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# LEGAL PLURALISM, COMMUNITY FORESTRY AND ILLEGAL TIMBER: A CASE STUDY IN CAMEROON

Rosine, Tchatchoua Djomo

Supervisor: Dr. ir. K. Freerk Wiersum

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Title Legal Pluralism, Community Forestry and Illegal Timber: A Case Study in Cameroon

Author Rosine Tchatchoua Djomo

Contact e-mail [tdrosine@gmail.com](mailto:tdrosine@gmail.com)

Registration number 850117823100

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Supervisor

Dr. ir. K. Freerk Wiersum

*From Wageningen University (Forest and Nature Conservation Policy Group)*



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The Promoter

Dr. ir. K. Freerk Wiersum

The Author

Rosine Tchatchoua Djomo

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The Author

Rosine Tchatchoua Djomo

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## **SUMMARY**

Due to the rising concerns about tropical deforestation and the need to stimulate forest conservation, during the past decade much attention has been given to challenges of legal timber in relation to international trade issues, as well as the challenges of community-based forest resource management. Many discussions focused on options to develop forestry policies that combine attention towards international norms for legal exploitation of forests at the one hand, and to stimulate decentralization of the forestry sector at the other hand. This has created interests in the reality of complex and multiple legal systems and the specific social context of illegal timber practices. These issues are of specific relevance to Cameroon. This country possesses the second largest African forest area and is the largest African exporter of sawn wood. It is estimated that almost 35% of the export timber is derived from illegal logging. This study is based on the assumption that in assessing the scope of illegal exploitation of timber, particular attention should be given to not only the formal legal regulations, but also to more informal social norms. Its objective is to contribute to a better understanding of normative pluralism with respect to timber production and trade from community forest areas. In order to better understand different normative systems in relation to community forestry based timber production, an explorative case study was carried on the community forests areas in the Centre region of Cameroon. This study specifically aimed at identifying the legal and regulatory framework for community forestry, and at assessing the main actors and social practices that are related to community-based commercial timber production as well as the nature and interactions of different systems of norms which underlay the current illegal practices.

Information regarding the different norms and practices was collected through thirty-seven open interviews and informal conservations with community members, forestry officials, traders and civil society workers. The respondents for interviews were selected by a combination of purposeful sampling and snowball sampling.

Specific attention was given towards trust-building with informants. The information was cross-checked through observations. Daily recording of all research activities assisted in triangulation of information. The data was complemented by a review of relevant reports and documents. The collected data concerned both the formal community forestry legislation, administrative procedures and norms as stated by the government policy, and the actual practices concerning the CF attribution procedure and the administrative and legal procedures for legal timber exploitation and trade. The results of the interviews and additional observations were analyzed using detailed content analysis, including coding of topics on the basis of the conceptual framework for the study. This framework was constructed on the basis of concepts of legal pluralism, normative systems, illegal timber and the notion of community natural resource management.

The results show that there are specific and detailed legal regulations, norms and procedures that regulate formal access to forest resources for village communities, timber exploitation and timber transportation. The legal system is focused specifically on the formal industrial forestry sector, and less attention is given to commercial activities related to small-scale logging, even though these activities are widespread and customarily accepted. This is illustrated by the example that the local practice of chainsaw milling is conceptualized as a violation of state law. The diffusion of legal regulations on community forestry is still less effective, especially towards local forest people. CF managers do not share information about what is legal within the CF legal entity and with non-members of the CF legal entity. This situation contributes to the continuation of informal local practices that are illegal. These practices are often maintained through the creation of partnership with external actors for timber harvesting and trade. Two main groups of actors were identified in relation to illegal timber. The first group includes state officials ranging from forestry officials - at different levels of the administration hierarchy (central, regional, divisional and subdivisional) - to gendarmes, police officers and municipal agents at the local level. The second group of actors includes members and non-members of the CF legal entity within communities and sawn wood traders in urban

areas. The study has identified three main normative systems which determined actors' interactions and decisions, i.e. the state or official legal system, the economic normative system, and the customary normative systems. In their daily interactions to access timber resources and local markets, these actors are influenced by power relations, lack of trust created by the lack of compliance of forestry officials to legal regulations, and economic strategies for profit making. Neither the membership to a legal CF entity, nor the position within government administration counts much in individual choice to participate in informal/illegal activities. People's decisions and actions are rather governed by the normative systems and the various interactions with one another that are created and maintained within their social context. These normative systems are interrelated in both a positive and negative manner. On one hand, the economic and customary normative systems are mutually dependent on each other in their interactions, by shaping illegal timber exploitation and the relationships between traders and local people within village communities. On the other hand, the official legal and economic normative systems compete with each other during the pursuit of individual strategic advantages for rent-seeking within the forestry administration or for individual profit in the diverse informal transactions and accommodations. Also, the customary normative system and the official legal system exclude each other as far as dispute resolution and access to timber resources are concerned.

The findings demonstrate the nature and role of normative pluralism that exists within the realm of community-based commercial timber production and trade and on how this relates to illegal timber exploitation and trade. Consequently, it is recommended that more attention should be given to increase the understanding of normative complexity in forestry situations in order to enhance the illegal logging debate as well as to improve the development and implementation of timber legality schemes that are adjusted to community forestry conditions. Otherwise, the development of timber legality systems may compete with the development of community forestry.



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## ABBREVIATIONS AND ACRONYMS

|        |  |
|--------|--|
| AOC    | Annual Operating Certificate (Certificat annuel d'exploitation)                          |
| CBFM   | Community-based Forest Management  |
| CBFP   | Congo Basin Forest Partnership   |
| CED    | Center for Environment and Development   |
| CF     | Community Forest Unit  |
| CFU    | Community Forest Unit  |
| CIFOR  | Center for International Forestry and Research   |
| CITES  | Convention on International Trade in Endangered Species of Wild Fauna and Flora          |
| DFID   | Department for International Development   |
| DRC    | Democratic Republic of Congo   |
| e.g.   | example given  |
| et al  | <i>et alii</i>   |
| EU     | European Union   |
| FAO    | Food and Agriculture Organization  |
| FLEGT  | Forest Law Enforcement, Governance and Trade   |
| FMA    | Final Management Agreement   |
| GDP    | Gross Domestic Product   |
| ha     | hectare  |
| km     | kilometer  |
| m      | meter  |
| MINATD | Ministry of Territorial Administration and Decentralization                              |
| MINDEF | Ministry of Defence  |
| MINEF  | Ministry of Environment and Forests  |
| MINEP  | Ministry of Environment and Nature Protection  |
| MINFOF | Ministry of Forests and Wildlife   |
| MoP    | Manual of Procedures for the Attribution and Norms of Management of Community Forests    |
| NGO    | Non-Governmental Organization  |
| NPFE   | Non-Permanent Forest Estate  |
| PFE    | Permanent Forest Estate  |
| RIGC   | Reinforcement of Initiatives for Community Management of Forestry and Wildlife Resources |
| SMP    | Simple Management Plan   |
| SNV    | Dutch Development Organization   |
| US     | United States of America   |
| VPA    | Voluntary Partnership Agreement  |
| WWF    | Worldwide Fund for nature  |

## CHAPTER 1: INTRODUCTION

In this chapter, background information regarding community-based forest management in general and in the context of Cameroon is presented. This background information opens the way to the statement of the problem and the research objectives. The last point of this chapter shows the report outline.

### 1.1. Towards timber legality in community-based forest management

Central governments are by far the main owner of the 5.4 billion hectares of the world's forests and wooded areas (FAO, 2005). However, official statistics on forest ownership distort the nature and changing forms of global forest governance (Agrawal, Chhatre and Hardin, 2008).

Until the late 1970 forest governance has been mostly centrally administered and top-down regulatory policy driven. The 8<sup>th</sup> World Forestry Congress in 1978 acknowledged the importance of community forest management as a key component of rural development and set the foundations for an international interest of decentralization in forest governance (Westoby, 1987). Therefore, the assigning of forest management responsibilities to local communities has been identified as an important forest management stand in state forests in most developing countries (FAO, 1999; Alden Wily, 2002; Brown et al., 2002; Nurse and Malla, 2005). As a result, local communities and organizations have come to manage over 20% of the tropical forests (approximately 200 million hectares of forests) and over 60 countries claim to have decentralized some aspects of forestry resources management (Agrawal, 2001; White and Martin, 2002; Molnar, Scherr and Khare, 2004). The management of these forests is often assumed to be related to local needs for forest products and services. But at the same time, the commercialization of tropical forests products continued. Consequently, at present three main trends in respect to greater involvement of non-state actors in forest

governance can be distinguished: (i) the role of logging companies in forest concessions in tropical forests; (ii) the increasing position of international standards for good forest management and legal timber; and (iii) decentralization of management in developing countries, especially for commercially low-value forests that somehow are important in the livelihoods of numerous rural households (Agrawal, Chhatre and Hardin, 2008).

Among those three trends, the private concessionary forest governance mode is the oldest. This mode of governance involves central governments providing logging companies with long-term resource extraction rights in commercially valuable forests in return for a stream of revenues. It is a dominant form of forest governance in tropical forests in parts of Amazon, Southeast Asia and more especially in West and Central Africa, where a minimum of 75 million hectares of forests are allocated to logging companies (Karsenty, 2007; Agrawal, Chhatre and Hardin, 2008). With respect to international standardization, major examples are forest certification and timber legality. They were initiated in the early 1990s as market instruments in order to improve the sustainability of tropical forest management (Agrawal, Chhatre and Hardin, 2008). They were developed in parallel to the decentralization process in forest governance.

Decentralization of forest policies started in the mid- to late 1980s. This had progressively become a relevant characteristic of forest governance by mid-1990s. This development was driven on the one hand by investment in material and technical support from bilateral, multilateral and private donors seeking better forest governance from recipient countries, and on the other hand by domestic claims for recognition of local communities' needs for forest products as well as their role in managing local forests for multiple purposes (Ribot, Agrawal and Larson, 2006; Andersson and Gibson, 2007; Cronkleton et al., 2008). Originally, it was proposed that a dual forest economy should be developed in which the traditional centralized forest management regimes centered on national interests and macro-economic growth would be complemented by forest management

regimes centered on fulfilling basic livelihoods, equity and local participation; but gradually also, high value forests have been brought under community control (Wiersum, 2009). In addition, in several places where forest sector decentralization is not included in national policy, local governments and local communities still may manage forestry resources, with or without formal mandates to do so (Agrawal, 2001), especially in developing countries.

In most developing countries, community-based forest management (CBFM) has been introduced through project interventions (Bojang, 2000). This was not a uniform process, but rather a context dependent process. In some cases, this development approach aims at helping communities to improve what they were already doing, e.g. in the Nepal middle hills (Hobley, 1996). In contrast, in the forest regions of Central Africa, community forestry has targeted helping communities to become involved in novel technical activities of artisanal timber extraction and processing, in which they have poor experience, and in securing rights to forest products (Brown et al., 2002). It is recognized that revenues generated through CBFM could create a constituency with an interest in the future management of the forest, which is a value in its own right. This could also contribute to the national policy of poverty alleviation. As a result, a well-organized system of decentralized local government, with high levels of local fiscal control, would go a long way towards improving the quality of community services and give a greater sense of belonging to local people (Brown et al., 2003). However, this consideration does not hold true in all circumstances and with time because local people do not necessarily stick to legal requirements while carrying their small-scale activities.

Already in the last decade, although the introduction of CBFM was originally mainly intended to provide for the basic forest related needs of local communities, the incorporation of commercial production in CBFM schemes has changed community forestry towards a more market-oriented process in most developing countries (Ezzine de Blas et al., 2009; Wiersum, 2009). In fact, small-scale forest activities often supply most domestic timber markets by timber processed through chainsaw

milling (Smith, 2010). These small-scale informal chainsaw milling operations contribute to economic and social improvement of livelihoods of local people and to making available cheap lumber for domestic consumers (Plouvier et al., 2002; Cerutti and Tacconi, 2006; Cerutti and Lescuyer, 2011). However, in most countries this activity is not regulated and it is characterized as ‘illegal’, with domestic timber production and trade to a large extent being invisible in national statistics (Wit et al., 2010).

At the same time, the international agreements and negotiations on tropical timber production and legality continue to ignore local timber consumption, therefore widening the gap between the formal industrial timber sector and the informal small-scale timber sector (Wiersum and van Oijen, 2010; Wit et al., 2010). In many cases, the informal timber sector does not strictly adhere to the laws that were primarily designed for the formal timber industry. Table 1 shows some estimates of country percentages of illegal logging for tropical timber exporters. One important point is that these figures may not represent full dimension of illegal logging because most of illegalities occur within licensed production volumes (Chatham House, 2010).

Table 1: Estimates of some countries’ percentages of illegal logging for tropical timber exporters (Chatham House, 2010)

| Countries       | Estimate percentage of illegal logging |
|-----------------|--|
| Indonesia       | 40                                     |
| Malaysia        | 24                                     |
| <i>Cameroon</i> | 35                                     |
| Brazil          | 72                                     |
| Ghana           | 60                                     |

It might be interesting to pay attention to the case of Cameroon as it is counted among the illegal timber producing countries in Africa at the international level. Community forestry in the country constitutes the main form of decentralized forest management. The next section elaborates on general information regarding community forestry and the scope of the related informal/illegal logging activities.

## 1.2. Community forestry in Cameroon

### 1.2.1. Contrast between the formal and informal timber sectors

The contrast between the formal and informal timber sector is very evident in Cameroon. On one hand, Cameroon's forest area is the second largest in Africa after Democratic Republic of Congo (DRC) (Djeumo, 2001). It covers more than 22 million hectares that is about 47% of the total country land area, with 17.5 million hectares of dense forest and 4.5 million hectares of degraded dense forest (Eba'a Atyi, 1998; Republic of Cameroon, 2005; de Wasseige et al., 2009). Cameroon's formal forest sector is the second largest source of export revenue in the economy after petroleum, representing 16% of national exports earnings in 2003 (about 380 million US dollars) and about 6% of GDP (CBFP, 2006). In Central Africa, Cameroon is, after Gabon, also the second largest producer of timber from industrial forestry sector, with nearly 2.3 million cubic meters in 2007. Sawn wood is the second largest exported timber product, and Cameroon is the largest exporter of sawn wood, mostly to the European Union (EU) (Cerutti et al., 2010).

On the other hand, these figures could imply that the populations in Cameroon fully enjoy the revenues from their gifted forestry resources. The reality, however, is different, because the benefits of timber exploitation are not evenly distributed, and timber exploitation occurs in a context of extensive poverty. About 73% of the population in the country live below the poverty line (de Wasseige et al., 2009), with the majority being forest dependent (Cerutti et al., 2010). Therefore, it is not surprising that local communities look after diverse informal strategies of earning their livelihoods. One of these strategies involves the informal chainsaw milling operations which was developed in most of the community forests (CF) to which local communities have access. The "northern trail" has been identified as one important informal timber network that spreads out from the humid forests of the southern regions where there are located numerous community forests, to supply, through several intermediaries distributed in different cities, markets in northern Cameroon and even countries like Nigeria, Niger, Chad, Sudan, Egypt, Libya and

Algeria (Langbour et al., 2010). These local trading networks represent more than 40,000 cubic meters/year of sawn wood, for a cash flow exceeding 6 billion F CFA/year; but the state does not benefit from these revenues because the domestic sawn timber chain remains largely informal and illegal (Koffi, 2005; Langbour et al, 2010). This informal sector has spread and became more organized along with the development of community forestry in Cameroon.

