



WORLD
RESOURCES
INSTITUTE

WRI REPORT



PETER G. VEIT

RUGEMELEZA NSHALA

MICHAEL OCHIENG' ODHIAMBO

JACOB MANYINDO



PROTECTED AREAS AND PROPERTY RIGHTS

Democratizing Eminent Domain in East Africa

PROTECTED AREAS
AND PROPERTY RIGHTS

DEMOCRATIZING EMINENT DOMAIN IN EAST AFRICA

PETER G. VEIT

RUGEMELEZA NSHALA

MICHAEL OCHIENG' ODHIAMBO

JACOB MANYINDO



WORLD
RESOURCES
INSTITUTE

HYACINTH BILLINGS
PUBLICATIONS DIRECTOR

MAGGIE POWELL
LAYOUT

Each World Resources Institute report represents a timely, scholarly treatment of a subject of public concern. WRI takes responsibility for choosing the study topics and guaranteeing its authors and researchers freedom of inquiry. It also

solicits and responds to the guidance of advisory panels and expert reviewers. Unless otherwise stated, however, all the interpretation and findings set forth in WRI publications are those of the authors.

Copyright © 2008 World Resources Institute. All rights reserved.

ISBN 978-1-56973-686-9

Printed in the United States of America on chlorine-free paper with recycled content of 50%, 20% of which is post-consumer.

A short version of this report —“Securing Protected Areas: Compulsory Land Acquisition in East Africa”—was published in Kent H. Redford and Eva Fearn, eds. 2007. *Protected Areas and Human Livelihoods*. Working Paper No. 32, 171-179. New York: Wildlife Conservation Society.

Photo Credits

Top cover photograph by James Acworth. Forest lands are cleared in gazetted reserve on Bugala Island in Lake Victoria for conversion to a palm oil plantation.

Bottom three cover photographs courtesy of National Association of Professional Environmentalists (NAPE). Ugandans and police clash over the proposed degazettement of the Mabira Forest Reserve.

CONTENTS

Acknowledgments	iv
Foreword.....	vi
Executive Summary	1
1. Introduction	2
2. Degazettement in East Africa	5
3. Property Rights in East Africa	8
4. Eminent Domain in East Africa	10
5. Findings and Recommendations.....	17
6. Conclusions.....	22
About the Authors.....	23
Notes	24
References	26

ACKNOWLEDGMENTS

This report—*Protected Areas and Property Rights: Democratizing Eminent Domain in East Africa*—is one product of a broader World Resources Institute (WRI) initiative on the transfer of land between the public and private domain, particularly in the context of the establishment and degazettement of protected areas. The report captures the findings and recommendations from policy research conducted in Kenya, Uganda and Tanzania on the procedures for placing private land into the protected estate—the acquisition of landed private property, the extinguishing of private property rights, the transfer of private land into the public domain, and the placing of public land into the protected estate. Research in East Africa on the transfer of land in the opposite direction—the degazettement of protected areas and the privatization of land—is on-going and will be the subject of a separate WRI report.

This report is many years in the making. Protected areas and property rights, conservation and development, compulsory land acquisition, fair compensation and related matters are central to pro-poor, pro-environment development in East Africa. These issues have defined the work of the four authors and are embedded in the missions of our home institutions—WRI in Washington, D.C.; Lawyers’ Environmental Action Team (LEAT) in Tanzania; Resources Conflict Institute (RECONCILE) in Kenya; and Uganda Wildlife Society (UWS), respectively.

Protected Areas and Property Rights benefited from the research and reflections of policy analysts and advocates with a number of leading non-governmental organizations (NGOs) in East Africa, including: Advocates Coalition for Development and Environment (ACODE), Greenwatch and National Association of Professional Environmentalists (NAPE) in Uganda; Institute for Law and Environmental Governance (ILEG) and Organization for Conservation of Natural Resources and the Combat of HIV/AIDS (OCRA) in Kenya; and Legal and Human Rights Centre (LHRC) in Tanzania. Together with LEAT, RECONCILE and UWS, these NGOs have been at the fore in securing protected areas and strengthening private property rights.

The authors also benefited from the work and writings of biodiversity experts and social scientists in international conservation, human rights and environmental law NGOs, and in donor agencies and development assistance agencies that support biodiversity conservation. The authors are particularly grateful to the work of the African Biodiversity Consultative Group and its members—leading U.S.-based international conservation NGOs with field programs in Africa, including WRI. ABCG explores emerging conservation issues—including protected areas and human rights—shares lessons learned, and seeks opportunities for collaboration.

The authors appreciate the advice and suggestions of three WRI reviewers—Jacob Werksman, Heather McGray and Kirk Herbertson—and five anonymous external reviewers. We thank these individuals for formally reviewing the manuscript and providing invaluable insights and comments that improved the content and presentation of this report. Discussions and deliberations with other WRI colleagues, especially Lalanath DeSilva and Jesse Ribot, helped identify and clarify important issues related to protected areas and property rights. The authors thank Arisha Ashraf for her assistance in preparing the figures and reference list, editing the manuscript, and ushering

the report through WRI’s review and publication process. Thanks also to Hyacinth Billing for her diligent editing and to Maggie Powell for preparing the cover and formatting the manuscript for publication.

The authors are grateful to: Irish Aid, Department of Foreign Affairs; Netherlands Ministry of Foreign Affairs; and USAID’s Economic Growth, Agriculture and Trade Bureau (EGAT) for generously supporting WRI and its partners in East Africa. Their support allowed the authors to conduct the research that informed this document, and to write and prepare this publication.

FOREWORD

The need to protect biodiversity has never been greater, as populations around the world use more natural resources and as expanding cities and farms dramatically alter wildlife habitat. Accommodating both people and wildlife on the same land often seems either untenably expensive or dangerously ineffective as a strategy for conserving species. Many conservationists argue that protected areas such as national parks and forest reserves are the last, best refuge for wildlife and have focused their attention on expanding the protected estate.

While the number of protected areas worldwide has increased from fewer than 10,000 in 1960 to more than 105,000 today, many protected areas are being downlisted or degazetted to non-protected status. In some countries, national governments have repurposed park land for economic development. Elsewhere, rural people forced from their customary land when parks were created are returning and reclaiming their land, often supported by court decisions.

This report explores the uncertain future of protected areas in three East African countries—Uganda, Kenya and Tanzania. In Uganda, the government has degazetted or changed land use in a number of parks, including the Butamira Forest Reserve and several forest reserves on Bugala Island. In Kenya, between 1962 and 2002, at least 200,000 illegal land titles were issued—many for land in protected areas and most on orders of senior government officials. In Tanzania, the High Court has repeatedly ruled that protected areas established through extra-legal means are unconstitutional.

To date, conservationists have addressed this threat by focusing on protecting parks targeted for degazettement or denotification. This report argues that this approach alone cannot secure the world's parks. Rather, we must also address the way parks are established, to ensure that they are both secure in law and locally legitimate. As in so many endeavors, we are realizing the importance of investing more time and thought sooner rather than later, as well as the importance of engaging a broader range of stakeholders.

While the threats to existing parks range from degazettement and denotification to significant in-park land use changes, a few solutions are likely to make protected areas work better for both people and wildlife: democratize the procedures by which private land is acquired by government; promote accountability in the exercise of eminent domain authority; protect the acquisition and land transfer procedures from inappropriate political interference; and halt the frivolous and irregular acquisition of private land.

It should perhaps not surprise us that in the rush to stem catastrophic loss of biodiversity, or under the aegis of efforts to do the same, some parks were created through illegitimate and even extra-legal processes. We can be surprised, and even dismayed, however, if the conservation community does not now correct its course. Neither the citizens nor the wildlife of our nations can prosper with anything less.

JONATHAN LASH

PRESIDENT

WORLD RESOURCES INSTITUTE

EXECUTIVE SUMMARY

Protected areas (PAs) are a traditional means for pursuing wildlife management and have become increasingly central to conservation strategies in Kenya, Uganda and Tanzania. In East Africa, the future of biodiversity rests largely on the security and sustainability of the protected estate. Government degazettement and private challenges to the public exercise of eminent domain are, however, growing threats to protected areas in East Africa. Governments have pursued degazettement, denotification and significant in-park land use changes to promote economic development or to achieve short-term political gains. Local communities and their advocates have also threatened the status of protected areas by asserting their property rights and fighting back against expropriation. The courts in East Africa have quashed attempted private land acquisitions on procedural grounds and ruled that protected areas established through extra-legal means are unconstitutional. The courts have not ordered remedies of degazettement and reoccupation, but presidential commissions have made such non-binding rulings. Conservationists have pressed governments to reverse their degazettement decisions and advocated for strengthening

degazettement procedures; less attention has focused on the procedures by which land is acquired and PAs are established. When governments acquire private property in a compulsory manner, transfer land from the private to the public domain, and place public land into protected areas they must balance the public good of park conservation with the public good of secure property rights. Protected areas will remain secure when the codified procedures for acquiring land and establishing parks are implemented and enforced. The public will accept these designations as legitimate when they have been established through democratic (*i.e.*, transparent, inclusive, accountable) processes. To secure Africa's protected areas, governments must exercise their authority of eminent domain in a disciplined manner that responds to genuine public purposes, follows democratic procedures, and awards fair and prompt compensation—preferably before taking possession of the land. Such measures will curb unnecessary degazettements and frivolous land acquisitions, establishing protected areas that are well positioned to deliver sustainable conservation and protecting private property rights to promote investment and poverty reduction.

