



Original Article

Re-Examining International Law Perspectives on Wild Animals' Protection Legal Regime in Tanzania

Mectrida Bonephace^{1*}

¹ Sokoine University of Agriculture, P. O. Box 3035, Morogoro, Tanzania.

* Author for Correspondence ORCID ID; <https://orcid.org/0009-0003-0455-0157>; Email: meckyb@sua.ac.tz

Article DOI: <https://doi.org/10.37284/eajle.9.2.5165>

Date Published: ABSTRACT

20 June 2026

Keywords:

Wildlife
Conservation,
Wild Animals
Protection,
International Law,
Tanzanian Laws.

Tanzania's biodiversity is a globally renowned heritage; protecting it holds a compelling duty nationally and internationally. This paper examines International Laws (IL) applicable in Tanzania with respect to wild animals' protection. It examines the influence of IL, to wit, the Convention on Biological Diversity (CBD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and other multilateral agreements on wild animals' protection. Doctrinal legal research was employed; content analysis and syllogism analysed the contents. The results reveal that, whereas IL is important in shaping the world's legal regime(s) on wildlife conservation; nevertheless in Tanzania, IL suffers misalignment with local realities and hence unlikely implementation. This paper concludes that the role of IL in the Tanzanian legal regime in respect of wild animals' protection is feeble. It recommends that context-sensitive laws that align with international standards should be aligned with Tanzanian governance systems to ensure inclusive wildlife conservation.

APA CITATION

Bonephace, M. (2026). Re-Examining International Law Perspectives on Wild Animals' Protection Legal Regime in Tanzania. *9*(2), 335-347. <https://doi.org/10.37284/eajle.9.2.5165>

CHICAGO CITATION

Bonephace, Mectrida. 2026. "Re-Examining International Law Perspectives on Wild Animals' Protection Legal Regime in Tanzania" *East African Journal of Abdulswamad Haji Sunnaf Law and Ethics* 9 (2), 335-347. <https://doi.org/10.37284/eajle.9.2.5165>

HARVARD CITATION

Bonephace, M. (2026). "Re-Examining International Law Perspectives on Wild Animals' Protection Legal Regime in Tanzania" *East African Journal of Law and Ethics*, 9(2), pp. 335-347. doi: 10.37284/eajle.9.2.5165.

IEEE CITATION

M., Bonephace, "Re-Examining International Law Perspectives on Wild Animals' Protection Legal Regime in Tanzania", *EAJLE*, vol. 9, no. 2, pp. 335-347, Jun. 2026.

MLA CITATION

Bonephace, Mectrida. "Re-Examining International Law Perspectives on Wild Animals' Protection Legal Regime in Tanzania" *East African Journal of Law and Ethics*, Vol. 9, no. 2, Jun. 2026, pp. 335-347, doi:10.37284/eajle.9.2.5165.

INTRODUCTION

The Tanzanian legal regime defines wildlife to include both *flora* and *fauna*; that is, plants and animals.¹ Although the law defines the term “wildlife” to signify two items, which are *flora* and *fauna*, this paper focuses only on *fauna*. In other words, this paper examines the legal regime which does not separate wild animals from forests in the meaning of “wildlife” but recognises each in its own context, *to wit*, wild animals and forests singly. Much as the term “wildlife” may be referred to in this article, it accommodates two components, which are wild animals and forests; the latter to mean wild animals’ habitats; nevertheless, it is wild animals’ affairs which are being assessed by this article. Therefore, wild animals’ protection is the focus of this article, and the principal law in respect of wild animals’ protection is the “Wildlife Conservation Act” (the WCA) and respective regulations.

Contextually, International Law (the IL) refers to a set of rules, norms and standards generally recognised and accepted by the contracting States as binding between them.² Similarly, International Law on Wild Animals Conservation (ILWAC) ought to be construed as such. In Tanzanian laws, the fulfilment of some established objectives under the WCA requires the involvement of the IL. Although the WCA provides for express invocation of the IL, still the IL is applicable based on the principles of free consent, good faith and *pacta sunt servanda* among the sovereign States; at the same time, indispensable as it is, the medium towards developing peaceful cooperation among States on their necessary constituents.³

Correspondingly, the ILWAC applies among States which acknowledge the value of wild animals and, optionally, commit to international

cooperation towards protecting them against over-exploitation.⁴ Given the tension between IL and its optional uptake within national systems, and the fact that IL is not self-executing, depending on this kind of regime for protection, wild animals may be at risk of remaining fragmented, inconsistently applied and/or tantamount to absent despite well-founded international commitments. Therefore, this research is imperative to ascertain the relevance of IL in the Tanzanian legal regime on wild animals’ protection.

The History Worth Remembering

Conservation of wild animals in Tanzania and internationally is not a new phenomenon. It started in the pre-colonial era. During that time, indigenous people, whilst practising their traditions, customs and taboos; they also conserved wild animals. It is reported that there was a harmonious co-existence between human beings and wild animals, and that man’s neglect to engage in wild animals’ conservation (which necessitated compulsion *via* laws) began with colonial regimes.⁵ Tanzania (then Tanganyika) had had two colonial masters whose repercussions on wild animals conservation and protection were similar. First, it was Germany and later Britain.

