

Prosecution of Wildlife Crimes in Tanzania: Assessing Legal Challenges

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Abstract

This article assesses the legal challenges associated with prosecuting wildlife crimes in Tanzania. Despite Tanzania's comprehensive statutory framework for wildlife protection and conservation, prosecutorial outcomes remain weak, thereby undermining deterrence and conservation objectives. The article argues that there is institutional fragmentation, evidentiary mismanagement, procedural burdens, particularly the application of the Economic and Organised Crime Control Act [Cap. 200, R.E.2023] and the lack of prosecutorial and judicial specialization erode the certainty and swiftness of sanctions. These systemic deficiencies result in delayed trials, inconsistent sentencing, and frequent dismissal of cases, thereby neutralising the severity of statutory penalties. Using a doctrinal methodology, the article recommends early prosecutorial engagement, procedural recalibration away from the Act for wildlife offences, institutional consolidation or clearer harmonisation of powers, and the establishment of specialised prosecutorial or court divisions. Implementing these reforms would align Tanzania's wildlife crime enforcement regime with deterrence imperatives, enhance the effectiveness and legitimacy of wildlife offence prosecutions, and strengthen public confidence in national conservation governance. By drawing on practical experience and context-specific reform pathways, this article contributes to ongoing efforts to combat wildlife crime and strengthen environmental governance in Tanzania.

Keywords: *Wildlife crime, prosecution, Tanzania, deterrence theory, legal regime*

1.0 Introduction

The persistent rise of wildlife offences in Tanzania represents one of the most significant threats to national biodiversity, ecological stability, and the legitimacy of the legal framework underpinning environmental governance.¹ Although Tanzania possesses one of Africa's most comprehensive and punitive statutory frameworks for wildlife protection and conservation, the country continues to experience weak prosecutorial

¹JHK Utamwa, 'Training on Strengthening the Judiciary Treatment of Wildlife Crimes in Southern Tanzania: Role of Judicial Officers in Wildlife Cases' (paper presented by video conference, Mbeya, 2020).

performance, inconsistent judicial outcomes, and a persistent failure to translate legislative intent into effective enforcement against wildlife-related crimes.¹ This paradox, strong legislation but weak enforcement, is the central problem examined in this article. The problem is rooted not only in the content of the written law but also in structural, procedural, and institutional inadequacies that limit the prosecution of wildlife offences and diminish the deterrent effect intended by the legislature.²

Tanzania remains one of Africa's most biodiversity-rich countries and has historically been a major source and transit route for illegal wildlife trade.³ Although significant legislative reforms have strengthened penalties for wildlife offences, reports from enforcement agencies and conservation organizations continue to indicate challenges in securing timely convictions and maintaining effective prosecutorial outcomes. These challenges raise concerns regarding the effectiveness of existing enforcement mechanisms and their capacity to deter wildlife crime.

Existing scholarship has examined wildlife conservation, illegal wildlife trade, and environmental governance in Tanzania. However, limited attention has been devoted to the specific legal and institutional challenges affecting wildlife crime prosecution and how these challenges influence the deterrent capacity of the criminal justice system. This article addresses that gap through a doctrinal examination of the prosecutorial framework governing wildlife offences.

The methodology adopted in this article is doctrinal. It relies on the interpretation of legislation and precedent, analysis of institutional mandates, and review of secondary legal writings by leading scholars.⁴ The article is guided by deterrence theory, which provides the most suitable analytical framework for examining why effective laws may fail when wildlife crime enforcement mechanisms are weak.⁵ The theory posits that punishment deters crime only when it is certain, swift, and severe. Since Tanzanian wildlife laws already impose severe penalties,

¹ *Ibid.*

² T Yang, 'A Study on Illegal Wildlife Trade in Tanzania Based on Multi-Source Data Fusion' (2026) 4(2) *Journal of Global Ecology and Environmental Modeling* 127.

³ National Environment Research Council, *Bushmeat Trade in Urban Centres in Tanzania: An Analysis from Dar es Salaam, Morogoro, Mbeya, Arusha, and Manyara* (Wildlife Trade Monitoring Unit 2021) accessed 29 April 2026.

⁴ V Rachael, *Protected Areas in Tanzania: The Coevolution of Conservation, Communities, and Conflict* (Senior Honors Project, JMU Scholarly Commons 2019).

⁵ *Ibid.*

the central problem lies in the absence of certainty and celerity, both of which depend on effective prosecution.⁶ By grounding the analysis in deterrence theory, the article exposes structural and procedural failures that neutralise the deterrent potential of Tanzanian wildlife statutes.⁷

Structurally, the article begins with this introduction. The second part provides a thematic literature review that situates the problem within wider scholarly debates on wildlife offences, criminal enforcement, and the theoretical foundations of deterrence. The third part examines the international and regional legal instruments that shape Tanzania's prosecutorial commitments and shows how the municipal regime is expected to harmonise with global enforcement standards. The fourth part analyses the national legal and institutional frameworks and demonstrates how statutory design and institutional fragmentation jointly shape the prosecution of wildlife-related offences. The fifth part presents analytical findings on how procedural burdens, evidentiary challenges, institutional incoherence, and legal misalignment weaken prosecutorial effectiveness. The sixth part provides a discussion and reform agenda grounded in structural and procedural analysis. The final part concludes by restating the central argument and emphasising Tanzania's need to align its prosecutorial system with the requirements of deterrence.

This article contributes to legal scholarship by providing a comprehensive doctrinal analysis of wildlife crime prosecution in Tanzania. It identifies systemic causes of prosecutorial failure and articulates a rigorous legal reform agenda.⁸ By grounding the discussion in deterrence theory and drawing on statutory and institutional analysis, the article advances understanding of how criminal justice systems can respond effectively to wildlife offences in a manner that strengthens the rule of law, protects environmental resources, and aligns municipal practice with international expectations.⁹

⁶ *Ibid.*

⁷ SI Manjoti, 'Uncertainty of the Law on the Admissibility of Electronic Evidence in Tanzania: Examining Challenges Facing the National Prosecution Service' (2024) 8(2) *East African Journal of Law and Ethics* 186.

⁸ *The Citizen*, 'High Court Throws Out DPP Application over Appeal Delay' (3 May 2026) accessed 26 April 2026.

⁹ National Prosecutions Service, *Standard Operating Procedures for the Investigation and Prosecution of Serious Wildlife and Forestry Crimes* (Instruction No 1 of 2017, Ministry of Constitution and Legal Affairs, United Republic of Tanzania 2017) accessed 3 May 2026.