1

INTRODUCTION

Protected areas (PAs) are a traditional means for pursuing wildlife management and have become increasingly central to conservation strategies (Naughton-Treves et al. 2005; Hutton et al. 2005). For many conservationists, they are also the basis for assessing how engaged and committed governments are in conserving biodiversity (Boitani et al. 2008). As conservation investments shift from promoting community-based wildlife management and other locally driven approaches to placing more land in the protected estate (see Figure 1), the future of biodiversity rests largely on the security and sustainability of PAs.¹

In East Africa, degazettement, denotification and significant in-park land-use changes pose serious and growing threats to PAs and biodiversity conservation.² Conservation organizations have responded to government efforts to degazette or down-list PAs by pressing governments to reconsider their decisions, arguing that PAs provide important benefits to local people, the nation and the world. They have also filed court cases, often focusing on procedural matters, and advocated for strengthening the legal procedures for degazettement and denotification. In some cases, these efforts have succeeded in reversing government actions. Such actions alone, however, will not secure all PAs.

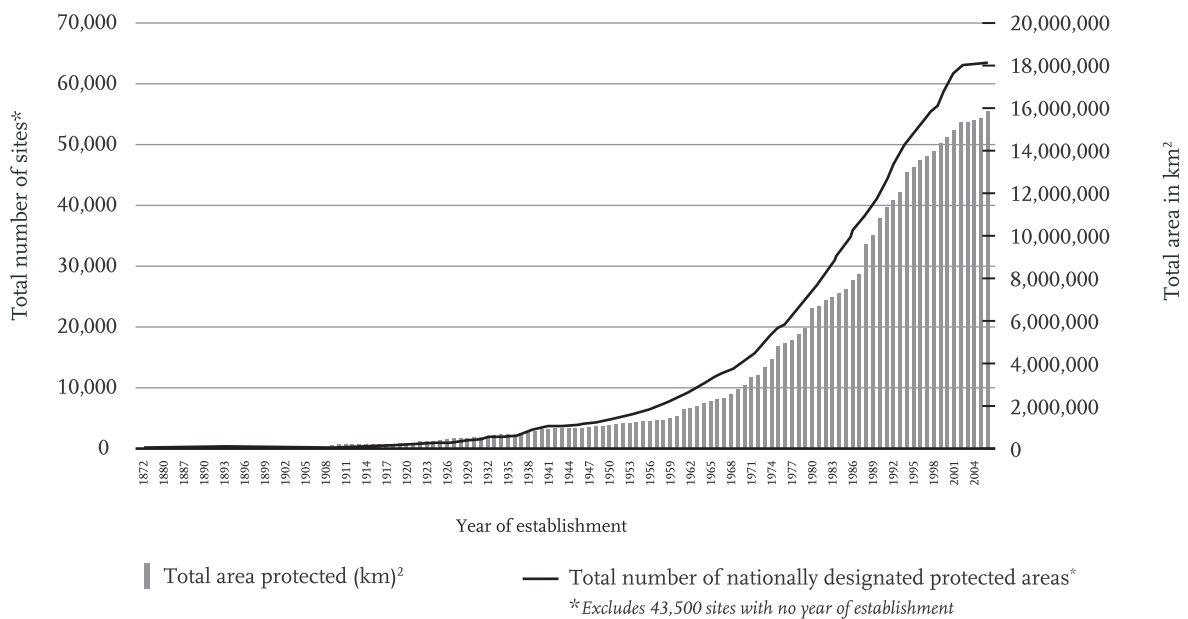
Conservationists have paid considerably less attention to the procedures by which land is acquired and PAs are established. Yet these procedures have

In East Africa, degazettement, denotification and significant in-park land-use changes pose serious and growing threats to PAs and biodiversity conservation.

important implications for degazettement and denotification. The establishment of PAs often involves the acquisition of *privately-held* land (*i.e.*, customary land, land held in long-term, government issued leases or titles) or *privately-owned* land (*i.e.*, freehold land, land privately-owned by an individual or group)—hereafter private land or landed private property—by the government through the exercise of eminent domain.³ Eminent domain is the authority of the state to take private property in a compulsory manner for a public purpose or other use recognized by statute or in practice as legitimate. The establishment of a PA typically involves three steps: (1) extinguishing private land rights; (2) placing private property in the public domain; and (3) transferring public land into a PA. In Kenya, Tanzania and Uganda, each of these steps is articulated in law.

To secure Africa's PAs from a legal perspective, the codified procedures for the compulsory acquisition of land, especially private property, for conservation must be strictly adhered to and consistently enforced. To ensure that PAs are legitimate, especially from a

FIGURE 1 | GROWTH IN NATIONAL PROTECTED AREAS, 1872–2006
(UNEP-WCMC AND IUCN 2007)



local perspective, these procedures must be democratic—that is, they must incorporate fundamental democratic principles, such as transparency, inclusion and accountability. Procedures that are not open and transparent, that do not allow for public participation and local engagement, and that offer few opportunities for recourse and redress are not considered legitimate by many people. PAs established by practices that differ from codified procedures are vulnerable to legal challenges and can jeopardize the creation of new parks. PAs established by illegitimate procedures, even if legal, can lead to people-park conflicts that threaten biodiversity and conservation investments. Little comparative research has been conducted on the law and practice of the compulsory acquisition of private land for PAs, but experience

shows that some PAs in East Africa were established by extra legal means and are not considered legitimate by local people.

This paper presents the results of research conducted in Kenya, Tanzania and Uganda on the law and practice of eminent domain, with a focus on the acquisition of private land for PAs. Three critical eminent domain issues are addressed in some detail: (1) the permissible uses and justified purposes for expropriation; (2) the procedures and practices for exercising eminent domain; and (3) the compensation awarded to landowners for expropriated private property. The paper concludes with specific recommendations to democratize the exercise of eminent domain, promote accountability

in private land acquisitions, and protect the acquisition and land transfer procedures from excessive and inappropriate political interference. The recom-

mendations are designed to protect private property rights and to strengthen PAs by building a domestic conservation constituency.

2

DEGAZETTEMET IN EAST AFRICA

Degazettement, denotification and significant in-park land-use changes are being exercised by governments, and pursued by communities and rural advocates for various public and private purposes. In Kenya, during President Daniel arap Moi's regime, public land, including land in PAs, was a common patronage resource used by government officials and political party leaders to garner votes, service favors and achieve other short-term political gains (Klopp 2001). Between 1962 and 2002, at least 200,000 illegal titles were issued—many for land in PAs and most on orders of the president or other senior public officials. Almost 98 percent of these illegal titles were issued between 1986 and 2002, during the latter years of the Moi regime (Government of Kenya 2004).

In September 2005, the government of Kenya issued a decree down-listing Amboseli National Park to a National Reserve (Mynott 2005). Amboseli, a UNESCO Man and the Biosphere Reserve, is one of Kenya's—and Africa's—most visited PAs, generating approximately \$3.5 million in 2005. The denotification transferred management of the PA and control of all gate receipts and other park revenue from the national Kenya Wildlife Services to the Olkejuado County Council. Many pundits believed that the declaration was intended to garner votes for an upcoming national referendum on a new Constitution. Conservationists argued that the County Council did not have the experience or expertise to effectively

manage Amboseli, and pressed the government to reverse its decision. Several conservation organizations also took the matter to court, claiming the change of status was made illegally (Save Amboseli 2008). The Olkejuado County Council argued that up-lifting the Amboseli Game Reserve—established in 1948—to a National Park in 1974 was unconstitutional and illegal. By down-listing Amboseli and passing management responsibilities back to the County Council, the government was simply redressing a past wrong. The government's decision was eventually reversed, but the experience shows that even world famous PAs can be subject to degazettement and denotification.

In Uganda, the government has sought to degazette or change land-use practices in several PAs, principally for private, commercial investment and economic development purposes. These include the Pian Upe Wildlife Reserve, Butamira Forest Reserve, Mabira Forest Reserve and several forest reserves on Bugala Island (Tumushabe and Bainomugisha 2004a; Manyindo 2003; Tumushabe 2003). In each case, local people who depend on the PAs, their associations, national civil society organizations, government agencies responsible for PAs and the general public opposed the government actions and defended the PA. In the Mabira case, civil unrest and police actions resulted in considerable property damage and the death of three Ugandans (BBC 2007). The actions yielded different outcomes. Pian Upe and Mabira remain intact, but the forests in the

Butamira and Bugala Island reserves were cut down (see Figure 2).

In the case of the Butamira Forest Reserve, the government initially sought to degazette the PA, but when the effort stalled, it instead issued Kagira Sugar Works Ltd., a 50-year permit over the Reserve for the cultivation of sugarcane. Local NGOs, representing some smallholder farmers who lost their resource-use rights in the multiple-use PA, took the matter to court. In 2004, the court ruled that the change of land use in the PA contravened the Constitution, including the citizens' right to a clean and healthy environment and the government's duty to protect the country's natural resources (Government of Uganda 2004a). The court also noted that the required project brief and environmental impact assessment had not been prepared by the National Environmental Management Authority and Kagira. To date, the government has not implemented or enforced this court order.

In eastern Uganda, indigenous Benet farmers, displaced by the government in 1993 when the Mount Elgon Forest Reserve was gazetted a fully protected national park, have been fighting to regain their customary land. In late-2005, the High Court ruled that the Benet people are the historical and indigenous inhabitants of a part of the Mount Elgon National Park; that this area should be degazetted; and that the Benet are "entitled to stay in the said areas and carry out agricultural activities including developing the same undisturbed" (cited in Lang and Byakola 2006). The farmers reoccupied their lands in the PA, cleared the replanted forest and cultivated crops (the trees had been planted as a carbon offset to mitigate greenhouse gas emissions from air travel by Europeans and other activities). In February 2008, following the death of a European tourist in Mt. Elgon National Park, the government again evicted the Benet from the PA. Hundreds of houses were demolished and farms destroyed (Jaramogi 2008).