It is reported further that the two colonial regimes negatively impacted the co-existed human-wildlife relationships by the introduction of a formal wildlife conservation legal regime both nationally and internationally.⁶ It is documented that the earliest wildlife conservation law was promulgated in Tanganyika during the Germans’ colonial rule.⁷ This was the Wildlife Decree of 1896 (with its amendments of 1898, 1900, 1903, 1905, 1908 and 1911⁸). This first law extinguished local user rights over wildlife. Whilst on one hand, the indigenous rights over the use of wildlife were

¹ Wildlife Conservation Act, Cap. 284 [R.E. 2023], s. 3.

² Kapoor, S.K., *international Law and Human Rights* (17th Revised Edn.), New Delhi, 2009, p. 24.

³ Vienna Convention on the Law of Treaties, 1966 (1155 U.N.T.S 331).

⁴ Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1992 (13 U.N.T.S.8.1).

⁵ Majamba, H. I., “Ameliorating the Legal Prospects for Wildlife Conservation in Africa: A Reflection on the African Convention on the Conservation of Nature and

Natural Resources”, LL.M Dissertation, Queen’s University, 1994, pp. 12 – 7.

⁶ Fred, N., *et al* “The Evolution and Reform of Tanzanian Wildlife Management”, 15(2), *Journal of Conservation and Society*, 2007, p. 12.

⁷ *Ibid*.

⁸ McAuslan J.P.B.W.B., “The Republican Constitution of Tanganyika”, 13(2) *The International and Comparative Law Quarterly*, 1964, pp. 530 – 7.

extinguished by the said law, on the other hand, the German colonialists over-harvested wild animals through hunting and related activities. There were obvious red flags for wild animals' extinction, and thus fears for important wild animal species extinction surfaced to the extent that the international community was called upon to rescue wild animals.⁹ Internationally, colonial powers enacted certain international conventions to protect wild animals, and Germany had to accede to those conventions and thus stop the over-exploitation discerned in the then Tanganyika. Examples of such conventions are the Convention for the Preservation of Wild Animals, Birds and Fish in Africa (also known as the London Convention of 1900)

After the cessation of German colonial rule, the British took control of the then Tanganyika in 1920. It is documented that some of the laws which were applicable in England before July 22, 1920, were made applicable in Tanganyika through the proclamation of the Tanganyika Order in Council of 1920 (the TOC), under the reception clause, which is Article fourteen of the TOC.¹⁰ Nevertheless, it is reported that this TOC was silent on the legal regime pertaining to wildlife conservation. Therefore, the British colonialists simply adopted the laws and international conventions supposedly conserving wild animals, which were in place during Germany Colonial rule. And following international pressure on the conservation of wild animals, the British had to enact several other pieces of legislation in respect of wild animals' protection, namely, the Game Preservation Ordinance of 1921, the Game Ordinance of 1940 and the Fauna Conservation Ordinance of 1951, respectively.¹¹

After independence, the economic value of wild animals for the Tanzanians was clearly articulated by the first Tanzanian President, Julius Kambarege Nyerere. Although he declared a lack

of interest in wild animals, he was entirely in favour of their survival.¹² In this light, the then Wildlife Conservation Act of 1974 (now repealed and replaced) was enacted, with a view to improving wild animals' protection and with an aspect of IL compliance compulsion; a compulsion which exists in Tanzanian wildlife conservation laws to date.

Today, Tanzania's wildlife conservation legal regime functions through a harmonised blend of international obligations and domestic implementation. This means that IL is integrated into national law; that is, through the WCA. In other words, Tanzania's legal regime reflects a dual compliance approach *to wit* respecting IL on wildlife conservation, while rooting that observance firmly within its own statutory and regulatory systems. This is why this article investigates the extent to which IL incorporated in the Tanzanian legal regime and enforced domestically impacts on national laws in respect of wild animals' protection.

Nevertheless, implementing IL at the national level presents a complex set of structural, political and legal challenges. Although States voluntarily and optionally accept international obligations, effective domestic practice is often uneven and subject to contest. Challenges lie in States' Sovereignty and political will, institutional capacity of implementing IL, supremacy of national laws over IL and States' optional approach towards international obligations in IL-associated enforcement measures.¹³ For instance, the manner in which IL becomes part of national laws creates inconsistency across jurisdictions. Some States may delay or refrain from enacting the necessary IL, leading to gaps between international commitments and national enforcement commitments. Governments are at liberty to resist implementing international obligations when they conflict with national

⁹*Ibid*

¹⁰ Locelyan, J., The Tanganyika Order in Council, 1920, <https://www.scribd.com/doc/192419627/The-Tanganyika-Order-in-Council-1920>, accessed on 10.10.2023.

¹¹ Fred, N., *et al*, 2007, at p. 21.

¹² Benjaminsen T. A., *et al* "Wildlife Management in Tanzania: State Control, Rent Seeking and Community Resistance", 44(5) *Journal of Development and Change*, 2013, p.1091.