### **1.2.2. Community forestry, chainsaw milling and timber trade**

Both the international community and the Cameroonian government have acknowledged the contribution of forestry resources in their strategies to alleviate poverty, and as a result, they have drawn and implemented policies and legal frameworks in order to secure rights over forestry resources to local people and to stimulate community forestry (Djeumo, 2001). The drawing of a forestry law in 1994 was an important start in Cameroon to improve the level of participation of local communities in the sustainable management and conservation of forests (Djeumo, 2001). Under the latter, a national zoning plan was drafted. It divides the national territory into the permanent forest estate (PFE) which is allocated to conservation (protected areas) or production (forest management units for industrial logging sector), and the non-permanent forest estate (NPFE). The NPFE is allocated to different types of uses (agricultural, pastoral, forestry and others), among which are community forests (Auzel et al., 2001; Ezzine de Blas et al., 2009). Until 2004, there were about 67 CFs formally registered in Cameroon (Mertens et al., 2007). In the meantime, the number of allocated CFs have increased as local communities discovered a great source of economic potential in community forestry, in particular in exploiting forestry resources, even with artisanal equipment such as mechanical chainsaws.

Chainsaw milling has developed gradually in community forestry as an informal sector due to lack of adapted legal frameworks. However, there are a lot of opportunities for these activities in Cameroon. Most of these informal logging activities occur in the southern region, which involved the Centre, East, Littoral,

South and South-West administrative regions, and where are located the humid rain-forests (Cerutti and Lescuyer, 2011).

According to the same authors, there are three main criteria which determine the intensity of chainsaw milling activities. These involve: (i) the distance to an urban market; (ii) the availability of timber resources; and (iii) the presence (past or present) of a logging company in the region. Moreover, the number of chainsaw millers has increased in rural areas in the recent years. There are three main reasons that explained this situation (Cerutti and Lescuyer, 2011):

- Cheaper access to chainsaws, facilitated by imports of cheaper materials from Nigeria, and of sub-renting of chainsaws as a subsidiary activity from rural private owners;
- The availability of more or less valuable timber resources in the NPFE, and sometimes in the neighborhood of urban areas. Many artisanal loggers operate in their locality or regions. However, they can migrate to other regions to conduct their activity because of the scarcity of commercial timber species, the acquisition of adequate equipment and labor force, as well as the good level of knowledge and interaction with urban centers;
- The absence of effective regulation of chainsaw milling on the ground. Although the forestry code provides for small logging titles for meeting domestic demand for sawn timber, these are not put into practice. In fact, many chainsaw millers operate without logging titles. This is mainly due to cumbersome and very costly administrative procedures, as 71% of chainsaw millers interviewed in one study have attested in 2011.

Together with sawn timber rejected from industrial sawmills, timber from chainsaw operations mainly supply the domestic construction and furniture markets. Various types of actors are involved in their production and trade (table 2).

Studies have shown that the informal domestic sawn timber market has been flourishing these past years, with a total annual production of about 1.2 million cubic meters of processed products, which is similar to the industrial sector (Cerutti et al., 2010). This production and trade have significant impacts on rural livelihoods, local economies and governance (Idem). Although these activities are informal, they contribute to rural economies through the creation of jobs in villages. Some authors have estimated that the chainsaw milling sector in Cameroon employs approximately 40,000 people in rural areas (Cerutti and Lescuyer, 2011). Because of its positive impact on rural economies, this sector is often subject to an *ad hoc* taxation from the forest administration officials and local municipality.

This tax generates revenues either to run administrative operations, or to contribute to the salaries of the personnel, or it can go to individuals. There are two main types of informal council taxation: (i) a tax per truck carrying between 15 and 20 m<sup>3</sup> of sawn timber – it varies from 5000 F CFA to 50 000 F CFA per trip; (ii) an annual tax (*redevance annuelle*) per chainsaw – which varies between 5000 F CFA and 100 000 F CFA (Cerutti and Lescuyer, 2011). These two types of taxes are generally applied simultaneously in one locality. Because they are applied on illegal or informal activities, these taxes are illegal or informal and do not appear in formal tax schemes or records (Idem).

The identification of these practices have sustained the decision of the state enroll for more compliance to international regulations for legal timber. The next section provides more details on this process.

Table 2: Groups of actors benefitting from informal sawn timber production and trade (Cerutti and Lescuyer, 2011)

| Benefiting actors  | Income source  | Amount (million F.CFA <sup>1</sup> /year) |
|--|--|---|
| Rural populations  | Salaries<br>Tree sales<br>Profit on sawn timber sold to urban traders                    | 20,011                                    |
| Urban populations  | Salaries<br>Market place renting<br>Profit on timber sold to final consumers             | 11,545                                    |
| Representatives of different administrative or council authorities | Informal payments at the level of the council, control points on roads and urban markets | 7,061                                     |
| Council authorities  | Withholding tax  | 49  |

### 1.2.3. Compliance to fulfill legal timber requirements

In addition to their focus on decentralization, the recent Cameroon's forestry policies also focus on legal timber production and trade. Non-compliance to fulfill legal regulations is a major problem in the tropical forest sector and in the Cameroonian timber sector as well (Cerutti and Lescuyer, 2011). Increasing amounts of wood illegally harvested by individuals or small enterprises in community forests are sold on the informal domestic market and often to other African countries (Cerutti and Lescuyer, 2011; Cerutti et al., 2010; Langbour et al., 2010; Pye-Smith, 2010). This informal timber trade contributes to a significant extent in losses of government revenue. These illegal practices range from harvesting without or with fraudulent use of title to logging out of boundaries, encroachment on protected areas, logging of unauthorized or undersized species, false declarations of harvest, and non-compliance with license conditions (Wells et al., 2006).

In 2003, the Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan of the EU has been proposed in order to fight against illegal logging and related trade and to better regulate and manage forestry operations, with the ultimate objective

<sup>1</sup> 1€ = 655,57 F.CFA

to guarantee that only timber of legal origin is imported in the EU market. The essential element of FLEGT is the Voluntary Partnership Agreement (VPA) between individual timber exporting countries and the EU to guarantee trade in verified legal products (Wiersum and van Oijen, 2010). In November 2007, Cameroon entered into negotiations of a VPA with the EU (Brown et al., 2008). Finally in 2010, Cameroon has committed itself to better control illegal timber production and trade, and to implement audited traceability systems in its forestry sector by signing a VPA with the EU-FLEGT programme (Cerutti et al., 2010, Cerutti and Lescuyer, 2011). As a result of this agreement, increased attention is given to the need not only to regulate the formal timber sector but also the informal chainsaw milling sector.

This situation justifies the interest of this study in getting more understanding of the organization and actors' practices within illegal/informal chainsaw milling in community forests of Cameroon as a contribution to the literature and to policy-making. This interest is further developed in the problem statement which follows.

### **1.3. Problem statement**

Cameroon has seen a remarkable growth in community forestry initiatives during the last two decades. An increasing number of communities and organizations took advantage of provisions in the Cameroon's 1994 Forestry Law that introduced the concepts of community forestry. This law and related regulations were further developed in the manual of procedures for the attribution and norms for the management of community forests (MoP) (MINEF/CFU, 1998). In the Centre region of Cameroon, several communities have already succeeded to acquire, or are in the process of acquiring CF rights, with aggregated support from development projects and the increasing number of non-governmental organizations (NGOs) implicated in the field (Auzel and Nchoji Nkwui, 1999). Nonetheless, there is much uncertainty regarding the various forms of logging of timber resources in CFs (Auzel et al., 2001). In fact, the forestry law still primarily focuses on the large scale, formal,

export-oriented industrial timber production (Pye-Smith, 2010). As a result of the poor legal framework regulating community forestry, informal chainsaw milling and trade in CFs has grown out of the state control. The domestic sawn wood trade supplied by the informal chainsaw milling sector from community forests has spread from small-scale local markets to the big markets in main urban centers throughout the country and even to neighboring countries. It is mostly beyond the control of forestry administration (Auzel et al., 2001; Langbour et al., 2010; Pye-Smith, 2010). The financial outcomes of these local trading networks could represent a significant source of revenue to the state and the rural populations if they can be formalized and taken into account in state regulations. Nevertheless, the organization, unexpected extension, and socio-economic and institutional impacts of the informal/illegal timber sector remain largely undocumented and unknown to policy makers. This informal domestic timber harvesting, transportation and trade network is hypothesized to be governed by different people's values, interests, systems of norms and practices. As a consequence, it has become crucial to investigate the diversity of the systems of norms that shape and govern actors' practices and interests with respect to the informal or illegal timber networks surrounding timber harvesting, transportation and trade originating from community forests in Cameroon. For this matter, this study focuses on the Centre administrative region where the capital of the country, Yaoundé, is located.

#### **1.4. Research objectives**

The main goal of this study is to contribute towards a better understanding of pluralism in the systems of norms with respect to illegal community forest timber harvesting, sawn wood transportation and trade in the Centre region of Cameroon.

More specifically, this study aims at:

1. Determining the main actors, norms and social practices through the lenses of the legal and regulatory framework for community forestry;

2. Determining the different systems of norms which underlay relationships existing among these actors in their current illegal practices;
3. Assessing the nature of interactions among these systems of norms.

### **1.5. Thesis outline**

The first three chapters center on a description of the study, the theoretical and conceptual framework, and the adopted research methodology can be found. Chapter Four gives a description of the legal and regulatory framework for community forestry in Cameroon. It also describes the main actors and their perception of illegal practices related to illegal CF timber production, transportation and trade. A detailed description and analysis of the different systems of norms identified and that characterize legal pluralism in the case study are also presented in Chapter Four. Chapter Five follows with the empirical representativeness and the theoretical and methodological discussion to the study. The last chapter concerns the final conclusion and recommendations.

## CHAPTER 2: THEORETICAL AND CONCEPTUAL FRAMEWORK

In this chapter, the first section provides an explanation of the concept of legal pluralism. Section two provides clarification on the concept of normative order and also essential analytical elements to better assess the complexity of different normative orders that interact with one another in order to determine decision-making, arrangements and social practices within a social context. At the third place, the concept of legal timber is analyzed and an accent is put on different interpretations of illegal timber. Also, the various features of community forest management are presented and the situation in respect of community forestry in Cameroon is described. The previous section serves as basic tenets in order to develop the conceptual framework of the study. On the basis of this framework, specific operational research questions are formulated in the last section.

### 2.1. Legal pluralism

#### 2.1.1. What is legal pluralism?

In this section, two approaches to legal pluralism are developed: (i) legal pluralism as a critic to legal centralism, and (ii) legal pluralism as a characteristic of social contexts.

##### ***Legal pluralism as a critic to legal centralism***

Legal pluralism has been conceptualized by Griffiths (1986) as a critic to the legal centralist point of view. The legal centralism states that the dominant conception of law is the one of state regulation, which is uniform for all people, exclusive of all other normative systems (or orders), and administered by a unique set of state institutions (Griffiths, 1986). This conception implies that non-state normative orders based on kinship relations, economic or religious systems are hierarchically subordinated to the norms and law of the state. They are just considered as social rules or informal rules. They can only be elevated into law if acknowledged by and

under the conditions of state law or international law, as it was the case in colonial legal systems and to a lesser extent still is the case in post-colonial systems (von Benda-Beckmann, 2001).

Nevertheless, the ideology of legal centralism is more a myth and an illusion than a reflection of social reality (Griffiths, 1986). This ideology has even been a major hindrance to accurate observation of legal reality. According to Griffiths (1986, p.4) 'legal pluralism is the fact'. He argues that there is no generally accepted definition of legal pluralism in a descriptive sense. Rather than providing an empirical definition to legal pluralism, some authors describe it from a juridical perspective rising conceptual and doctrinal terms related from legal centralism. For instance, according to Hooker (1975, p.2) legal pluralism refers to the presence of "multiple systems of legal obligation...within the confines of the state". His definition refers to a situation of legal centralism in which the state (or national) law acknowledges the co-existence of a body of customary (or indigenous) law. This is explicitly reflected in the three characteristics of legal pluralism that he gives (Hooker, 1975, p.4):

- "the national legal system is politically superior, to the extent of being able to abolish the indigenous system (s)";
- "where there is a clash of obligation... the rules of the national system will prevail and any allowance made for the indigenous system will be made on the premises and in the forms required by the national system";
- "in any description and analysis of indigenous systems the classifications used will be those of the national system."

#### ***Legal pluralism as a characteristic of a social context***

Alternatively, Vanderlingen (1971) defines legal pluralism as the existence of different legal mechanisms applying to identical situations within a given society. This definition highlights some relevant attributes to legal pluralism. The most important is that legal pluralism characterizes a specific social group. The major

limitation to Vanderlingen's definition is the recognition of different legal mechanisms suitable for identical situations (Griffiths, 1986).

The definition considered in this study is the one of Griffiths (1986) who presents a much more practical and empirically-based definition of legal pluralism. He stresses that the notion refers to any situation in which: (i) more than one rule exist; (ii) which may be applicable to different situations. In fact, legal pluralism is not a feature of 'law' or of a 'legal system', but of a social field (Griffiths, 1986). There is a situation of legal pluralism when in any social context the social order is subject to more than one legal order. In other words, legal pluralism or legal complexity refers to the co-existence and interaction of different (usually state and non-state) legal orders within the same social setting or socio-political space (Merry, 1988, 1992; Benda-Beckmann, 1996; Meingen-Dick and Pradhan, 2001). Therefore, legal pluralism is a normal and omnipresent situation in any life situation and process (Merry, 1992).

Von Benda-Beckmann (2001) elaborates that the substantive content and social significance of different elements in plural legal orders change in the context of the European colonial history. In early colonial period the law of the state may have been negligible outside the boundaries of regions firmly occupied by the new colonial sovereigns. The local societies' laws may have been the dominant legal form in the rest of country claimed as a state. However, in present times, state law has become the most important legal form in many spheres of economic and political organization, but the laws of local societies have not been fully replaced. If state law continues to be recognized as 'law' under such conditions, so should also be customary or religious law. In this way, the recognition of the possibility of existence of more than one legal order in society, and at the same time of existence of, often unpredictable, forms of interaction between these orders is well covered by the concept of legal pluralism (Boelens, Roth and Zwarteveen, 2003). Moreover, this concept also provides a framework for understanding that people often are confronted with more than one system of rules at a time and the interaction among

these legal institutions can contribute in explaining people's behavior in specific situation (Wollenberg, Anderson and López, 2005). In this line, several authors have contributed to developing legal pluralism approach in natural resource management research.

### **2.1.2. Legal pluralism and natural resource management**

Resource use and management appear to occur under legally plural conditions. Therefore, the use of the concept of legal pluralism as an analytical tool emerged and disseminated particularly in studies about natural resources exploitation and management (Boelens, Roth and Zwarteveen, 2003). The same authors advocate for a link among the increasing recognition of the importance of legal complexity and the more general pattern allowing for ambivalence, conflict, complexity and contingency in analyses of resource harvesting and management processes. In fact, in forests, community members rarely share homogenous interests, as well as they also differ in which institutions they use in different contexts (Wollenberg, Anderson and López, 2005). As a consequence, in forest management, different people engage in different ways in various social practices, such as tree cutting, timber processing, transporting lumber, making laws, facilitating meetings, making charcoal, collecting non-timber product or trading forest products. Each of these roles requires a set of practices that are based on a proper understanding of what is legal.

