



NEW NICHEs OF COMMUNITY RIGHTS TO FORESTS IN CAMEROON: TENURE REFORM, DECENTRALIZATION CATEGORY OR SOMETHING ELSE?

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Abstract

In a difficult political economy, marked notably by a multifaceted crisis, Cameroon, like many other African countries, launched the restructuring of the policy and legal framework that governed the management of forest until the mid-1990s. Given the deep conflict of discourse surrounding the issue of forest ownership and rights to forest in Central Africa, the allocation of new niches of community rights to forest is, in theory, meaningful of the emergence of a new type of relations between the 'central' and the 'local' and, therefore, a new configuration of issues like resource 'politics' and resource governance. Unlike West, East or Southern Africa, resource tenure is a not really an old research domain in Central Africa. While injecting information on the topic, the essay interrogates the nature of ongoing change in the structure of community rights to forest in Cameroon. In policy terms, what is really this change? Some call it tenure change, some others call it decentralization. Using conceptual, theoretical and empirical arguments, the essay conducts a policy analysis of both options and concludes that this is neither a strict decentralization process nor a strict tenure reform. It is a mixture of devolution and delegation of powers. Theorists, policy designers and professional must be informed about this dilemma.

Keywords: *community rights, community forests, tenure reform, decentralizations, policy dialogue, Cameroon.*

Introduction

Are reforms an absolute necessity for states and organizations? According to theorists (Grindle & Thomas 1992; Snyder 1992; Joseph 1992), policy designers and decision-makers justify the development and implementation of reforms by the persistence of situations of crisis or pre-crisis, and the urgent need to address some of the problems at the origin of the said situations. Probably the precursor of numerous nowadays political economy and institutional developments theorists, an author like Kuhn (1963)—while studying governmental decisions—showed that reforms aim at regulating

power, generating new transactions in the public sphere and enlarging the boundaries of the latter, as confirmed by Hodenthal (1992). According to the public choice school (Olson 1965), axiological, ethical and political aims of institutional and decisional reforms should ideally be the construction of correlations and relations of proximity between decisions made and the beneficiaries—that is, the general public—on the one hand, and the satisfaction of the diversity of beneficiaries' expectations and aspirations on the other. Thus, decisional developments and reforms should, logically, be good and fair for the general public. Knowing whether these solutions are also good and fair for decision makers is a question always raised by theorists (Persson 1998, Grossman & Helpman 1996).

Using its epistemological power, social science has always paid a strong interest to reforms relating to social and economic processes, upstream—before and during reforms—and downstream—after reforms. One of the issues on which theoretical and empirical social studies focus is—from the systemic point of view—the social, economic, and policy frameworks for access to land and resource, land and resource management and land and resource control. The scientific and epistemological significance of this approach has led to the recognition of the role of social science in the complexities of pre-reform, reform and post-reform situations in post-independence Africa. That is why like other reforms, reforms dealing with land and natural resource—the basis of livelihoods in developing countries—constitute, as shown by Field & Burch (1988), the favourite field of several social science disciplines since nearly a century (Buttel 2002).

This essay is a contribution to the analysis of a forest policy reform in Cameroon, a developing country. In Africa, including Cameroon, a deep and resilient conflict of discourse on “who own the forests? ” is opposing the state and the local communities since the colonial period (White & Martin 2002, Oyono 2005, Sunderlin *et al.* 2008), resulting very often in complex political situations and violent social responses (see Oyono *et al.* 2009). Cameroon's decision-makers and bodies of the international community proclaim that the policy and institutional change which is being designed and implemented in the structure of rights to forest and, wholly, the legal infrastructure of forest management and control in Cameroon since the mid-1990s stands out in Sub-Saharan Africa, in general, and in Central Africa, in particular, because of its advanced goals. This singularity is explained from both a comparative viewpoint—that is, besides other Central Africa's countries—and a phenomenological perspective—that is, the effective reconfiguration of the package of community rights to forest (Oyono, Ribot & Larson 2006; Oyono *et al.* 2009; Mbile *et al.* 2009). The following lines interrogate the real nature of this change. Based on key illustrations and mechanisms, this effort is equally a contribution to the clarification of the persistent conceptual, semantic and

policy confusion predominating when it comes to talk of the nature of this change. Thus, the essay would illuminate similar processes in Central Africa and provide an analytical support to any attempt at reforming the Cameroon's reform.

Tenure, Tenure Change and Decentralization

Generally, scholars do not agree on concepts, terminologies, and semantic choices. But concerning the term "tenure", if they – as usual - do not tell the same story on what it is not, there is a relative consensus on what it is. The term "tenure" encapsulates all the situations of possession of anything material or non-material, as explained by Ellsworth (2002). More prosaically, tenure embraces all the forms of possession of a thing or a resource, such as land, water, trees, forests, etc. This acceptance refers to rights to these things, and to property, hence the concept of property rights, more present and highly discussed in the literature—see, for example, Demsetz (1967), Barzel (1997) and Deininger (2003). Which are these rights?