FIGURE 2 | **FOREST LANDS CLEARED IN GAZETTED RESERVE ON BUGALA ISLAND IN LAKE VICTORIA FOR CONVERSION TO A PALM OIL PLANTATION**
(photograph by James Acworth)



The government of Uganda has encouraged private investors to develop mining operations, which have threatened PAs. To meet growing domestic demands for cement and offset the high costs of imports, the government is supporting the expansion of limestone extraction in Western Uganda.⁴ A major source of limestone in Queen Elizabeth National Park (QENP)—a world heritage site and Uganda's second largest PA—has been targeted for exploitation. The government is considering granting 450 hectares

of land in the PA, called Dura, to Hima Cement (Magumba and Nandutu 2007). Already, Hima Cement has started building a road network through the park, setting up buffer zones around the Lake George Ramsar Site and River Dura, and putting in place water quality control points.

Commercially viable quantities of oil have also been discovered in Western Uganda. Oil prospecting blocks have been established on the border with the Democratic Republic of Congo, from Sudan south to near the Rwanda border. Most blocks have been allocated to oil companies for prospecting purposes. A number of PAs are partly or wholly inside the oil blocks and many other PAs that fall outside the concession areas will likely be affected by oil exploration, extraction, transportation and processing. Not even the highly endangered mountain gorillas are safe—Mgahinga National Park currently lies outside any oil block, but part of Bwindi Impenetrable National Park is in a prospecting block. Oil has been found in Murchison Falls National Park—Uganda’s largest PA—and the government has indicated that it may degazette part of the Kaiso-Tonya Wildlife Reserve for an oil pipeline and small refinery (Baguma et al. 2007). As the oil sector develops, many conservationists are concerned that other PAs will be targeted for degazettement.

In Kenya and Tanzania, rural communities and their representatives are also using the court to protect indigenous land and other natural resources or to reclaim traditional land expropriated by the government for PAs. In Kenya, courts have quashed attempted land acquisitions on procedural grounds, ruling that for compulsory acquisition to be lawful it must strictly comply with the provisions of the Constitution and the Land Acquisition Act (Sifuna 2005).

In Tanzania, the High Court has ruled on numerous occasions that PAs established through extra-legal means are “unconstitutional” and therefore “null and void,” although it has not ordered remedies of degazettement and reoccupation (Nshala 2004a; 2004b; Mchome 2002). In 2004, however, the Presidential Commission for Human Rights and Good Governance in Tanzania issued a non-binding ruling that 135 Nyamuma villagers forcibly displaced by the government for the expansion of the Serengeti National Park, already the nation’s largest PA, should be compensated for their losses and allowed to re-settle on their land (Government of Tanzania 2004; Legal and Human Rights Centre 2003). In 2005, the villagers sued the government after it rejected the Commission’s recommendations. The High Court dismissed the application for enforcement, but the villagers have lodged their dissatisfaction at the Court of Appeal (Keregero 2007; 2005).⁵

3

PROPERTY RIGHTS IN EAST AFRICA

In Africa, most land and natural resources are by law state-owned or public property held in trust by the president or government for its people. In Kenya, “radical title”—ultimate power over land—is vested in the president. Kenya was one of the first African countries to undertake a comprehensive land tenure reform involving the large-scale conversion of customary land tenure systems to private, registered ownership of land. Large tracks of freehold land are held by individuals, groups of individuals (including “group ranches”) and institutions. Still, about 80 percent of the total land area is Trust Land administered by local authorities and the Commissioner of Lands for local communities indigenous to the area (Government of Kenya 1992, Constitution, 9(114-118); Government of Kenya 1960).

Under Tanzania’s land legislation, land is vested in the president and held in trust for the country’s citizens. Existing use rights resulting from long standing occupation or use are secured in law. There are three classifications of land for purposes of administration: village land (land falling under the jurisdiction of existing registered villages), general land (mainly urban land and land already under granted titles) and reserve land in protected areas. Most land in Tanzania is classified as village land. Land under granted titles is leased for periods of up to 99 years.

In Uganda, the 1995 Constitution vests land and natural resources⁶ in its citizens. Land laws recog-

nize four land tenure forms: customary, leasehold, freehold (registered freehold) and “mailo”⁷ (a customary form of freehold limited to about 9,000 square kilometers in Buganda, central Uganda). Customary tenure represents the bulk of landholdings in Uganda.⁸ Under customary tenure, access to and use of land is determined by the traditional rules of the tribal group. Leasehold tenure generally applies to grants of land to urban and non-citizen holdings. Freehold tenure is limited and found mainly in the former Ankole, Toro, Kigezi and Bugisu districts.

In East Africa, leaseholds from government (statutory or granted rights of occupancy; also referred to as registered or titled land) are the principal legal means of securing and transferring land rights, and eminent domain is the only legal method of extinguishing private land rights in a compulsory manner. In Kenya, Tanzania and Uganda, the constitution confers eminent domain authority on the president. The president can delegate this authority to other entities, including unelected and private bodies such as corporations, for achieving valid public purposes.

Across Africa, only 2 to 10 percent of the land is legally registered (Deininger, 2003). The majority of poor rural people do not hold granted rights of occupancy, often because they lack the knowledge, capacities and resources needed to navigate the application process and meet the lease or title conditions. The application process usually requires an expensive

cadastral survey⁹ and a management plan approved by the government, while occupancy, use and other conditions are not always consistent with local or traditional practices. For example, occupancy conditions may require permanent residency while usufruct rights conditions may tie security of tenure to prescribed uses that may require significant investments in capital or labor. Breach of these requirements or an inability to show “proof of use” can lead to penal consequences or revocation of title and loss of land.

Most rural people and communities in Africa have security in their land and natural resources through customary tenure arrangements. In many countries, legislation recognizes customary rights (customary or deemed rights of occupancy) but also often ties the security of these rights to occupancy and use conditions that are difficult for rural poor people to meet. In some countries, the law does not provide customary rights—whether at the individual, household or community level—the same level of legal protection as granted rights of occupancy. In other countries, the law provides customary and granted rights equal status. In Tanzania, for example, under the Village Land Act (VLA), “customary right of occupancy is in every respect of equal status and effect to a granted right of occupancy” (Government of Tanzania 1999a, VLA, 18(I)). Experience shows, however, that it has been difficult to implement from both a political and technical perspective, and the courts have tended to rule in favor of granted rights of occupancy (World Bank 2003a).

The majority of poor rural people do not hold granted rights of occupancy, often because they lack the knowledge, capacities and resources needed to navigate the application process and meet the lease or title conditions.

Secure property rights can encourage investments and promote economic growth (World Bank 2005), but absolute or near limitless rights to private property can be problematic for government and society pursuing public interests. For property rights to be viable, governments must be able to expropriate private land—customary rights and granted rights of occupancy—in a compulsory manner for public purposes, such as PAs for biodiversity conservation. Land acquisition laws that excessively restrict or complicate government efforts to acquire private property help secure tenure but they can also jeopardize public interests. Alternatively, procedures that significantly weaken property rights can facilitate public purposes, but they may limit investments and retard development. With international attention focused on promoting good governance and reducing poverty, PA-based and conservation-induced hardships to rural communities are under increased public scrutiny. Societies are examining the sometimes competing policy objectives of conservation and development, weighing the public benefits of PAs—some that may accrue over time—against the needs of rural people who depend on land for their livelihoods and wellbeing.

EMINENT DOMAIN IN EAST AFRICA

The procedures by which government expropriates landed private property and the laws that codify them play an important role in balancing the need to secure property rights for investment purposes with the need to acquire private land in the public interest. More specifically, the recognized and established uses of eminent domain, the procedures for exercising eminent domain authority (and for placing public land in the protected estate), and the compensation awarded for expropriated property are central to balancing private rights and public purposes. The legislation in Kenya, Tanzania and Uganda (hereafter East Africa) regarding these three critical issues is reviewed below.

A. EMINENT DOMAIN USES

Legal scholars consider eminent domain an inherent or preexisting power of the state—an attribute of sovereignty that does not require an express grant of authority. Still, this authority is established in many African constitutions and enabling legislation. The legal justifications for exercising eminent domain vary in East Africa. In Kenya, eminent domain authority can be exercised, “in the interest of defense, public safety, public order, public morality, public health, town and country planning or the development or utilization of property so as to promote the public benefit” (Government of Kenya 1992, Constitution, 75(1)(a)). In Uganda, eminent domain can be used

when, “the taking of possession or acquisition is necessary for public use or in the interest of defense, public safety, public order, public morality or public health” (Government of Uganda 1995, Constitution, 26(2)(a)). Similar uses are recognized in enabling legislation in Kenya and Uganda, including the Land Acquisition Act.

In East Africa, the initial determination of whether a proposed use is in the public interest is usually done by and within the government. In many cases, the process for determining the public interest requirement is informal and unsystematic, and is not an open or participatory process involving the public or even other branches or levels of government (see Section 4, B. Eminent Domain Procedures). Public purpose is usually defined so broadly that, in practice, it does not serve as a significant limit on the government’s power of eminent domain.

In East Africa, the courts have interpreted the law on eminent domain and helped to define public interest. In Uganda and Kenya, the courts have interpreted “public interest” narrowly to mean that the targeted property must be used to promote the general interests of the community, not the particular interests of any private individuals or institutions.¹⁰

In Uganda, the government has on several occasions sought to amend the Constitution and enabling legislation—including an on-going effort to develop

a new land policy—to expand the president’s authority to acquire private land in a compulsory manner for a public interests, and for investment, economic development and productive purposes (Sserwanga 2007; Government of Uganda 2004b; Tumushabe and Bainomugisha 2004b). Such actions are reminiscent of the post-independence period in Africa when laws emphasized state powers to promote development over the government’s duty to protect private property rights. At the time, many African governments considered the public purpose limitation on expropriation unsuited to development and streamlined eminent domain procedures—restricting opportunities for participation and recourse, limiting or dispensing entirely with compensation, and allowing for the possession of property before the payment of compensation (Dunning 1968).