When operationalizing the concept of legal pluralism, it is important to recognize that the concept of law (what is legal) is not straightforward. It may mean different things to different people, and hence the meaning and significance have to be investigated, as well as the ways by which it becomes significant in strives over control and exploitation of people and natural resources by governments, business enterprises, individual rural people or local population groups (Benda-Beckmann, 2001). Actually, whether or not some claim or relation to resources is 'legal' indicates who has the right to exercise political control over people and resources, and who can exploit them economically and profit from it. As a consequence, the

definition of what law is, and what legal rights are, is therefore highly political (Benda-Beckmann, 2001). Nonetheless, both state legal and non-state legal institutions, whether identified or not in state law, are perceived as important factors that compose the existing reality of complex normative systems. Benda-Beckmann (2001) emphasizes that any significance that the state legal normative system may have on political, economic and social practices will always be relative to that of non-state normative systems for the same practices. As a consequence, the concept of normative system should be examined more carefully with the purpose of better understanding interactions between different legal systems.

## **2.2. Normative systems**

In this section, the concept of normative system (or order) is explained, as well as the different categories of normative systems that have been investigated in studies regarding legal pluralism. A further attention is given to the different types of existing interactions among between normative systems.

### **2.2.1. More than one normative system**

According to Savaneli (2010), a normative system (or normative order) is a set of established norms or rules, which show how public bodies or private persons act in reality with no interest to what rules of state law point to ideally. Concomitantly, MacCormick highlights that a “normative order can exist in some cultural and social settings on the basis simply of mutual belief and inexplicit norms with overlapping mutual understanding and interpretation” (MacCormick, 2007, p.19).

Normative pluralism in each country refers to the co-existence of multiple normative orders parallel with a single legal system such as state law (Savaneli, 2010). Here, state law is defined as a system of legal rules, which determine how public bodies or private persons of law ought to behave. Normative pluralism is used sometimes to refer to those who advocate for plural orders in contrast to state centralism (Savaneli, 2010). In other words, in each country there are a single legal system (legal monism) and a plural normative system (normative pluralism). As

such, social contexts comprise both state and non-state systems. Accordingly, there are two fields in the space of normative system in general: official or state normative system (legal order) and unofficial normative system (normative facts). In other words, a normative system involves two spaces: (i) normative acts of public entities, and (ii) normative facts of private persons (individuals). Normative facts refer to the co-existence of different norms in the form of mutual individual rights and obligations within the different day-to-day social relations of private and legal persons' lives (Savaneli, 1997; 2010).

The state legal system comprises individual decisions of public (official) bodies. It has a vertical dimension (e.g. bureaucratic hierarchy). The normative facts include individual acts of private (unofficial) persons. They have a horizontal dimension. Both the state legal system/order and the normative facts also involve cross-sectional fields, which depict an outcome of the co-existence and interaction of public law and private law in practice, and the feasibility of state legal system and normative facts (Savaneli, 2010). Thus, normative pluralism has legal and non-legal dimensions.

### **2.2.2. Categories of normative systems and heterogeneities**

#### ***Categories of normative systems in social context***

Social contexts show different types of normative systems in which state legal order does not exist in isolation, and more over is not necessarily the most powerful element (Savaneli, 2010). According to Benda-Beckmann (1996), examples of non-state normative orders include customary law, religious law, 'project law' and forms of self-regulation. Another differentiation among existing normative orders in socio-political context, and commonly discussed in studies on legal pluralism, recognizes six categories of normative orders (Tamanaha, 2008), as follows: (i) official/state legal system; (ii) customary/cultural normative systems; (iii) religious/cultural normative systems; (iv) economic/capitalist normative systems; (v) functional

normative systems; (vi) community/cultural normative systems. The last five categories constitute non-state normative orders.

*Official (or state or positive) legal systems* are connected to a formally institutionalized legal apparatus. They are materialized in legislatures, enforcement agencies and tribunals. They beget to powers, rights, agreements, criminal sanctions and remedies. This category encompasses the entire panoply of whatever is typically regarded as law-related or legal, ranging from traffic laws to human rights.

*Customary normative systems* include shared social rules and customs, as well as social institutions and mechanisms. They range from reciprocity to dispute resolution tribunals and councils of traditional leaders. In some places, the terms 'indigenous law' or 'traditional law' are also utilized. These terms, as well as local translations, are labels usually invoked in post-colonial societies; thus they have limited application to other contexts.

*Religious normative systems* are in proxy social groups an aspect of and inseparable from customary normative systems and both can be considered as aspects of culture; as such they share the term 'cultural'. Yet, religion merits separate mention for the very reason that it is often seen by people within a society as a special and distinct aspect of their existential experience. Religions are oriented toward the metaphysical realm, and religious precepts usually carry great weight and significance for believers within a society. Some groups of norms are considered as specifically religious in origin and orientation. These are sometimes set out in written texts (such as the Bible, Koran, and Torah), commentaries, and edicts, but they may also be based on oral transmission. Formal religious institutions as well as informal ones exist with norm enforcing functions.

Although customary and religious sources of normative order are usually considered in terms separated from and broader than official legal systems, they also can contain a subset of norms that have specifically 'legal' status, in two

different senses: (i) through recognition by the official legal system; or (ii) on their own terms (Tamanaha, 2008). In the first sense, many official legal systems explicitly acknowledge and incorporate customary norms and religious norms, and their respective institutions. Many post-colonial country legal systems, for example, recognize and enforce customary rules and practices regarding marriage, divorce, inheritance, and other family related issues. In the second sense, viewed as 'legal' on their own terms, some customary systems have mechanisms of what the members refer 'customary law,' entirely apart from whether the norms and institutions so identified are recognized as such by the official legal order. Congruously, certain religious norms and institutions are recognized by adepts as possessing independent 'legal' status.

*Economic/capitalist normative systems* refer to the range of norms and institutions that constitute and relate to capitalist production and market transactions within social arenas. This ranges from informal norms that govern continuing relations in business communities (including reciprocity, and norms that discourage resort to official legal institutions in situations of dispute), to norms governing instrumental relations, to standard contractual norms and practices, to private law-making in the form of codes of conduct, shared transnational commercial norms, arbitration institutions and so on.

*Functional normative systems* are organized and structured in connection with the chase of a particular function, purpose or activity that goes beyond purely commercial occupations. Universities, school systems, hospitals, museums, sports leagues, and the internet (as a network) are examples of functionally oriented normative systems, some operating locally, some nationally, and some transnationally.

*Community/cultural normative systems* is the vaguest category of the five specified here. In general terms, it is an imagined identification by a group of a common way

of life, usually tied to a common language and shared history, and contained within specified geographical boundaries.

Overall, it must be stressed that these six categories are rough labels used to mark off social arenas and related subjects and situations that repeatedly characterize searches about legal pluralism. The value of this framework depends upon whether it may offer a useful way to approach, study and understand situations of legal pluralism. Though both state and non-state normative orders are acknowledged, this does not induce that all normative frameworks bear identical coercive means and enforcement power with respect to regulations and rules they produce and represent (Boelens, Roth and Zwartveeën, 2003). Generally, the state does not enjoy monopoly of legal power within a given context because normative orders do not have discrete boundaries with one another (Savaneli, 2010).

### ***Group and individual based socio-political heterogeneities***

Social-political heterogeneity usually goes along with legal pluralism (Tamanaha, 2008). This heterogeneity can take two basic forms: (i) group based and (ii) individual based.

A group-based heterogeneity happens when a social arena consists of a number of discrete groups, often differentiated by language, religion, ethnicity, and culture, or sometimes by clans (Tamanaha, 2008). These factors can prevail in various combinations. Generally these groups make up distinct communities (as identified by members and outsiders). Sometimes there is a majority group and one or more minority groups. It may happen that a number of groups co-exist with no single group having a majority. Usually they are physically segregated (occupying distinct regions or distinct neighborhoods). They are also segregated by occupation. A very important element in cases of group-based heterogeneity is whether one (or more) group disproportionately controls or influences the government and/or the official legal systems within a given social arena (Tamanaha, 2008). Groups may have differential opportunities to occupy positions or to perform negotiations in

government and in official legal systems. Where this is the case, there will be differences among the various groups and their members in their resort to and identification with the government and the official state law. In these situations, the government and official law can be seen not as the law of everyone, but as co-opted by and representing the interests of whichever group(s) controls it or could better participate in political spheres (Tamanaha, 2008).

There is individual heterogeneity when individuals based on western (modern) liberal norms coexist with individuals based on non-western (traditional) customary or religious normative systems. This combination is typical of large urban areas both in developed and developing countries (Tamanaha, 2008)

Many social arenas combine both types of heterogeneity, with rural areas having group-based heterogeneity, and urban areas having one or both types. Both types of heterogeneity play out in various ways in legal pluralism as they are sources of pluralism. It is also important to acknowledge another dominant characteristic of these arenas, respectively: the hybridity and fluidity of groups and individuals (Tamanaha, 2008). In other terms, they incorporate aspects of their environment into their respective identities. The fact that groups and individuals interact in heterogeneous environments inevitably influences both the groups and the individuals, building something new in group and individual identities even as the old identities remain identifiable. Even though it is useful to differentiate forms of heterogeneity, group and individual identities are not static or discrete entities; rather they are internally diverse and constantly changing (Tamanaha, 2008). To assess legal complexity in social situation in a way that may help people cooperate with one another, it is necessary to understand the relationships at play among different normative orders.

### **2.2.3. Different interactions among different normative orders**

A normative order is dynamic rather than static, and social relations in each normative order are extremely complex. Moreover, public normative acts and

private normative facts co-exist and interact in complex and diverse ways (Savaneli, 2010). Sometimes they compete or conflict, sometimes they sustain or reinforce each other; often they influence each other through interaction, imposition and transplantation. Often such influence is reciprocal (Savaneli, 2010).

Fix-Fierro (2005) identifies two main types of interaction among normative orders in social context. They are termed by him: (i) positive integration, and (ii) negative integration. Integration in Fix-Fierro's perspective does not refer to fusion or incorporation of one normative order into another normative order (Fix-Fierro, 2005). He distinguishes high and low levels to both types of interaction (table 3). A high level of integration refers to the situation where two or more normative systems mutually experience the structural effects of interaction. Accordingly, a low level of integration occurs when only one of the normative systems identified experiences the structural effects of integration (Fix-Fierro, 2005).

Table 3: Modes and levels of interaction between normative systems (Fix-Fierro, 2005)

| Positive integration |              | Negative integration |            |
|----------------------|--------------|----------------------|------------|
| <i>High</i>          | <i>Low</i>   | <i>High</i>          | <i>Low</i> |
| Mutual constitution  | Infiltration | Competition          | Exclusion  |

The process of ***mutual constitution*** occurs when state law and other normative systems creates relations of mutual support and dependence. This can be illustrated by the fact that religion, morals and other social sources of normative system may reinforce and uphold the official legal system (Fix-Fierro, 2005). Tamanaha (2001, p.224) even emphasizes that “law (of whatever kind) can only exist where there is already a significant degree of order.”

***Infiltration*** broadly refers to the influence of state law on non-state normative systems. One typical example of this process can be derived in ex-colonial countries

where traditional customary law was and still maintains a broad degree of autonomy from state law. But in some cases this is increasingly incorporated into and influenced by official legal systems (Friedrichs, 1999).

There is a relationship of **competition** among normative systems when multiple normative systems coexist within the same social arena in order to regulate the same or similar social (even economic and political) situations. In this case, social actors can exercise them against each other in fulfilling individual strategic advantages (Tamanaha, 2001).

At last, the process of **exclusion** denotes the situation when a normative system determines sanctions and incentives regarding cooperative and behavior coordination in a way that the application of another normative system is widely and more or less consciously proscribed (Fix-Fierro, 2005). To illustrate this situation, Fix-Fierro (2005) cites Ellickson (1991) who described how in the Shasta County (California) cattle owners were able to work out conflicts without claiming to their legal entitlements, and subsequently effectively avoiding the use of the legal system.

## **2.3. Legal/ Illegal timber**

### **2.3.1. Legal timber exploitation**

In most countries, timber exploitation is officially governed by national legislation. Legal timber is mainly explained in relation to the legal requirements to be fulfilled. In case these requirements are not met, timber is considered illegal. Illegal timber production has been identified as the most direct threat to the majority of the remaining tropical forests, and as a major obstacle to international efforts to enhance the conservation, management and sustainable development of the world's forests (Callister, 1999; Tacconi, 2007). This has a range of negative and interlinked environmental, economic and social impacts (Richards et al., 2003). Moreover, this is recognized to be widespread in approximately 70 countries, the majority being tropical and developing (Toyne et al, 2002; Tacconi, 2007).

As tropical timber is a major product imported by European and American countries, these countries have become increasingly concerned about illegal timber. One major step to controlling the international timber trade was the implementation of the FLEGT/VPA to identify legally produced logs and wood products in producing countries and to enhance sustainable forest management (Brack, Gray and Hayman, 2002; Wiersum and van Oijen, 2010). This process was based on various considerations (Brack, Gray and Hayman, 2002):

- (i) Simple paper-based certificates or transportation documents like those employed under CITES are prone to fraud and theft; thus, more technologically sophisticated solutions should be used in any system established to identify legal production;
- (ii) Comprehensive chain-of-custody monitoring of every stage of the chain of harvesting, processing, and marketing is required to guarantee legality. Also, an independent third-party auditing of the procedure is preferred to guarantee the validity of the system;
- (iii) Capacity-building should be provided, and legal and administrative reform will be needed to strengthen enforcement where gaps of the system are noticed;
- (iv) Data on movements of timber and wood products should be recorded and exchanged more systematically in order to help deal with the problem of illegal trade.

In the past, legal timber was characterized in relation to industrial logging activities that were formally running under state control. But this concern has gradually been extended towards small-scale and artisanal timber production and trade (Cerutti and Lescuyer, 2011; Wiersum and van Oijen, 2010). As a result, the legal norms for timber exploitation and trade are gradually evolving. Table 4 presents an overview of the different types of legal norms for forest exploitation, both for industrial and small-scale activities.

There is still a lack of clarity about the precise norms to be used in defining legal timber. This lack of clarity about the exact meaning of legal timber is related to two

main considerations: (i) different visions on illegal timber exploitation, and (ii) the co-existence of different normative orders with respect to illegal/informal timber practices.