Here, the consensus seems to fall to pieces. For some authors, rights form a bundle including use rights and access rights (Delvin, cited by Ellsworth 2002). For others, though made up of a series of rights, property—in natural resource management issues—is sublimated by exclusion rights and alienation rights. Authors like Demsetz (1967), North & Thomas (1977), Deininger (2003), etc. —in fact a whole school of thought - argue that the evidence of these two sublimated series of rights is the possession of titles, such as land titles, in order to obtain secure property or tenure rights. While trying to avoid as much as possible the debate between schools of thought in this essay, a step forward can be made in our understanding of these issues by looking closely at the postulate of American scholar Rose (2007), who shows that property is by and large the contrary of *res nullius* (things belonging to no one). As an illustration, in Cameroon, forests have been, in the past, owned and forests are, in present days, owned. There exist tenure rights or property rights to forest. Tenure change therefore would mean a change in the structure of these rights to forest. The following sections will characterize this change and assess all the rights at play.

Since more than two decades, scholars and policy makers are debating on decentralization in developing countries. This section does not claim to outline any new definition: however, some clarifications may help. Numerous scholars working on decentralization—including Smith (1985), Mahwood (1993), Oyugi (1993), Crook & Manor (1998), Manor (1999), Ribot (2003a) and Crook (2003)—define decentralization as any act by which a central government formally cedes powers to actors and institutions at lower levels in a political, administrative and territorial hierarchy. Decentralization very often cohabits with what are said to be connected terms: devolution,

deconcentration, fiscal decentralization, market decentralization, co-management, co-administration, delegation, privatization, etc. (see Ribot 2003b). French lecturer Feral (1997) addresses the notion of decentralization from a different angle. Without fundamentally deviating from the above definition, he talks, on the one hand, of 'spatial decentralization'—meaning territorial aspects—and, on the other, of 'technical decentralization'—that is, the substance of decentralization and the services provided.

Viewed as a policy guideline and a planning framework, decentralization has always exerted a strong attraction on decision-makers in developing countries, in what Le Meur (2003) calls the myth of decentralization. Although this is not a new policy practice in these countries (Mahwood 1993), decision-makers and planners believe that it is the key that will open the doors to local and regional development, and to popular participation (Le Meur 2001). In many national contexts, however, the implementation of decentralization has a record of failures, or has been plagued with problems of definition and identity (Feral 1997, Onibon & Bigombé Logo 2000). In Africa, decentralization has produced practical shortcomings (Ribot & Oyono 2005) and sectoral constraints (Crook 2003). Wholly, it also comprises dangers and risks (Prud'homme 1995). In this regard, any attempt at theorizing and assessing decentralization in Sub-Saharan Africa should be done case by case.

This review of key concepts will help better describe and evaluate both community rights to forest and the legal and institutional instruments governing forest management in Cameroon since the mid 1990s. Moreover, the review of the context that existed prior to institutional changes can provide great exploratory and analytical insight. The following sections explore institutional developments in Cameroon with regard to decentralization, on the one hand, and tenure reform, on the other. Such an effort should help determine what has happened and how these developments have played out.

Community Rights to Forest in Colonial and Post-Independence Cameroon: An Overview

Despite the turbulence of migrations (Oyono & Barrow 2009), during pre-colonial times, forms of tenure—understood as possession [of] or rights [to] land and forest—existed in the geographic space the Germans called Kamerun from 1884 to 1917, and which is called today 'Cameroon' [English] and 'Cameroun' [French]. Given the high level of social diversity and plurality of traditional forms of political regulation, pre-colonial Cameroon could not accommodate a single customary tenure system. In fact, each traditional society had its own tenure arrangements, in conformity with its political organization, insofar as tenure is the product of institutions that compose or shape it (Diaw 2005). With the advent of colonization, customary

or traditional tenures were profoundly disqualified in favour of a modern [statutory] tenure system characterized, mainly, by the expropriation of community land and forest land and the imposition of state/public ownership (Pougoué & Bachelet 1982). Nonetheless, though disqualified or annexed, customary systems did not disappear and have continued to regulate access to forest land and forest resources. Nowadays, the overall forest tenure issue is still governed by this duality—that is, the cohabitation of customary systems with the statutory system. This cohabitation has always been characterized by mutually contested rights, illustrated by what Oyono (2005) qualifies as a deep *conflit de langage* (in French), meaning conflict of discourse about rights to forest.

Customary Systems of Rights to Forest

Despite Cameroon's social and political diversity, customary tenure systems in colonial and post-independence can be classified into two main types. In societies considered as fragmentary, less politically hierarchical, with a loose traditional leadership—found, mainly, in the southern and eastern parts of the country—there are two types of rights to forest. Individual and nuclear family rights constitute the first type. Their formation is derived from the opening up and occupation of forest spaces for agricultural purposes and the demarcation of individual or family estates. The second type of rights is community rights, which are exercised on forest that have not yet been opened for cultivation. Such a forest belongs to the whole community and is under common property. In societies considered as hierarchical, less fragmentary, with a strong customary socio-political authority—found, mainly, in the northern and western parts of the country—individuals, nuclear families and village communities entrust all the tenure arrangements to traditional chiefs or kinglets, who must therefore redistribute, control and regulate access to forest.