2.0 Scholarly Review

Scholarly discussions on wildlife crimes in Tanzania consistently recognise that the protection of wildlife resources depends not only on effective statutes but also on the institutions empowered to enforce them.¹⁰ Much of the literature emphasises that wildlife crime is no longer a localised or opportunistic activity, but a sophisticated form of environmental criminality connected to transnational networks, economic marginalisation, weak institutional governance, and corruption.¹¹ Scholars generally agree that the complexity of wildlife offences requires an enforcement regime that is not merely punitive but also institutionally coherent, procedurally efficient, and capable of producing credible prosecutorial outcomes.¹²

This understanding marks a shift from earlier conservation narratives that relied mainly on community involvement and administrative regulation toward a criminal law-oriented approach, emphasising the deterrent role of state enforcement.¹³

Across Africa, researchers identify prosecutorial loopholes as a major obstacle to combating wildlife-related crimes.¹⁴ These weaknesses are not limited to Tanzania. They are widely observed in jurisdictions where wildlife offences are treated as peripheral matters within the criminal justice system rather than as specialised offences requiring technical expertise, adequate resources, and institutional priority.¹⁵ Scholarship further shows that harsh sanctions alone do not ensure compliance because the preventive value of criminal law depends less on the intensity of punishment and more on the perceived likelihood of detection, prosecution, and conviction.¹⁶ Where the prosecutorial chain is fragmented or poorly coordinated, the deterrent effect of the law diminishes regardless of the severity of statutory penalties. This insight is

¹⁰ M Badolati and D van Uhm, 'Illegal Wildlife Trade and Other Organised Crime: A Scoping Review' (2024) 51(3) *Ambio* 781.

¹¹ A Mukobi, J Ocan and FA Adyanga, 'Wildlife Crime and the Law: Effectiveness of Offender Prosecution in Queen Elizabeth National Park: A Legal Analysis' (2026) 9(1) *East African Journal of Law and Ethics* 269, 273–275.

¹² Ruocheng Hu, Shuangqi Liu, Lingyun Xiao, Ziyun Zhu, Yuehan Dou, Shen Zhang, Xiaotong Ren, Fangyuan Hua and Zhi Lu, 'Toward Science-Based Conviction Criteria to Deter Wildlife Crime' (2025) 390(6777) *Science* 993.

¹³ *Ibid.*

¹⁴ G Daniel, 'Strengthening Legal Mechanisms to Combat Wildlife Crime' (paper presented at Wildlife Judicial and Prosecutorial Assistance Training Series (Tanzania), Oceanic Bay Hotel, Bagamoyo, 2016).

¹⁵ *Ibid.*

¹⁶ *Ibid.*

a recurring theme in literature and aligns with the foundational principles of deterrence.¹⁷

In Tanzania, scholarly critiques consistently emphasise structural and procedural failures that limit prosecutorial performance.¹⁸ Common themes include fragmentation of powers among wildlife agencies, deficiencies in evidence gathering and preservation, lack of early prosecutorial engagement, and procedural delays caused by reliance on the EOCCA¹⁹, and the absence of judicial or prosecutorial specialisation. Although individual scholars address one or more of these challenges, the field lacks a comprehensive doctrinal synthesis linking these structural and procedural deficiencies to the theoretical requirements of deterrence. This gap in the literature is the focus of this article.

The literature also reveals growing recognition that wildlife offences should be understood within the broader theoretical framework of criminal deterrence rather than solely within conservationist or administrative paradigms.²⁰ Deterrence theory, rooted in classical criminology, maintains that individuals are deterred from committing crimes when punishment is certain, swift, and severe.²¹ Since Tanzania already satisfies the element of severity through punitive statutory provisions, failures in wildlife crime prosecution must be understood primarily in terms of the remaining elements: certainty and celerity.²² Scholars have argued that fragmented institutions, procedural complexity, and lack of prosecutorial preparedness undermine these two core elements and thereby diminish deterrence.²³ Nevertheless, few studies have undertaken a doctrinal analysis that systematically evaluates how Tanzanian procedural rules and institutional structures interact with deterrence principles.²⁴

¹⁷ A Chalfin, 'The Deterrent Effect of Certain and Swift Sanctions: Evidence from a Natural Experiment' (2016) 41(1) *Journal of Quantitative Criminology* 91, 91.

¹⁸ A M Ngaiza, 'Power over Principle: An Analytical Study on the Abuse of Power to Enter Nolle Prosequi in Tanzania' (2024) 49(1) *Eastern Africa Law Review* 48, 48.

¹⁹ The Economic and Organized Crime Control Act, [Cap. 200 R. E.2023].

²⁰ A Nyalile, 'Wildlife Crime in Tanzania: The Role of Prosecutors and the Judiciary' (2017) 5(2) *Tanzania Journal of Environmental Law* 45, 45.

²¹ *Ibid.*

²² *Ibid.*

²³ DS Nagin, 'Deterrence in the Twenty-First Century' (2013) 42 *Crime and Justice* 199, 232–237.

²⁴ *Ibid.*

Despite some literature engaging with restorative justice or community-based models to protect wildlife, these perspectives, whilst significant, do not directly address the prosecutorial focus of this article.²⁵ For purposes of an analysis of criminal prosecution, deterrence theory provides a far more precise analytical lens. The theory centres attention on institutional functionality, prosecutorial readiness, procedural efficiency, as well as judicial competence, all of which are significant for generating a credible threat of penalty.²⁶ In the context of Tanzania, where wildlife offence is driven by organised networks and high-value trafficking operations, the preventive potential of criminal prosecution in the country is especially crucial. Thus, deterrence theory provides a rigorous regime for understanding why prosecutions fail and what reforms are needed to strengthen them.²⁷

Although existing literature catalogues legislation, describes institutional roles, and outlines policy challenges, it does not fully engage with the implications of prosecutorial failure for the legitimacy and functionality of Tanzania's wildlife crime regime.²⁸ This article, therefore, contributes to existing scholarship by providing an integrated analysis grounded in deterrence theory, informed by statutory interpretation, and enriched by institutional evaluation. It clarifies the underlying legal and procedural dynamics that weaken wildlife offence prosecution in Tanzania,²⁹ and situates the discussion within broader debates on criminal law effectiveness, environmental governance, and the rule of law.³⁰

Existing studies generally agree that institutional weaknesses undermine wildlife crime enforcement. However, scholars differ regarding the most significant determinants of prosecutorial failure. While Daniel S. Medwed³¹ emphasises procedural and institutional deficiencies, A. Nyalile³² highlights the importance of prosecutorial and judicial capacity.

²⁵ United Nations Office on Drugs and Crime, *World Wildlife Crime Report 2024: Trafficking in Protected Species* (United Nations, 2024).

²⁶ *Ibid.*

²⁷ R Paternoster and R Bachman, 'Perceptual Deterrence and the Rational Choice Paradigm: A Contemporary Assessment' (2026) 25(2) *Criminology & Public Policy* 227, 227–230.

²⁸ *Ibid.*

²⁹ R Mackenna, 'Huge Ivory Bust Raises Questions about Follow-up Investigations in Tanzania' *Mongabay* <https://news.mongabay.com/2026/06/huge-ivory-bust-raises-questions-about-follow-up-investigations-in-tanzania/> accessed 8 June 2026.