In Tanzania, the Land Acquisition Act (LAA) allows for a broader use of eminent domain authority than in Kenya and Uganda, authorizing the president to “acquire any land for...any public purpose” (Government of Tanzania 1967, LAA, 2(a)4(1)), and more specifically, for:

- Exclusive government use and general public use;
- Any government scheme, social services and housing, and industrial, agricultural and commercial development;
- Sanitary improvement, including reclamations;
- New, extension or improvement of city, municipality or other settlement;
- Airfield, port or harbor;
- Mining for minerals and oil;
- Use by a community or community corporation; and
- Agricultural development by any person.

Further, when a corporation requires land for a “public utility or in the public interest or in the interest of the national economy,” the president, with parliamentary approval, can declare such purpose to be a public purpose (Government of Tanzania 1967, LAA, 2(a)4(2)). The more recent Village Land Act of 1999 states that investment projects “of national interest” may be in the “public interest” for the purposes of expropriation provisions (Government of Tanzania 1999a, VLA, 4(2)).

The LAAs in Kenya, Tanzania and Uganda do not explicitly recognize PAs as a public interest, but they are a well-established and recognized use of eminent domain. Governments usually justify compulsory land acquisitions for conservation by simply declaring their intent to create a new PA or by invoking parks as an established use of eminent domain authority. Legal scholars argue that eminent domain is justified when the public good overrides private property rights and more specifically, when the benefits to the public outweigh the costs to the affected individuals. In Tanzania and Uganda, the government is not required to justify the proposed land acquisition in these terms or to demonstrate that a proposed PA is in the public interest. But in Kenya, the government must, “afford reasonable justification for the causing of any hardship that may result to any person having an interest in or right over the property” (Government of Kenya 1992, Constitution, 75(1)(b)) and the Minister of Land is required to certify this justification in writing to the Commissioner of Lands. The law, however, does not obligate the government to actually value the public benefits and to weigh them against the costs to the affected people.

In summary, the legislation on the use of eminent domain varies widely in East Africa, with the LAA in Tanzania allowing for a much broader set of uses than in Kenya and Uganda. PAs are not explicitly recognized in law as a justified public purpose, but, in practice, they are an established use in all three coun-

tries. In Uganda and Tanzania, expropriation requires only that the government declares or invokes the land acquisition for a PA, while in Kenya, the government must justify the causing or creation of hardships on the affected people. In all three East African countries, the law does not require that the government conduct a cost-benefit analysis of the proposed PA to ensure that the benefits to the public outweigh the costs to the affected individuals.

B. EMINENT DOMAIN PROCEDURES

Two sets of procedures are involved in exercising eminent domain for PAs: (1) the procedures for acquiring private land and placing it in the public domain; and (2) the procedures for putting public land in PAs. In Kenya, six steps are required to acquire private land in a compulsory manner (Sifuna 2005):

- The Minister of Lands directs, in writing, the Commissioner of Lands (hereafter Commissioner) to acquire a particular parcel of land in a compulsory manner. The instructions must indicate the purpose for which the land is required and the responsible public institution.
- The Commissioner publishes a notice of intention in the *Kenya Gazette*—the official government journal—and provides a copy to “every person who appears to him to be interested or who claims to be interested in the land” (Government of Kenya 1968, LAA, 9(1)(b)).
- The Commissioner publishes in the *Kenya Gazette* a notice of inquiry to hear claims for compensation and serves a copy to every person with interest in the condemned land.
- The Commissioner convenes a public inquiry to determine which individuals have legitimate land claims, the value of the land and the amount of compensation payable to each valid claimant.

- The Commissioner serves notice to every person receiving compensation, awards compensation and files notices of all awards in the Office of the Commissioner.
- The Commissioner serves notice to all persons with interest in the land indicating the day the government will take possession, removes the land from the register of private ownership and places the land in the public domain as public utility land.

In Kenya, the procedure for placing public land into PAs involves three steps:

- The Minister responsible for matters relating to wildlife conservation (hereafter Minister of Wildlife) consults with and obtains the consent of the Minister of Lands or, if the Minister dissents, the approval of Parliament.
- An environmental impact assessment is undertaken and all requirements fulfilled.
- The Minister of Wildlife declares the land under park management and implements the PA.

Recently enacted land and land-relevant laws in Kenya, Tanzania and Uganda are generally consistent with the LAAs of the mid-1960s (see Section 4, A. Eminent Domain Uses), although there are some important contradictions. For example, in Kenya, under the Wildlife (Conservation and Management) Act of 1976, the Minister for Wildlife has discretionary powers to declare “any land” a PA (Government of Kenya 1976). The Constitution and LAA, however, require the approval of the Minister of Lands to acquire private lands in a compulsory manner and to place public land in PAs. As such, the Minister of Wildlife cannot declare “any land” a PA; he can only acquire private land on a voluntary basis—willing seller-willing buyer arrangement—without the consent of the Minister of Lands. In Kenya, all compulsory land acquisitions for PAs and other public purposes require the involvement of the Minister of Lands.

Public participation in eminent domain decisions is limited in all three East African countries. In Kenya, “every person interested in the land, is entitled to be heard, to produce evidence and to call and to question witnesses *at an inquiry*” (Government of Kenya 1968, LAA, 9(6), emphasis added). The public inquiry, however, only establishes who has valid claims and what compensation should be awarded the claimants, it does not determine whether the acquisition is justified and should proceed. The legal position is that by the time the inquiry is undertaken, the land has already been acquired by the state, although the government has not yet taken possession. As a result, the Minister of Lands exercises eminent domain without reference to the public or even the affected landowners and resource users, who are advised of the government’s decision through the notice from the Commissioner of Lands. The environmental impact assessment (EIA) regulation requires public participation but is a recently added step with the enactment of the Environmental Management and Coordination Act of 1999 (Government of Kenya 1999). This step applies to the procedure for placing public land into specific uses, such as PAs, not to the acquisition of private land. EIAs are also required for certain proposed developments or significant land-use changes in PAs.

A substantial portion of rural land in Kenya that communities use in common (*i.e.*, rangeland, forests) is Trust Land held by local authorities (Government of Kenya 1992, Constitution, 9(114-118); Government of Kenya 1960). These local leaders are enjoined to hold the land “for the benefit of the persons ordinarily resident on that land and give effect to such rights, interests or other benefits in respect of the land as may, under African customary law for the time being in force and applicable thereto be vested in any tribe, group, family or individual” (Government of Kenya 1992, Constitution, 115(2)). Many local authorities, however, use such land with little or no regard to their public trust obligations and appoint the Commis-

sioner for Lands to manage trust land on their behalf. The Trust Land Act states, “The Commissioner shall administer the trust land as agent for the council” except “where the Minister is satisfied that the council has made satisfactory arrangements to administer its trust land itself” in which case he will, by notice in the *Kenya Gazette*, terminate the power (Government of Kenya 1960, Trust Land, 53). By doing so, local authorities are converting what is essentially common property into public land. Subsequently, when such lands are needed for PAs or other public uses, they are acquired through a separate (“setting apart”) procedure that does not require public participation.

In Kenya, Tanzania and Uganda, any person aggrieved by the compulsory acquisition of land may petition the court for redress. In Kenya, the courts have tended to issue strict interpretations to the provisions of procedure set out in the Constitution and LAA. In 1994, the court held that, “the notice published under section 6(2)...must include the identity of the public body for whom the land is acquired and the public interest in respect of which it is acquired. It is only when a notice contains such information that a person affected thereby can fairly be expected to seize his right to challenge the legality of the acquisition. That is because the test of the legality of the acquisition is whether the land is required for a public body for a public benefit and such purpose is so necessary that it justifies hardship to the owner. Those details must be contained in the notice itself for the *prima facie* validity of the acquisition must be judged on the content of the notice. The test must be satisfied at the outset and not with the aid of subsequent evidence” (Government of Kenya 1994). The court went on to declare the notice in question defective and quashed the proposed acquisition. This ruling was upheld by the Court of Appeal (Government of Kenya 1996). In Kenya and in other African nations, however, the courts are only available to the small minority of people with the knowledge, time and resources to pursue their rights in this manner.

In summary, the legal procedures for the compulsory acquisition of landed private property are similar in Kenya, Tanzania and Uganda. In all three countries, the exercise of eminent domain authority is principally a government matter; there is no requirement for public participation in the decision to expropriate private land for public purposes. Participation is mandated in determining compensation, in putting public land into specific uses and in changing land-use practices in PAs. By law, the courts are available to aggrieved persons in all three countries, but in practice, few poor people have access to them. Public interest law associations have represented some rural people (or groups of rural people) whose land has been taken and targeted for conservation (see Section 2. Degazettement in East Africa).

C. EMINENT DOMAIN COMPENSATION

Development professionals and human rights advocates argue that compensation should improve or at least restore in real terms the living conditions of displaced people to pre-resettlement levels (Cernea and Schmidt-Soltau 2006; Cernea 2003; World Bank 2001; Cernea and McDowell 2000). Experience shows, however, that involuntary resettlement, even when mitigated, often gives rise to severe economic, social and other impoverishment risks. These include: displaced and dismantled production systems; loss of income sources; weakened community institutions and social networks; dispersed kin groups; and diminished or lost cultural identity and traditional authority (Cernea 2003; World Bank 2001).