In the first case—societies considered as less hierarchical—the extended family (lineage) has full customary ownership rights to forest. But the said rights are momentarily transferred to individuals and to nuclear families, through what Diaw (1997) calls “axe rights” or the rights of the first occupant, known in French as *droit de hache* or *droit du premier occupant*. In the second case - societies considered as strongly hierarchical -, it is the traditional chief who controls all the customary rights to forest, in the name of the well-being and tenure security of the whole community. Beyond these basic aspects, four characteristics govern the two types of customary forest tenure systems identified in Cameroon.

Firstly, forest land and forest resources are sacred: in local agrarian logics, land belongs to itself, nobody can really own it for himself (Anyangwe 1984). For example, in western Cameroon, ownership rights to forest are ultimately

held and exercised by an institution—a secret society—composed of the traditional ruler and his councillors (see also Fisiy 1986). On the whole, such arrangements guarantee that the bases of forest tenure stand above individuals and the community itself. Secondly, customary forest tenure systems, as they evolved through history and across economic production systems, are the result of social and political structures and are constantly being reshaped by the latter. This parameter explains the multiplicity of customary forest tenure systems in rural Cameroon. Thirdly, with the advent and legal generalization of modern forest tenure by French and British colonial administrations—through state ownership—new considerations strongly influenced customary tenures, such as land registration and privatization. Fourthly, despite the corrosive effect of numerous and strong external factors like colonization and the transformation of subsistence economies into market economies (see also Kouassigan 1982), customary forest tenures have not disappeared and remain resilient and, sometimes, adaptive.

Modern State-Based Systems of Rights to Forest

The legal and administrative options adopted in Cameroon with regard to forest tenure—inspired by the French and British legal instruments (Le Roy 1982; Anyangwe 1984)—have established state ownership as a common law regime. As noted by Le Roy (1982), new forms of property rights arrangements had to meet the economic and political objectives of colonization, such as capitalist accumulation and the imposition of new types of land and forest governance and administration. By and large, the modern, pre-reform, system of rights to forest comprises two blocks:

- The Colonial or Pre-Independence Block (1885-1960)

Various German (1893, 1900, and 1903), French (1920, 1925, 1926, 1935, 1946, 1952, etc.) and British (1927, 1937, 1948, 1950, etc.) edicts, forestry and land decrees were based on this hegemonic principle according to which land and forest were vacant and without masters in Cameroon. Strongest impacts of French and British systems are illustrated by the institutionalization of the procedure of land registration and state property. In other words, lineage/customary land and forest were transformed into objects of property rights based on the European conception and the Roman Law. In the same vein, Mveng (1984) and Ngwasiri (1995) noted that in the part of Cameroon under their mandate, the British started selling land to the missionaries of reformed churches and agro-companies from 1927. The French Colonial Decree of 4 July 1935 introduced the concept of public forest estate and state private property in the Cameroun Français (French Cameroon). This key colonial decree divided forests—excluding agricultural space—into

reserved/classified forests and protected forests. With the tenure system imposed by France and Britain in Cameroon, forest and land finally became distinctive and antagonistic categories.

Characterizing the colonial and post-colonial systems of rights to forest, Karsenty, Mendouga and Pénélon (1997) and Diaw and Oyono (1998) talk respectively of specialization of forest spaces and a new and hegemonic reading and spatial arrangements of forested landscapes. In addition to change in the mental and material representation of forest, this colonial wave of tenure change—extremely corrosive and ‘destructive’—has produced and reproduced the legal paradigm of ‘state property,’ with regard to Cameroonian forest, thereby launching and consolidating expropriation practices. In short, the institutionalization of the French and the British land administration systems in the Cameroun Français and in the British Cameroon resulted, without any specific difference, in the legal marginalization of customary-based systems. The two statutory systems were merged in all the post-independence forestry and land legislations, with an extreme predominance of legal elements from the French system.

- The Post-Independence Block (1960-1994).

Cameroon has introduced successive laws governing forest and land issues: Forestry Order No 73/18 of May 25, 1973; Land Tenure and State Lands Orders No 74-1 and No 74-2 of July 6, 1974; and Forestry Law No 81/13 of December 27, 1981. However, these legal constructions did nothing to alter or change the colonial tenure framework. Rather, this period was marked by an institutional reproduction of pre-independence tenure conditions and a “legal fidelity” (Oyono, Ribot & Larson 2006). The reproduction of state hegemony over forest was accompanied - and expanded—by a rough state and concessionary accumulation through commercial and industrial logging and increased marginalization of the local communities in decision-making and access to financial benefits. The increase in the magnitude of the conflict de langage over land and forest in Cameroon, very resilient (Oyono 2005), is characteristic of this period.

During the colonial period, the state granted itself all the rights, including withdrawal rights, access rights, management rights, exclusive rights and alienation rights (see also Bigombé 2007). The local communities could only enjoy use rights or usufruct or withdrawal rights, a category of secondary, random and fluctuating rights. This situation lasted from the first operations of expropriation of forest land by the Germans in 1885 to the promulgation of the first really advanced post-independence forestry legislation in 1994 (Ekoko 2000).

