardship across landscapes can reduce pressure on boundary zones while supporting community livelihoods.¹ This will enhance the interoperability accept between enjoyment of fundamental rights by the marginalized communities with protection of the environment.

6.5 Transforming Ranger Conduct and Enforcement Practices

i. Human Rights Training

A root cause of ranger-related abuses in Uganda is the near-total absence of systematic human rights training for Uganda Wildlife Authority (UWA) and National Forestry Authority (NFA) personnel. To address this, comprehensive, mandatory, and recurring human rights training must be institutionalised for all staff, rangers, wardens, intelligence officers, and senior management alike, both at recruitment and at regular intervals throughout their careers.

The curriculum, developed in partnership with the Uganda Human Rights Commission and accredited civil-society organisations, should cover:

- I. Key provisions of the 1995 Constitution (especially Articles 21, 26, and 44 on equality, property rights, and freedom from torture);
- II. Uganda's obligations under the African Charter on Human and Peoples' Rights and the decisions in Endorois and Ogiek cases;
- III. International standards on the proportional use of force, including the UN Code of Conduct for Law Enforcement Officials and Basic Principles on the Use of Force and Firearms;
- IV. Practical conflict-resolution and de-escalation techniques tailored to human-wildlife and human-human encounters in protected-area settings;
- V. Internal and external accountability mechanisms, including the duty to report abuses and protection for whistle-blowers.

ii. Community Rangers and Joint Patrols

Integrating community members into formal conservation enforcement through well-designed community ranger programmes offers one of the most effective ways to reduce conflict and human rights violations.² When local residents, especially from historically evicted or marginalised groups such as the Batwa, Benet, or Basongora, are recruited, properly trained, uniformly equipped, and paid equitable salaries comparable to state rangers, they bring unparalleled on-the-ground intelligence, cultural legitimacy, and early-warning capacity that outsiders rarely possess.

Beyond operational advantages, community ranger schemes rebuild fractured trust. Rangers who live in the same villages, speak the same languages, and share the same stakes in both wildlife and livelihoods serve as visible proof that conservation can deliver dignity and employment rather than only exclusion and violence.

iii. Clear Operational Guidelines

¹ L Naughton-Treves, M B Holland and K Brandon, 'The Role of Protected Areas in Conserving Biodiversity and Sustaining Local Livelihoods' (2005) 30 Annual Review of Environment and Resources 219.

² D P Woodside and others, 'Building Healthy Relationships between Rangers and Communities in and around Protected Areas' (2021) 37 Parks Stewardship Forum 153.

To end impunity and restore public trust, Uganda must replace the current vague and permissive rules of engagement with precise, human rights-compliant operational guidelines for all conservation enforcement personnel. These binding guidelines should explicitly state that lethal or injurious force is permissible only when strictly unavoidable to protect human life from an imminent threat, in full conformity with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.¹ Proportionality must be the guiding rule: non-violent means (warning, retreat, verbal commands) must always be exhausted first, and any use of firearms limited to situations of immediate mortal danger.

The guidelines must further mandate immediate, detailed incident reporting within 24 hours, including written statements, photographic evidence, and, where available, body-camera or drone footage. All incidents involving injury or death must automatically trigger an independent investigation by a mixed panel that includes representatives from the Uganda Human Rights Commission and civil society. Disciplinary consequences for violations must be swift and graduated ranging from retraining and suspension to dismissal and criminal prosecution in cases of excessive or unlawful force. Publicly available annual reports summarising incidents, investigations, and outcomes will further reinforce transparency and deterrence.

6.6 Moving from Fortress Conservation to Rights-Responsive Conservation

A just transition away from fortress conservation in Uganda must begin with the formal recognition of customary and ancestral land rights inside protected areas. For too long, the establishment of national parks and wildlife reserves has treated Indigenous territories as terra nullius, ignoring centuries of sustainable occupation and use.² Recognizing these rights does not mean abolishing conservation zones but rather acknowledging that many of Uganda's most biodiverse landscapes have been co-produced by Indigenous and local communities, making their continued presence compatible with, and often essential to, conservation goals.