Providing compensation requires an understanding of which property qualifies for compensation, who holds valid claims, how the property is assessed and valued, and when the compensation must be paid. In Kenya, land as well as crops, trees, structures and fixed improvements (*i.e.*, houses, fences and irrigation systems) are eligible for compensation. In

Tanzania, however, the government is required to pay compensation only for certain land. “No compensation shall be awarded in respect of any land which is vacant ground” (Government of Tanzania 1967, LAA, 12(1)). Agricultural and pastoral lands are not considered vacant but must be in “good estate management” to be eligible for compensation (Government of Tanzania 1967, LAA, 12(5)(b)). Land that is not properly used or inadequately developed is not eligible. Further, “...compensation awarded shall be limited to the value of the unexhausted improvements of the land” (Government of Tanzania 1967, LAA, 12(2)). “Unexhausted improvements” is defined as “any quality permanently attached to the land directly resulting from the expenditure of capital or labour by a person...and increasing the productive capacity, utility or amenity thereof, but does not include the results of ordinary cultivation other than standing crops or growing produce” (Government of Tanzania 1967, LAA, 12(7)). The law excludes many investments to improve land, such as labor to develop the farm and added soil nutrients to ensure high crop yields (Nshala 2004a; 2004b).

Experience reveals that the claims of people who hold customary rights but not granted rights of occupancy (*i.e.*, government-issued leases or titles) are often denied compensation. In Tanzania, the law which established the Mkomazi Game Reserve in 1952 explicitly preserved preexisting customary land rights. In 1988, the government evicted several thousand Maasai from the Reserve and did not compensate them. Fifty-three affected Maasai sued the government and, in 1998, the High Court awarded each plaintiff the sum of \$450 and ordered the government to relocate them to alternative land for settlement—sufficient for them to conduct their grazing activities and settle on a self-help basis. Dissatisfied with this decision, the plaintiffs appealed and, in 1999, the Appellate Court, citing “indisputable surrounding circumstances,” held that the Maasai were new arrivals in the disputed area, preceded by

other peoples. As such, the Court ruled that the plaintiffs did not have ancestral customary land title, only user rights and awarded the appellants alternative grazing land and compensation for the destruction of their properties (Peter 2007; Veit and Benson 2004; Brockington 2002; Mchome 2002; Juma 2000; Government of Tanzania 1999b; Lobulu 1999; Tenga 1999).

In Kenya, property owners are compensated by land replacement at new sites—“land for land” compensation—or are paid market prices for their condemned land. Crops and structural improvements are also assessed at market value. In Tanzania, the Land Acquisition Act allows compensation for land to be awarded in cash or “a grant of public land not exceeding in value the value of the land acquired” (Government of Tanzania 1967, LAA, 11(2)). The Village Land Regulations expanded the range of compensation forms to include cash, alternative land, “plants and seedlings...regular supplies of grain and other basic foodstuffs for a specified time (and) such other forms of compensation as may be agreed between the claimant and the Commissioner” (Government of Tanzania 2001, VLR, 25(c)(f)(g)). With little unclaimed or unoccupied productive land, however, the alternative land provided is often marginal and of low value. Crops and other improvements are valued at government rates which are usually below market value. In Tanzania, property is rarely valued at market or replacement costs unless required—and paid for—by donor agencies or other international development assistance organizations. Government auditors, not independent assessors, usually identify and value the eligible improvements. Assistance for relocation and resettlement is not required and rarely provided (Nshala 2004a; 2004b).

When compensation must or should be paid also varies in East Africa. In Uganda, the law obligates the government to pay full compensation before the acquisition—“the assessment officer shall take

possession of the land as soon as he has made his award” (Government of Uganda 1965, LAA, 6(1)). Advocates have invoked this provision in their efforts to quash acquisitions while the government has sought to change the law to allow the president to acquire land without first paying compensation (Government of Uganda 2004b; Tumushabe and Bainomugisha 2004b).

In Kenya and Tanzania, the law obligates the government to pay compensation “promptly,” but does not require payment before taking possession of the land. In Kenya, “...full compensation shall be paid promptly to all persons interested in the land” (Government of Kenya 1968, LAA, 8) and “the Commissioner shall, as soon as practicable, pay compensation” (Government of Kenya 1968, LAA, 13(1)). When compensation is not paid on or before the acquisition, “the Commissioner shall pay interest on the amount awarded at the rate of six per cent per annum from the time of taking possession until the time of payment” (Government of Kenya 1968, LAA, 16(1)). The number of PA-displaced people in East Africa who have received full compensation is not known, but it is certain that many of them have not received their award (Peter 2007; Nshala 2004a; 2004b; Tumushabe and Bainomugisha 2004a; Brockington 2002; Mchome 2002; Juma 2000).

Some governments in Africa are pursuing reconciliation to correct past wrongs. In South Africa, restitution laws allow people to reclaim lost land. In 1998, the Makuleke people regained full ownership and title of 24,000 hectares of the Kruger National Park. The land—which had been taken by the apartheid regime in the late-1960s and incorporated into the PA—was returned after the Makuleke reached a mediated settlement with the new democratic government. A Joint Management Board with the government manages the land in ways that are compatible with wildlife. The Makuleke have entered into partnerships with private investors to build tourist

facilities, and have used some proceeds for community development initiatives (Spierenburg et al. 2007; Turner 2006; Maluleke 2004).

In summary, the conditions and circumstances regarding compensation for expropriated private property vary in East Africa. In Kenya, land, crops, trees, structures and fixed improvements are eligible for compensation. In Tanzania, only land that is properly used or adequately developed is eligible for

compensation along with narrowly-defined “unexhausted improvements.” In Kenya, property is valued at market prices, but in Tanzania, property is valued at government rates which are usually below market value. In Uganda, the government must pay full compensation before taking possession of the land, while in Kenya and Tanzania, the government is only required to pay compensation “promptly.” Many PA-displaced people in East Africa have not received their full compensation award.

FINDINGS AND RECOMMENDATIONS

A number of findings can be drawn from this review with important implications for biodiversity conservation. Several policy options and recommendations on the law and practice of eminent domain for PAs are also presented below.

A. KNOWLEDGE AND UNDERSTANDING

Little systematic and comparative research has been conducted on the relations between compulsory land acquisition, conservation and poverty reduction in Africa. With PAs the conservation strategy of choice, new research is needed to generate the information and knowledge needed to design sound conservation and development policies. Investigations are needed on the law and practice of PAs established by eminent domain, and on the conservation and development outcomes. Do PAs established through eminent domain deliver their intended public purposes? How has the use of eminent domain for PAs affected private property rights, investment and development? How can governments meet their responsibilities of protecting private property rights and of acquiring private land for public purposes? How can law balance the public goods of development and conservation? How have the courts interpreted the law on eminent domain and judged government practices? Are compulsory acquisition procedures democratic and are they consistently applied and enforced?

New research is underway to better understand the effects of PAs on adjacent communities, to identify best practices in mitigating park-people conflicts and to establish the full value of PAs (Burke et al. 2007; Wilkie et al. 2006; Schmidt-Soltau and Brockington 2004). Less attention is focused on strengthening compensation policies and practices, and on ensuring the continued wellbeing of people displaced by PAs. How many people have been displaced by conservation and how many have received fair compensation? Are PA-displaced people better off before or after being dispossessed of their land? What support do displaced people need to maintain or improve their standard of living? The answers to these and other questions are urgently needed to develop realistic and effective policies that will reduce poverty, promote development and achieve sustainable conservation.

B. EMINENT DOMAIN USES

To adequately protect property rights and secure tenure, the application of eminent domain must be disciplined and restricted to genuine public purposes, not including ordinary government business or economic development. Governments must establish robust and unqualified public purpose requirements for the compulsory acquisition of landed private property (Cotula 2007). Laws that clearly and conservatively define public purpose, public use, public benefit and public interest can provide appropriate limits

To adequately protect property rights and secure tenure, the application of eminent domain must be disciplined and restricted to genuine public purposes, not including ordinary government business or economic development.

to government discretion in the exercise of eminent domain, and protect citizens and society from government misuse of this authority. General definitions, generous interpretations, and broad uses of eminent domain can weaken private property rights and create legitimacy problems for governments, even when land is acquired for genuine public purposes.

Given the often adverse social and economic consequences of involuntary displacement on rural people, the exercise of eminent domain must have high justification standards. Governments should be required to provide specific justification for each proposed PA, and not be allowed to simply declare their intent to establish a new park or invoke PAs as a traditional and established use of eminent domain authority. Notices of intention should include a review of alternative conservation approaches and present the best possible calculations of the public—and private—benefits from the proposed PA, the costs to all affected people and the costs to society, such as any loss of security in land tenure. Such information is needed to establish if the total benefits of the proposed PA outweigh the collective and cumulative costs. Such cost-benefit analysis will inform public debates and decision-making processes, and improve public policy and government actions. Opportunities must be provided for the general public, especially the people directly affected by the land acquisition and the establishment of the new PA, to participate and engage in the process, including in the determination of whether the proposed PA is in the public interest and whether the acquisition is justified.

For purposes of creating new or expanding existing PAs, eminent domain should be exercised as a last resort, after carefully considering and rejecting all alternative approaches to achieving the desired public purposes, and after exhausting all reasonable efforts to encourage willing seller-willing buyer arrangements and voluntary relocation. Eminent domain should be exercised when other conservation approaches, such as community-based wildlife management, are shown to be inadequate and when PAs provide the only or best strategy for achieving biodiversity conservation. Conservation approaches that are less harmful or more beneficial to local people than parks should take priority over PAs.

For purposes of creating new or expanding existing PAs, eminent domain should be exercised as a last resort, after carefully considering and rejecting all alternative approaches to achieving the desired public purposes.

Further, eminent domain should not be exercised unless the government can provide evidence of its capacity to meet all procedural requirements and ensure that the expropriated land will deliver the public purpose justification. High costs and stretched budgets are not valid excuses for neglecting compensation and poor PA implementation. Rather, the inability—or unwillingness—of government to provide the necessary resources is a sound justification for not exercising eminent domain and establishing a new PA. PAs established by eminent domain that fail to meet their intended public purpose within a reasonable and specified time period should be degazetted and the land returned to its original inhabitants. “Paper” parks diminish the credibility of government

to exercise eminent domain for legitimate conservation purposes and hinder the ability of park authorities to manage all PAs.