³⁰ *Ibid.*

³¹ Daniel S Medwed, *Prosecution Complex: America's Race to Convict and Its Impact on the Innocent* (New York University Press 2012).

³² A Nyalile (n 21) 45.

Other studies focus on broader conservation governance challenges rather than prosecution itself. Consequently, there remains limited doctrinal analysis examining how legal procedures and institutional arrangements interact to influence prosecutorial effectiveness in Tanzania.³³

3.0 International and Regional Legal Contexts

The legal regime governing the prosecution of wildlife offences in Tanzania is shaped not only by municipal statutory instruments but also by a network of international, regional and sub-regional norms that impose commitments concerning criminalisation, enforcement cooperation, as well as institutional strengthening.³⁴ These legal instruments altogether establish a normative foundation that municipal legal systems must meet in order to ensure both the protection of biodiversity and the suppression of transnational wildlife trafficking networks.³⁵ Tanzanian adherence to these legal instruments justifies a commitment to global and regional expectations, yet the extent to which the state fulfils these obligations depends on the effectiveness of its municipal prosecutorial mechanisms.³⁶ The normative regime therefore operates as both a source of legal authority and a standard against which the performance of the Tanzanian prosecutorial system can be evaluated.³⁷

At the international level, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is the primary legal instrument governing trade in endangered species.³⁸ CITES requires member states to criminalise unlawful trade in listed species, implement licensing systems, regulate import and export procedures, and adopt enforcement mechanisms capable of detecting, investigating, and

³³ JJ Kegamba, KK Sangha, PAS Wurm and others, 'The Influence of Conservation Policies and Legislations on Communities in Tanzania' (2024) 33(11) *Biodiversity and Conservation* 3147, 3147; MB Mabele and U Muller-Boker, 'Struggles over Resources Access in Rural Tanzania: Claiming for Recognition in a Community-Based Forest Conservation Intervention' (2024) 59(2) *Africa Spectrum* 39, 39–41; AG Mwakaje and others, 'The Establishment, Persistence, and Scaling of Marine Community-Based Natural Resource Management in Four Coastal Districts in Tanzania' (2024) 169 *Marine Policy* 41, 41.

³⁴ JHK Utamwa, 'Training on Strengthening the Judiciary Treatment of Wildlife Crimes in Southern Tanzania: Role of Judicial Officers in Wildlife Cases' (paper presented by video conference, Mbeya, 2020).

³⁵ *Ibid.*

³⁶ FEC Sina, 'Implementation of CITES in Tanzania: Fairytale or Promising Journey? An Analysis of Legal Framework and Practice' (2024) 7(2) *East African Journal of Environment and Natural Resources* 64, 64.

³⁷ *Ibid.*

³⁸ Utamwa (n 35).

prosecuting violations.³⁹ The Convention presupposes a functional domestic enforcement system capable of converting regulatory obligations into prosecutorial action.⁴⁰

In Tanzania, compliance with CITES depends heavily on the institutional coherence of wildlife agencies, the integrity of evidence management processes, and the capacity of public prosecutors to secure convictions.⁴¹ Where domestic legislation exists but is not supported by effective enforcement, compliance becomes formal rather than substantive.⁴² The normative force of CITES therefore reveals a tension between legislative compliance and practical wildlife crime enforcement, exposing structural deficiencies within Tanzania's prosecutorial system.⁴³

The Convention on Biological Diversity (CBD) reinforces these obligations by requiring contracting parties to adopt measures for the conservation and sustainable use of biological diversity.⁴⁴ Although the CBD is not primarily an enforcement treaty, it imposes an implicit obligation on member states to create effective statutory and institutional mechanisms to prevent activities that threaten biodiversity, including poaching and trafficking.⁴⁵ Its emphasis on sustainable use and conservation presupposes a criminal justice system capable of sanctioning harmful conduct, thereby linking biodiversity protection to prosecutorial effectiveness.⁴⁶ Although Tanzania has domesticated these obligations through various laws, the inability of enforcement authorities to prosecute wildlife offenders effectively undermines their substantive realisation. Prosecutorial failures, therefore, represent both domestic enforcement challenges and departures from international normative expectations.⁴⁷

³⁹ United Nations Development Programme, 'From Poaching to Protection: Tanzania's Wildlife Is Thriving Again' (UNDP Tanzania Stories, 2025).

⁴⁰ TRAFFIC, 'Wildlife Criminals in Tanzania More Likely to Face Arrest Following Police Training' (2026).

⁴¹ A Chalfin and others, 'The Deterrent Effect of Certain and Swift Sanctions: Evidence from a Natural Experiment' (2025) 41(1) *Journal of Quantitative Criminology* 89, 94.

⁴² *Ibid.*

⁴³ United Nations Office on Drugs and Crime, *World Wildlife Crime Report 2024: Trafficking in Protected Species* (United Nations 2024).

⁴⁴ Orlando Goodall, *Beyond Wildlife Crime: Realist Social Relations Crime Scripts of the Illegal Taking of Deer* (PhD thesis, Cardiff University 2019).

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ DWS Challenger, 'Misalignment of International Conservation Norms with Local Realities: A Global Review of CITES Implementation Challenges' (2025) 23(2) *Conservation and Society* 124, 124.

At the regional level, the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora⁴⁸ obligates signatory states to participate in joint enforcement operations, share information, coordinate investigations and pursue the prosecution of criminals across borders.⁴⁹ That is, effective participation in the Lusaka Agreement requires a prosecutorial system that is capable of managing transnational evidence, communicating with foreign wildlife authorities as well as handling complex cases that involve multi-jurisdictional networks.⁵⁰ However, Tanzanian institutional fragmentation and procedural inconsistencies impair its capacity to meet these obligations, specifically in cases requiring coordinated investigations or expeditious prosecutorial decisions.⁵¹ Thus, when prosecutorial institutions are not structurally aligned with regional wildlife crime enforcement regimes, the state's ability to participate meaningfully in joint operations becomes compromised, and it weakens both its municipal enforcement capacity and its credibility within regional cooperation mechanisms.⁵²

The sub-regional wildlife crime regime under the East African Community (EAC) imposes further normative obligations. The EAC Treaty,⁵³ and the EAC Protocol on Environment and Natural Resources Management,⁵⁴ require member states to adopt harmonized legal regimes, strengthen enforcement institutions, and promote regional cooperation in combating wildlife-related crimes.⁵⁵ Effective wildlife crime prosecution is central to these objectives because harmonization presupposes a minimum level of institutional functionality among member states.⁵⁶ When prosecutorial processes are inconsistent or inefficient, they impede regional cooperation and frustrate the alignment of legal standards

⁴⁸ Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (adopted 8 September 1994, entered into force 10 December 1996) 1950 UNTS 35.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ M Malipula, 'Institutional Fragmentation and Coordination Failures in Tanzanian Wildlife Law Enforcement' in A Wright (ed), *Environmental Crime and Governance in East Africa* (Palgrave Macmillan 2021) 114, 114–118.