The analysis shows that the pre-reform period (before 1994) was marked by the non-recognition of substantive community rights to forest. The

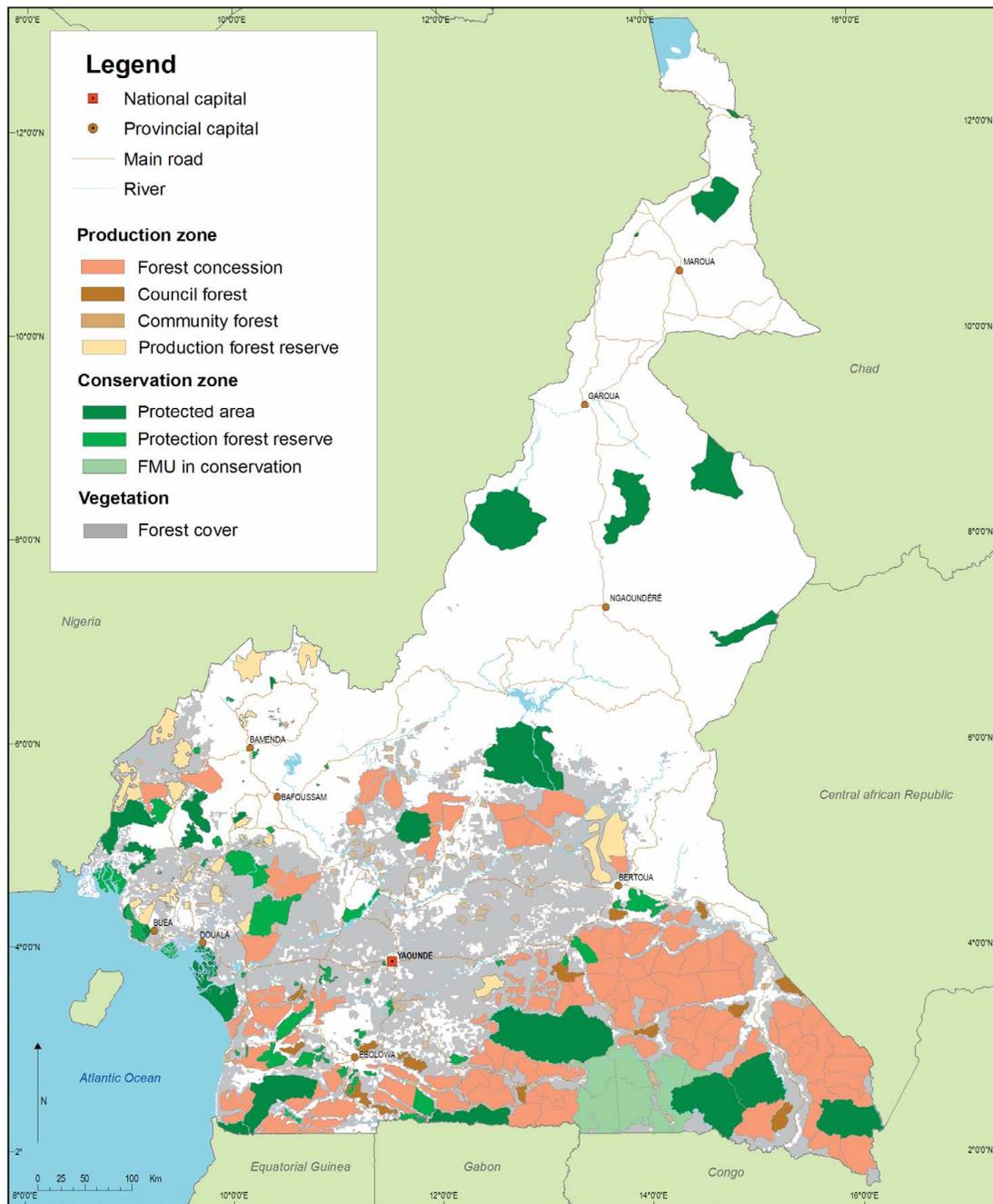
recognition of use rights—the only set of community rights recognized by legal frameworks in effect—was in itself a form of non-recognition of ownership and an illustration of exclusion. Use rights are not meaningful of resource ownership, or co-ownership, and, therefore, can not be considered as substantive rights. Besides, the notion of use rights has never been clearly defined. However, it can be broadly understood to mean a series of historical and customary rights enjoyed by the populations living traditionally within or near a forest ecosystem. The exercise of these rights is limited to the satisfaction of basic needs. Thus, use rights include rights to gather, harvest, cut (for construction and firewood), hunt, fish, farm, and pasture. Use rights are a construction of positive law. According to the latter, the right to use a resource does not imply a legal ownership.

Change in the Structure of Community Rights to Forest

This section presents the political economy of reforms introduced in the management of Cameroonian forest in 1993/94 (see Box 1 below). In 1993, with the support of the international community, mainly the Canadian International Development Agency, a provisional zoning of the forested Cameroon—only the southern part of the country (see Map below) —was designed and an official classification of forest developed. The total area of the country is 47, 544, 000 hectares and comprises 22, 000, 000 hectares of forest (see Map below). This zoning plan is one of the founding instruments of the establishment of the new structure of community rights to forest and resources. The 1994 forestry legislation is the other founding instrument. The relating legal framework divides Cameroon's forest into a permanent forest estate and a non permanent forest estate. The permanent forest estate is constituted of all the forest space definitively assigned to 'forest' and 'wildlife habitat'. This estate comprises state forests—strictly belonging to the state and registered in the name of it—and council forests, forests allocated to councils or local governments, and registered as councils' private property.