C. EMINENT DOMAIN PROCEDURES

The procedures for exercising eminent domain authority in Kenya, Uganda and Tanzania—as well as in other countries around the world—are principally a government (*i.e.*, executive branch) affair. Democratic governance systems encourage and enable citizens and their representatives to engage government and participate in public policy matters. They provide multiple opportunities for citizens to express their perspectives and needs, and make available various channels for their voices to reach government officials and inform decision-making processes. In democratic systems, government powers, including the authority to expropriate landed private property in a compulsory manner, are also limited and checked by institutionalized accountability measures, such as civil society monitoring and legislative oversight. Inclusion and accountability help ensure responsive government and public policies that reflect majority views while also recognizing minority positions.

In the absence of functioning democratic systems, measures to implement fundamental democratic principles such as transparency, participation, representation and accountability are not available or are restricted, compromised and ineffective (Veit et al. 2008; Ribot 2004). When wholly administrative matters are not embedded in democratic systems and institutions, power may not be appropriately limited and may be checked more by external and international pressure than by domestic horizontal and vertical accountability measures¹¹ or by any mechanisms internal to government institutions. With few limits and little oversight, such government officials have the freedom to exercise eminent domain at their

Public participation and checks-and-balances on government power help guard against the abuse and misuse of eminent domain, limit arbitrary acquisitions, and ensure that governments use their authority only for valid and genuine public purposes.

full discretion and with few or no repercussions—a proven recipe for abuse of office and corruption.

Despite significant and laudable political reforms in the past 10 to 15 years, the governments in Kenya, Tanzania and Uganda are not consolidated democracies; the three countries are considered to be “partly free” by Freedom House (Freedom House 2007).¹² As a result, people in East Africa would be well served by investments that strengthen available forms of inclusion and accountability measures, and that institutionalize additional safeguards in the use of eminent domain.¹³ Attention must focus not only on decisions regarding compensation and the use of expropriated land, but also—and perhaps more importantly—on the decisions to acquire landed private property and establish new PAs. Public participation and checks-and-balances on government power help guard against the abuse and misuse of eminent domain, limit arbitrary acquisitions, and ensure that governments use their authority only for valid and genuine public purposes.

Participation and accountability mechanisms include, but are not limited to:

- Granting communities the rights of free, prior, and informed consent (FPIC) over eminent domain and conservation decisions;

- Mandating public hearings and providing other opportunities for citizens to engage in compulsory land acquisition decisions;
- Organizing referendums or other ballot-box initiatives on potential land acquisitions and proposed PAs;
- Requiring parliamentary approval of eminent domain decisions;
- Establishing an ombudsman to hear citizen complaints, mediate conflicts and facilitate compromises; and
- Implementing initiatives designed to make courts more accessible and available to poor, rural people.

These measures have been used effectively in Africa and elsewhere to protect property rights and conserve biodiversity (Alcorn and Royo 2007; Sohn 2007; Per-rault et al. 2006).

D. COMPENSATION

With the payment of fair and prompt compensation, eminent domain is essentially a compulsory sale. To protect that the wellbeing and welfare of people displaced by PAs, compensation should be provided to people with granted rights of occupancy as well as other types of property rights and tenure categories, including customary rights at the individual, household and community level. Calculating compensation solely on the basis of fixed or unexhausted improvements on the land, and ignoring the real value that informs the acquisition is unjust. Compensation should recognize not only the condemned land and the developments on the land, but also the loss of livelihoods and social relations, the hardships from involuntary resettlement and any opportunity costs (e.g., from potential high-value land uses, such as irrigated agriculture).

Customary rights-holders who lose land through eminent domain should be recognized as legitimate claimants and they—or their descendants—should be awarded compensation. In many traditional societies, customary land rights are inherited and passed on to the next generation. Further, the procedures for assessing land and valuing property should be transparent, open, fair, reliable and replicable. Condemned property should be valued by independent assessors and the process must be shielded from politics and political operatives. Property assessments should be based on open market values or replacement costs, and a premium to offset the compulsory nature of the acquisition should be considered to encourage willing seller-willing buyer arrangements.

If the government fails to pay the remaining compensation by the established date, the PA should be degazetted and the land returned to its rightful occupants.

Preferably, full compensation should be awarded to all claimants before the government takes possession of the land. At a minimum, the affected people should receive a significant percentage—more than 50 percent—of the award before they are displaced. If not paid in full, a specific timetable should be established for paying the remainder of the compensation award with interest charges pegged to the national rate of inflation. If the government fails to pay the remaining compensation by the established date, the PA should be degazetted and the land returned to its rightful occupants.

Compensation can be expensive. In Gabon, the cost to fairly compensate the people affected by the establishment of 13 PAs in 2002 has been estimated at US

\$80 million (Cernea and Schmidt-Soltau 2006)—the PAs cover 3 million hectares, or 10 percent of Gabon’s total surface area. Africa’s developmental challenges are enormous, national budgets are stretched and few governments have the financial resources to cover such compensation costs. Conservation groups and other international organizations commonly support PA management (*i.e.*, the costs of park staffs, infrastructure and anti-poaching patrols) and are increasingly making direct payments to people who manage their land in ways that are consistent with conservation and who safeguard wildlife on their property (Ferraro and Kiss 2002). These groups, however, rarely help pay the compensation costs for new PAs.

In contrast, corporations are often required by the host government to pay eminent domain compen-

sation costs, including for land acquired for public works (*i.e.*, dams and hydroelectric power plants) and for the extraction of natural resources (*i.e.*, timber, oil, natural gas and minerals). In some cases, companies that implement such projects—and the banks and donor agencies that support them—provide a premium as a purchase incentive, pay the full compensation award before taking possession of the land and cover the costs of the acquisition process (World Bank 2003b; World Commission on Dams 2000). Some governments have established funds to purchase private land and compensate landowners for their eminent domain losses. Few of these land funds, however, have been sufficiently capitalized or effectively managed to provide any meaningful support. Conservation organizations should help pay—or help raise the funds for governments to pay—the costs of exercising eminent domain for PAs.

6

CONCLUSIONS

The links between conservation, development and democracy are multi-dimensional and complex, but there is little dispute that democracies excel in many areas (Siegle et al. 2004), including in various environment and development matters. Democracies more often establish PAs that are legal, legitimate and that have broad public support. While there are winners and losers from all PAs, developing and implementing parks through democratic means ensures that the costs, benefits and trade-offs of alternative conservation approaches are addressed, increasing the likelihood that PAs deliver their promised public purpose and that all affected people are adequately and appropriately compensated for their losses.

When the procedures for acquiring private land and for establishing PAs are democratic, the threats to conservation from degazettement, denotification and in-park land-use changes are minimized. PAs that are legally secure and locally legitimate garner the support of the public and many local people—important advocates for conservation and for opposing any proposed degazettement. Such PAs are well-positioned to deliver sustainable conservation and local development.

Democratizing land transfers between the public and private domains limits unnecessary and irregular degazettement, frivolous land acquisition, and extra-legal gazettement of PAs—all actions that threaten long-term sustainable conservation. Conservationists recognize the biodiversity dividend of democratizing the procedures to degazette PAs and privatize public lands, but many see only short-term threats to democratizing eminent domain, not the opportunities for sustainable conservation. Any short-term consequences to conservation from the democratization of eminent domain, must be accepted and mitigated. They should not, however, delay or derail eminent domain reforms critical to achieving longer-term objectives of sustainability.

To meet the goals of the United Nations Convention on Biological Diversity, and the specific targets established in subsequent negotiations, governments in Africa must: (1) limit and discipline the authority of eminent domain; (2) democratize the procedures for expropriating landed private property; and (3) consistently implement and enforce the established procedures for exercising eminent domain, including paying fair compensation promptly. Such measures will help regularize public-private land transfers, protect private property rights, and promote national policy objectives and UN Millennium Development Goals of poverty reduction.

ABOUT THE AUTHORS

Peter G. Veit is a Senior Fellow and Regional Director for Africa in the Institutions and Governance Program, World Resources Institute, 10 G Street N.E., Suite 800, Washington, D.C. 20002 USA

Rugemeleza Nshala is co-founder of the Lawyers' Environmental Action Team in Tanzania, currently at Harvard Law School, 1563 Massachusetts Avenue, Cambridge, MA 02138 USA

Michael Ochieng' Odhiambo is founder and Executive Director of the Resource Conflict Institute, P.O. Box 7150, Timbermill Road 20110, Nakuru, Kenya

Jacob Manyindo is a Senior Fellow in the Uganda Wildlife Society, Plot 94, Kanjokya Street, Kamwokya, PO Box 7422, Kampala, Uganda