⁵² J Lynch and CR Runhovde, 'Prosecuting Wildlife Crime in Tanzania: Institutional Challenges and the Rhetoric of Enforcement' (2020) 40(3/4) *International Journal of Sociology and Social Policy* 276, 276.

⁵³ The East African Community Treaty, 1999.

⁵⁴ EAC Protocol on Environment and Natural Resources Management of 2005.

⁵⁵ United Nations Office on Drugs and Crime, *Wildlife and Forest Crime Analytic Toolkit: Report on Tanzania* (UNODC 2022).

⁵⁶ *Ibid.*

envisioned by the EAC framework.⁵⁷ Tanzania's use of the EOCCA for wildlife crimes introduces procedural delays and complexities that may not be mirrored in neighbouring jurisdictions, thereby creating procedural disharmony and undermining regional harmonisation efforts.⁵⁸

As a dualist country, Tanzania incorporates international and regional commitments into municipal laws through legislative enactment.⁵⁹ The Wildlife Conservation Act⁶⁰ and *Regulations* made thereunder serve as the statutory mechanisms through which CITES and CBD (supra)'s commitments are operationalized whilst the broader institutional regime supports obligations under the EAC and Lusaka Agreement (supra).⁶¹ However, the domestication of international conventions alone does not satisfy the normative expectations of these legal instruments.⁶² International and regional norms require not merely the existence of relevant statutes but also the establishment of competent authorities, efficient procedures, as well as credible prosecutorial mechanisms capable of ensuring compliance.⁶³ The Tanzanian prosecutorial system does not consistently fulfil these requirements, as institutional fragmentation, weak evidence management and procedural burdens undermine the certainty and celerity of prosecution.⁶⁴

Therefore, the normative framework clearly exposes a fundamental challenge that, despite Tanzania meeting legislative prerequisites of its international and regional obligations, it falls short of fulfilling the functional commitments necessary for effective prosecution.⁶⁵ The gap between normative aspiration and practical enforcement of wildlife crime

⁵⁷ Utamwa (n 35).

⁵⁸ *Republic v. K组织 & Others* (Economic Crime Case No. 42 of 2018), High Court of Tanzania (Main Registry 2019).

⁵⁹ TRAFFIC, *Wildlife Crime in East Africa: Challenges and Recommendation*, (2021).

⁶⁰ The Wildlife Conservation Act, [Cap.283 R.E.2023.]

⁶¹ *Ibid.*

⁶² NS Mramba, 'Dualism and domestication of the United Nations Convention on the Law of the Sea III (UNCLOS III)'. *SSRN Electronic Journal*, 2021, Vol. 2 94.

⁶³ African Wildlife Foundation and Judiciary of Tanzania, *Strengthening Legal Mechanisms to Combat Wildlife Crime: Proceedings of the Wildlife Judicial and Prosecutorial Assistance Training Series* (AWF Secretariat)

<https://www.awf.org/sites/default/files/media/Resources/Books%20and%20Papers/BAGAMOYO%20WORKS%20HOP%20PROCEEDINGS%20DRAFT%201> accessed 11 June 2026.

⁶⁴ *Ibid.*

⁶⁵ C Mairo, 'Legal Protection of Trans-Boundary Wildlife Resources in the EAC: A Case Study of Serengeti-Maasai Mara Ecosystem', (LL.M Dissertation, University of Dar es Salaam, 2021).

underscores the need for reforms that strengthen prosecutorial institutions, streamline procedures and enhance inter-agency coordination.⁶⁶

These reforms are significant not only for improving municipal enforcement but also for enabling Tanzania to meet its international obligations, maintain regional credibility and ensure the long-term protection of its wildlife heritage.⁶⁷ The normative regime thus provides a critical foundation for evaluating the adequacy of the Tanzanian prosecutorial system and underscores the necessity for aligning municipal practice with international expectations grounded in deterrence, accountability, and the rule of law.⁶⁸

The significance of these instruments lies not merely in requiring legislative compliance but in demanding effective enforcement mechanisms. Consequently, the effectiveness of wildlife crime prosecution in Tanzania should be assessed against these broader obligations to ensure that domestic enforcement structures can translate legal commitments into practical outcomes.

4.0 Tanzania's Wildlife Crime Enforcement Framework

The national regime governing the prosecution of wildlife-related crimes in Tanzania rests upon a complex constellation of legislation, institutions and procedural mechanisms that together form the operational environment within which wildlife crime enforcement must occur.⁶⁹ Despite the legal framework appearing comprehensive and punitive on its face, its practical performance reveals a system marked by structural incoherence, procedural complexity, and institutional fragmentation that collectively prevent effective prosecution.⁷⁰ Understanding these

⁶⁶ National Prosecution Service, *Standard Operating Procedures for the Investigation and Prosecution of Serious Wildlife and Forestry Crimes* (Instruction No. 1 of 2017). Ministry of Constitutional and Legal Affairs, Tanzania, 2017. [https://www.nps.go.tz/uploads/documents/sw-1706084480-Rapid%20Reference%20Guide%20\(Eng\)](https://www.nps.go.tz/uploads/documents/sw-1706084480-Rapid%20Reference%20Guide%20(Eng)) (accessed on 30 May 2026).

⁶⁷ F E Mrosso, AL Lobora and M Pekke, 'Wildlife Crimes and the Demographic Characteristics of the Accused in Tanzania: A Review of Court Cases 2012–2022' (2025) 62 *Global Ecology and Conservation* e03743, 89–91.

⁶⁸ United Nations Office on Drugs and Crime, *World Wildlife Crime Report 2024: Trafficking in Protected Species*. UNODC. https://www.unodc.org/cofrib/uploads/documents/ECOS/World_Wildlife_Crime_Report_2024 (accessed on 14 June 2026).

⁶⁹ JS Kahler and JM Gau, 'Deterrence, Legitimacy, and Wildlife Crime in Protected Areas' in ML Gore (ed), *Conservation Criminology* (John Wiley & Sons 2017) 45, 61–64.

⁷⁰ A Namara and J Orikiriza, 'Wildlife Crime and the Law: Effectiveness of Offender Prosecution in Queen Elizabeth National Park' (2026) 9(1) *East African Journal of Law and Ethics* 269, 119–122.

dynamics requires a doctrinal examination of how the Wildlife Conservation Act⁷¹, the Economic and Organised Crime Control Act⁷², subsidiary legislations, and the powers of responsible authorities interact to shape prosecutorial outcomes.⁷³

The Wildlife Conservation Act functions as the principal legislation governing wildlife protection. It defines offences, establishes protected areas, regulates utilisation, and prescribes severe penalties for the illegal possession, trafficking, and killing of wildlife.⁷⁴ Its punitive orientation reflects a legislative commitment to deterrence, particularly through mandatory minimum sentences intended to signal zero tolerance for wildlife offences.⁷⁵ However, the effectiveness of these punishments depends on the enforcement system's capacity to secure convictions through consistent, predictable, and timely prosecution. This capacity is substantially compromised by procedural reliance on the EOCCA, which subjects wildlife crimes to requirements originally designed for complex financial and organised crime offences.⁷⁶

The Economic and Organised Crime Control Act (EOCCA),⁷⁷ imposes multilayered procedural requirements, including jurisdictional certification for subordinate courts, lengthy committal proceedings, extended pre-trial processes, and demanding evidentiary requirements. These procedures slow prosecutions, reduce prosecutorial flexibility, and create opportunities for errors that may weaken wildlife criminal cases.⁷⁸ Although the EOCCA was initially intended to improve the handling of serious organised crimes, its application to wildlife cases has inadvertently created procedural burdens that conflict with the deterrent

⁷¹ [Cap.283 R.E.2023].