State forests or state property include: national parks, faunal reserves, game ranches, botanical gardens, zoological gardens, production forests, protection forests, research forests, etc. The non permanent forest estate – equivalent of forests located in the agro-forestry band of the zoning plan and controlled by the forestry administration—is made up of portions of forest likely to be assigned to other uses than real forest and wildlife valorization. This estate comprises, for the moment, individual and family cocoa, palm oil and coffee farms, crop farms, and community forests. A community forest should be demarcated only on a forest land over which a village community has traditional rights. In order to receive official approval and recognition, a community forest must have a simple management plan, a contract through which the Ministry of Forests and Wildlife cedes a plot of the national estate

Figure 1: Map of Southern Cameroon under the Zoning Plan



to a village community, for its management, conservation, and small-scale logging. According to the zoning plan, the total permanent forest estate amounts to 18,024,536 hectares—of which 7,574,280 hectares are production forest. The total non permanent forest estate is 4,475,437 hectares. To date, about 637, 000 hectares of the non permanent forest estate are under community forests.

Box 1: The Historical Profile of the Formation of the New Package of Community Rights to Forest.

1990	Laws on Freedom of Association and Political Pluralism passed
1992	Law on Common Initiative Groups and Cooperatives (Rural Reform) passed
1993	Provisional zoning plan designed
1994	New Forestry Law passed
1995	Implementing Decree of the Forestry Law passed
1996	Circular letter No 370/LC/Ministry of Environment and Forests (MINEF)/CAB on the CFA 1000/m ³ tax issued
1998	Joint Order No. 000122/MINEFI/MINAT on annual forestry fees signed
2001	Order No. 0518/MINEF on the right of pre-emption signed
2002	A draft version of the Community Forests Manual published
2004/05	Suspension of many community forests by the MINEF, for “bad management”
2009	Updated version of the Community Forest Manual published

Thus, in addition to pre-existing use rights, the 1993 zoning plan and the 1994 forestry legislation institutionalize new niches of community rights to forest in Cameroon (see Map below). By and large, this institutional and legal process is characterized by the transfer of new rights to the local communities in the arena of forest management. These rights include access rights, management rights and trade rights (see Box 2 below). The new institutional and legal conditions broadened the structure of community rights to forest and resources, on the one hand. While on the other, state rights to forest—that is, access rights, withdrawal rights, management rights, marketing rights, exclusion rights and alienation rights—did not change, compared to former forestry legislations.

Through the reform, legal withdrawal rights, access rights, management rights and exclusion rights are nowadays exercised in community forests (see Box 2 below). In addition, marketing rights are effective in community forests under exploitation (see Box below). Before the 1993/94 reforms, the local communities were only granted use rights. The exploitation of community forests started in 2000, in the East Region. The average annual revenue derived from a community forest exploitation is approximately US\$ >6 000. These are community revenues that must be invested in community projects.

Questioning the Nature of New Community Rights to Forest

It is under the pressure of donors like the World Bank and the Canadian International Development Agency that this change was carried out. Ekoko

(2000) showed that these forestry reforms—as well as the democratization of the whole public sphere—was one of the conditions imposed by donors to continue to provide significant assistance to Cameroon. With regard to external pressures, it is also important to mention the speech of late French President, François Mitterand, in La Baule (France) in 2000, who called on political regimes in French-speaking African countries to, absolutely, democratize their institutions and to set up instruments of political inclusion (Mbembe 2000).

Second-Rate Rights?

A careful examination of the new niches of community rights to forest in Cameroon calls for a certain number of observations. Firstly, the new bundle of rights is valid only in a smaller forest block – the non permanent forest estate—and therefore does not relate to the strategic forest block—the permanent forest block and production forests, with tree species of high commercial value. The zoning plan has thus confined the local communities - and their rights—to a reduced and not very strategic space from the perspective of the creation of genuine forest revenue. For example in the year 2005, the total forestry taxes collected by the central state amounted for US\$ 80 millions, while the estimated total revenue of community forests under exploitation was US\$ 150 000. The area of a community forest should not exceed 5 000 hectares, which is considered very small by most village communities, while forests intended for concessions and commercial logging can be up to 200 000 hectares in size.

Secondly, in addition to this spatial marginalization of the local communities, it is interesting to note that the new package of community rights is not strictly under a final and irrevocable transfer mechanism, in terms of temporal, legal and administrative considerations. Provisions in effect stipulate that the duration of the period of the management of a community forest is twenty-five years. However, it is necessary to renew the management agreement signed between the forestry administration and the village community concerned every five years.

Thirdly, as already noted above, community rights that have been allocated do not comprise ownership rights or alienation rights. In other words, although the package of rights generated by reforms treated in this essay differs from that of the pre-reform period, the most important and strongest set of rights claimed by local communities—ownership or alienation rights—does not figure in this reform. This means that the non permanent forest estate—intended, partly, for the creation of community forests—together with the permanent forest estate still belongs (in all respects) exclusively to the state. Besides, the legal provisions in force stipulate that if a community forest is poorly managed, the management agreement shall be

suspended and the said forest withdrawn from the statutory authority of the village community concerned. Therefore, all the forests are still under state ownership, control and administration.