Restitution and equitable co-management agreements represent a critical next step. Communities such as the Batwa of south-western Uganda and the Benet (Ndorobo) of Mount Elgon have suffered forced evictions without adequate compensation or alternative livelihoods. Fair restitution, whether through land return, substantial financial redress, or binding co-management arrangements would not only remedy historical injustice but also harness the ecological knowledge of these communities, turning former adversaries of conservation into its strongest allies.

Long-standing boundary disputes, particularly around Mount Elgon, Bwindi, and Mgahinga, continue to fuel conflict between protected area authorities and neighbouring communities. Participatory boundary demarcation processes, guided by independent facilitators and grounded in historical evidence and community testimony, offer a practical mechanism to resolve these disputes. When communities are active participants in drawing lines on the map, the resulting boundaries gain legitimacy and reduce the likelihood of future encroachment or violent confrontation.

¹ L E Officials, 'Basic Principles on the Use of Force and Firearms' in *Essential Texts on Human Rights for the Police* (Brill Nijhoff 2008) 397.

² C Samson, 'The Rule of Terra Nullius and the Impotence of International Human Rights for Indigenous Peoples' (2008) 5 *Essex Human Rights Review* 1.

Displacement under fortress conservation has systematically undermined the livelihoods of thousands of households. Comprehensive livelihood restoration programmes such as combining secure land access, agricultural extension, eco-tourism revenue sharing, and alternative income opportunities, are therefore indispensable. Such programmes must be designed with affected communities rather than for them, ensuring cultural appropriateness and long-term viability.

Uganda's conservation policy framework requires fundamental reform to embed rights-based approaches at its core. This means moving beyond ad hoc community conservation projects and amending the Uganda Wildlife Act and National Environment Act to explicitly recognise Indigenous and community conserved areas (ICCAs), free, prior and informed consent (FPIC), and the right to redress for past evictions. Only a legally enforceable rights-based framework can prevent the repetition of past abuses.

Finally, effective implementation demands a whole-of-government approach. Conservation cannot remain the sole domain of the Ministry of Tourism, Wildlife and Antiquities or the Uganda Wildlife Authority. The Ministries of Justice, Lands, Gender, and Culture must be brought into decision-making structures so that evictions, land allocation, cultural heritage, and gender-differentiated impacts are addressed holistically rather than in silos.

7. Conclusion

Fortress conservation in Uganda has produced a pattern of structural human rights violations affecting marginalized communities such as the Batwa, Benet, Basongora, and Ik. Although Uganda has made significant commitments to biodiversity protection at the national, regional, and international levels, the practical implementation of conservation continues to rely on exclusionary policies that disregard customary tenure, cultural identity, and socio-economic rights.

The evidence demonstrates that current conservation frameworks are inconsistent with the Constitution of Uganda, the African Charter, the jurisprudence of the African Commission and African Court, and global norms promoting equitable, participatory conservation. These contradictions reveal a fundamental governance problem: the legal and institutional architecture of conservation has not been harmonised with human rights obligations.

Alternative conservation models such as community-based natural resource management (CBNRM), co-management, Indigenous and Community Conserved Areas (ICCAs), and rights-centred conservation frameworks offer practical, tested pathways for achieving ecological sustainability while respecting community rights. These models demonstrate that conservation and human rights are not opposing objectives; rather, they reinforce one another when grounded in inclusive governance and equitable resource stewardship.

Uganda's transition from fortress conservation to rights-responsive conservation is both a legal obligation and a practical necessity. Biodiversity protection cannot be sustainable where human rights are violated, cultural identities eroded, and communities excluded from the landscapes they have stewarded for generations. A reformed, rights-based approach will not only strengthen Uganda's conservation outcomes but also promote justice, stability, and social cohesion in protected-area landscapes. Ultimately, aligning conservation with human dignity is essential for fulfilling Uganda's constitutional vision and its commitments under regional and international law.

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