⁷² [Cap. 200, R.E 2023].

⁷³ National Prosecution Service, *Decision to Charge Guidelines*. Ministry of Constitutional and Legal Affairs, Tanzania, 2023. <https://www.nps.go.tz/uploads/documents/sw-1706084016-2023%20DECISION%20TO%20CHARGE%20GUIDELINES%20-%20TANZANIA> (accessed on 2 June 2026).

⁷⁴ M Boniphace, 'The Essence of Wildlife Crimes and Associated Effects on Wild Animals' Protection in Tanzania: Legal Perspective' (2022) 91(2) *Tanzania Journal of Forestry and Nature Conservation* 54, 54.

⁷⁵ *Ibid.*

⁷⁶ National Prosecution Service, 'Technical Expertise and Institutional Fragmentation: Adapting to Electronic Data in Criminal Trials' (n.d.) 4(2) *East African Journal of Law and Ethics* 124.

⁷⁷ [Cap. 200, R.E 2023].

⁷⁸ R. Singh and S. Kumar, 'The Role of Zoological Evidence in Combating Wildlife Crime', *Uttar Pradesh Journal of Zoology*, 2025, Vol. 46, No. 2, p. 216-218.

objectives of the Wildlife Conservation Act,⁷⁹ by delaying punishment and reducing the certainty of conviction.

Institutionally, wildlife-related crime enforcement is complicated by the broad distribution of authority among several responsible agencies. The Tanzania National Parks Authority (TANAPA), the Tanzania Wildlife Management Authority (TAWA), the Ngorongoro Conservation Area Authority (NCAA), the Ministry of Natural Resources and Tourism (MNRT), the Police Force of Tanzania (PT) and the National Prosecutions Service (NPS) all hold legally recognised roles in investigation, detection, arrest, evidence handling as well as prosecution.⁸⁰ Despite this multiplicity of institutions suggesting a robust enforcement regime in Tanzania, the overlapping powers, unclear hierarchies and inconsistent procedures undermine operational coordination.⁸¹ Nevertheless, each institution possesses its own internal reporting lines and operational priorities, yet the prosecution of wildlife offences requires seamless collaboration across authorities so that evidence collected by wildlife agencies aligns with the investigative expectations of the police and the prosecutorial requirements of the NPS.⁸²

In practice, this alignment is rarely achieved. Wildlife officers often initiate arrests and seize evidence without early prosecutorial guidance, resulting in case files that lack critical evidentiary elements necessary to sustain charges. Police investigations may duplicate or conflict with investigations conducted by wildlife officers, while the NPS frequently receives fragmented or incomplete files that require substantial reconstruction before charges can be properly framed. These dynamics create a systemic disconnect that weakens case coherence and ultimately reduces the certainty and celerity of punishment.

⁷⁹ [Cap. 283, R.E 2023].

⁸⁰ B. Killian, 'Translating Global Norms into Domestic Legislation: The Politics of Treaty Ratification and Domestication in East Africa.' In S. Ndlovu & M. Hansungule (Eds.), *International Law and Domestic Realities in Africa*, Routledge, 2019, pp. 102-105.

⁸¹ *Republic v. K组织 & Others* (Economic Crime Case No. 42 of 2018), High Court of Tanzania (Main Registry 2019).

⁸² S.I. Manjoti, 'Uncertainty of the Law on the Admissibility of Electronic Evidence in Tanzania: Examining Challenges Facing the National Prosecution Service,' *East African Journal of Law and Ethics*, 2025, Vol.8, No. 2, p. 192.

The challenge of evidentiary management also exposes weaknesses in the domestic legal and institutional regimes.⁸³ Wildlife offence is highly dependent on proper evaluation, species identification, chain of custody, as well as scientific verification, yet these processes are normally inadequately executed due to capacity constraints and institutional disjunctions. However, the evaluation of wildlife products required to determine the gravity of charges is frequently contested due to inconsistent methodologies and inadequate documentation.⁸⁴ Also, the chain of custody procedures is compromised when evidence moves between multiple wildlife institutions without standardised handling protocols. Thus, these gaps are significant because the strength of the prosecution depends on the integrity of evidence, and any weakness creates avenues for defense challenges that can result in acquittals or plea bargains that reduce the deterrent effect of the law.⁸⁵

The NPS occupies a central position within the prosecutorial framework and holds the mandate to prosecute wildlife crimes. However, its effectiveness is often undermined by late involvement in detection, investigation, and evidence gathering, as well as by structural limitations that inhibit proactive engagement with wildlife agencies.⁸⁶ The NPS typically becomes involved only after investigations by other bodies are complete, by which time errors in evidence gathering and charge construction may be difficult to remedy.⁸⁷ Although early prosecutorial guidance is crucial for ensuring legally sound investigations, the current institutional framework provides no systematic mechanism for embedding public prosecutors within the investigative process. This absence weakens the foundation of prosecutions and compromises the certainty and celerity necessary for deterrence.⁸⁸

⁸³ Mairo, C. 'Legal Protection of Trans-Boundary Wildlife Resources in the EAC: A Case Study of Serengeti-Maasai Mara Ecosystem', Master of Laws Degree (LL.M) Dissertation from the University of Dar-es-Salaam, (2021).

⁸⁴ United Nations Office on Drugs and Crime, *World Wildlife Crime Report 2024: Trafficking in Protected Species*. UNODC, 2024.
https://www.unodc.org/cofrb/uploads/documents/ECOS/World_Wildlife_Crime_Report_2024 (accessed on 4 June 2026).

⁸⁵ *Ibid.*

⁸⁶ B. Killian, 'Translating Global Norms into Domestic Legislation: The Politics of Treaty Ratification and Domestication in East Africa', In S. Ndlovu & M. Hansungule (Eds.), *International Law and Domestic Realities in Africa*, (Routledge, 2019)104-107.

⁸⁷ *Ibid.*

⁸⁸ Mairo (n 71) 45.

