

FOCUS ON LAND IN AFRICA BRIEF

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Cameroon

Experiences with Transferring Forest Rights

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INTRODUCTION

In 2011, forests covered 59 percent of Cameroon (WRI, 2012). A majority of Cameroonians rely on forest products, such as wood fuel, bushmeat and various other non-timber forest products (NTFPs). Forests also provide critical ecosystem services and perform important cultural functions. Most rural populations that use and manage forests, however, do not legally control them.

INTRODUCTION

In 1994, Cameroon adopted a new Forest Law that opened opportunities for local communities to secure access to forest resources and generate revenues. Village communities can register up to 5,000 hectares of surrounding forests as a Community Forest (CF). In a country where land legislation provides little protection for customary tenure, the creation of CFs was largely seen as supporting rural livelihoods.

CF implementation has been slow. In the 18 years since the law was enacted, 301 CFs have been established on paper, although far fewer are operational on the ground. Recent assessments indicate mixed results. In many CFs, direct financial and development benefits to local populations have been modest. CFs have, however, provided communities with more secure access to forests, forest products and land, improving local livelihoods. Simultaneously, CFs have become “a major instrument to whitewash illegally harvested wood” (IO, 2011). Revenues generated by CFs are often embezzled by logging contractors, village elites or administrative officials.

LAND GOVERNANCE IN CAMEROON

Rights to land and forests are governed by separate laws and administered by different government agencies. Land tenure is governed by two 1974 Land Ordinance Laws. They recognize land titles and concessions as the only formal rights to land. In practice, less than 2 percent of the land is titled (ADB, 2009), with customary rules and institutions managing most rural lands. Despite this reality, legal protections for customary rights holders are weak.

The 1974 laws provide for three categories of land: Public Lands, reserved for public uses (e.g., roads, bridges, cemeteries); Private Lands, comprised of privately-held land and state private land (e.g., degazetted lands, lands purchased by the state); and National Lands, a residual category of land that is neither Public nor Private. The 1974 laws incorporated all untitled customary lands into National Lands under state administration.

Under the 1974 laws, communities and individuals can title lands that they occupied or effectively exploited before 1974, such as farms and plantations. The law further states that no title can be granted on lands where occupation or exploitation started after 1974, nor on lands deemed “vacant,” such as fallow lands, lands kept for future generations and hunting grounds. “Vacant lands” can be allocated by the state for projects of public, economic or social interest without the need for expropriation or compensation (Ordinance-Law 74/1, Article 17).

FOREST GOVERNANCE

Historically, the vast majority of Cameroon’s forests were held under customary tenure arrangements and managed based on customary rules. While the

1994 Forest Law recognizes customary rights over trees and forest resources, it limits those rights to usufruct rights and refers exclusively to domestic use (Forest Law 1994/01, Art. 8). The forest land remains under state administration. Further, customary land rights can be restricted or extinguished with or without compensation depending on the forest category.

The 1994 Forest Law established two forest categories: a permanent forest domain (PFD) and a non-permanent forest domain (nPFD). The PFD is state private land, and includes areas destined to remain forested. It comprises production forests (e.g., logging concessions), protected areas (e.g., national parks, hunting zones) and reforestation areas. In 2011, the PFD represented 35 percent of the national territory (WRI, 2012).

The nPFD includes forested areas that can be converted to other land uses. It covered 32 percent of the national territory in 2011 (WRI, 2012). There are three categories of forests in the nPFD (Forest Law 1994/01, Art. 34): private forests (forêts des particuliers); CFs; and a residual category called Forested National Lands (forêts du domaine national). CFs are created from Forested National Lands and remain part of them after registration.

EXTINGUISHING CUSTOMARY RIGHTS

The Forest Law authorizes the government to restrict or extinguish customary rights in several cases. In the PFD, customary rights are maintained by default, but can be restricted when they are “contrary to the objectives assigned to the forest” (Forest Law 94/01, Article 26). In such cases, the government must compensate landholders’ losses. There is no comprehensive legal procedure for calculating compensation for the loss of customary rights, and the regulations outlining review of compensation claims by local advisory committees do not obligate the Ministry of Forestry and Wildlife (MINFOF) to do more than review the claims the committees deemed admissible.

In the nPFD, specifically on forested National Lands, customary rights are also maintained by default but can be restricted for conservation purposes by a ministerial decision (Arrêté, Forest Law 94/01, Article 36). Unlike in the PFD, however, there is no mention of compensation for restrictions on customary rights. Finally, other national laws de facto annul without compensation the exercise of specific customary rights, such as hunting of protected species.

When gazetting a forest involves limiting or extinguishing customary rights, the government must follow expropriation regulations (Forest Law 94/01, Article 8) that limit compensation to buildings, plantations and farms (Ordinance No. 74-2 of 1974, Section 7).



This effectively excludes compensation for the loss of customary rights to hunting, gathering and fallow lands, which are important livelihood resources.