¹³ Kapoor, S.K., *international Law and Human Rights* (17th Revised Edn.), New Delhi, 2009, p. 64.

priorities, cultural norms and/or political interests. In such cases, States are at liberty to selectively implement provisions or interpret IL narrowly, undermining the uniform application required for successful implementation of IL. In some instances, some States may lack administrative, financial and technical resources needed to enforce international obligations effectively. Most importantly, implementation and enforcement of IL is in itself a broader systemic issue. Unlike national legal systems, IL lacks a centralised implementation and enforcement authority and hence compliance with the same lies on political pressure, diplomacy and reputational concerns rather than compelling and coercive mechanisms.¹⁴

Nevertheless, the protection of wild animals has evolved into a concern of IL as illegal trade in wildlife is increasingly treated as a transnational crime, requiring coordinated international responsiveness. Despite this formal framework, IL largely depends on domestic implementation by States' acceptance and implementation, making the effectiveness of such regimes contingent on national legal systems, administrative capacity and political will in respect of translating obligations into legislation, regulatory systems and implementation practices. Therefore, Tanzania, being one of the most biodiverse countries in Africa, hosting extensive wildlife populations and protected areas (PAs) and deeply embedded in global wildlife trade networks, presents the urge to investigate whether IL operates and adds value in respect of wild animals' protection in Tanzania. Therefore, this paper examines IL perspectives on the wild animals' protection legal regime in Tanzania to assess its relevance and effectiveness in influencing and shaping the protection of wild animals in Tanzania; and to assess whether the said IL have positive impacts in the Tanzanian legal regime in respect of yielding appropriate security on wild animals. Given the urge to address global contemporary challenges and emerging trends in illegal wildlife trade networks,

which require adaptive, serious, focused and responsive legal actions, this review is pertinent and compelling. Although this review is contextualising Tanzania, it carries substantial legal, ecological and policy significance, not only for Tanzania but for Africa as a whole. As this review reveals the Tanzanian situation with respect to applicable international commitments, the revealed gaps between international commitments and domestic enforcement serve as strategic and focused measures for improving legal effectiveness, enhancing regional cooperation and safeguarding Africa's biodiversity, as far as the legal and environmental landscape requires adaptive jurisprudence on the law on wildlife resources management and protection for sustainable African natural heritage(s).

METHODOLOGY

This is a review paper, a product of desk review and hence adopts a qualitative doctrinal legal research methodology to analyse IL governing the protection of wild animals, pegged with their application in Tanzania. It focuses on identifying, interpreting, systematising, and contextualising IL norms derived from applicable IL on wild animals' protection. Key international legal instruments, which are biodiversity-related agreements that establish international obligations for States parties, are evaluated. In the Tanzanian context, the analysis focuses on the law, which is supposedly bound to incorporate international obligations in respect of wild animals' protection. These instruments are examined to determine the extent of alignment between international obligations and national implementation measures. Content analysis was used to analyse the information, in which critical evaluation assessed the coherence and effectiveness of IL applicable to wild animals' protection, highlighting gaps and challenges of implementation in Tanzania. The paper provides a structured and reasoned analysis of how international legal obligations are translated into

¹⁴ *Ibid.*

domestic legal frameworks and applied in the context of wild animals' protection.

FINDINGS AND DISCUSSION

The IL Applicable in the Tanzanian Wildlife Conservation Legal Regime

The IL applicable in wild animals protection, which are discussed in this paper, include the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the United Nations Convention Against Transnational Organised Crime (UNCATOC), the Convention on Biological Diversity (CBD) and the Convention on Wetlands of International Importance especially as Waterfowl Habitat (The Ramsar Convention). Other regional instruments examined are the Treaty for the Establishment of the East Africa Community (TEAC), East African Protocol on Environment and Natural Resources Management (PENRM), Protocol on the SADC Treaty on Wildlife Conservation and Law Enforcement (the SADC Protocol) and African Convention on the Conservation of Nature and Natural Resources (Maputo Convention).

The CITES

The CITES is the principal international legal instrument which is enacted to regulate international trade in protected species of wild animals. It recognises International Trade (IT) in both dead and live wild animals and ensures IT in wild animals is not threatening the sustainability of wild animals.¹⁵ According to the CITES, States parties are required to carry out ratification, acceptance, approval or accession. Moreover, States parties are required to designate at least one management and scientific authorities which are competent to discharge the roles established by the CITES.¹⁶ Towards that end, the WCA expressly provides for the applications of CITES in the legal regime¹⁷, and Tanzania enacted the regulations, that is, the Wildlife Conservation

CITES Implementation Regulations, 2018, to that effect. The analysis of the dimensions of the implementation of CITES in Tanzania is discussed at length herein.