Moreover, judicial systems also contribute to the challenges facing the prosecution of wildlife crimes in Tanzania. Wildlife crimes are adjudicated by generalist courts of law whose caseloads and broader jurisdiction limit the development of specialised competence among judicial officers.⁸⁹ The magistrates and judges without focused training on wildlife and environmental law encounter difficulties in interpreting valuation provisions, evidentiary requirements as well as the technical rules governing wildlife identification.⁹⁰ Thus, this lack of specialization renders to inconsistent decisions, unpredictable sentencing and repeated procedural errors that create chances for defense exploitation.⁹¹ Hence, since deterrence depends on judicial consistency and predictability, the absence of specialization erodes public trust in the ability of the legal system to effectively handle wildlife related crimes.

The national legal and institutional framework is further weakened by the absence of a centralized structure for coordinating wildlife offence investigations and prosecutions.⁹² Thus, without a unified command or integrated institutional structure, wildlife cases proceed through a disjointed pathway that reflects the internal structures of various authorities rather than a coherent domestic enforcement strategy.⁹³ This fragmentation reduces accountability as no single institution can be held accountable for failures in prosecution. Therefore, institutional fragmentation also produces an enforcement environment in which procedural delays become normalized, and criminals can thus exploit institutional loopholes to evade punishment.⁹⁴

Generally, taken together, the procedural and institutional weaknesses embedded in the Tanzanian national regime reveal a fundamental misalignment between legislative aspirations and prosecutorial functionality.⁹⁵

⁸⁹ *Ibid.*

⁹⁰ A Namara and J Orikiriza, 'Wildlife Crime and the Law: Effectiveness of Offender Prosecution in Queen Elizabeth National Park' (2026) 9(1) *East African Journal of Law and Ethics* 269, 118-119.

⁹¹ JR Kideghesho, 'Reversing the Trend of Wildlife Crime in Tanzania: Challenges and Opportunities' (2016) 25(3) *Biodiversity and Conservation* 427, 449-453.

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ L Eliamani, 'Tanzania's Compliance with International Standards on Forfeited Asset Management: A Critical Legal and Institutional Analysis' (2025) 8(2) *East African Journal of Law and Ethics* 1, 1.

⁹⁵ Transparency International, *Wildlife Crime and Corruption: Institutional Weaknesses along the Enforcement Chain*. Transparency International Secretariat., 2020

Despite the Tanzanian legal framework being severe and seemingly comprehensive, its operationalization is deeply compromised by the structural incoherence and procedural burdens that totally undermine certainty and swiftness of punishment against the criminals. The national regime thus fails to meet the theoretical requirements of deterrence because it does not provide a credible threat of wildlife crime prosecution. Hence, this disjunction between law and practice constitutes the central legal problem that should be addressed through comprehensive reform.

5.0 Challenges Facing the Prosecution of Wildlife Crimes in Tanzania

In Tanzania, the wildlife crimes prosecution system is characterized by profound inconsistencies between legislative intention and institutional reality.⁹⁶ Despite the statutory framework appears robust, the actual enforcement environment shows that the capacity of the criminal justice system to prosecute wildlife offences is severely compromised by structural fragmentation, evidentiary weaknesses, procedural burdens as well as interpretative inconsistencies.⁹⁷ Thus, these weaknesses are not isolated deficiencies but interlinked failures that undermine the certainty and celerity of penalties; the two core pillars of deterrence.⁹⁸ Therefore, due to this, the prosecutorial chain fails to create the credible threat of sanction that is crucial for preventing wildlife related crimes in practice.⁹⁹

5.1 Procedural Challenges under EOCCA

The first major analytical finding concerns the systemic misalignment between the Wildlife Conservation Act,¹⁰⁰ and the EOCCA.¹⁰¹ This

https://knowledgehub.transparencycdn.org/helpdesk/367_Wildlife_Crimes_and_Corruption (accessed on 16 June 2025).

⁹⁶ Mohammed Saheb Hussain and Stella Melchiori, 'Effectiveness and Legal Challenges Facing the Implementation of the Laws Which Prohibits the Illegal Wildlife Trade in Tanzania' (2022) 8(6) *Journal of Legal Studies & Research* 90, 90–104.

⁹⁷ JR Kideghesho, 'Reversing the Trend of Wildlife Crime in Tanzania: Challenges and Opportunities' (2016) 25(3) *Biodiversity and Conservation* 427.

⁹⁸ JJ Kegamba and AA Siga, 'Wildlife Crimes and the Demographic Characteristics of Offenders in Western Serengeti, Tanzania: A Review of Court Cases 2012–2022' (2025) 62 *Global Ecology and Conservation* e03743.

⁹⁹ A. G. Mwakipesile, *A Research Report on Investigation and Prosecution of Corruption Offences Towards Administration of Justice in Tanzania*. Tanzania Commission for Science and Technology (COSTECH), 2024. <https://repository.costech.or.tz/items/28e3c04c-2cef-46ae-a256-778d8372711c> (accessed on 12 June 2026).

¹⁰⁰ [Cap. 283, R.E. 2023].

¹⁰¹ [Cap. 200, R.E. 2023].

misalignment lies at the heart of prosecutorial inefficiency.¹⁰² While the Wildlife Conservation Act envisages firm and prompt sanctions, the EOCCA introduces procedural obligations that delay prosecutions, complicate charge preparation, and create barriers to efficient adjudication.¹⁰³ Requirements such as jurisdictional certification for subordinate courts, extended bail restrictions, committal proceedings, and procedural rigidity frustrate prosecutorial imperatives.¹⁰⁴ These procedures are fundamentally incompatible with the swift prosecutorial action demanded by wildlife crimes. Consequently, cases move slowly through the system, creating opportunities for evidentiary deterioration, witness fatigue, and strategic withdrawal by offenders.¹⁰⁵ These delays erode deterrence by eliminating the swiftness of punishment and reducing the likelihood that offenders will be held liable.¹⁰⁶

5.2 Institutional Coordination Deficiencies

Another concern is the pervasive institutional fragmentation that characterizes wildlife crime enforcement in Tanzania.¹⁰⁷ Multiple wildlife agencies currently hold overlapping responsibilities for investigation, arrest, evidence gathering, and case initiation. Instead of reinforcing enforcement capacity, this dispersion of powers has produced a convoluted enforcement chain marked by inconsistent communication, gaps in evidentiary handover, and unclear procedural leadership.¹⁰⁸ Wildlife authorities often conduct arrests and initial investigations without effective coordination with police officers or the NPS.¹⁰⁹ This premature or uncoordinated action frequently results in evidentiary

¹⁰² FEC Sina, 'Implementation of CITES in Tanzania: Fairytale or Promising Journey? An Analysis of Legal Framework and Practice' (2024) 7(2) *East African Journal of Environment and Natural Resources* 64, 64.

¹⁰³ G. Pius, 'A comparative Analysis between Tanzania and Kenya on the Victims' Remedy against the Decision not to Prosecute'. Ruaha Catholic University Repository, 2024. <https://ebooks.rucu.ac.tz/storage/uploads/gerald%20pius> (accessed on 28 May 2026).