Table 4: Legal norms for forest exploitation (Wiersum and van Oijen, 2010)

| <b>Types of legal norms for forest exploitation</b> |   |
|---|---|
| Technical and administrative issues                 | <ul style="list-style-type: none"> <li>- Timber exploitation as an ecologically sustainable practice. Important issues concern the cutting of officially assigned timber species and quota in assigned exploitation blocks, fulfillment of requirements for damage-controlled logging, etc. Requirements regarding timber tracking throughout the marketing chain are also important in order to attest that the marketed timber has been legally exploited.</li> </ul>   |
| Financial issues                                    | <ul style="list-style-type: none"> <li>- Payments of different types of timber duties. E.g. Fees for exploitation rights, stumpage fees, transport fees or export fees.</li> </ul>  |
| Social issues                                       | <ul style="list-style-type: none"> <li>- Fulfillment of social obligations by timber exploitation companies. These legal requirements are traditionally mainly focused on safe and socially responsible labor conditions. Increasingly, they also concern social responsibilities of timber exploitation groups with respect to local communities. E.g. Benefit-sharing schemes of reimbursement of damages to community forestry resources.</li> <li>- Forest access rights and benefit sharing by local communities.</li> </ul> |

### 2.3.2. Illegal timber exploitation

There is no internationally agreed definition of illegal timber exploitation (Hansen and Treue, 2008). On the contrary, there are different interpretations given to the related practices. Callister (1992; 1999) points out that illegal logging is characterized by a variety of activities, taking into account the nature of the operator. Moreover, some aspects of illegal timber are related to activities outside the forest, like illegal timber transport and illegal processing (Day, 1998).

One basic definition is that given by Smith (2002) and Brack (2003) who associate illegal logging to timber “harvested, transported, bought or sold in violation of national laws” (Brack, 2003, p.196). Another definition is the one from Mir and Fraser (2003) that defines illegal logging “as the felling and extraction of logs from

forests that is not in conformity with an approved forest management plan or an official license issued by a forest authority in accordance with operations authorized by prevailing forestry laws" (Mir and Fraser, 2003, p. 278). Unfortunately, these definitions are very broad and unsuitable for analytical aspirations.

A further attempt for specification was made by Seneca Creek Associates and Wood Resources International (2004). They identified four main attributes of illegal logging: (i) timber harvesting without authority in given national parks or forest reserves; (ii) timber extraction without authorization or in excess of concession permit limit; (iii) failing to report harvesting operation to evade royalty payment or taxes; and (iv) abuse of international trading regulations or agreements. Furthermore, illegal logging has been identified in a more specific sense as transgressions of forest management regulations and other contractual agreements in either public or private forestlands (Tacconi, 2007). However, the latter "other contractual agreements" gives space for unclear and diverse interpretations. Overall, the previous attempts to define illegal logging are mostly focused on its environmental dimension. As a remedy, Hansen and Treue (2008) discuss the omissions regarding the definition of illegal logging with respect to forest and timber management regulations. They stress the importance to provide a definition that supplements by assessing the economic, social and cultural dimensions of illegal forest activities because abuses of any of these dimensions threaten sustainable forest management. Accordingly, they suggest a definition of illegal logging that involves harvesting of trees in (i) protection forest, and (ii) in violation of scientifically founded rules that regulate which trees may be felled, where, when, and in which quantities in production forest (Hansen and Treue, 2008). In addition to their definition, this study is based on the broad description of illegal timber activities provided by Callister (1999) which can be applied both to industrial logging and to small-scale logging, and which incorporate technical, social, financial and environmental aspects, as well as bureaucratic issues (Table 5).

Table 5: Description of illegal activities associated with timber practices (after Callister, 1999)

| Types  | Illegal activities  |
|--|---|
| Illegal logging  | <ul style="list-style-type: none"> <li>- Logging in breach of contractual obligations (e.g. without an environmental impact assessment)</li> <li>- Illegally obtaining concessions through, for example, corrupt means</li> <li>- Logging nationally-protected species without explicit permission</li> <li>- Logging outside concession boundaries</li> <li>- Logging in prohibited or protected areas such as steep slopes or river catchments</li> <li>- Removing under-sized or over-sized trees</li> <li>- Laundering illegal timber through a concession</li> <li>- Use of old log permits or licenses to collect illegally felled timber to 'sanitize' illegal timber</li> </ul> |
| Timber smuggling   | <ul style="list-style-type: none"> <li>- Log import/export in defiance of trade restrictions and/or national control measures</li> <li>- Unauthorized or unreported movements across state boundaries</li> <li>- Avoidance of CITES restrictions</li> </ul>   |
| Misclassification  | <ul style="list-style-type: none"> <li>- Under-grading and misreporting harvest</li> <li>- Under-valuing exports</li> <li>- Misclassification of species to avoid trade restrictions (e.g. mahogany) or higher taxes</li> </ul>   |
| Transfer pricing   | Nil profit accounting and manipulating revenue flows for services to avoid revenue  |
| Illegal processing   | i.e. at unlicensed facilities   |
| Grand corruption   | e.g. companies providing support to senior politicians, political parties or major components of the state's apparatus to:  |
| Long-term, strategic alliances with high level of mutual trust,  | <ul style="list-style-type: none"> <li>- obtain or extend a concession or processing licenses;</li> <li>- avoid prosecution or administrative intervention for non-compliance with national legislation;</li> <li>- negotiate favorable terms of investment, i.e. tax holidays or non-collection of statutory duties; etc.</li> </ul>   |
| Petty corruption   | Most obvious as graft given to or solicited by junior officials to:   |
| Shorter-term, more tactical, employer-employee relationship, facilitated by and may develop into grand corruption. | <ul style="list-style-type: none"> <li>- falsify harvest declarations;</li> <li>- avoid reporting restrictions;</li> <li>- overlook petty infringements;</li> <li>- ignore logging or laundering of logs from outside proscribed boundaries.</li> </ul>   |

### 2.3.3. Different normative systems and illegal timber practices

The interpretation of the seriousness of the different activities presented in table 5 varies according to context situation and the degree of emphasis given to the various dimensions of forestry official legal system within a country. According to

Richards et al. (2003), the most common perception about the widespread occurrence of illegal timber is related to the inability of governments to enforce forest laws as well as the problem of corruption within governments (rent-seeking), bureaucracies and the private sector (logging companies). More interesting is the fact that timber may be fraudulently legalized at the beginning of the production process or in transportation with bribes to government officials and law enforcement officials (Richards et al, 2003). This situation is emphasized by Tacconi (2007) who argues that there are multiple causes of illegal/informal logging practices. Alemagi and Kozak (2010) highlight the following reasons to explain illegal practices in timber exploitation in the case of Cameroon:

- Systemic corruption that is deeply rooted in the country (Transparency International, 2008), both collusive and non-collusive forms of corruption;
- Poverty, especially from the fact that the most impoverished, being rural dwellers, are poor and ill equipped to engage in legal forestry activities (Kaimowitz, 2003), and therefore contribute to illegal logging activities both by the informal sector as well as by private individuals harvesting trees illegally for subsistence purposes;
- Conflicts among ministry bodies and overlapping authorities and mandates over forestry resources (MINOF versus MINEP), conflicts within forestry communities and village management committees;
- Cumbersome and very expensive (time and money) licensing procedures discourage many small-scale operators and private individuals from registering as a legal business or enterprise, and accordingly, force them to operate illegally;
- Usurpation of property rights from forest fringe communities by the state. Some individuals within the forest community may engage in illegal activities as an alternative to obtain what they perceive to be legally theirs to compensate the distribution of the poor forest royalties that they must receive from logging companies;

- The cost of producing illegal timber is considerably lower than that of legal timber, with the costs of timber verification and chain-of-custody systems further increasing the cost of legally produced timber (Tacconi, 2007);
- Inadequate institutional support characterized by poorly equipped government officials mandated to offer decentralized assistance to forest communities and to monitor illegal forest operations. They often dwell very far away from forest spots; the forestry personnel may be also very limited.

Several of these justifications may not be considered as being in contradiction to customary or non-official normative orders. Consequently, some authors prefer to use the term 'informal' rather than 'illegal'. As indicated by the term 'informal', some individuals may engage in such described activities (table 4) because the current official legal forestry regulations do not integrate their current practices (normative facts). For example, they may not be granted logging certificate or permits for some kinds of small-scale logging operations (Cerutti and Lescuyer, 2011). In view of this socio-political context, illegal activities are not universally perceived as wrong, and in some cases they even contribute to a significant extent to employment opportunities and to important income source for rural populations. This explains why forestry law enforcement (international or national) towards illegal logging may have negative impacts on rural livelihoods (Tacconi, 2007; Wiersum and van Oijen, 2010). All these considerations have led to an understanding of the need to distinguish between illegal logging for need and illegal logging for greed in forest management and to consider social safeguards in addressing illegal timber issues (Tacconi, 2007). Therefore, it becomes obvious that rather than focusing on one state legal order for interpreting the complexity and diversity of actors' practices in forestry social contexts, one should also integrate other kinds of normative systems.

## 2.4. Community / Community forestry

### 2.4.1. The concept of community in resource management

As discussed earlier, increasingly community forestry involves the production of timber for informal markets. *De jure* this production is often illegal. The question then becomes how informal/illegal practices are related to local communities' needs and norms. In order to assess the latter, a proper understanding of the concept of community is necessary. Agrawal and Gibson (1999) investigate how the notion of 'community' relates to resource conservation and management. The conceptualization of community was traditionally conceived as being characterized by a small spatial unit, homogenous social structure and people sharing common interests and norms. Agrawal and Gibson (1999) argue that rather specific attention should be given to the "critical interests and practices within communities, and between communities and other social actors" (Agrawal and Gibson, 1999, p.633). Berkes (2004) argue in the same line with Agrawal and Gibson that in empirical social research on community-based management and conservation, it is rather more relevant to focus on different elements of a social than only on communities as a whole. Agrawal and Gibson (1999) recommend a deeper focus on the following three important characteristics within social context: (i) the multiple actors with multiple interests within a community, (ii) the processes through which these actors interrelate, and (iii) the institutional arrangements that shape their relationships (figure 1).

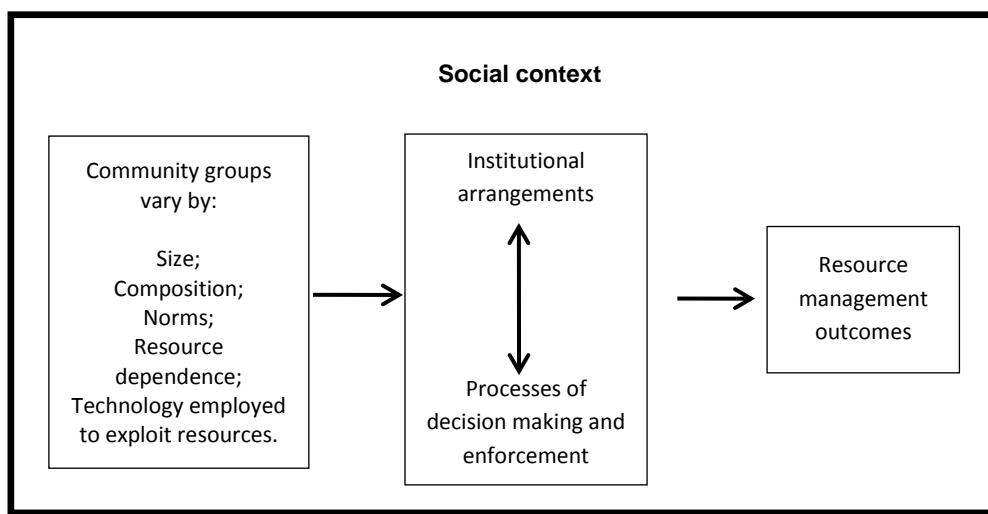


Figure 1: Main social relations between community and resource management (after Agrawal and Gibson, 1999)

The elements that characterize social, economic and political aspects within a specified community determine resource management outcomes because they influence the interactions of different actors (individuals or groups) regarding conservation or depletion of the resources. Simultaneously, these interactions are structured by and determine the existing institutions, which may consist of hindrances on social practices and political processes. But, additionally, these institutions are continually contested and reformulated in consequence of the negotiations and performances of actors (Agrawal and Gibson, 1999). Consequently, the concept of community forestry should not be related as referring to a traditional community in a static sense, but rather as referring to complex social and normative dynamics.

#### 2.4.2. Community forestry in the Cameroonian context

In Cameroon, the conceptualization of the term 'community' in community forest management reflects a high degree of complexity and dynamics. Its interpretation varies on a case-by-case basis (Djeumo, 2001; Berkes, 2004). The concept of what constitutes a community group is opened to interpretation and may relate to residential, ethnic or associational groups (Djeumo, 2001).

Under Article 3(11) of Decree 95/531/PM of 23 August 1995 on implementation of the Forestry Law N° 94/01 of 20 January 1994, a 'community forest' is defined as "a forest of the non-permanent forest estate, object of a management agreement between a *village community* and the service in charge of forestry. The management of such forests shall be the responsibility of the *village community* concerned, with the technical assistance of the service in charge of Forestry." In fact, the national legislation does not provide any definition of the *village community* which has to take the responsibility of managing a community forest (Brock, 1999). Instead, the Cameroonian Law set as a prior requirement for the allocation of the community forest that the 'community' shall create a *legally recognized entity* which is responsible to apply for and manage a community forest on the behalf of the local village community (Djeumo, 2001). Such a legal entity can take several forms. Table 6 shows the different types of legal entity as well as their advantages and disadvantages that can be formed and applied for a community forest in Cameroon. None of the characteristics of these different types of legal entity matches any of the definition and interpretation given to the concept 'community'. As a consequence, Brown and Schreckenberg (2001) conclude that the notion of *community* in the field of forest resource management has no legal status in Cameroon.

Therefore, each village community has to choose which kind of legal entity they prefer in order to gain access to the rights of exploiting local forestry resources. In this process of acquisition and exploitation, village communities may develop formal or informal partnerships with other actors outside their territories in order to gather financial, technical and political support and exploit their forestry resources (Djeumo, 2001; Smith, 2010). As a consequence, it appears clearly that the most important basis to analyze community forestry in such context shall be through actors' practices, norms and interactions within village communities and with others outside village communities. Such an approach is very appropriate for

understanding the co-existence of different normative systems concerning timber legality.

Table 6: Characteristics of different types of legal entity that can be used in obtaining community forest rights (Djeumo, 2001)

| Legal entity            | Advantages   | Disadvantages  |
|-------------------------|--|--|
| Association             | <ul style="list-style-type: none"> <li>- easy to form and manage</li> <li>- exempt from taxes</li> <li>- eligible for subsidies, donations and bequests if it is recognized as a publicly utility by the President of the Republic</li> </ul>                              | <ul style="list-style-type: none"> <li>- cannot receive subsidies, donations and bequests as an ordinary association</li> <li>- cannot distribute benefits to its members</li> </ul> |
| Co-operative            | <ul style="list-style-type: none"> <li>- exempt from taxes</li> <li>- benefits are shared according to individual transactions</li> <li>- eligible for subsidies, donations and bequests</li> </ul>  | - weighty and complex management structure   |
| Common initiative group | <ul style="list-style-type: none"> <li>- exempt from taxes</li> <li>- easy to form and manage</li> <li>- may be transformed into a cooperative</li> <li>- can distribute benefits amongst its members</li> <li>- eligible for subsidies, donations and bequests</li> </ul> | <ul style="list-style-type: none"> <li>- no legal provisions regarding management structure</li> </ul>   |
| Economic interest group | <ul style="list-style-type: none"> <li>- easy to form and manage</li> <li>- can distribute benefits amongst its members</li> </ul>   | <ul style="list-style-type: none"> <li>- its main aim is to improve the economic activity of its members</li> <li>- not exempt from taxes</li> </ul>                                 |

## 2.5. Conceptual framework for the research

This study assesses pluralism in normative systems with respect to illegal sawn wood harvested and processed in community forests, and transported and sold in Yaoundé's markets. The actors' networks developed around illegal sawn wood in the Centre region constitute the social context of the study. The concept of legal pluralism as used in this study refers to the co-existence of different normative systems in the specific social context of illegal timber networks. From the different interpretations given to illegal timber in the literature, the terms illegal and informal are used interchangeably. In addition, this study considers as illegal or informal violations of forest management regulations within community forestry that

encompass economic, social, technical and cultural dimensions of forest management.