INSTITUTIONAL DESIGN

Given the weak protection to customary rights provided by the 1974 Land Laws and major portions of the 1994 Forest Law, CFs are potentially important tools to help villagers secure access to forests and land. Their creation was partly a response to national and international pressure to provide rural populations with secure forest resources. The 1994 Forest Law established two related innovations: decentralized CFs and council forests. CFs are local forests managed by communities under supervision of government forest services (MINFOF). Council forests are part of the private lands estate of local councils (local government) and are to be managed for the benefit of local communities.

CF involves establishing a forest management agreement between one or several communities and local forest services. This agreement has two main components: a general vision of forest management over the duration of the agreement (minimum 25 years); and a “simple management plan” revised every five years. In 2011, there were 301 CFs (including registered CFs and CF applications) in Cameroon, covering more than one million hectares. Many CFs are legally registered and authorized to carry out planned forest operations, but they are not yet active on

the ground. Only an estimated 80 CFs are active (G. Lescuyer, pers. comm., September 2012).

A CF agreement does not formally provide rights to land, rather it confers use, management and benefit rights over forest resources to communities under supervision of local MINFOF services. The law caps CFs at 5,000 hectares. Communities are authorized to retain all revenues generated from the forest resources, and must describe in the simple management plan how these revenues are to be used (Arrêté 076 of 26 June 2012).

Because communities have no legal existence, the first steps required by law to create a CF are to self-identify as a “community” and to establish a legal entity, usually as an association or a Common Initiative Group (Groupe d’Initiative Commune or GIC).

The procedure to create a CF was established in 1998 and revised in 2009. It follows four phases:

- A preliminary period of at least 60 days to: inform villagers and nearby communities on CFs; discuss possible boundaries and institutional set-up; register the community as a legal entity; and organize a consultation meeting with villagers and neighboring communities to review the CF proposal (sketch map, management objectives and draft rules). At the meeting, the decision to apply for a CF is subject to a vote.
- Preparation and submission of an application to establish a CF. Applications must be approved by the divisional, regional and national MINFOF offices. Thereafter, the application is signed by the Minister of Forests, thereby authorizing the CF to operate for two years on a provisional management agreement (allowable under the 2009 revised procedures).
- During these initial two years, the CF management committee must prepare the final management agreement and the simple management plan, which includes a resource inventory and a socio-environmental survey. These documents must be submitted to the divisional, regional and national MINFOF offices for approval and then to the head of division (Prefet) for signature.
- When the simple management plan is approved, the CF management committee implements it under local MINFOF supervision. The CF committee must submit to MINFOF an operation plan each year and a program of action every five years (MINFOF, 2009). If the simple management plan, program of action and operation plan are effectively implemented, the local MINFOF office issues an annual exploitation authorization required for commercial use of forest products.

In the past seven years, the number of signed CF final agreements increased almost threefold (WRI, 2012). Before the 2009 revision of the procedures, it took a community four years on average to obtain a management agreement and begin operations (Ezzine de Blas et al., 2009). By allowing operations under a two-year provisional management plan,

communities can generate the revenues needed to develop the simple management plan and final agreement.

In practice, however, many CFs with a final management agreement cannot exploit their forest because they lack the annual exploitation authorization (31 percent of CFs in 2009). By law, MINFOF can deny this authorization when a CF fails to implement elements of its simple management plan. In other cases, authorizations arrive too late in the year (Cuny, 2011).

SOCIAL AND ENVIRONMENTAL IMPACTS

Despite considerable national and international interest, financial and economic benefit information on financial and economic benefits deriving from CFs is sparse. Recent studies conducted use relatively small sample sizes; researchers report difficulties in obtaining reliable figures on revenue generated due to the lack of accounting capacity and transparency in CF management. Most studies conclude that CFs improve rural livelihoods (Cuny, 2011). Benefits take the form of: greater opportunities to market and sell forest resources, including NTFPs; increased revenue for individuals associated with exploitation operations; and community projects (i.e., water, electricity). While significant in some cases, CF-generated revenues are commonly less important to individual villagers than other sources of revenues in rural areas (Lescuyer, 2012).

Many CFs were created principally for logging purposes. Revenue generated from logging varies greatly between CFs depending on tree species available for harvest, quality of products sold, community capacity to exploit the CF directly (as opposed to outsourcing logging operations), distance to market, marketing capacity (generally provided by supporting NGOs) and other factors. For example, the UGIFCOS group of CFs sold its lumber for \$160/m³ in 2009 while Medjoh CF received less than \$70/m³. In UGIFCOS, production and management costs brought down the net revenue to \$21/m³. The villagers conducting the wood processing operations received an additional \$66/m³ for their work. In Medjoh CF, net revenue reached \$17/m³, not including production costs covered by an external organization. Later, the Medjoh CF received three times this amount under a separate contract with another company. In two other CFs, the average revenue per villager—had profits been shared equally—was estimated at approximately \$6/person per year (Cuny, 2009).

Few CF committees keep detailed expenditure records. Indications exist that limited CF revenues are used for community development projects (Ezzine de Blas et al., 2011). A CF in the South region (COFONEABAME) recorded in 2008 that only 16 percent of its net revenues was allocated to community development projects while management costs reached 21 percent. Technical support provided by MINFOF, which should be

free by law, is also a significant expense (Nzoyem Maffo et al., 2010).