These pitfalls sufficiently blur the local perception of the official process of community rights formation and institutionalization. The local communities increasingly feel that this process, which is imperfect to them but advantageous to the state and timber concessionaries, must be revised. This can be called the 'crisis of compromises', after the wedding of the 1990s, marked by the euphoria related to the creation of the first community forests. From a statistical viewpoint, assessments underway (Sunderlin, Hatcher & Liddle 2008; Oyono & Barrow 2009) show that most of the rights allocated to the local communities are not meaningful and are in fact neutral, since 0.00 per cent of the forest is owned by local communities and only between 0.98 and 1.14 per cent is under community management rights and trade rights.

Community management rights can be suspended anytime by the forestry administration and are, in fact, conditional, as pointed out earlier. Moreover, exclusion rights are applied to outsiders, notably members of other village communities. But, under customary systems, village communities have always exercised this type of exclusion rights in their customary forest land. Therefore, there is nothing new, concerning exclusion rights. It is *du déjà vu* (in French, meaning an 'old story'). Substantive exclusion rights would have included the right to exclude officials of the forestry administration and any concessionary. To that end, change in the package of rights is more nominal than substantive (see Box 2 below).

In pre-colonial Africa—needless to say—forest ownership was not an issue. Forest communities were—in the then existing legal systems—the owners of their forests. In Cameroon, when the colonial administrations became established—with the Germans and then the British and the French—the legitimacy of all the rights detained by the local communities was verbal and social, but also material, observable and verifiable. However, these rights were neither written nor codified. The native people did not register their forests, as was done in Europe, since the time of ancient Rome. Colonial authorities assumed that the vast lands and forests conquered had no owners. Not only was there no tangible codification of ownership rights by the native people, there was also no written evidence of any title. According to the public ownership principle, a western legal principle, all these forests were classified as public forests and placed under state ownership, control and management.

However, local communities have not yet given up their ownership rights to land and forest in their ethnic territories. Even if legally, these rights are denied, even to community forests located in their ethnic territories. The analysis highlights the complexity of the issue of forest tenure rights since the

colonial period. In local logics and representations, all the forests of what may be called non permanent forest estate and a good portion of forests of the permanent forest estate belong de facto to the local communities. But these rights are contested by the central state in a number of cases (Oyono *et al.* 2009). The nature of rights transferred by the ongoing reforms enhances the debate related to the recognition and legal transfer of community rights to forest and resources in Cameroon.

Barriers to Market Rights and Community Benefits

According to some analysts (Nguiffo 2000), the division of forest into a permanent forest estate and a non permanent forest estate is meaningful of the pro-state nature of the zoning plan and its restrictive functions as far as community rights, market and benefit creation are concerned. New niches of community rights are spatially limited to the agro-forestry zone, which is therefore synonymous with the non permanent forest estate or, approximately, the community forestry estate. This clearly means that community forests can not be established beyond this agro-forestry zone—that is, in the permanent forest estate. In its work, Nguiffo talks finally of a plan of exclusion. With the current configuration of the zoning plan, the resource base of the whole forested Cameroon has been officially reduced, quantitatively and qualitatively, from the perspective of the local communities (see also Mbile *et al.* 2009). Such restrictions are profitable to the central state and concessionaries. Unlike the non permanent forest estate (the community forestry estate), located in the neighbourhood of villages and generally degraded, the permanent forest estate and its timber production forests can be seen—as pointed out earlier—as a strategic forest estate, with tree species of very high commercial value.

In addition to this spatial exclusion, the management agreement signed with the forestry administration for the exploitation of a community forest should be renewed, each time, after five years of exploitation. The path leading to a management agreement is described by the local communities as very long and financially expensive. This barrier is nourished by corruption practices along the chain. The result is that many community forests are captured by members of the local elite, who provide funds for their creation, and later on confiscate all the financial benefits and all the market rights. The signature of the management agreement is also, in itself, a serious barrier, as it needs the decisional involvement of many local-level officials of the ministry in charge of forests and administrative authorities.

The renewal of the five year period of management is submitted for approval to the forestry administration. Very often, sub-national officials undermine or delay the process, and ask for money from the communities concerned. Furthermore, each year, it is necessary to renew the annual

certificate of exploitation, in order to be able to exploit the community forest the following year. Empirical evidence puts forward a series of transactions imposed by the forestry administration before signing these annual certificates. High transaction costs are also found along the value chain of the marketing of products accruing from the exploitation of community forests (Mbile *et al.* 2009). For instance, administrative provisions in effect stipulate that a village community should first apply for—and get—a letter of transportation from the forestry administration prior to the transportation of forest products to a town-based market. A lot of abuses are signalled along the transportation process.

Market potentialities and the creation of community benefits are also constrained by the double standards issue. Provisions in effect stipulate that village communities should first develop a management plan before applying for the establishment of the community forest itself. Guidelines and technical methodologies are imposed by forestry officials, without taking into account local values, community representations of forested landscapes and local knowledge.

The logic behind the suspension of management agreements is also emblematic of these barriers. When a community forest is declared badly managed, its management agreement is automatically suspended by the forestry administration. The notion of 'bad management' is controversial, and sometimes means nothing but the expression of an abuse of authority or a call for negotiations motivated by rental and self-interested administrative behaviours.