Moreover, two main hypotheses are drawn in this study. On one hand, legal pluralism is hypothesized as structuring the context for illegal/informal practices and interactions. On the other hand, the social context is conceived as being composed of multiple actors with different interests, who engage in different ways in diverse illegal/informal practices, and therefore maintaining different relationships with forestry resources and with each other. It is also structured and shaped by different normative systems characterized by their specific features and different interrelationships with one another.

This conceptualization contributes to understand how different normative systems are used in explaining the current decision-making and practices of communities' members, forestry officials and other related government actors, and traders in respect of production, transportation and marketing of sawn wood from community forests. In the case of Cameroon, the official legal system is represented by community forestry state laws and regulations which have to be fulfilled by communities' members to become eligible to be granted access and use rights on community forests. Such official state system also provides for rules and norms with respect to forest management, transportation and trade of sawn wood produced within these forests. One major criterion to obtain a community forest is the creation of a legal entity or official forest management committee which has to decide on and manage forestry resources within the community, to search for different partnerships with external traders or loggers and to formally interact with other actors external to village communities, and at the same time being accountable towards the forestry administration. Therefore, apart from the formal actors officially recognized under the state legal system, other actors intervene in the social context of the legal and informal community forestry. As a result, other rules and norms than just of the state legal systems also intervene. Both state and non-state rules and norms are exercised through different actors, both from public

and private sectors, guided by official or non-official as well as collective or individual interests. Hence, from the literature review, it is assumed that other types of normative systems, notably the economic normative system and the customary normative system, may co-exist and interact with the state/official legal system for structuring decision-making processes and actors' practices. The concepts and ideas guiding this research are summarized in the conceptual framework depicted in figure 2.

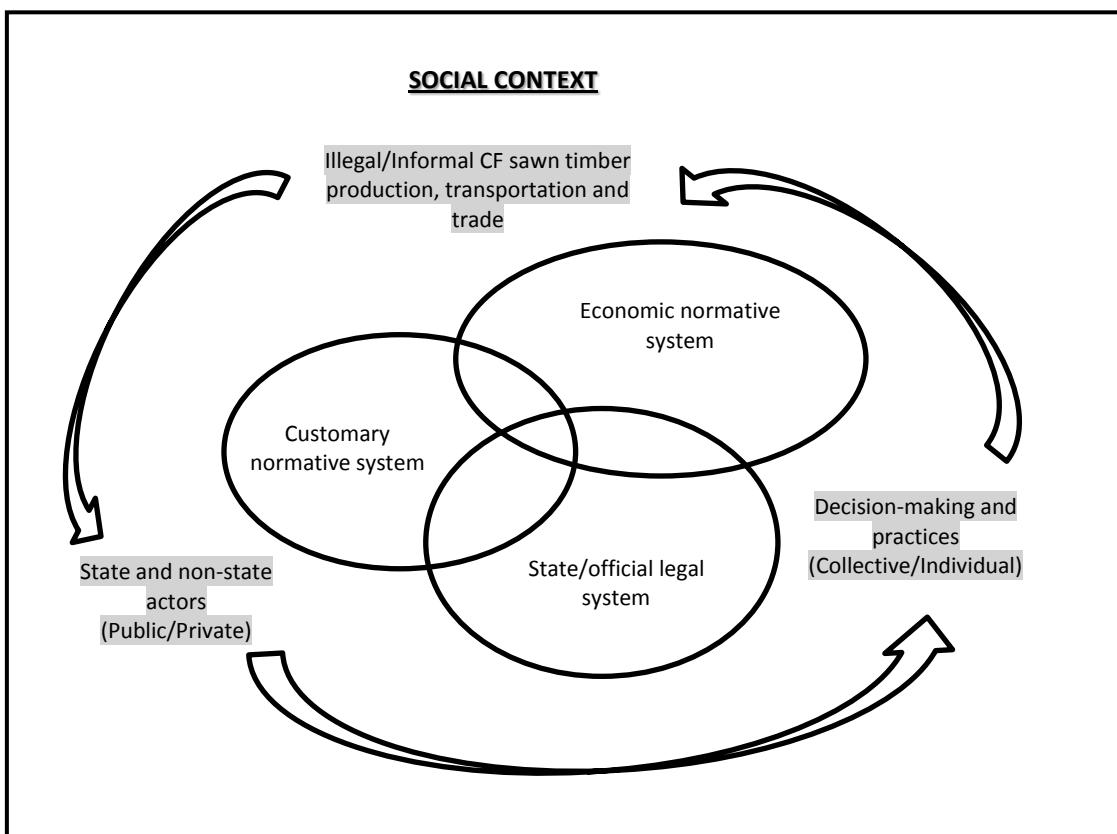


Figure 2: Conceptual framework to analyze normative plurality in community forestry in Cameroon (Inspired from Agrawal and Gibson 1999, Fix-Fierro 2005 and Tamanaha 2008)

## 2.6. Operational research questions

In accordance to the above theoretical and conceptual framework, the general research questions identified in chapter 1 have been further adapted in the following operational research questions:

1. What is the official legislation and regulations framing decision making processes about community forestry timber exploitation, transportation and marketing?
2. Who are the main actors inside and outside of the community with respect to CF illegal timber?
3. What illegal/informal practices are acknowledged by state and non-state actors?
4. How do the official legal system, the customary normative system and the economic normative system relate to each other and influence the decision making process of community forest timber harvesting, transportation and trade?
5. What conclusions can be drawn about the co-existence of different types of normative systems and their interactions with one another?

The answers to these questions are found through chapters 4, 5 and 6 of the report. But before reaching those points, the research methodology is presented in the next chapter.



## CHAPTER 3: RESEARCH METHODOLOGY

This study aims at understanding and analyzing the complexity of different normative systems in community-based timber exploitation and trade in the Centre region of Cameroon. This requires a systematic approach with the combination of different data collection methods. Both secondary information and primary data have been gathered. The research methodology to provide answers to the operational research questions is presented in this chapter. The first section focuses on the research design. The next section centers on ethical and confidentiality considerations for this study. Further, the justification of the selected studied area is elaborated. Thereafter, the following section emphasizes on the selection of respondents and methods used to collect information. Finally, the last section focuses on the selected methods of data analysis.

### 3.1. Research design

This study is an exploratory case study. This approach is appropriate because it stresses on contemporary social processes in their actual setting (Yin, 1989). Case studies are generally preferred when “how” and “why” questions are asked, when the researcher has little control over events, and when the concern is on a contemporary phenomenon within some real-life context (Yin, 1984). These are the types of questions asked in this research.

This study focuses on actors or groups of actors involved in CF timber exploitation and trade within a specific area. The goal of this study was to provide a better understanding of the illegal exploitation and marketing practices in all its complexity and the various norms underlying these practices. And this could be only reached if information was collected from a wide range of the constituent elements at the different levels of the social field (de Vaus, 2001). As discussed in Chapter Two, these different components consist of multiple actors, with different characteristics and practices at different levels of interactions both within the community and

among local people, traders, MINFOF officials and any other relevant actors. For data collection, a combination of techniques was used. Data was gathered mainly from relevant actors through interviews, observations and from different documents. Specific attention was given to triangulation of information and cross-checking of data.

### **3.2. Ethical and confidentiality issues**

Undertaking research in Cameroon on timber illegality is problematic at a number of levels. Additionally, my position as a researcher in the field would have affected the responsiveness or the willingness of potential respondents to participate to the study. For this matter, some ethical issues concerning participants were raised.

The need was to obtain the respondents' willingness and informed consent to provide information before starting any interview on the field. Informed consent means that "subjects are made adequately aware of the type of information you (researcher) want from them, why the information is being sought, what purpose it will be put to, how they are expected to participate in the study, and how it will directly or indirectly affect them" (Kumar, 2005, p.212). Therefore, I, as a researcher, was able to justify the relevance and usefulness of my research for them and was able to convince others. Being aware of the fact that most information sought was very sensitive or confidential for some actors (local communities, traders), I sought voluntary consent from each respondent without pressure of any kind.

In order to preserve confidentiality of data sources, each respondent was ensured that the source of information and its location will be kept totally anonymous, and that all information received will be used only for the matter of this study (Kumar, 2005). Moreover, for the study sites, community forests visited and respondents' proxy names are used in this report.

### **3.3. Selection of the study areas**

This study was carried in the Centre region of Cameroon (see figure 3 and appendix 6). It focuses on two activities: (i) production which takes place in community forests, and (ii) domestic sawn timber market originating from community forests to Yaoundé, the capital of the Centre region (or any other destination).

Two criteria justify the choice of the Centre region: (i) the high number of application for community forests submitted to forestry administration services (table 7); In fact, 105 application files have been submitted to MINFOF decentralized regional office in 2006 (CARFAD, 2006); (ii) among the ten administrative divisions that constitute the Centre region, this study concentrates on three different administrative divisions, among which is the Mfoundi division where is located Yaoundé (also the capital of the country). The main central services of the Ministry of Forests and Wildlife (MINFOF) and the headquarters of several CF supporting organizations from the civil society are situated in Yaoundé. For the purpose of this study, two markets were also chosen in Yaoundé. Within the two other divisions (I and II), two community forests (CF A and CF B) were selected.

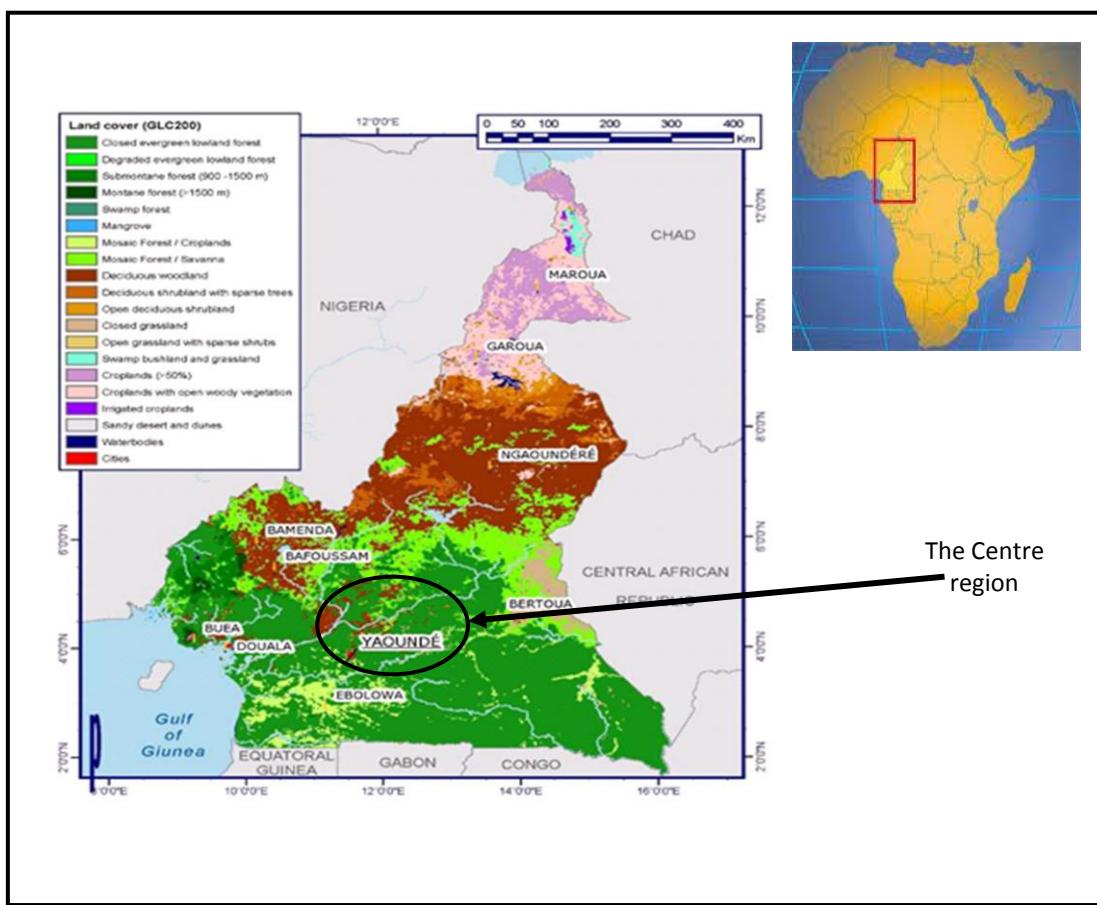


Figure 3: The Centre region in Cameroon (MINFOF and World Resources Institute, Interactive Forestry Atlas of Cameroon, version 2, Yaoundé, 2007)

The choice of CF A and CF B was guided by two main criteria: (i) different types of legal entity in charge of CF management, for instance one cooperative (CF A) and one common initiative group (CF B); and (ii) CFs at a simple management plan (SMP) implementation stage, pointing up the relevance of logging activities. In order to have a deeper understanding of community forestry legislation and regulations, illegal/informal practices of actors, CF management committee leaders and villagers, forestry officials and civil society organizations distributed at regional, division and subdivision levels have been targeted and interviewed. Also, sawn wood traders have been interviewed in Yaoundé. They were found at two markets which were selected after making a first descent in nine markets of Yaoundé. During this visit, informal conversations have been undertaken with nine sawn wood

traders about their business and interactions with forestry officials and any main actors related to marketing.

Table 7: Distribution of applications for attribution of community forest per region for 2006 (after CARFAD, 2006)

| Regions                        | Number of applications |
|--------------------------------|------------------------|
| <i>Forest regions</i>          |                        |
| East                           | 125                    |
| Centre                         | 105                    |
| South                          | 71                     |
| Littoral                       | 14                     |
| <i>Highland regions</i>        |                        |
| North-West                     | 21                     |
| West                           | 2                      |
| <i>Savannah regions</i>        |                        |
| Adamawa                        | 1                      |
| Far North                      | 6                      |
| South-West                     | 14                     |
| CF without location indication | 19                     |
| <i>Total</i>                   | 378                    |

### 3.4. Selection of the respondents and data collection

#### 3.4.1. Selection of the respondents

The selection of interviewees was based on purposeful sampling using expert advice from people with long experience in the field of research and in the region. This technique has guided the researcher towards the people/ key informants that were knowledgeable about the topic of study and that were more likely to provide answers. The sampling technique was additionally based on the snowball sampling method. This sampling method is a way of selecting a sample using networks (Kumar, 2005). As such, in order to start the process, few people in a group or organization were chosen and the required information was gathered from them, following the checklists. These people were then asked to identify other individuals,

who also became part of the sample. Information was collected using this procedure until the saturation point in information was reached (Kumar, 2005).

### **3.4.2. Methods of data collection**

#### ***Literature and documents reviewing***

Existing and available documents and literature were explored intensively to gather secondary information. This information relates to the legal CF regulations and norms for acquisition and management, timber exploitation regulations, formal institutions and organizations' reports on community forestry, SMPs of CF A and CF B, reported timber exploitation operations.