Research shows that CFs are often used to whitewash illegally-harvested wood. Logging companies provide needed technical assistance and loans to establish CFs for the right to log the forest. With limited understanding of their legal rights and little experience in negotiating formal agreements, communities sign exclusive contracts with these companies. In many cases, contract terms favor the companies and provide communities with a small share of logging revenue. Often, logging companies cut more trees and collect more timber than allowed under the CF management plan. Some operators collude with corrupt MINFOF officials to obtain transport authorizations (lettres de voiture) to take the timber to market (Cuny, 2011; IO, 2006; IO, 2011).

CFs bring other benefits than logging revenues to communities, including securing access to forests rich with NTFPs (Mbile et al., 2009). NTFPs are often an important source of food, medicine and income, especially for women and indigenous communities. Some communities pursue CFs because they can help protect land from other competing uses, such as industrial logging or agro-industrial investments (Cameroon Ecology, 2012). CFs do not confer legal land rights, but the existence of 25-year management agreements provide some communities with a sense of security that the government will not allocate the land to other uses.

Less research has been conducted on the environmental outcomes of CFs. No detailed studies have been conducted to assess if CFs improve forest management. Oyono (2005) anticipates that exploitation techniques used in CFs will have negative environmental impacts. While sustainable forest management should, in theory, guide simple management plans, criteria for sustainability are not clearly defined (CFs are in the nPFD allowing for conversion of forestland into other uses). In practice, social outcomes are commonly prioritized by communities and their supporters over environmental outcomes (Tsana Enama and Minsoum’a Bodo, 2008).

CHALLENGES FACING COMMUNITY FORESTS

Between 1997 and 2011, 20 new CFs have on average been established yearly. While significant, growth has been constrained by several factors. The costs and technical skills needed to establish a simple management plan and conduct an inventory of resources remain out of reach for most communities. The costs to establish a CF have been estimated between US\$12,000 and US\$24,000 (Mbile et al., 2009). Consequently, communities rely for financial and technical support on NGOs, and increasingly on logging companies. While many of the initial CFs were supported by NGOs with foreign aid funds, today, more CFs are financially and technically supported

in exchange for logging rights (Cuny, 2009).

CFs often perpetuate inequalities within communities. CF management committees are often controlled by village elites, or by urban elites with family connections to the village (Yufanyi Movuh, 2011; Cuny, 2009). These elites can navigate the administrative hurdles and obtain information on legal requirements and market prices that villagers cannot access. The 2009 reform of the CF procedures sought to address this problem by introducing new mechanisms to inform local populations before the creation of a CF. These new requirements, however, have not been effectively implemented or enforced. Corruption in forest administration is widespread (Ezzine de Blas et al., 2011), and collusion with village elites or logging companies is common.

Communities directly exploiting their CFs often capture higher net benefits through log sales, employment opportunities and sale of NTFPs than villages that outsource logging operations. Still, most CFs are handed to industrial or semi-industrial loggers partly because of the influence of local elites or logging companies supporting the CF. Such arrangements have led to growing mistrust between villagers and CF management committees (Ezzine de Blas et al., 2011). They have also led to an illegal trade of transport authorizations for CFs provided annually by MINFOF. In 2011, approximately 90 percent of CF communities in Cameroon were not in possession of their official documentation. In many cases, MINFOF officials or sponsoring logging company personnel held these documents, facilitating their illicit trade (IO, 2011). When such infractions are uncovered, MINFOF suspends the CF, sometimes for years.

STRENGTHENING COMMUNITY FORESTS

In 2005, the Cameroon government launched an initiative (Renforcement des Initiatives de Gestion Communautaire des Ressources Forestières et Fauniques) to support rural communities and local NGOs to establish and operate CFs. In 2009, MINFOF established a dedicated Department within the Ministry to coordinate administrative agencies involved in the creation of CFs and streamline the CF registration process. With input and support from international and national NGOs, MINFOF ushered in other important changes to CFs in 2009, like establishing application processing deadlines, granting temporary management agreements, and requiring reforestation of degraded areas.

Several national NGOs and international organizations actively support CFs. Their experiences informed and contributed to the 2009 reforms. These groups have tested various approaches to improving social and environmental outcomes, like facilitating the formation of CF clusters to pool resources and negotiate higher sale prices from local companies, and supporting the commercialization of several NTFPs. Many NGOs have also made efforts to educate and inform rural populations on CFs. These efforts stand in contrast to those of logging companies; communities with CFs facilitated and sponsored by logging companies rarely know of their CF rights and legal responsibilities (IO, 2011).

Consistent with other country findings, studies in Cameroon show that external support limited to shepherding CFs through administrative procedures does not yield sustainable

development. “The level of commitment of any external support has to be sufficient to allow recipients to develop enough experience to successfully participate at different stages in the value chain” (Ezzine de Blas et al., 2009). External support is most effective when it strengthens the technical capacity of CF management committees and villages. More comprehensive assessments of CF resources (beyond recording of valuable timber species), improved marketing conditions (e.g., information and infrastructure), and strengthened local entrepreneurial capacity are key to ensuring communities make CF decisions that are both sustainable and profitable.



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