The CITES Management Authority in Tanzania

The CITES regulations (according to IL requirements) designate the Director of Wildlife (DW) as the one-stop centre national management authority in respect of coordination and implementation of CITES nationally and internationally. Specifically, he grants CITES-related permits and certificates, maintains records of CITES trade issues, and affixes marks on the specimen to be identified in a manner recognisable internationally, designating ports of exit or entry through which wild animals' trade related ought to vent passage and to confiscate wild animal species which deem to be in violation of CITES implementation regulations.¹⁸ Nevertheless, in Tanzania today, there are several other authorities in charge of the implementation of CITES and in respect of wild animals' affairs. These are the Conservation Commissioner (the CC), the Director of Wildlife (the DW), the Minister or the Permanent Secretary (the PS). These four authorities are in charge of the CITES, but none of them expressly and solely mandates that they act.¹⁹ The consequence of this kind of regime, each actor may be sceptical in taking actions, or some of the actions take longer than is necessary to push through in respect of taking care of the wild animals' affairs.

Protection of Wild Animal Species under CITES Permissible Trades

The wild animals protected by the CITES provisions are those enumerated under the CITES Appendices I, II and III.²⁰ Therefore, the DW is mandated to issue export, import and re-export permits in respect of trade and transportation of wild animal species identified by the CITES under

¹⁵ *Ibid.*

¹⁶ *Ibid.*, art. IX.

¹⁷ Wildlife Conservation Act, [CAP 283, R.E 2023], s. 84(2).

¹⁸ *Id.*, ss. 28 – 32.

¹⁹ Wildlife Conservation (Convention on the International Trade in Endangered Species of Wild Fauna and Flora

(CITES)) Implementation Regulations, 2018 (G.N. 382 of 2018), reg. 4.

²⁰ Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1992 (13 U.N.T.S.8.1),

Arts. iii, iv, &v.

the appendices named herein above.²¹ The permits and/or certificates enumerate, among other things, all the wild animals to be involved in the transaction. The law assumes that mentioning the wild animals involved in each transaction avails protection to the rest of the wild animals which are not subjects of the trade from being exported.

Protection of Live Wild Animals Specimens during Preparation for Export

CITES regulations require the DW to make sure that, subsequent to the capture of the live wild animals intended to be traded and exported, there is sufficient food for the wild animals in the captivity facilities to sustain their lives. The regulations require that the herbivorous animals be kept in captivity for at least two months, while the carnivorous, the reptiles, the amphibians and the birds must be kept for at least fourteen days, during which the wild animals will be supplied with sufficient food for the intended journey.²² Moreover, the animals are to be allowed to accustom themselves in the facilities which will be used to transport them for not less than seven days.²³ Additionally, the DW is empowered to deny the export permit to the wild animals' vendor unless it is proved that the vendor has access to the holding ground, farm, aviary or pen which are appropriate captive facilities for the purposes of wild animal species export.²⁴

The DW is also empowered to direct the manner in which the captive facilities ought to be designed and maintained, and gradually inspect if the existing captive facilities meet and comply with the required standards.²⁵ Lastly, the DW is empowered to decline to grant the export permit unless he is satisfied that there exists a letter from a zoological institution or similar establishment that will receive the wild animals and that proper and suitable accommodation has been reserved on a vehicle, ship, aircraft or any other means of transport for the particular wild animals.²⁶

However, the CITES does not direct and is thus redundant on the manner in which monitoring can be achieved by the DW to make sure that the standards provided ensure the safety of wild animals are indeed complied with by the importing State.

Protection of Live Wild Animals Specimens on Export

The CITES authorises an “enforcement officer” to inspect all the vessels (containers) in which wild animals are placed for export.²⁷ Moreover, a “veterinary officer” is mandated to examine the wild animals' health at least seven days prior to their export and issue a certificate of health in that respect.²⁸ It is expressly prohibited for the wild animals to be exported unless the veterinary officer certifies that the health of the wild animal is fit for the journey and the animal has received the required vaccine, inoculations and /or treatment.²⁹ Nonetheless, the rules under this category are just rich in prohibitions. They are silent on what should be done in case the export standards are not fully complied with, given that the wild animals are already placed on the holding farms and /or at the ports of embarkation.

The Challenges Associated With CITES

Despite the acceptance of the CITES application by Tanzania, there are avenues which are likely to endanger the lives of wild animals. A discussion herein under discloses in detail:

Markets and Pecuniary Benefits Disclosure

CITES appendices require revealing the existence and whereabouts of rare and most wanted wild animal species. That mere fact alone is likely to promote illegal acts against wild animals globally. In Tanzania, the law requires wild animals' species and their respective monetary values to be revealed. This is likely to promote inadvertent illegality in respect of trade in wild animal species

²¹ *Ibid*, reg. 5.

²² *Ibid*, s. 34.

²³ *Ibid*.

²⁴ *Ibid*, s. 37.

²⁵ *Ibid*.

²⁶ *Ibid*, s. 38.

²⁷ *Ibid*, s. 39.

²⁸ *Ibid*, s. 40.

²⁹ *Ibid*, s. 41.

and wild animals' parts as long as their rarity and prices are advertised to the public.³⁰

Discriminatory Syndrome on Protection

CITES is in place to protect a particular category of wild animals' endangered species, whilst the rest of the wild animal species are not afforded protection under the same instrument. This discriminatory syndrome extends insecurity to wild animals whose protection is not claimed under CITES. Under CITES, therefore, not all wild animals are afforded equal standards of protection. Besides, the fact that it is humans who decide which wild animal species are in danger connotes ill effects on the well-being of wild animals. It is thus opined that, since wild animals are not capable of being involved in their own affairs in making decisions as to which category of them requires more protection than the other, the best legal intervention is to accord the deserving protection over all categories of wild animals.