#### ***Trust building and non-participant observation***

A first step was to search connections and build trust with respondents. To do so, informal conversations occurred with the respondents at different levels of the research, in central offices of MINFOF and markets in Yaoundé, in villages covered by CF A and CF B, and decentralized offices of MINFOF in administrative divisions and subdivisions. At the beginning of fieldwork, CIFOR agents have helped in setting connections with some respondents on the field. This was useful to build relationships of trust in order to gain access to potential respondents for the study.

Non-participant observation was also used to get information on the illegal/informal practices, informal social arrangements and relationships among actors at different levels of the timber chain. This technique is a purposeful, systematic and selective approach of watching and listening to an interaction or phenomenon as it occurs. It also suits situations where full and/or accurate information cannot be obtained by questioning because respondents are not willing to cooperate (Kumar, 2005). As a passive observer (e.g. on markets and villages), I was watching, following, asking some questions while sharing a meal, a drink, walking or travelling on the motorbike with actors and recording activities as they were performed when possible.

***Semi-structured interviewing with checklist***

At a further stage of the field work, primary data has been gathered through individual semi-structured interviews with different types of actors: CF legal entity board members and ordinary members, other village members involved in chainsawn milling activities (*scieurs sauvages* literally translated in ‘salvage sawyers’ or ‘illegal sawyers’), sawn timber traders in Yaoundé, officials at MINFOF central in Yaoundé and decentralized services (regional, division and subdivision levels), forestry supervisors, forestry programme managers in different CF supporting non-state organizations (WWF, SNV, CED, community forests network). A total number of thirty-four interviews were undertaken and also several informal conversations. The average duration of an interview was fifty-two minutes.

The information sought was related to community forestry legislation and regulatory framework, drawing and diffusion of MoP, decision making processes with respect to CF timber exploitation, transportation and trade, norms and rules guiding actors’ practices along the timber chain, actors’ arrangements and interactions, and perception about interactions with forestry administration. Data were collected using interview checklists; a different checklist was designed for every type of actors (see appendices 1 to 5).

***Recording of information***

A diary was maintained on a day-to-day basis to report field observations, informal speeches, feelings and impressions during field works. Narrative recording has been used. This method is useful for it helps the investigator to record in a descriptive way the observed interaction in your own words. Brief notes were prepared during the observation, and soon after, the observation detailed notes were made in a narrative form (Kumar, 2005). Additionally, all the interviews were recorded on paper notes and transcribed, in order to be analyzed at a further stage of the study.

### **3.5. Method for data analysis**

The main method for data analysis used is qualitative analysis. It consisted in a detailed narrative data or content analysis and interpretation. Content analysis enables to identify the main themes arising from the information given by the respondents (Kumar, 2005). In this analysis, the main themes were identified according to the various concepts included in the conceptual framework, and were coded accordingly. A database was made with the coding of the different interviews. The diary notes were coded in the same way. After having identified the main themes, the data went through the analysis and interpretation of some exact groups of expressions, the integration of citations in the text of the report to support or contradict arguments, and also through the organization of the identified themes into coherent categories that summarize and bring meaning to the text (Taylor-Powell and Renner, 2003; Kumar, 2005).

While this chapter has dealt with explaining how the research was carried on, the next chapter presents and gives interpretations of the results generated with the help of the above methodology.

## CHAPTER 4: RESULTS

In the second chapter, we stated that apart from the Ministry of Forests and Wildlife officially in charge of the attribution of a community forest as well as the adoption, implementation and regulation of the related rules and procedures in Cameroon, it appeared that diverse other actors also intervene and interact in setting rules and norms for community forest (CF) timber exploitation, transportation and marketing. Then, this chapter proposes a detailed description of Cameroon's case study, with a focus on the Centre region. At first, it aims at describing the different actors involved in the official legislation and regulations of community forest timber as well as the rules and norms to be implemented under this official normative system about timber harvesting, transportation and trade in Cameroon. Also, the actors' perception will be presented with regard to the access to state community forestry regulations. Secondly, this chapter will present a description of the organization and functioning of non-state actors, namely communities' members, and especially of sawn wood traders. Another section will deal with the perceptions of all actors about informal/illegal practices and arrangements along the different steps in CF life cycle including the attribution process, the timber exploitation, the transportation and marketing. Finally, two non-state normative systems will be identified and characterized. Also, their interactions with one another and with the official legal system will be analyzed.

### 4.1. State legal system

#### 4.1.1. Who is in charge?

The main actor under the state legal system is the forestry administration, under the supervision of the Ministry of Forests and Wildlife (MINOF). It must be considered both at the central and decentralized levels according to Decree N° 2005-009 of 06<sup>th</sup> April 2005 on the organization of MINOF and Decree N°2005-495 of 31<sup>st</sup> December 2005 on modification and completing of Decree N°2005-009. The

ministerial Department of Forestry remains the central supervising actor in charge of implementing forestry policies with respect to community forest, thereby assisted by two specific sub-departments interacting with CFs. These two sub-departments include: (i) the Sub-department of Community Forestry in charge of the execution and the monitoring of community forestry policies, the updating and the diffusion of the Manual of Procedures for the attribution and norms of management of CFs (MoP), the approval of the Simple Management Plan (SMP) and the follow-up of CFs with respect to regulations and norms for CFs; and (ii) the Sub-department of the Agreements and Forestry Tax System through its unit of management of forestry information which is responsible to deliver and manage exploitation and processing legal documents.

At the decentralized level, the main actors are the forestry administration officials in regions, divisions and subdivisions. They are entitled to enforce forestry and wildlife legislation and regulations, as well as to organize, coordinate and to control activities related to the central administration. All these structures are found in the Centre region, our field of study. In fulfilling their duties, these officials follow top-down hierarchical relationships. Information about CF legislation is disseminated through meetings in villages, as well as through local forestry offices where information about application procedures and related ministerial orders are pasted.

Other actors intervening in CF timber exploitation and trade include administrative authorities in collaboration with gendarmerie, police and municipality agents. Administrative authorities operate under the Ministry of Territorial Administration and Decentralization (MINATD). They take part to consultation meetings at the level of the community at the beginning of attribution process and later on, during the signature of FMA. Gendarmes and police officers are under the administration of the Ministry of Defense (MINDEF), and municipality agents under MINATD. They are involved in controlling the traffic of transportation vehicles and passengers along the road from production sites to market places. Sometimes, they can also control

trade operations at market places. However, all these actors do not enjoy the same level of influence on timber exploitation and trade.

#### **4.1.2. What are the rules?**

The Forestry Law N° 94/01 of 20<sup>th</sup> January 1994 and its implementation decree N° 95/531/PM of 23<sup>rd</sup> August 1995 constitute the main legal instruments for implementing the forestry policy on the protection of environment and the conservation of natural resources. This law favors an increasing implication of local populations in the conservation and management of forestry resources through community forestry in order to contribute to the improvement of their livelihoods. This process was the first attempt to regulate community forestry. This process continued within the framework of a DFID-funded project in collaboration with the MINFOF, which produced a set of copies of the MoP (and a review of that manual) and also provided related training to the forestry administration staff. The implementation of the MoP on the field was ratified by several ministerial orders, decrees and decisions.

The MoP provides the administrative procedures and norms for the attribution and management of CFs and their products. The first version of the MoP was released in 1998 as the first attempt to implement community forestry and setting the procedures allowing the approval of the first CFs by the Ministry of Environment and Forests (MINEF). This version has been revised and adopted by Decision N° 0098/D/MINFOF/SG/DF/SDFC of 12<sup>th</sup> February 2009. It acts as the main legal document for the forestry administration staff, local communities and any other actors interested in community forestry.

The MoP describes the different steps to follow in the attribution process of a CF and its management. They include the following aspects: information and awareness about the creation of legal entities, the organization of the consultation meetings, the preparation and submission of a file for the acquisition of a CF to the forestry administration (figure 4), of the five-years renewable Simple Management

Plan of the CF (SMP) and of the Final Management Agreement (FMA), the implementation of the SMP and FMA, the organization of the surveillance, control and monitoring in the forest, as well as the conditions of taxation of CFs.

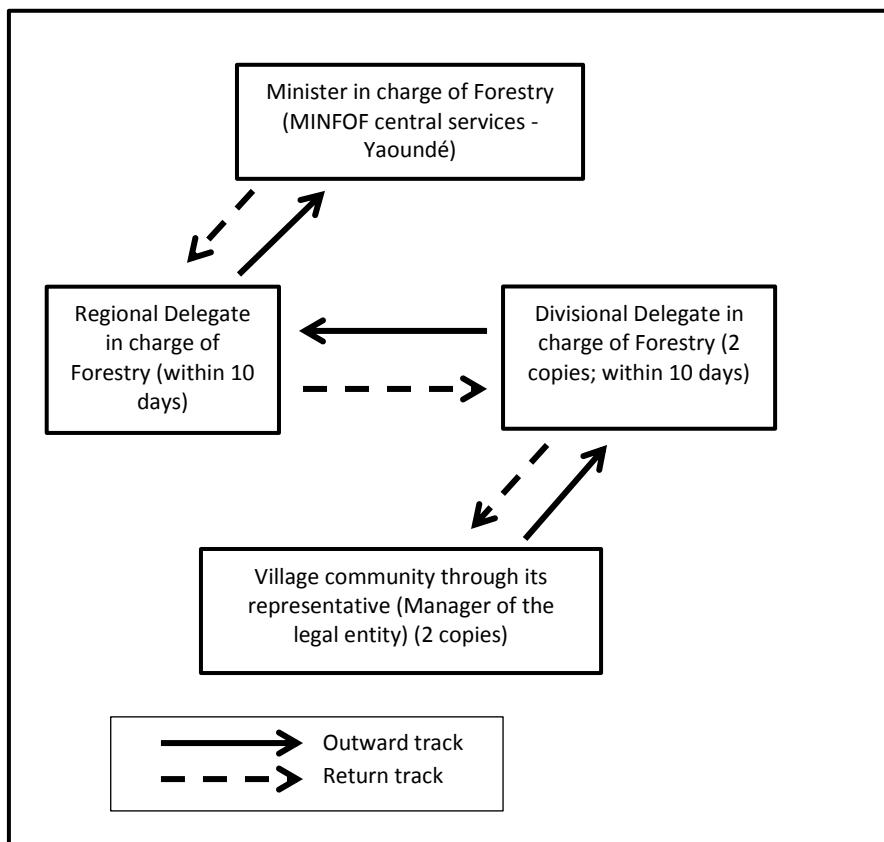


Figure 4: Administrative track of the application file for a community forest

Regulations with respect to commercialization of CF timber are explained under section VII of the MoP which states how SMP and FMA have to be implemented. It states that CFs can be managed within the limits of exercising customary rights (or usufruct), conservation and/or commercial logging. This commercial logging is based on the SMP duly approved by the forestry administration (figure 5). It has to be small-scale (or artisanal) oriented or semi-industrial oriented. It can take three different forms: (i) logging under control which means that the village communities which have signed a FMA with the forestry administration can harvest forestry resources by themselves for profit, timber being processed in the CF with simple

equipment like chainsaws, portable saws or mobile sawmills and machines with little environmental impact (e.g. farm tractors); (ii) logging permit which can be carried out by an individual or an organization duly approved for logging, under a contract signed with the CF legal entity; and (iii) personal felling authorization which can be held by individuals who are not necessarily approved as legal loggers. The last two types of agreement on the harvesting of CF timber are governed by private law contract negotiated between the community legal entity and the business operator. These contracts have a determined validity period. Communities have the right to define their own procedures for granting logging titles, but these do not confer ownership on the land.

Another important authorization to apply for and receive before the start of logging activities is the Annual Operating Certificate (AOC) which has to be submitted through decentralized offices in charge of forestry to the central offices (Department of Forestry). This document is delivered only by the forestry central administration in Yaoundé. After obtaining an AOC, it has to be ratified by an authorization to start logging activities in the CF which is delivered by the Regional Delegate of MINFOF. Nevertheless, the procedures and norms regulating the acquisition of these documents are not described and explained in the MoP. But they are available at the central bureau and decentralized services of MINFOF.

Transportation and circulation of timber from CFs are facilitated by the forestry administration which issues legal documents (waybills, certificates of origin, etc.) reporting the characteristics, quantity, origin and destination of the products transported. These legal transportation documents are not transferable to another CF or to another logging company. Under section IX of MoP, it is clearly stated that if it is the community (represented by the legal entity) that exploits and sells the products of the CF, it is exempted from all taxes provided by regulations in force concerning trade. However, any other commercial logger has to pay all taxes provided by regulations in force with respect to trade, depending on the type of exploitation title granted to it. Gendarmes, police officers and municipal agents are

not empowered to control and regulate CF activities of any kind from timber production sites to commercialization.

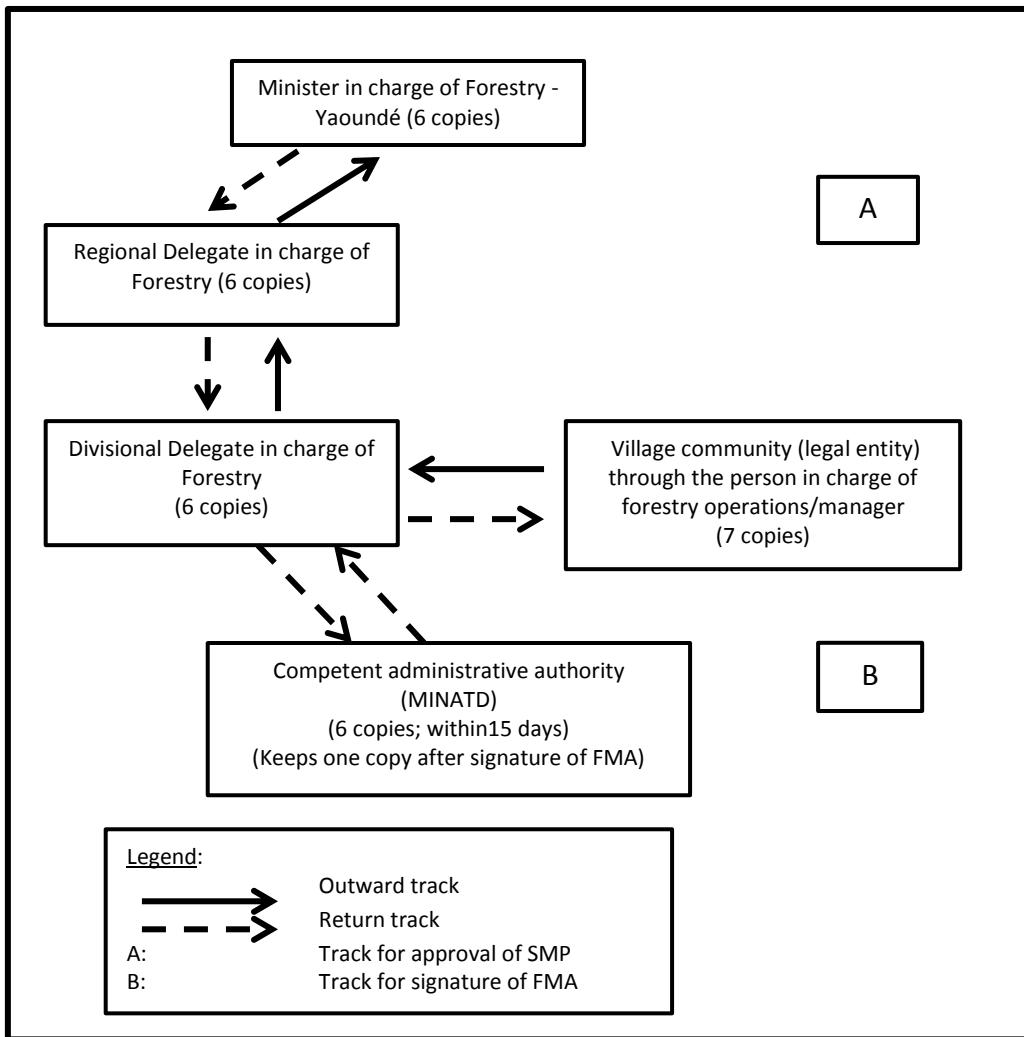


Figure 5: Administrative track for submission and approval of the simple management plan and signature of the final management agreement

Some respondents from forestry administration, civil society and NGOs reveal that the first version of the MoP had several limitations that were improved in the new MoP. Some of these changes involve the possibility to exploit logs (round wood) of tree species that are hard to cut down and to process using chainsaws, and therefore to benefit from a special authorization to bring heavy machines inside the CF. Another innovation to CF regulations is the adoption of a Provisional

Management Agreement by Order N° 252/A/CAB/MINEF/DF to adopt the models of a provisional or a final community forest management agreement. It is delivered as from 2009 on by the MINFOF service in charge of Community Forestry when a file for the attribution of a CF is received at the Department in charge of Forestry. This agreement lasts two years and entitles a CF to exploit a portion of the forest in order to generate revenues that will be used to finance the elaboration of the SMP and related activities.