NOTES

1. There are many reasons for this shift in strategies and investments. While community-based approaches can protect wildlife outside PAs and safeguard dispersal areas and migration routes, many conservationists consider such approaches to be expensive, time-consuming, risky, and ineffective.
2. Degazettement refers to the transfer of land out of the protected estate into other public uses or into the private domain. Denotification refers to the down-listing or down-grading in the legal status and management of PAs, such as from a fully-protected, strict nature reserve managed mainly for science to a multiple-use wildlife or forest reserve managed for the sustainable use of natural resources and ecosystems.
3. The term “eminent domain” is not universal, but is applied in many common-law countries, including Kenya, Tanzania and Uganda.
4. Western Uganda is part of the Albertine Rift which stretches from northern Uganda south along the Democratic Republic of Congo border with Uganda, Rwanda and Burundi to northern Zambia. The Albertine Rift is the most species rich eco-region in Africa and harbors more endemic species than any other region on the continent.
5. Such rulings are not limited to East Africa. In December 2006, the High Court in Botswana ruled that more than 1000 San people from the Gana and Gwi clans “were dispossessed forcibly, unlawfully and without their consent” by the government in 2002 from their ancestral homeland, and have the right to live, hunt and gather in the Central Kalahari Game Reserve (Survival International 2006). The Reserve, the world’s second largest PA, was established in 1961 specifically to protect the Bushmen and preserve their homeland. Human rights advocates around the world hope this case will set a precedent for other people seeking their traditional land rights.
6. In 2005, a constitutional amendment transferred oil and minerals from public resources to state-owned resources. The government argued that this transfer was needed to facilitate extraction and promote national development.
7. In the early 1900s, the British colonialists gave some land to local elite and other notables. These individuals often lacked the means to till the area and began settling tenants. In 1928, the tenants received eviction protection so that they could not be forcibly removed from the land without compensation. Only “mailo” owners can acquire titles to the land, but the tenants have strong land rights. Today, there are some “mailo” farmers, but the majority of individuals occupying the land are tenants (Place and Keijiro 2000).
8. In 2007, the government of Uganda presented a Land Amendment Bill before parliament designed to protect people who possess lawful customary tenure. Under the bill, any person claiming an interest in land held under customary tenure can only be evicted from it by a court order. Unlawful evictions would carry a prison term of up to seven years.
9. A cadastral survey is a public register or survey that defines or re-establishes boundaries of public or private land for purposes of ownership and taxation.
10. In contrast, in the United States and other Western countries, the courts have construed “public interest,” “public purpose” and “public use” broadly to give local and national governments a great deal of discretion. For

example, in a 2005 landmark case, the Supreme Court of the United States held in a 5-4 decision that the general benefits a community enjoyed from economic growth qualified such redevelopment plans as a permissible “public use” under the Takings Clause of the Fifth Amendment of the Constitution (Garnett 2006; Government of the United States 2005).

11. Horizontal accountability refers to the capacity of governmental institutions, including such “agencies of restraint” as courts, independent electoral tribunals, anticorruption bodies, central banks, auditing agencies and ombudsmen to check abuses by other public agencies and branches of government. Horizontal account-

ability is distinguished from and complements vertical accountability, through which public officials are held accountable by free elections, a free press and an active civil society (Anderson 2006; O’Donnell 1998).

12. Few governments in Africa are consolidated democracies—only 11 of the 48 sub-Saharan African states are recognized as “free” (Freedom House 2007).
13. Strengthening inclusion, accountability and other fundamental democratic principles are useful and beneficial to all people in every country, not just those living in nations without strong democratic systems and institutions.

REFERENCES

- Alcorn, Janis Bristol and Antoinette G. Royo. 2007. Conservation's Engagement with Human Rights: Traction, Slippage or Avoidance? *Policy Matters* 15, 115-139.
- Anderson, Leslie E. 2006. The Authoritarian Executive? Horizontal and Vertical Accountability in Nicaragua. *Latin American Politics & Society* 48(2), 141-169.
- Baguma, Raymond, John Thawite and Gerald Tenywa. 2007. Hoima Wildlife Reserve to be Degazetted. *The New Vision* (Kampala), 9 December. Available online at: <http://www.newvision.co.ug/D/8/13/601213>.
- Boitani Luigi, Richard M. Cowling, Holly T. Dublin, Georgina M. Mace, Jeff Parrish, Hugh P. Possingham, Robert L. Pressey, Carlo Rondinini and Kerrie A. Wilson. 2008. Change the IUCN (International Union for Conservation of Nature) Protected Area Categories to Reflect Biodiversity Outcomes. *PLoS Biol* 6(3), e66. Available online at: <http://biology.plosjournals.org/perlserv/?request=get-document&doi=10.1371/journal.pbio.0060066>.
- British Broadcasting Corporation. 2007. Deaths in Uganda Forest Protest. *BBC News* (London), 12 April. Available online at: <http://news.bbc.co.uk/2/hi/africa/6548107.stm>.
- Brockington, Dan. 2002. *Fortress Conservation: The Preservation of the Mkomazi Game Reserve, Tanzania*. Oxford: James Currey.
- Burke, Laretta, Daniel Prager, Suzie Greenhalgh, and Emily Cooper. 2007. *Economic Valuation of Coral Reefs, Methodology*. Washington, D.C.: World Resources Institute.
- Cernea, Michael M. 2003. For a New Economics of Resettlement: A Sociological Critique of the Compensation Principle. *International Social Science Journal* 55 (175), 37-45.
- Cernea, Michael M. and C. McDowell, eds. 2000. *Risks and Reconstruction: Experiences of Resettlers and Refugees*. Washington, D.C.: World Bank.
- Cernea Michael M. and Kai Schmidt-Soltau. 2006. Poverty Risks and National Parks: Policy Issues in Conservation and Resettlement. *World Development* 34 (10), 1808-1830.
- Cotula, Lorenzo. 2007. *Legal Empowerment for Local Resource Control: Securing Local Resource Rights within Foreign Investment Projects in Africa*. London: International Institute for Environment and Development.
- Deininger, K. 2003. *Land Policies for Growth and Poverty Reduction*. Washington, D.C.: World Bank.
- Dunning, Harrison C. 1968. Law and Economic Development in Africa: The Law of Eminent Domain. *Columbia Law Review* 68 (7), 1286-1315.
- Ferraro, Paul J. and Agnes Kiss. 2002. Direct Payments to Conserve Biodiversity. *Science* 298, 1718-1719.
- Freedom House. 2007. *Freedom in the World 2007*. Washington, D.C.: Freedom House.
- Garnett, Nicole Stelle. 2006. The Neglected Political Economy of Eminent Domain. *Michigan Law Review* 105, 101-150.
- Government of Kenya. 2004. *Commission of Inquiry on Illegal and Irregular Allocations of Public Lands (2003-2004)*. Nairobi: Government of Kenya.
- Government of Kenya. 1999. *Environmental Management and Coordination Act*. Nairobi: Government of Kenya.

- Government of Kenya. 1996. *The Commissioner for Lands v. Coastal Aquaculture Ltd*, Mombasa Court of Appeal, No. 252 of 1996. Nairobi: Government of Kenya.
- Government of Kenya. 1994. *Coastal Aquaculture Limited v. the Commissioner of Lands and Settlement and the Minister of Lands and Settlement*, Mombasa HC Misc. Appl., No. 55 of 1994. Nairobi: Government of Kenya.
- Government of Kenya. 1992. *Constitution*. Nairobi: Government of Kenya.
- Government of Kenya. 1976. *Wildlife Conservation and Management Act*. Nairobi: Government of Kenya.
- Government of Kenya. 1968. *Land Acquisition Act*. Nairobi: Government of Kenya.
- Government of Kenya. 1960. *Trust Land Act (Cap 288)*. Nairobi: Government of Kenya.
- Government of Tanzania. 2004. *Nyamuma Report*. Commission for Human Rights and Good Governance. Dar es Salaam: Government of Tanzania.
- Government of Tanzania. 2001. *Village Land Regulations*. Dar es Salaam: Government of Tanzania.
- Government of Tanzania. 1999a. *Village Land Act*. Dar es Salaam: Government of Tanzania.
- Government of Tanzania. 1999b. *Lekengere Faru Parutu Kamunyu and 52 Others v. Minister for Tourism, Natural Resources and Environment and 3 Others*. Court of Appeal of Tanzania at Arusha, Civil Appeal No. 53 of 1998. Dar es Salaam: Government of Tanzania.
- Government of Tanzania. 1967. *Land Acquisition Act*. Dar es Salaam: Government of Tanzania.
- Government of Uganda. 2004a. *Advocates Coalition for Development and Environment, Applicants v. Attorney General, Respondent*. High Court of Uganda at Kampala, Misc. Cause No. 0100 of 2004. Kampala: Government of Uganda.
- Government of Uganda. 2004b. *Government White Paper on 1. The Report of the Constitution of Inquiry (Constitutional Review), 2. Government Proposal not Addressed by the Report of the Commission of Inquiry (Constitutional Review)*. Kampala: Government of Uganda.
- Government of Uganda. 1995. *Constitution*. Kampala: Government of Uganda.
- Government of Uganda. 1965. *Land Acquisition Act*. Kampala: Government of Uganda.
- Government of the United States of America. 2005. *Kelo v. New London*. Supreme Court of the United States, 545 U.S. 469, Certiorari to the Supreme Court of Connecticut. Washington, D.C.: Government of the United States.
- Hutton, Jon, William M. Adams and James C. Murombedzi. 2005. Back to the Barriers? Changing Narratives in Biodiversity Conservation. *Forum for Development Studies* 2, 341-370.
- Jaramogi, Patrick. 2008. Kapchorwa Local Leaders in Arms Over Park Evictions. *New Vision* (Kampala), 27 February. Available online at: <http://datelineafrica.org/stories/printable/200802280029.html>.
- Juma, Ibrahim H. 2000. Extinction of Customary Land Rights in the Wildlife Conservation Areas of Tanzania: The Case of Mkomazi Game Reserve. *Law in Africa: Zeitschrift der Gesellschaft für afrikanisches Recht* 2, 133.
- Keregero, Keregero. 2007. Nyamuma Human Rights Violation Case Lands in Court of Appeal. *Guardian* (Kampala), 15 May. Available online at: <http://www.ippmedia.com/ipp/guardian/2007/05/15/90521.html>.
- Keregero, Keregero. 2005. Nyamuma Villagers Refer Case to Court of Appeal. *Guardian* (Kampala), 2 November. Available online at: <http://www.ippmedia.com/ipp/guardian/2005/11/02/53213.html>.
- Klopp, Jacqueline. 2001. Pilfering the Public: The Problem of Land Grabbing in Contemporary Kenya. *Africa Today* 47 (1), 7-26.
- Lang, Chris and Timothy Byakola. 2006. *A Funny Place to Store Carbon: UWA-FACE Foundation's Tree Planting Project in Mount Elgon National Park, Uganda*. Montevideo: World Rainforest Movement.
- Legal and Human Rights Centre. 2003. *Protection of Wildlife and Human Rights on the Balance Sheet: A Case of Serengeti Killings*. Dar es Salaam: Legal and Human Rights Centre.
- Lobulu, Ben. 1999. Dispossession and Land Tenure in Tanzania: What Hope from the Courts? *Cultural Survival Quarterly* 22 (4), 64-67.
- Magumba, Tom and Agness Nandutu. 2007. Hima Cement Given National Park Land. *The Monitor* (Kampala), 22 October. Available online at: <http://allafrica.com/stories/200710220835.html>.