The Effects of Optional Implementation

CITES' reservation options are in themselves a hindrance towards its implementation. Although scholars opine that reservations in international commitments are drivers for increasing support and encourage membership among the prospective member States in the CITES,³¹ these reservations are likely to jeopardise its purposes. It is properly observed that, under the CITES, member States are at liberty to negate some clauses in respect of some wild animal species' protection as long as their international legitimate trading interests and economic interests are within grips.³² The presence of such a wide option on the reservations invites the actors to design the mechanisms in which their demands on certain wild animal species and wild animals' parts would be constantly served, supplied and available to them, irrespective of other member States' interests. This in itself enables endless

commercial exploitation of wild animals and hence the disappearance of the so-called protected species under the supposedly protective convention.

Lack of Clarity in Express Provisions

CITES regulations do not expressly provide for the safety of wild animals to be transported. The standards of their safety and approximation of their survival are based on some officials' opinions. It is discovered that, not even the four authorities in charge of the CITES in Tanzania, as explained above, are in control of the wild animals' affairs and safety during transit. The regulations require the veterinary officer to opine on the likely survival of wild animals to be transported³³ and the International Air Transport Association (the IATA) to signify the quality of the transporting vessels.³⁴ The fact that such important aspects of wild animals' affairs are subject to the mere opinions of some officials, and the law does not compel the officials to precede such opinions, is in itself a signal of malpractices against the well-being of the wild animals.

The UNCATOC

The UNCATOC is the international legal instrument to fight against transnational organised crimes (TOCs). It calls for cooperation among member States towards the fight against TOCs by adopting measures against TOCs, especially by establishing domestic criminal law in respect of extradition, mutual legal assistance and legal enforcement mechanisms.³⁵ It applies to a specific set of offences termed "serious offences" with transnational criminal aspects. The "seriousness" under the UNCATOC is defined as a conduct constituting an offence which is punishable by imprisonment whose term is not less than four years.³⁶ It was opined by the UN that the UNCATOC should be an effective tool for international cooperation in combating criminal

³⁰ *Ibid.*

³¹ Erica, 2008, p. 162.

³² *Ibid.*

³³ *Ibid.*, ss. 40 – 41.

³⁴ *Ibid.*, s. 35.

³⁵ David, M., *Transnational Organized Crimes: A Commentary on the United Nations Convention and its Protocols*, Oxford University Press, 2007, pp. 4 – 35.

³⁶ Convention against Transnational Organized Crimes, 2004 (55 U.N.T.S. 255), art. 2(b).

activities in respect of endangered species, as provided for under the CITES.³⁷

The Challenges Associated with the Implementation of UNCATOC in Tanzania

Despite the implementation of an enabling environment under the UNCATOC, the WCA has not expressly merged with it towards successful curbing TOCs. Whilst the UNCATOC enables transnational cooperation such as evidence gathering, witness protection, property seizure and forfeiture, obtaining evidence, effecting service of judicial documents, executing searches, seizures and freezing, examining objects and sites, availing evidentiary items and expert evaluations, availing records including government, bank, financial, corporate or business records, identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes, facilitating the voluntary appearance of persons in the requesting State Party and other type of assistance that is not contrary to the domestic law of the requested State Party,³⁸ nevertheless, UNCATOC is not expressly ancillary to the WCA in Tanzanian legal regime.

Whilst States parties under the UNCATOC are promising to reciprocate on the above mentioned issues in the cases where the requesting State party has reasonable grounds to suspect that the offence committed is transnational in nature, and that victims, witnesses, proceeds, instrumentalities or evidence of such offences are located in the requested State Party; and that the offence involves an organized criminal group,³⁹ on the contrary, such a privilege is unlikely to be directly invoked in Tanzania because, the WCA is not invoking the UNCATOC. It needs cross-cutting efforts between institutions to act, which, to date, has never happened in Tanzania. This is prejudicial in the field of wild animals' protection in tripartite: wild animals are killed for their trophies; trophies are traded across borders, and the accumulation of wealth in the countries where

Tanzania cannot extend arms because of this legal regime deficiency.

The CBD

The CBD is the international legal instrument upon which the principles of conservation of biological diversity, sustainable use of ecosystems, and equitable sharing of ecosystems owe legitimacy. Biological diversity refers to the variability among living organisms from all sources, including *inter alia*, terrestrial and the ecological complexes of which they are constituted. It also includes diversity among species and between species of the ecosystems.⁴⁰ Biodiversity conservation ensures the safeguard of ecosystems and all wild animal species therein.

The challenge associated with the application of the CBD is that it advocates for the protection of wild animals and their natural habitats, but it does not contain specific measures to achieve the established objectives. Moreover, the provisions for withdrawal from the commitments under the CBD are too simple to achieve the purposes for which it was made. For instance, the contracting States are at liberty to withdraw from the obligations under the CBD at any time after two years from the date the CBD took effect, and the withdrawal is acknowledged a year thereafter.⁴¹ This does not connote any positive commitment in respect of safeguarding wild animals.