#### **4.1.3. Perception on access to state legal CF regulations and norms**

The MoP states in its section I that the Ministry in charge of Forestry with the collaboration of the civil society, is responsible of diffusing CF regulations, informing and raising awareness of all actors involved in community forestry, starting from the forestry administration staff both at the central and decentralized levels. From the survey, it appears that the forestry administration staff is well informed about the MoP content. Most of the staff members possess a copy of either the old or the new MoP provided by the central forestry administration. The Divisional delegation of Forestry administration organizes sensitizing campaigns in rural communities on the creation of CFs within the division territory under their control.

Within village communities, the majority of respondents, being members of legal entities or not, was not aware of the existence of the MoP or of any regulation regarding CF. But the managers of legal entities and closed board members know more about it than the rest of the communities and do not make efforts to spread it as they are supposed to do. At the same time, none of the common villagers who do not adhere to the two CFs of the study acknowledged to have experienced a visit of forestry officials to inform them about CF regulations. Rather, members of the legal entities had a different say on that point. Most of the communities' people were prompt in admitting that they do not know forestry administration staff in charge of their territory. And, they have raised the desire to be informed more about CF regulations and to obtain a copy of the MoP. This contrast between members and non-members is comprehensible from the divergent opinions these

two groups of people have regarding relationships with forestry administration. This perception differs greatly from that of sawn wood traders.

In fact, sawn wood traders keep connections with the forestry administration. Hence, through their exchanges with forestry officials and with one another at market places, they are well informed about community forestry and timber trade legal regulations and norms. This explains the fact that they perceive their activity as illegal and are not ashamed of this recognition. Thanks to the knowledge they have on state requirements to be able to operate in total legality, they assess and compare the costs and benefits for engaging either in legal network or in illegal/informal networks, and to select what is the more profitable path for them.

#### **4.1.4. Conclusion**

There is a wide range of actors that, while they do not intervene at the same level or have the same level of influence within the official legal system, can be easily identified within the government administration. Their different levels of intervention involve regional, divisional and subdivisional levels. Likewise, there are different rules, norms and procedures which go along with CF attribution, management, timber marketing processes and which have to be fulfilled. Depending on the intervention level, some of the state actors have direct links with village communities and markets. However, others, at intermediary and upper positions within forestry administration hierarchy, may not be aware of what exactly happens on the field and the struggles communities face in applying for CF acquisition and several other different types of legal authorizations to be able to operate in community forestry. Overall, not all the actors are aware of all the regulations about community forestry, in particular actors in village communities.

### **4.2. Non-state actors, organization and decision making**

The actors directly involved in and influencing decision-making processes of timber exploitation and trade within the study area are diverse. Two main groups have been identified, namely: village communities and sawn wood traders.

#### **4.2.1. Village communities**

The village communities' actors can be divided in two sub-groups which are: the members of legal entity and the rest of the village communities. The two CFs studied have different types of legal entity and therefore different history, organization, functioning and decision-making process. The first type of legal entity is a cooperative (CF A) and the second type is a common initiative group (CF B).

##### **Case 1: Village community A**

###### ***History of the creation of CF A***

The creation of the CF was driven by a handful of people originating from inside (two men) and outside (one men) the village communities being motivated by information with regard to community forestry development that they received at MINFOF offices in Yaoundé. Until 2001, they were exploiting the forest without any logging title. In 2001, the current director and manager of CF cooperative went to MINFOF for asking a logging permit in form of sale of standing volume. Instead, they have been advised to apply for the attribution of a CF. Therefore, the process of obtaining the CF started in mid-2001 with the creation of the legal entity, a cooperative, in charge of the management of the CF. Since then, the project has gone through several steps including the reservation of the CF (in December 2002), the preparation of the SMP (between 2004 and 2006), the submission of a file to the forestry administration for the approval of the SMP and the signature of the FMA in December 2007. The CF area covers 4,800 ha and the FMA lasts for 25 years. Apart from the active involvement of the cooperative members, the project has benefited from the support of several partners

Funding of forest inventories and socio-economic surveys, in order to elaborate the SMP has been made possible through the support of the Dutch organization of

development (SNV) and the RIGC<sup>2</sup> project that provided trainings and loans for equipment (chainsaws). CF A has also received the financial support of a man owning joinery in a neighboring town. He was at the beginning of the creation of the legal entity and further proposed to invest in the project in turn of the right to exploit forestry resources when the FMA will be signed. Since then, the CF was able to apply once for an AOC that was obtained in 2009 and that allowed CF A the formal authorization to commercially exploit their forest. During the whole process between 2001 and 2009, there were some villagers who do not adhere at all to the concept of community forestry. Most of the respondents falling into this category of actors do not acknowledge knowing how the CF has been created, despite the fact that most of them are living in the village for more than fifteen to twenty years. As well, they keep less interaction with members of the legal entities when it concerns timber matters.

### ***The organization, the functioning and the decision-making***

CF A includes ten neighboring villages distributed in two different administrative subdivisions. It is managed and administered by four main bodies: the general membership meeting, the administration board, the surveillance committee and the direction. Table 8 summarizes the responsibilities of each body, number of members, frequencies of meetings and its connection with other bodies as it is stated in the SMP.

In practice, CF A is organized in a different manner as it is described in the SMP. The management committee also includes representatives from the ten villages concerned. They act as deputies of their respective villages at the administration board. The most influential people in the administration board are the chairman of the board, the director and the official manager of the forest (the person who has signed the FMA on behalf of the legal entity). They all originate from the village

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<sup>2</sup> *Renforcement des initiatives pour la gestion communautaire des ressources forestières et fauniques*  
/Reinforcement of initiatives for community management of forestry and wildlife resources

communities but they are not necessarily all living there. The current chairman is a lawyer living in Yaoundé. The last two board members are the promoters of the CF: the CF manager lives in the village with his family, meanwhile the director lives partly there because his family is based in Yaoundé. The surveillance committee is not operational because of lack of means. However, all the representatives from the ten villages are responsible for watching out for timber thieves inside the CF area in their respective villages and for reporting any noticed violations to the director. From the respondents' speeches, it appears that real elections of CF management committee members did not happen. They have been designated by the promoters of the CF at the general community meeting in 2003. Almost all of them are still running their three years mandate which was supposed to be renewed once.

Table 8: Description of CF A organization structure and functioning as in SMP

| Management bodies          | Responsibilities  | Members and frequency of meetings                | Linkages with other bodies  |
|----------------------------|---|--|---|
| General membership meeting | Supreme deliberation body; Elect of one secretary and two electors, and a chairperson in case the chairman is not available during meetings   | All members<br>Once a year                       | Call by the chairman  |
| Administration board       | Administrative and management body;<br>Decide of the admission or exclusion of members;<br>Call general membership meetings;<br>Manage the treasury;<br>Present annual reports and treasury at the general membership meetings;<br>Create agencies and offices;<br>Designate the director and personnel;<br>Present any modification of statutes;<br>Decide on the creation of specialized committees | Five members<br>At least once every three months | Members, among which a chairman and a vice-chairman, are elected at the general membership meeting<br><br>Only the general membership meeting can limit its competences with respect to law |
| Surveillance committee     | Compulsory for the internal control of the cooperative;<br>Control on regular basis the management of the   | Three elected members<br>Meeting called          | The general membership meeting elects its members.<br><br>It is empowered to call an  |

|           |  |   |  |
|-----------|--|---|--|
|           | enterprise by the chairman and director;<br>Control the regularity of inventories, balance sheets and the accuracy of information given on bank accounts and management from administration board reports;<br>Assess the good functioning of activities in the cooperative   | by the president of the committee                         | extraordinary general membership meeting if the chairman fails to do it, and to engage investigation if a failure in the functioning is noted. |
| Direction | Plan and submit to the administration board the cooperation budget and investment proposals;<br>Take care of efficient use of funds, properties, maintenance of equipment, organization of internal services, regularity and accuracy of accounts;<br>Negotiate loans and investments;<br>Make payments and receipts | One person who can be a member of the cooperative or not. | It is under the authority and control of the administrative board  |

All the respondents and members of the cooperative confirmed that the director is in charge of the management of the CF. The director himself describes his duties in the cooperative as follows: to implement and monitor cooperative activities, to search for partners and customers, to organize logging activities and recruit sawmill operators, helpers and carriers, to organize meeting, and to report his management to other members of the cooperative. In addition, from informal discussions and observations, it appears that the director has full rights over CF resources and decisions. Some respondents from cooperative revealed that he is the unique manager of the CF, of the treasury of the cooperative and of the register waybills (obtained from the forestry administration for the legal transportation of CF commercial timber in 2009). Community members would like to see a change in this way of doing: *"the management practices are not normal; there were accusations that it is only one person who manages...there is only one manager in [CF A], it is the director. He takes all the commands, receives the money and manages up to now. This is why members request for general membership meetings."*

In fact, since the creation of the cooperative in 2001, there were only two community general meetings: the first meeting is the one during which were designated the director and the chairman of administration board, and the second meeting is the one during which villagers were sensitized to join the cooperative. Members of the cooperative still expect for an upcoming general membership meeting, but it is only the director and the chairman who are able to officially call for it: *"The last meeting occurred three years ago. Normally, it has to happen every year...the director is well positioned to inform us about the next meeting. The chairman and he are the ones call for a general membership meeting."*

Most people within the community who do not adhere to the cooperative can take part to cooperative meetings but they do not enjoy the same privileges as cooperative members. Most of them and even private sawyers were not in favor of the creation of the CF, despite many information campaigns. As a consequence, they do not pay too much attention to cooperative activities in the CF: *"I do not show interest to their 'CIG' because I do not derive any benefit from it"*. They operate as if there is no CF in their area.

### **Case 2: Village community B**

#### ***History of the creation of CF***

The creation of CF B has been initiated by Mr. X, the current manager of the CF. The CF members are conscious of that fact: *"the CIG was created through [Mr. X], promoter and manager of the CF"*, *"the CIG was an idea of [[Mr. X]]"*. Mr. X also acknowledges: *"I am the promoter of the CF before being its manager"*. After the Forestry Law of 1994, he decided to take advantage of the new forestry policy in order to exploit the community forestry resources in his area. First, he sensitized other villagers distributed in three villages to create a CIG in January 1997. Therefore, he applied for the attribution of a CF in April 1997. Since then, the project has gone through several steps including a first reservation of the CF (in July 1997), its cancellation in favor of a sale of standing volume given to an industrial

logging company under a new forestry administration in (between 1997 and 1998), a second reservation of the CF (in February 1999), the preparation of the SMP, the submission of a file for the approval of the SMP to forestry administration and the signature of the FMA in January 2004. Since then, CF B management committee has been able to apply for AOC and obtain it each year. This legal document allows to exploit timber resources in partnership with commercial loggers, as well as to generate some benefits that helped to realize 14 ha of reforestation field, to repair some bridges and to open few kilometers of road in some villages within the community.

In 2008, the CF started the process of reviewing its SMP. The CF covers an area of 5,000 ha and the FMA lasts for 25 years. Each five years, a new SMP has to be drafted and submitted to forestry administration for approval. This second SMP has been submitted to forestry administration in 2009, but it has been rejected without any explanation. However, thanks to the intervention of representative of an international organization who visited CF B in 2009, the CF was able to obtain an AOC in order to continue to run their logging activities. Meanwhile, the CF B manager reviewed again the SMP and submitted a new application to the forestry administration. He is now waiting for the approval of this reviewed SMP.

The funding of the forest inventories and socio-economic surveys in order to elaborate the first SMP was made possible with the support of friends and family members of Mr. X: *“the process to acquire the FMA was financed by family X. The founding president sacrificed himself a lot in terms of time and money. No organization helped us...There are only some friendly administrative authorities who helped”*. One respondent member of the CF management committee even declared that: *“people from the village and friends helped to obtain the FMA. It is not yet reimbursed to the man who helped us...He is not from the village but a friend”*. For the elaboration of the second SMP, the CF B benefitted from the technical and financial support of RIGC project and an NGO which started supporting the activities

of the CF in 2005, after the obtention of the FMA. This NGO is the Center for Environment and Development (CED) which is based in Yaoundé.

As in the case of the village community A, there are some villagers who do not adhere at all to the idea of community forestry. Even some the managers of the CF B recognized that some villages which territories are covered within the CF boundaries do not like the concept of a CF in their area, but they were forced to take part to the process because the majority of villages voted for the CF. However, they continue to use the forest as in the past and they prefer to maintain some distance with the members of the legal entities when it concerns timber matters.

#### ***The organization, the functioning and the decision-making***

In the CIG statutes and the SMP (first version), only three villages are mentioned to form the CF B, but in practice, it includes eight villages. This was officially corrected in the new SMP. There are two main bodies in the CIG that work at managing and making decisions about the CF, namely: the general membership meeting and the management committee. Table 9 shows the responsibilities of each body as described in the SMP.

As it is the case of CF A, CF B is organized slightly differently as it is described in the SMP. The management committee also involved delegates from each concerned village, for a total of eight delegates. They are entitled to represent their respective village communities at the management committee, to serve as information and communication channel agents, as well as supervisors of informal logging operations. The most influential members are the manager and general delegate. However, the CF management is more participative and communication flows quite well among the management committee members. Most of the respondents from CF B confirmed that for the sake of enhancing equity among all the villages involved, their leaders were elected during general membership meetings with. The duration of a mandate is generally of five years, which also is the period of validity of SMP, renewable once. During the field work and from respondents' speeches,

there was no evidence of members' complaints about the functioning of the CF. Non-members of CIG benefit from usufruct rights as provided in MoP. Also, it is specified in the SMP that any member of the villages' communities has the right to cut down a tree every year for personal use and not for sale. But the CF manager has to be informed and allows it.