- Maluleke, Livingstone. 2004. *The Makuleke Story*. Paper presented at the World Conservation Congress, Bangkok, Thailand, 17-25 November.
- Manyindo, Jacob. 2003. *Conflicting Interests: Land Use Changes in Protected Areas for Private Commercial Benefit*. Wildlife Series No. 3. Kampala: Uganda Wildlife Society.
- Mchome, Sifuni Ernest. 2002. *Evictions and the Rights of People in Conservation Areas in Tanzania*. Faculty of Law. Dar es Salaam: University of Dar es Salaam.
- Mynott, Adam. 2005. Kenya Wildlife Haven Downgraded. *BBC News* (London), 11 October. Available online at: <http://www.saveamboseli.net/>.
- Naughton-Treves, Lisa, Margaret Buck Holland and Katrina Brandon. 2005. The Role of Protected Areas in Conserving Biodiversity and Sustaining Local Livelihoods. *Annual Review of Environment and Resources* 30, 219-252. Available online at: http://science.conservation.org/portal/server.pt/gateway/PTARGS_0_124186_46296_0_0_18/annurev.energy.30.050504.pdf.
- Nshala, Rugemeleza. 2004a. *Dispossess by Disowning: The Plight of Customary Land Rights Owners in Tanzania's Protected Areas; The Mighty is Right!* Dar es Salaam: Lawyers' Environmental Action Team and World Resources Institute.
- Nshala, Rugemeleza. 2004b. *Supremacy of Customary Land Rights: Democratizing the Eminent Domain Powers in Tanzania*. Dar es Salaam: Lawyers' Environmental Action Team and World Resources Institute.
- O'Donnell, Guillermo. 1998. Horizontal Accountability in New Democracies. *Journal of Democracy* 9(3), 112-126.
- Perrault, Anne, Kirk Herbertson and Nelson Manga. 2005. *Establishing Conditions for Success (and Environmental Justice) in Protected Areas: The Public Interest and Prior Informed Consent*. Washington, D.C.: Center for Environmental Law and World Resources Institute.
- Peter, Chris Maina. 2007. *Human Rights of Indigenous Minorities in Tanzania and the Courts of Law*. Available online at: <http://www.rwi.lu.se/pdf/seminar/peter%20tanzania%202007.pdf>.
- Place, Frank and Otsuka, Keijiro. 2000. Population Pressure, Land Tenure, and Tree Resource Management in Uganda. *Land Economics* 76 (2), 233-251.
- Redford, Kent H. and Eva Fearn, eds. 2007. *Protected Areas and Human Livelihoods*. Working Paper No. 32. New York: Wildlife Conservation Society.
- Ribot, Jesse C. 2004. *Waiting for Democracy: The Politics of Choice in Natural Resource Decentralization*. Washington, D.C.: World Resources Institute.
- Save Amboseli. 2008. Available online at: <http://www.saveamboseli.net/>.
- Schmidt-Soltau, Kai and Dan Brockington. 2004. *The Social Impacts of Protected Areas*. Paper presented at World Conservation Congress, Bangkok, Thailand, 20 November.
- Siegle, Joseph T., Michael M. Weinstein and Morton H. Halperin. 2004. Why Democracies Excel. *Foreign Affairs*, September/October.
- Sifuna, Nixon. 2005. Using Eminent Domain Powers to Acquire Private Lands for Protected Area Wildlife Conservation: A Survey under Kenyan Law. *Law Environment and Development Journal* 2/1, 84-107.
- Sohn, Jonathan, ed. 2007. *Development without Conflict: The Business Case for Community Consent*. Washington, D.C.: World Resources Institute.
- Spienburg, Marja, Conrad Steenkamp and Harry Wels. 2007. *Enclosing the Local for the Global Commons: Community Land Rights in the Greater Limpopo Transfrontier Conservation Area*. Representation, Equity and Environment Working Paper No. 26. Washington, D.C.: World Resources Institute.
- Sserwanga, Moses. 2007. Government's New Strategy on Land. *The Monitor* (Kampala). 12 February. Available online at: <http://allafrica.com/stories/200702130003.html>.
- Survival International. 2006. *Botswana: Bushmen Win Landmark Legal Case*. Available online at: <http://www.survival-international.org/news.php?id=2128>.
- Tenga, Ringo. 1999. Legitimizing Dispossession: The Tanzanian High Court's Decision on the Eviction of Maasai Pastoralists from Mkomzai Game Reserve. *Cultural Survival Quarterly* 22 (4), 60-63.
- Tumushabe, Godber W. 2003. *Trading Natural Wealth for Fiction: A Legal Opinion on the Proposed Degazettement of Pian Upe Wildlife Reserve*. Legal Series No. 1. Kampala: Uganda Wildlife Society.

- Tumushabe, Godber W. and Arthur Bainomugisha. 2004a. *Constitutional Reform and Environmental Legislative Representation in Uganda: A Case Study of Butamira Forest Reserve in Uganda*. Policy Research Series No. 10. Kampala: Advocates Coalition for Development and Environment.
- Tumushabe, Godber W. and Arthur Bainomugisha. 2004b. *Submission on the Government White Paper on the Constitutional Reform and the Political Transition Process. Memorandum to the Committee on Legal and Parliamentary Affairs, Parliament of the Republic of Uganda*. Kampala: Advocates Coalition for Development and Environment.
- Turner, Robin. 2006. *Communities, Conservation, and Tourism-Based Development: Can Community-Based Nature Tourism Live Up to Its Promise?* University of California International and Area Studies Digital Collection. Available online at: <http://repositories.cdlib.org/cgi/view-content.cgi?article=1004&context=uciaspubs/articles>
- United Nations Environment Programme-World Conservation Monitoring Centre and World Conservation Union (IUCN) World Commission on Protected Areas. 2007. *World Database on Protected Areas*. Nairobi: UNEP.
- Veit, Peter G., Gracian Z. Banda, Alfred Brownell, Shamiso Mtisi, Prudence Galega, George Mpundu Kanja, Ruge-meza Nshala, Benson Owuor Ochieng, Alda Salomao and Godber Tumushabe. 2008. *On Whose Behalf? Legislative Representation and the Environment in Africa*. Washington, D.C.: World Resources Institute.
- Veit, Peter G. and Catherine Benson. 2004. When Parks and People Collide. Human Rights Dialogue. *Carnegie Council on Ethics and International Affairs* 2 (11), 13-14.
- Wilkie, David S., Gilda A. Morelli, Josefien Demmer, M. Starkey, P.Telfer and M. Steil. 2006. Parks and People: Assessing the Human Welfare Effects of Establishing Protected Areas for Biodiversity Conservation. *Conservation Biology* 20 (1), 247-249.
- World Bank. 2005. *World Development Report: A Better Investment Climate for Everyone*. Washington, D.C.: World Bank.
- World Bank. 2003a. *Land Policies for Growth and Poverty Reduction*. Policy Research Report. Washington, D.C.: World Bank.
- World Bank. 2003b. *Northern Corridor (Kenya) Road Improvement Project: Resettlement Policy Framework*. Washington, D.C.: World Bank.
- World Bank. 2001. *Operational Policies: Involuntary Resettlement*. The World Bank Operational Manual (OP 4.12). Washington, D.C.: World Bank.
- World Commission on Dams. 2000. *Dams and Development: A New Framework for Decision-Making*. London: Earthscan.



WORLD
RESOURCES
INSTITUTE

WORLD RESOURCES INSTITUTE

The World Resources Institute (WRI) is an environmental think tank that goes beyond research to find practical ways to protect the earth and improve people's lives.

Our mission is to move human society to live in ways that protect Earth's environment and its capacity to provide for the needs and aspirations of current and future generations.

Because people are inspired by ideas, empowered by knowledge, and moved to change by greater understanding, WRI provides—and helps other institutions provide—objective information and practical proposals for policy and institutional change that will foster environmentally sound, socially equitable development.

WRI organizes its work around four key goals:

- **People & Ecosystems:** Reverse rapid degradation of ecosystems and assure their capacity to provide humans with needed goods and services.
- **Access:** Guarantee public access to information and decisions regarding natural resources and the environment.
- **Climate Protection:** Protect the global climate system from further harm due to emissions of greenhouse gases and help humanity and the natural world adapt to unavoidable climate change.
- **Markets & Enterprise:** Harness markets and enterprise to expand economic opportunity and protect the environment.

INSTITUTIONS AND GOVERNANCE PROGRAM

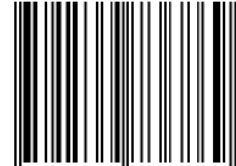
WRI's Institutions and Governance Program addresses the social and political dimensions of environmental challenges, and explores the equity implications of alternative environmental management regimes. IGP aspires to inform environmental policy arenas with analyses of why apparently sound technical and economic solutions to environmental problems often fail to be implemented, and to generate and promote ideas for how constraints to such solutions can be lifted. The program's principal, although not exclusive, focus is on developing and transition countries, and the representation of the interests of those countries in global environmental policy areas. For more information, please visit <http://www.wri.org/governance>.



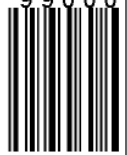
WORLD
RESOURCES
INSTITUTE

10 G Street, NE
Washington, DC 20002 USA
www.wri.org

ISBN 978-1-56973-686-9



9 9000



9 781569 736869