The Ramsar Convention

The Ramsar Convention is in place following international recognition of the extent to which wetlands serve fundamental ecological functions. As such, international regulators of water regimes and habitats are urged to reinforce all the measures supporting the presence of wetlands in favour of wild animals. The essence of the Ramsar Convention is to give a wake-up call to the international community that wetlands constitute a great value in the conservation of wildlife, the

³⁷ David, M., 2007, p. 38.

³⁸ Convention Against Transnational Organized Crimes, 2004 (55 U.N.T.S. 255), art. 2(b), art.18.

³⁹ *Ibid.*

⁴⁰ Convention on Biological Diversity, 1992 (XXVII U.N.T.S. 8), Art. 2.

⁴¹ *Ibid.*

loss of which would be irreparable in the ecosystem.⁴²

The Ramsar Convention advocated for the conservation of wetlands in favour of wild animals' survival. It encourages States parties to make far-sighted national policies and ensure coordinated international actions among the actors. It urges the States parties to consult with each other about implementing the obligations arising from the Ramsar Convention, which would require one contracting State party to extend the wetland over the territories of more than one contracting party and/or where the water system is shared by contracting State parties. It urges States parties to endeavour coordination and legislation in favour of supporting policies and regulations concerning the conservation of wetlands in respect of wildlife's survival. Tanzania's compliance with international obligations is manifested through the WCA by declaring the wetlands among the core protected areas (the PAs).⁴³ Moreover, the WCA empowers the minister responsible for wildlife to consult other sectoral ministers, *to wit*, ministers for lands and environment, so that they cooperate and cause to designate relevant areas as wetlands and to ensure regulations and guidelines are in place for sustainable management of the so established wetland reserves.⁴⁴

The challenge against the Ramsar Convention lies in its optional implementation. This is analysed from the promulgations that the sovereignty on how to effect the international obligations under the Ramsar Convention rests on the member States in whose territory the wetland is situated.⁴⁵ Again, the withdrawal from the Ramsar Convention and its obligations is made easy for the member States.⁴⁶ This welcomes an observation that international directives in respect of wetlands' sustainable conservation are not

municipally compulsory enough to maximise compliance, and thus national laws remain wanting in respect of the successful conservation of wetlands.

The TEAC

The TEAC is established to widen and deepen economic, political, social and cultural integration in order to improve the quality of life of the people of East Africa through increased competitiveness, value-added production, trade and investments.⁴⁷ In respect of wildlife resources, the partner States undertake a collective and coordinated policy for the conservation and sustainable utilisation of wildlife, harmonisation of relevant policies for the conservation of wildlife within and outside the PAs, exchange of information, and adopt common policies on wildlife management and development, coordinating efforts in monitoring the encroachment of the PAs and controlling poaching.⁴⁸ Although the TEAC intends to oblige the member States to cooperate in the management of all the natural resources within the community and to abstain from any measures that would jeopardise the attainment of the objectives of the treaty in respect of natural resources,⁴⁹ it largely depends on the member States' political will towards fulfilment.

The PENRM

Under the PENRM, the East African partner States agree to develop, harmonise and adopt common policies, laws and strategies for the conservation and sustainable utilisation of wildlife resources in and outside the PAs. The partner States also agree to assess and control activities which ought to significantly affect the conservation and sustainable use of wildlife so as to avoid and/or minimise negative impacts to wildlife resources. Moreover, the community underscores the need to manage wild animals and

⁴² Ramsar Convention, 1971: Convention on Wetlands of International Importance Especially as Waterfowl Habitat, 1971 (2349 U. N. T. S 42146), Preamble.

⁴³ Wildlife Conservation Act, Cap. 283 [R.E. 2022], s. 3.

⁴⁴ *Id.*, s. 16.

⁴⁵ Ramsar Convention, 1971: Convention on Wetlands of International Importance Especially as Waterfowl Habitat, 1971 (2349 U. N. T. S 42146), Art. 3(3).

⁴⁶ *Id.*, Art. 11(2).

⁴⁷ Treaty Establishing the East Africa Community, 2000, art. 5.

⁴⁸ *Ibid.*, art. 116.

⁴⁹ *African Network for Animal Welfare (ANAW) v The Attorney General of the United Republic of Tanzania* [2014] EACJ Reports, p. 5.

their habitats so as to ensure the maintenance of viable wild animal populations. Under the PENRM, communities are empowered to oversee the need to promote sustainable utilisation of wildlife resources, take measures to build national and regional capacity for wildlife management and enforcement of wildlife laws by ensuring a healthy ecosystem.⁵⁰ Nevertheless, to date, there is a mismatch between the law and practice in Tanzania in respect of permitting community members' opinions in respect of wildlife management, utilisation and conservation.