Box 2: Community Rights to Forest and Responsibilities since 1993/94

- Use/withdrawal rights, for individual and community consumption and subsistence: gathering of non timber forest products; hunting; fishing; collection of minor timber products for housing; agriculture; etc.
- Access rights: access to community forests and the non permanent forest estate.
- Management rights: exploitation of plots in community forests, according to simple management plans; monitoring of exploitation activities; regeneration activities planned.
- Exclusive rights: exclusion of members of other village communities from community forests.
- Trade rights: marketing of timber and non timber forest products derived from the exploitation of community forests; promotion of eco-tourism; community management of financial revenue accruing from the marketing of products eco-tourism.

The Cameroonian Case: A Policy Dilemma?

The transfer of forest management powers and responsibilities to the local communities and local authorities was launched in 1994, but the term decentralization itself appeared in the institutional lexicon of post-independence Cameroon in the revised Constitution of 1996. A decentralization orientation law, promulgated in 2004 (RoC 2007), lays down the rules applicable to territorial decentralization and defines responsibilities of regional and local authorities. Fundamentally, any process aiming at transferring powers and responsibilities to the local communities is basically meaningful of a decentralization policy. Indications and empirical evidence used in this essay show that we are dealing – in this particular case – with a form of decentralization with an environmental lens. However, this form of decentralization—institutionalized in Cameroon by the 1994 Cameroon’s forestry legislation—is not mentioned in the Constitution in effect. This is important to be noted.

Decentralization, as earlier pointed out, is first of all territorial (scales and levels). In the geography of the Cameroonian territorial or administrative decentralization, the lower level is the council. The village, which is the spatial unit for the management of community forests—one of the key mechanisms of forest management decentralization—is not part of the official stratification of decentralization. In addition to the problem of scale and identity peculiar to Cameroon’s model of natural resource management decentralization, there are also substance matters, which have a policy dimension. From a purely policy perspective, there is no doubt that the process initiated with regard to the management of Cameroonian forest says a lot about the transfer of responsibilities from the central to the local level. But it should be noted that one of the difficulties in the exercise of community rights is the lack of institutionalization of the village level by the territorial decentralization paradigm in effect. Thus, the village has no recognition and is swallowed by the council. Is this a voluntary policy omission or simply a technical constraint?

Yet, the Cameroonian model of decentralized forest and benefits management has a ‘community’ version—quite unofficial, without legal basis - which is discussed in this paper, and a ‘council’ version—official, with constitutional bases. In the latter version, powers, competences and resources are transferred to councils, which can therefore create and manage council forests in order to support local development initiatives. The ‘council’ version is more representative of the substance of Cameroon’s decentralization, insofar as the council is one of its official territorial scales. Although the difficulty of characterizing the transfer of community rights to Cameroonian forest is certainly substantive, it is also semantic and terminological.

Decentralization with an environmental lens is not deconcentration, fiscal decentralization, co-management, privatization, or co-administration. If one must categorize it, the transfer of community rights to forest designed and implemented in Cameroon is a mixture of elements of devolution, delegation of powers and market decentralization, even if the issue of scale is still to be addressed. Elements of devolution are found in the status of elected representatives enjoyed by some of the members of community forest management committees, when that is the case. However, elected authorities must be found in a legally recognized decentralized unit, which is not the case of the village. Elements of market decentralization are found in the allocation of community market rights. Elements of delegation are highlighted in the reform by the fact that the transferred rights are in fact delegated powers and responsibilities. As laid down by the provisions in effect, these powers are limited in time and space and can be withdrawn by the forestry administration.

Similarly, it is not appropriate to qualify this transfer of community rights as a 'tenure reform'. Tenure rights are sublimated by irrevocable exclusion and alienation rights, typical of ownership rights. In the case of Cameroon, although exclusion rights are exercised in community forests, these rights are fragile, and limited to only neighbouring village communities (see Section 4), which is already the case with customary tenure. The preceding lines qualify the process as a delegation of powers. Under these conditions, it is difficult, from a policy perspective, to say that the Cameroonian model represents an effective change in the structure of statutory tenure. All the rights—in particular ownership rights – are still concentrated in the hands of the state and, from the legal viewpoint, the local communities do not own any forest.

Beside this complexity, the policy is vague. A tenure reform should ideally be based on the clear granting of ownership rights. In the local communities' representations, the forests referred to today as 'community forests' and portions of forest concessions and protected areas are their forests. These forests which were lost as a result of the victory of colonial forces should be given back to them (Oyono *et al.* 2009). The reform of the structure of tenure rights in some developing countries, notably in Latin America, led to the effective allocation of ownership rights to the local communities (White & Martin 2002). Although the historical, social, political and administrative conditions are not similar, it should nevertheless be admitted that the 1990 reforms in Cameroon lead more to a delegation of powers than to a decentralization process, or—a fortiori—a forest tenure reform.

After defining the functions of councils, Cameroonian territorial decentralization has entered the second phase represented by the organization of regions and regional councils. The delegation of forest

management powers to the local communities will, henceforth, cohabit with management powers transferred to regions, in addition to those of councils, which are already effective. The constraints of this cohabitation have both theoretical and policy roots. Will there be regional forests akin to council forests? Will the chronological and functional gap between the forest management decentralization process and the territorial decentralization process meet public expectations? Is a clash of forms of decentralization looming on the horizon? These are some of the many questions that theorists, planners and decision-makers should immediately address. From the policy perspective, the Cameroonian model of forest governance is a dilemma: it is also another illustration of the historical challenges related to state building and resource control.