¹⁰⁴ TRAFFIC International East Africa, *Strengthening Prosecutions of Wildlife Crimes in Zanzibar: Closing Legal Loops*. TRAFFIC International, 2024. <https://www.traffic.org/news/strengthening-prosecutions-of-wildlife-crimes-in-zanzibar/> (accessed on 5 June 2026).

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ Wildlife Conservation Society of Tanzania, *Efficacy of Judicial Outcomes: Tracking the Enforcement of Criminal Penalties in Municipal Zones*. WCST Briefing Papers, 2023. <https://www.suaire.sua.ac.tz/bitstreams/38a97714-2088-4bdb-9cdb-f3bfeb94a631/download> (accessed on 16 June 2026).

¹⁰⁸ A Mukobi, J Ocan and FA Adyanga, 'Wildlife Crime and the Law: Effectiveness of Offender Prosecution in Queen Elizabeth National Park: A Legal Analysis' (2026) 9(1) *East African Journal of Law and Ethics* 269.

¹⁰⁹ SI Manjoti, 'Uncertainty of the Law on the Admissibility of Electronic Evidence in Tanzania: Examining Challenges Facing the National Prosecution Service' (2025) 8(2) *East African Journal of Law and Ethics* 185, 192.

defects that cannot be remedied later.¹¹⁰ When multiple institutions handle the same wildlife case, the absence of standardized protocols means that evidence may be improperly stored, inconsistently recorded, or inadequately documented.¹¹¹ Such evidentiary weaknesses compromise prosecutors' ability to establish the elements of wildlife offences and increase the likelihood of case collapse.¹¹²

Another concern relates to the chronic deficiencies in evidence gathering and management which significantly weaken prosecutorial outcomes.¹¹³ Prosecution of wildlife crimes depends heavily on accurate species identification, valuation of wildlife products, chain of custody integrity, as well as timely preparation of forensic analyses.¹¹⁴ The institutional weaknesses at each stage of this process create avenues for evidentiary loopholes and inconsistencies. For example, valuation reports may differ between institutions, chain of custody forms may be incomplete or signed improperly, and scientific verification may be delayed or unavailable at all.

5.3 Evidentiary and Investigative Challenges

These deficiencies create vulnerabilities because defence advocates can challenge the credibility, admissibility, or legal sufficiency of the evidence.¹¹⁵ In wildlife-related cases, where the gravity of the offence is often determined by the value or protected status of the specimen, uncertainty or inconsistency in valuation may result in downgraded charges, acquittals, or judicial reluctance to impose severe punishments.¹¹⁶ The erosion of evidentiary integrity, therefore, directly compromises prosecutorial certainty and weakens the deterrent value of the entire legal framework..¹¹⁷

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*

¹¹² BJ Mabula, 'Patent Prosecution Regime in Mainland Tanzania: A "Prosecutor-Grantor Perspective"' (2023) 50(2) *Eastern Africa Law Review* 168.

¹¹³ Ministry of Natural Resources and Tourism (MNRT), *National Human-Wildlife Conflict Management Strategy 2020–2024* (United Republic of Tanzania 2020) 15.

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*

¹¹⁶ Wildlife Conservation Society of Tanzania, *Efficacy of Judicial Outcomes: Tracking the Enforcement of Criminal Penalties in Municipal Zones*. WCST Briefing Papers, 2023. <https://www.suaire.sua.ac.tz/bitstreams/38a97714-2088-4bdb-9cdb-f3bfeb94a631/download> (accessed on 9 June 2026).

¹¹⁷ M A Bakari, 'Strategies Used to Improve the Investigation of Criminal Cases in Tanzania: Law and Practice' (2025) 11(4) *ISIR Publisher Journal of Criminal Justice* 148, 148.

5.4 Prosecutorial Capacity Constraints

A further concern is the limited involvement of prosecutors during the investigative stage. Public prosecutors in Tanzania frequently encounter poorly assembled wildlife case files containing incomplete witness statements, contradictory factual accounts, or insufficient evidentiary documentation. Because prosecutors are brought into the process too late, often only after investigations have been concluded, they have limited capacity to correct investigative errors or guide the collection of credible evidence.¹¹⁸ Late prosecutorial engagement frequently results in defective charges that do not align with the factual record or statutory requirements, forcing prosecutors to amend charges repeatedly or withdraw cases.¹¹⁹ These systemic defects weaken the credibility of the prosecutorial process and undermine its preventive force by increasing the rate of failed prosecutions.

5.5 Judicial Capacity and Consistency

Judicial challenges also form part of the analytical findings. Wildlife offences are adjudicated by generalist courts whose interpretation of legislative provisions is often inconsistent and procedurally unspecialized.¹²⁰ Magistrates and judges without specialized training in wildlife and environmental law may misinterpret valuation provisions, misapply evidentiary standards, or underestimate the gravity of wildlife crimes. This inconsistency leads to unpredictable outcomes even in cases where the evidence is credible and the charges are properly framed.¹²¹ The lack of consistency in judicial interpretation undermines the stability of jurisprudence and sends conflicting signals to potential offenders regarding the likelihood and severity of punishment.¹²² The absence of judicial specialisation therefore diminishes certainty, undermines celerity, and weakens the overall deterrent impact of wildlife crime legislation.¹²³

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ Judiciary of Tanzania, & African Wildlife Foundation. (2016), *Strengthening Legal Mechanisms to Combat Wildlife crime: Judicial Training Needs Assessment and Workshop Report*. AWF Secretariat, 2016. <https://www.awf.org/sites/default/files/media/Resources/Books%20and%20Papers/BAGAMOYO%20WORKS%20HOP%20PROCEEDINGS%20DRAFT%201> (accessed on 4 June 2026).

¹²¹ *Mwaura v. Republic* (Criminal Appeal No. 188 of 2016), Court of Appeal of Tanzania (Unreported 2020).

¹²² A Sharan, 'Framing of Charges and Discharge Proceedings: Reconciling the Rights of the Accused with the Demands of an Equitable Trial' (2025) 3(4) *International Journal of Law and Legal Review* 123, 123–128.

¹²³ African Wildlife Foundation, 'AWF Training Program Empowers Prosecutors, Boosts Wildlife Crime Convictions in Uganda' (2024), available at: <https://www.awf.org> (accessed on 19 June 2026).