The SADC Protocol

The SADC Protocol's basic objective is to establish common approaches within the region's legal frameworks, which are necessary to enhance sustainable use of wildlife resources and to form the mechanisms within which to establish effective enforcement mechanisms in respect of wildlife resources. The SADC Protocol urges the member States to seek cooperation *inter se* in developing possible common approaches to the conservation and sustainable use of wildlife.⁵¹ In essence, the SADC Protocol binds State parties together towards unifying policies, administrative and legal measures as appropriate as required to ensure the conservation and protection of wildlife. The SADC Protocol's intentions were to harmonise the following among member States: legal instruments governing wildlife use and conservation, wildlife laws enforcement mechanisms, enhance and facilitate the exchange of information concerning wildlife law enforcement, regional and inter-state enhanced capacity in respect of wildlife law enforcement.⁵² Generally, the SADC Protocol showcases enabling inter-y conservation goals through co-operation in respect of wildlife issues, but the challenges are still on Tanzania's harmonisation of laws towards benefiting from the SADC Protocol.

⁵⁰ East African Protocol on Environment and Natural Resources Management, 2006, Arts. 3 & 12.

⁵¹ *Id.*, art. 7.

The Maputo Convention

The Maputo Convention requires the member States that, whilst acknowledging the extent to which Africa is endowed with irreplaceable wildlife resources, steps must be taken to ensure the African endowment demonstrates global significance as part of the African heritage and constitutes a capital of vital importance across the continent. The member States anticipated cooperation in monitoring the natural environment and the associated natural resources, their preservation and sustainable uses thereon across the continent.⁵³ Moreover, the aforethought African natural resources were to impact on the development of Africa. Specifically, the Maputo Convention is desirous of coordinating efforts among member States in order to protect the natural resource base from being alienated for other land-use purposes that would be detrimental to diversity and the ecosystem.⁵⁴ Despite the compelling fruitfulness of the Maputo Convention, Tanzania is yet to operationalise its provisions in the national legal system.

Implementation of the International Instruments

This study has revealed, among other things, that having legal instruments in place and being able to enforce them and/or implement them are two dissimilar achievements. Implementation is referred to as a set of procedures through which the execution of plans are enabled. Therefore, the following are the issues hindering the performance of IL municipally.

Political Will

Inadequate political will and commitment in respect of wild animals' conservation is an impediment towards successful conservation. Political stances are capable of both positively influencing and frowning on the public, and each has the accompanying consequences. For example, in the case of *ANAW v The AG of the*

⁵² *Ibid.*, arts. 8 – 10.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

United Republic of Tanzania, despite the fact that the Tanzanian conservation actors were aware of the irreversible and irreparable conditions of the damage to the ecosystem upon the construction of the Natta-Mugumu Road, Tanzania opted to carry out the construction. The ANAW, being the Pan-African wild animals' welfare community based in Kenya, succeeded in procuring a permanent injunction against the intended construction in the EACJ based on the strengths of the EIAR of the very Tanzanian organ, which is the Tanzania Roads Agency (TANROAD).⁵⁵ There is no gainsaying that all the issues which the ANAW successfully invoked the intervention of the EACJ to stop the construction in the PA were not obvious to Tanzania. This is because, notwithstanding the then evidence-based information put together by the ANAW and Tanzanian environmental experts, the government was still contentious to ensure the construction of the road.⁵⁶ It is keenly observed that political will lay against the wellbeing of wild animals.

Optional Implementation

IL and establishing wild animals' protection obligations are not compelling enough to procure compliance. That is itself an impediment towards wild animals' conservation. The international instruments require voluntarism in being bound to sustainable commitments. It is also not warranting the manner "reservations" are permitted under international instruments. Therefore, the easy way out of the said commitments through the simplified withdrawals weakens all the internationally established efforts and, as such, renders the instruments incompetent to protect wild animals deservingly.

Bilateral Arrangements Upheavals

This study has discovered that international legal instruments do not establish enforcement mechanisms *in situ*. Rather, they incite the parties to further form either bilateral or multilateral arrangements, where appropriate, so as to

cooperate with a view to achieving the common desired goals. In effect, the instruments direct the member States to examine common challenges amongst them, form bilateral or multilateral agreements directed towards tackling common concerns *inter se*. The instruments have negated the fact that disjointed efforts can rarely overcome the enemy. It is not likely for Member States to be confronted by common problems at the same time. Most cross-border issues are successfully accomplished by linked commitments and teamwork. However, such commitment is left in the hands of each particular Member State to determine and decide the matter, which, in the absence of political will and commitments, is unlikely to be fruitful in respect of wild animals' conservation.

The Effects of Sovereignty Persuasion among Member States

States are inherently bestowed with national sovereignty. It is through these sovereign rights and powers that States derive the inherent determination of exploring, exploiting and managing their natural resources in the manner they desire. This kind of sovereignty is neither questionable nor interfered with by other States. Under these sovereign rights and powers, States are questionable only by their respective citizens. Therefore, whilst international instruments require cooperation in respect of wild animal resources' conservation, the instruments are also mindful of sole State's sovereignty. The question with respect to the necessity for forming inter-States' further bilateral or multilateral agreements are: *which State would voluntarily initiate the need to pool resources together in achieving another State's sovereign right?* This infeasible segment under the IL arrangement makes the associated legal instruments in respect of wild animal resources remain good in paper, but implementation is unlikely.