Theoretical and Policy Implications

The issue of the socio-economic and policy relevance of rights to natural resources is determined both by theory and practice. This essay can therefore open paths for further investigations on the relations between theories—or schools of thought—on property rights and issues like decentralization and tenure reforms. The issue of property rights and its implications on service provision, income growth, wealth accumulation, human capital formation and poverty reduction is the favorite champ for four strong schools of thought: the ‘Property Rights’ school; the ‘Agrarian Structure’ school; the ‘Common Property’ school; and the ‘Institutionalists’.

The first three schools, because they propose practical models, are more interesting for this essay. In short, the substance of each of these schools can be summarized, following Ellsworth (2002): (i) the ‘Property Rights’ school suggests that land and forest should be registered for individuals: it underscores the value of tradable land and forest titles; (ii) the ‘Agrarian Structure’ school—which also advocates for land individualization and privatization—suggests that property rights (titles) should however be attributed to a middle-class of rural entrepreneurs, an agrarian elite; (iii) the ‘Common Property School’ advocates for common property: “common property resources are a source of non-tradable livelihoods for the poor,” on condition that solid institutional arrangements and collective rules are set up.

For example, Deininger (2003), one of the ardent advocates of the abolition of community rights and the development of individual property rights, maintains that state ownership, as is the case in Cameroon, is part of an inevitable historical evolution in resource ownership. Thus, property rights move, in a linear manner or not, from generalized customary and community-based property [like before the arrival of the Germans and the laws promulgated by the colonial administration] to state property [like in nowadays Cameroon], then from state property to the generalization of

private [individual] property. Will Cameroon's and Central Africa's forest follow the evolution to the generalization of private property, as demonstrated by Deininger? This essay is not intended for finding an answer to this question. Nevertheless, for the 'Property Rights' school, all things considered, property rights should ultimately be either individual or public. In addition, the evolution of property rights is a necessary passage for development, growth and prosperity. To that end, common property represents backwardness and constitutes an obstacle to economic efficiency and optimum creation of wealth. In the preceding sections, this paper proposes some facts contributing to this theoretical debate.

Nevertheless, experts of the debate on the viability and the performance of power delegation and community forests—as they are implemented in Cameroon—can not indefinitely avoid these theoretical choices and the practices they bear. In connection with that, there is a need for deep investigations in order to find a way—as far as community forests implementation is concerned—within this theoretical champ and suggest reliable and efficient policy options, before decision-makers and practitioners test them. More over, in the short-term, reflections on forest tenure, community rights, and decentralization—in Cameroon as well as all over Central Africa—will help support scientific concerns and policy options relating to issues such as climate change, vulnerability of the local communities, strategies of adaptation to climate change, compensation for environmental services, and the position of the local communities in the redistribution of financial fallouts from avoided deforestation and degradation, forest certification, environmental globalization, etc.

This essay leads to the policy question consisting of seeking to know 'what should be done' in order to improve community rights to nature? Policy-makers, decision-makers, professionals and advocates can find in this essay some key constraints and challenges for the definition of substantive community rights to forest, in the light of basic limitations derived from the existing structure of rights to forest in Cameroon. A thematic package for key policy options can be developed and policy dialogue strategies designed and implemented around agro-industrial lands, state forest reserves, forest management units created on these forest reserves, community forests and protected areas (see Oyono *et al.* 2009). Such a thematic package would contribute to the development of an effort in support of the launching of an effective forest tenure reform in Cameroon and in the rest of the Congo Basin.

Conclusion

The advent of community forests was preceded and followed in Cameroon by a great public enthusiasm and general optimism. This situation is explainable by the fact that the local communities have, since the colonial

period, been marginalized from access to forest resources which they have always considered as their property. In 1994, a new bundle of rights to forest was granted to the said communities. The establishment of community forests across the country and the possibility to sell timber as well as non timber products accruing from their exploitation is locally perceived somewhat as a revenge on the central state and timber concessionaries. The process also increased expectations for the improvement of living conditions.

This paper shows that, wholly, these reforms have policy, political and economic benefits. However, the nature of these reforms is not clear. First of all, it is a policy issue, since the development of processes like decentralization or tenure reform has a policy dimension. The issue is also theoretical and conceptual, insofar as there is a need to characterize these institutional reforms and to give them an identity and a specific morphology, in order to facilitate the work of analysts, scholars and planners and the understanding of the lay person.

Finally, the paper demonstrates implicitly that Cameroonian institutional processes in question are rather a tactical form of delegation of powers to the local communities, which are frustrated by the accumulation of wealth by the state and forest concessionaries since the arrival of the Germans in 1885. These processes are not as representative of a tenure reform as it seems or as it is claimed : in essence, delegated powers are not rights [to possess and dispose]. The paper demonstrates ultimately that these powers are waving between two forms of decentralization, and that the policy and institutional processes discussed here [decentralization and tenure reform] are at a crossroads and still incomplete.

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