Generally, these analytical findings expose a wildlife crime prosecutorial system in Tanzania that is structurally incapable of delivering the certainty and swiftness of sanction upon which deterrence depends. Despite the statutory regime is severe, its severity is neutralised by procedural delays, evidentiary weaknesses, institutional fragmentation and judicial inconsistency.¹²⁴ The outcome is a profound gap between the normative aspirations of wildlife conservation law and its practical enforcement in the country¹²⁵. Thus, this gap not only undermines biodiversity protections but also threatens the integrity of the criminal justice system and the rule of law.¹²⁶ Therefore, addressing these systemic deficiencies requires grounded reforms that enhance coordination, strengthen evidence management, embed prosecutorial engagement early in investigations and ensure judicial specialisation at large.¹²⁷ This is because, without such reforms, the deterrent promise of Tanzanian wildlife law will remain largely unrealised.¹²⁸

6.0 Conclusion and recommendations

6.1 Conclusion

This article has demonstrated that the prosecution of wildlife crimes in Tanzania is constrained not by the absence of strong statutory provisions but by institutional fragmentation, procedural inefficiencies, evidentiary weaknesses, and limited prosecutorial and judicial specialisation. Guided by deterrence theory, the analysis has shown that the effectiveness of wildlife crime enforcement depends less on the severity of penalties and more on the certainty and swiftness of punishment. Although Tanzania possesses a comprehensive legal framework for wildlife protection, weaknesses within the enforcement chain continue to undermine prosecutorial effectiveness and diminish the deterrent value of wildlife legislation.

¹²⁴ African Wildlife Foundation, 'AWF Training Program Empowers Prosecutors, Boosts Wildlife Crime Convictions in Uganda' (2024), available at: <https://www.awf.org> (accessed on 19 June 2026).

¹²⁵ C.O. Tarimo, 'The Effectiveness of Law Enforcement in Wildlife and Forest Resources Management: A Case Study of Juhibu and Juhibeko, Tanzania' (MSc. Dissertation, Sokoine University of Agriculture, Morogoro, Tanzania, 2016), 45.

¹²⁶ F Bamwine, 'The Efficacy of Prosecuting Wildlife Crimes in Uganda' (2019) 49(2–3) *Environmental Policy and Law* 181, 181.

¹²⁷ *Ibid.*

¹²⁸ Mzumbe University, *Contemporary Tanzanian Penal Policy and the Limitations of Deterrence*. Tanzania Online Gateway, 1972. <http://www.tzonline.org/pdf/contemporarytanzanianpenalpolicy> (accessed on 17 June 2026); N. S. Nagin, 'Deterrence in the Twenty-First Century', *Crime and Justice*, 2013, Vol. 42, No. 1, p. 252-261.

6.2 Recommendations

In response to the legal and institutional challenges affecting the prosecution of wildlife crimes in Tanzania, this article recommends the following reforms:

6.2.1 Establishing a Wildlife Crime Coordination Framework

The recommended reforms must begin with the recognition that the fragmentation of powers among the wildlife agencies, police and public prosecutors inhibits coordinated responses to wildlife-related crimes. Since wildlife crimes frequently require rapid evidence gathering, precise valuation, species identification, and chain of custody, the institutional disconnection severely compromises prosecutorial outcomes in the country. Thus, a coherent enforcement chain in Tanzania is indispensable for achieving the certainty and celerity required by deterrence. This is because the fragmented institutional roles create inconsistent evidentiary records, disjointed case preparation and delays that weaken prosecution at all.

Therefore, reform requires formalising mechanisms for structured inter-agency coordination. Thus, this reform may take the form of a domestic wildlife crime coordination framework or legally empowered inter-agency protocols specifying investigative roles, reporting lines and intelligence-sharing procedures. Hence, without such cohesion in Tanzania, the enforcement chain will continue to break down at significant junctures, rendering the statutory regime functionally ineffective.

6.2.2 Engaging Prosecutors in Investigations

Equally important is a shift toward early prosecutorial engagement in wildlife crime investigations. Public prosecutors should not serve merely as end-stage actors tasked with litigating already defective case files. Instead, they should be integrated into the investigative process so that charges reflect both the factual circumstances and the statutory requirements. Prosecutors often receive files that are incomplete, poorly structured, or procedurally flawed, leaving little room for correction. This late-stage engagement contradicts the preventive aims of wildlife law because it reduces the likelihood of conviction. Integrating prosecutors at the investigation stage would ensure the legal sufficiency of evidence, promote accurate charge framing, and prevent avoidable case

withdrawals. This reform would directly strengthen the certainty of punishment, which is a core element of deterrence.

6.2.3 Reviewing the Applicability of the EOCCA to Wildlife Crimes

Also, a related reform imperative concerns the procedural recalibration of the EOCCA. Its procedural burdens, specifically pre-charge consents, committal procedures, and extended timelines, delay wildlife-related cases and undermine their prosecutorial viability. Although wildlife offences do not share the evidentiary complexity of financial offences, they remain subject to legal procedures designed for entirely different categories of crimes. Thus, this procedural mismatch obstructs the celerity required for deterrence and creates avenues for evidentiary erosion and witness unavailability. The recommended reform must therefore either exempt wildlife offences from EOCCA's procedures or introduce a dedicated procedural framework tailored to the unique demands of wildlife offences. The streamlined procedures and expedited committal mechanisms would significantly strengthen prosecutorial efficiency and reinforce the swiftness of sanctions.

6.2.4 Standardising Evidence Handling and Valuation Procedures

Moreover, judicial specialisation emerges as a central reform requirement as well. The absence of specialised wildlife offence courts or designated judicial officers prompts inconsistent interpretations of statutory provisions, uneven application of valuation rules, and erratic sentencing patterns. Thus, these inconsistencies diminish the predictability of judicial outcomes, which weakens the preventive effect of the legal system. That is, establishing specialised wildlife-related crime court divisions within the resident magistrates' courts or the High Court of Tanzania, which would prompt the cultivation of judicial expertise, would enhance interpretative consistency and restore predictability to the enforcement chain. Additionally, specialisation may facilitate the development of coherent jurisprudence in Tanzania, an important component of deterrence, as criminals tend to respond to systems that produce stable and reliable legal outcomes.

6.2.5 Strengthening Prosecutorial and Judicial Training

Additionally, reforms must further address the systemic weaknesses in evidence management that consistently undermine prosecutorial access in Tanzania. That is, proper valuation of wildlife products, consistent application of identification accepted protocols and a secure chain of

custody are significant to proving the elements of wildlife crimes. The recurring failures in valuation methodologies, documentation procedures and evidence handling are still problematic in the country. This is because these weaknesses expose wildlife cases to legal challenges that erode the prosecution's ability to meet the burden of proof. However, reforming evidentiary processes requires standardised valuation procedures, improved forensic capacity, and legally empowered chain of custody protocols applicable across all enforcement authorities. Thus, only a coherent evidentiary regime can support the certainty of punishment required by deterrence.

6.2.6 Strengthening Prosecutorial and Judicial Training

Finally, the reform agenda should address the normative implications of Tanzania's international and regional commitments. Compliance with CITES, the CBD, the Lusaka Agreement, and EAC legal frameworks requires prosecutorial systems capable of managing complex wildlife cases, cooperating across borders, and implementing effective enforcement mechanisms. Failure to prosecute wildlife crimes effectively is therefore not only a domestic challenge but also a weakness in Tanzania's contribution to international environmental governance. Strengthening prosecutorial and judicial capacity is essential for maintaining credibility within regional enforcement networks and ensuring that the national legal regime supports the broader goals of biodiversity protection.