⁵⁵ *African Network for Animal Welfare (ANAW) v The Attorney General of the United Republic of Tanzania* [2014] EACJ Reports, p. 11.

⁵⁶ *Id.*, p. 33.

Inter-State Hindrances against Pre-determined Priorities

Globally, States have dissimilar problems. Some of them have a high incidence of conflicts, while many others have political and economic instability. These challenges lead to poor design, sequencing, prioritising and implementation of IL obligations. It follows, therefore, that even a few devotions towards common goals are tainted with impossibilities due to inadequacy of funding and exclusion of stakeholders through the suggested bilateral arrangements. Moreover, the decisions to collaborate in respect of wild animals' resources become harder when there are competing priorities in each particular State, when that particular State has only limited resources to deal with sovereign issues, and thus the matter of common matters in respect of natural resource management and protection becomes secondary to the overriding priorities on the development agenda.

CONCLUSION

Tanzania's legal regime on the protection of wild animals reflects both notable progress and hindrances. In compliance with IL norms, Tanzania has ratified and domesticated key international and regional instruments which provide a normative foundation for conservation commitments. Nevertheless, the implementation is constrained by weak enforcement capacity and conflicts between conservation goals and contextual realities. Whilst Tanzania has demonstrated strong alignment and commitment to IL in the protection of wild animals, successful implementation depends on bridging the gap between international commitments and national interests, which may require renegotiating the balance between global obligations and domestic realities. There are no IL contextualised and customised legal mechanisms to ensure biodiversity conservation and protection in Tanzania. Thus, IL is at risk of less commitment and hence international coordinated efforts remaining only on paper. Tanzania needs to realise that, in the urge to balance conservation with development, international obligations and

conservation priorities established internationally are yet to materialise in Tanzania.

Recommendation

Tanzania should carry out necessary reforms to strengthen the effectiveness of the national wild animal protection legal regime, contextualise international commitments, empower communities and align wild animals' protection with national development goals *whilst* maintaining strong collaboration with international and regional development partners. Tanzania should harmonise IL obligations with domestic laws *whilst* ensuring that the implementation of the same reflects local realities. Lastly, since Tanzania is best endowed with wildlife resources, it should focus on enhancing public awareness, inclusive wildlife conservation, promoting corporate accountability in wildlife-related investments and embedding a rights-based approach to ensure that both global obligations and national interests are served in safeguarding Tanzania's wildlife heritage.

REFERENCES

- African Convention on the Conservation of Nature and Natural Resources, ACCNRR. 2003. Maputo
- African Network for Animal Welfare, ANAW. 2014. ANAW v The Attorney General of the United Republic of Tanzania. EACJ: Arusha.
- Benjaminsen, T. A., Goldman, J.M., Minwary, W.M. and Maganga, P.F. 2013. Wildlife Management in Tanzania: State Control, Rent Seeking and Community Resistance. *Journal of Development and Change*. 44(5):980 – 1091.
- David, M. 2007. *Transnational Organized Crimes: A Commentary on the United Nations Convention and its Protocols*. Oxford University Press.
- East African Community, (EAC). 2000. *The Treaty for the Establishment of the East Africa Community*. Arusha.

- East African Community, (EAC). 2006. The East African Community Protocol on Environment and Natural Resources Management. Arusha.
- East African Protocol on Environment and Natural Resources Management (PENRM), 2006. Arusha.*
- Fred, N., Nshala, R. and Rodgers, W. A. 2007. The Evolution and Reform of Tanzanian Wildlife Management. *Journal of Conservation and Society*. 5(2): 147 – 174.
- Kapoor, S.K. 2009. *International Law and Human Rights*. New Delhi.
- Locelyan, J. (2023). An account of the Tanganyika Order in Council of 1920. New Delhi.
- Majamba, H. I. 1994. Ameliorating the Legal Prospects for Wildlife Conservation in Africa: A Reflection on the African Convention on the Conservation of Nature and Natural Resources. Unpublished LL.M Dissertation, Queen's University.
- Southern African Development Community, SADC. 2012. Protocol on the Treaty on Wildlife Conservation and Law Enforcement (the SADC Protocol), 2012. Maputo.*
- United Nations, (UN). 1969. Convention on the Law of Treaties. New York.
- United Nations, (UN). 1971. Ramsar Convention: Convention on Wetlands of International Importance Especially as Waterfowl Habitat. New York.
- United Nations, (UN). 1975. Convention on International Trade in Endangered Species of Wild Fauna and Flora. New York.
- United Nations Convention on Biological Diversity, (CBD), 1993. New York.
- United Nations Convention on International Trade in Endangered Species, (CITES). 2014. Wildlife Crime Ranks among Trafficking in Drugs, arms and Humans. New York.
- United Republic of Tanzania, (URT). 2009. Wildlife Conservation Act. Dar es Salaam: Government Printer.
- United Republic of Tanzania, (URT). 2018. Wildlife Conservation CITES Implementation Regulations. Dar es Salaam: Government Printer.