Table 9: Description of CF B organization structure and functioning as in the SMP

| Management bodies          | Responsibilities   | Members and frequency of meetings                   | Linkages with the other body                                   |
|----------------------------|--|---|--|
| General membership meeting | Supreme body of the CIG;<br>Elect members of the management committee;<br>Decide on exclusion of members;<br>Take decision on rights to give to excluded and resigning members;<br>Modify statutes;<br>Decide on merging, transformation, splitting with a CIG union or federation;<br>Decide on voluntary splitting of CIG<br>Fix credit roof, investments and loans;<br>Take all decisions involving the CIG from the general delegate | All members<br>Twice a year                         | Called by the general delegate or 1/3 of members               |
| Management committee       | Administrative and management body;<br>Keep accounts of CIG;<br>Keep members' register;<br>Present annual reports of activities to members at general membership meetings;<br>Protect funds, equipments, properties and members' assets;<br>Ensure daily management of CIG   | Eight members<br>Frequency of meeting not specified | In charge of applying decisions of general membership meetings |

#### 4.2.2. Sawn wood traders

This category of actors includes men and women who operate at different market places in Yaoundé. Most of these traders are involved in sawn timber trade for

many years. The profession has developed as a family business for the majority of them. They keep connections with sawn milling workers around the Centre region. According to the respondents, they are fully aware that their activities do not fit any legal and regulatory framework with respect to Forestry Law: “*we know this activity is not legal*”. Apart from supplying their businesses in official sawn milling units, they collaborate with informal sawyers (*scieurs sauvages*<sup>3</sup>) in villages, even where CFs are located. Generally, in collaboration with their contacts in village communities and depending on market opportunities, they pre-finance logging operations, rent a truck to carry sawn timber produced to market places and sell directly their own products to customers. When they succeed to sell all their stock, then they can complete their payments to sawyers. Most of these businessmen gather in associations in their respective market places in order to discuss their common problems, organize their relationships with other related actors.

#### **4.2.3. Conclusion**

At the village community level, there are distinct groups of actors in respect of community forest timber, namely the members of the legal entity formally managing the CF and the common villagers who do not adhere to legal entity. The way in which CFs have been created, power relations and decision-making are organized within village communities, markets and in relation to forestry administration throughout community forestry processes determine individual involvement towards illegal or informal timber networks and practices.

In both cases A and B, the first idea for initiating the CF does not emanate from a community consensus, but from specific individuals inside and outside the village community. The process of obtaining the CF was long and costly, but people outside the communities were able to informally invest, and some supporting NGOs helped also. Before obtaining official agreements to have a CF, these individuals were already positioned as leaders and managers of the forest with great influence and

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<sup>3</sup> It is a generic expression used by forestry administration officials and civil societies to designate sawyers who operate in contradiction with forestry regulations.

involvement in all decision-making processes within the community. Moreover, among legal entity leaders and members, individualistic behavior and the tradition of involving few people in decision-making prevail over village community interests.

This is also the case for common villagers for whom there is not really a community code of conduct when it comes to forestry issues. Most villagers think that the forest belongs to everybody and therefore, they do not want to comply to specific legal regulations coming from outside the community context. In both community A and B, the majority of villagers felt threatened by the creation of a CF in their area. As a consequence, they deny the legal authority of the official management committee or legal entity over timber resources they perceive as theirs. Hence, this conception of their forest has served as the main argument to the development of sawmilling as a private activity among men in villages, and to building informal and individual partnerships with sawn wood traders who are external to the community. Nevertheless, these local considerations are perceived as illegal from the viewpoint of the CF legal entity members and forestry officials.

Concerning timber traders, they are well aware of the fact that their activities are not supported under the state legal system. But, this does not prevent them to pursue their business and transactions in forest communities within the Centre region.

### **4.3. Actors' perceptions of illegal/informal practices**

With respect to CF legal regulations and based on respondents' perception about what is legal and illegal/informal, several illegal practices point out from current interactions between state and non-state actors. In this section, these practices are organized in four different phases of CF process as follows: attribution of CF, management of CF after obtaining FMA, transportation and marketing.

#### **4.3.1. CF attribution procedures**

All the promoters of CF A and CF B were able to identify different practices that they consider as illegal with respect to CF timber and which they have witnessed during the administrative procedures for obtaining the CF. They acknowledge several irregularities encountered during the CF creation with respect to legal rules and norms as described in the community forestry legislation. At several occasions, they had to give money as bribes to move the CF folder at different levels of the central forestry administration. They express it in these terms:

- *“There are too much reds at the level of forestry administration...there are too much blocking there. People are used to ask money for all application files related to timber.”*
- *“We experienced a lot of rejection and we had to give bribes at times to make progress in the attribution procedure.”*
- *“If you do not follow up your application file, it will disappear.”*

Actually, if they do not have enough money, they find ways to borrow it from a third party in order to be able to get the legal documentation concerning the attribution of the CF. This transaction is considered as an investment that has to be recovered in the future. The guarantee they have for a return on investment resides in the hope of exploiting timber resources from the CF, with the assurance that as they are already collaborating with forestry officials who do not stick to the legal rules of their own administration, there will still be a solution to escape legal rules and get the maximum benefits from the forests.

#### **4.3.2. Annual legal documentation and timber exploitation**

##### ***Acquisition of annual legal documentation***

The annual legal documentation which is required for CFs to start annual logging activities consists of three documents, namely the AOC, the register of

transportation waybill (made of 22 waybills with 8 copies for each bill) and the authorization of starting activities of logging. They are delivered by the Department of Forestry under the central forestry administration. Since the signature of the FMA, CF leaders (the director of CF A, the manager and the general delegate of CF B) used to prepare, submit and follow up respective folders in order to acquire these documents. For CF A, it only happened in 2009, and for CF B, it happened every year starting in 2004.

There exists petty corruption between forestry officials at different levels of the forest administration and CF managers. In both CFs, managers complain that it is hard to obtain an AOC if you don't comply with informal taxation within the state legal administration. They usually spend high sum of money at this level of CF activities. In so doing the CF managers use a portion of the revenues of their timber operations to finance the preparation of the application folder, the various trips to urban areas where are located forestry offices and the informal taxation of the forestry officials along the hierarchy. One CF A leader even testified that "*in all offices, it must be given money to advance your application folder*".

Sometimes, forestry officials create motives to obliged CF managers to enter in this network of unauthorized fees. An application folder introduced in May 2011 by CF B leaders for getting authorization to exploit some timber species as round wood (as it is provided under the new MoP) to the central forestry administration has been blocked at the Sub-department of Community Forestry. The main reason provided to CF members is "*serious disputes with the community*"; but, these CF members acknowledged this reason is another pretext to get money from them. When CF members do not want to comply with this informal taxation to get their document, the procedure stagnates. In the meantime, they are not able to transport their sawn wood from the cutting and processing sites in the forest to their customers in urban areas (photos 1, 2). CF B has experienced this situation between 2010 and 2011. The forest manager failed to deliver sawn wood they have processed in 2010 to their

customers in cities because of the expiration of the AOC in December 2010. They had to wait until June 2011 to get another AOC and new transportation waybills.



Photos 1: Stocks of sawn wood in the bush waiting for waybills (2011)



Photo 2: Stock of sawn wood in the village yard waiting for waybills (2011)

**Timber exploitation**

There are three main perceptions of illegal loggers in the eyes of the respondents. As such, illegal loggers are: (i) sawyers from outside the village community who enter the CF to log trees, (ii) people who do not respect the SMP and AOC, and (iii) private tree sellers within the community. The next paragraphs elaborate on these three perceptions.

At first, most respondents inside village communities were prompt at pointing people from outside who enter CFs A and B to cut down trees for commercial use without any consent from their leaders. CF B members take a step further and differentiate between big and small illegal sawyers ('*logger-thieves*' in community members' words). When it occurs they identify a small logger-thief they arrest him themselves, but when it is a big logger-thief they alert the Forestry Divisional Delegation or the head of the Forestry Post. In this last case, the illegal logger will be seized at one checkpoint or later on. One specific example occurred four years ago in CF B where a given official industrial logging company entered illicitly CF B without any form of agreement with CF leaders for logging. Meanwhile, CF B leaders have alerted the forestry administration and CED which organize a visit to see the damages and prejudice. Thereafter, the case was brought to court, but up to now, nothing has been engaged to compensate the community.

Secondly, a major portion of timber sold by individuals and legal entities in communities A and B does not originate from authorized areas (photo 3). This is more pronounced in community A where a large percentage of timber sold is harvested informally in the CF area. However, in both areas, some of the village communities' members acknowledged that they also have supplied in the past and/or continue to supply some informal businesses and some sawn timber market places in Yaoundé. The manager of CF A describes and justifies his illegal transactions in these terms:

- “Where I operate there is no AOC to obtain transportation waybills; therefore I sell wood to those who can obtain transportation waybills otherwise.”
- “We cannot reach true wood buyers who are located at Douala maritime seaport because we do not have transportation waybills. There are middlemen who come here to buy sawn wood in order to sell it at the maritime port.”
- “People from the decentralized forestry administration at divisional level do not come to our CF especially since 2010 that there is not AOC...Even the head of the forestry post in the subdivision knows that there is no AOC...we negotiate bribes on the field.”
- “We tolerate low prices to survive. There are sawn wood traders from market O in Yaoundé who manage to come themselves take wood by the roadside, and take care of transportation costs as well as the bribe of police officers/forestry supervisors on their way to Yaoundé”.

These practices have not started with the creation of CF A because people were already used to such practices long time ago (“Before 2001 we already cut down trees...for slats and formwork. Orders came from market N in Yaoundé”).



Photo 3: Informal sawmilling site (2011)

Another practice consists in logging some commercial tree species that are not mentioned in the AOC or that are located outside the annual timber cutting plate (*assiette de coupe annuelle*). One typical example concerns CF A. During forestry inventories, there was a portion of forest plentiful of highly valuable tree species which was not taken into account. CF leaders were aware of it and when they obtained AOC and transportation waybills in 2009, they got several big orders from one customer. This customer was an industrial company based in Douala specialized in exporting furniture made from highly valuable timber. CF leaders thus decided to first log in this portion of the forest not comprised in CF in order to deliver the orders.

Another violation of CF regulations concerns trafficking and misuse of transportation waybills which is an infraction to the SMP and AOC. In theory, the register of waybills which is delivered to a specific CF has to be used only for transporting timber authorized by AOC of this particular year and only timber that originate from that CF. Nevertheless, the CF A director had sold almost  $\frac{3}{4}$  of waybills received in 2009 to illegal sawyers and traders outside the community. About ten waybills were sold at 100,000 F CFA to the joinery manager of the man who helped

in co-financing the CF acquisition process. The rest was sold 200,000 F CFA to other people.

Between 2005 and 2006, CF B embraced a partnership with an industrial logging businessman who co-financed the process of acquiring the CF B, the AOC and the register of transportation waybills. This was the first experience of partnership in logging for CF B. When leaders obtained all the legal documents, they gave them to their partner. But he threatened their partnership by using transportation for laundering timber species that was not mentioned in AOC and cut in another forest. As a consequence, having reached Douala seaport, forestry customs supervisors seized the entire load of sawn wood and alerted forestry administration. This resulted in the annulation of AOC of CF B until investigations were carried and CF B cleared. Nevertheless, this sad experience had strongly influenced CF leaders to be more cautious in making business with people from outside the community.

Thirdly, some villagers within communities, but who do not belong to CF legal entity, sell trees inside their farms to timber traders or middlemen without any permission from the CF management committee to do so. They used to do it as a common practice in the past, but they started to sell more trees from their forests at the same time with the initiative of creating a CF in their forests. They felt threatened and for them it was a way of protesting and of making financial benefits of trees they have kept for many years as fast as they could before state regulations limit their use of the forest. In doing so, some villagers in CF B claimed to be supported by the head of the forestry post and the driver of the Forestry Divisional Delegate.

Sometimes, it happened that the decentralized forestry officials suddenly arrived in the village when someone has cut down a tree for personal use (building his house). CF regulations allow for such purposes but these officials do not care about it. Somehow the person was forced to bargain and give a sum of money in order to keep his wood and continue to build his house.

#### 4.3.3. Transportation of sawn wood to urban areas

Three main practices are identified at this level of the sawn wood network. They concern unauthorized fees required by forestry officials in order to hammer the sawn wood to be transported, and also the abusive controls along the road to markets and customers in urban areas. These situations are generally initiated and imposed by state actors on community members and traders. But, there is another case where the community members propose money to forestry officials in return of informal authorization to transport illegal sawn timber.

Legal transportation procedures begin at the community level with the hammering of sawn wood as a mark of approval of forestry administration that transportation can start. At this level, the forestry administration can mandate the head of the forestry post or divisional delegation to do it. However, CF leaders are requested to pay for it. This informal payment is estimated per piece of sawn timber to be transported or per truck or even a lump sum can be given. It has become a standard practice among CF leaders and forestry officials. But sometimes, as in the case of CF B, there were complaints raised to the regional administration against the subdivisional officials. For CF leaders, the subdivision forestry officials were asking a high amount of money for a single truck (25,000 F CFA). During the survey, they were very proud and happy to say that from now on the hammer will come from the division or the regional level and that they will now pay only 25,000 F CFA as a lump sum whenever need arises in transportation.

The next step in transportation is along the way to markets and customers in urban areas. Everyone from CF A and CF B communities, individual sawyers and sawn wood traders reported abusive controls from forestry supervisors, gendarmes and police officers along different checkpoints on the way to market places. Despite CF people show a lawful waybill for transporting (*lettre de voiture*) sawn wood and a copy of AOC which attests that forestry products carried are conform to legal regulations, they are stopped and are asked to pay a sum of money before passing the checkpoint. For individual sawyers and traders, it is obvious that they can be

stopped because they are conscious to operate against forestry legislation. Sometimes, sawn wood loads are seized and brought to forestry offices (photo 4). It can happen that people come to forestry offices to negotiate with forestry officials and take back their merchandises.



Photo 4: Sawn wood seized and stocked at the forestry offices (2011)

In other cases, instead of being seized and brought to forestry administration offices, they are also requested to pay a sum of money in order to get the authorization to cross the checkpoint. In real life, this practice occurs in a very subtle manner so that passers-by cannot notice it. There are several reasons that are advanced to force someone to stop and give money. These different reasons were stated as follows during interviews:

- *“Abusive control...despite transportation waybill, for grounds of excessive load of wood (forestry supervisors), they do not care about transportation documents (police officers and gendarmes)...”*
- *“During transportation from villages to Douala, problems cannot miss with police, gendarmerie and forestry supervisors even if there are all*

*transportation documents...only waybills are required but they create all kind of motives to get money..."*

- *"They (gendarmes and police officers) are asking for their 'beer'...and forestry supervisors are claiming for overloading despite transportation waybills. Road is taking everything, from 200 000 to 300 000 F CFA. After that, you cannot even bring some fish to your wife..."*
- *"One day, forestry supervisors caught me even as I had my transportation waybill, they wanted me to pay 100 000 F CFA before crossing a checkpoint. I called the Divisional Delegate in vain. I slept on the way that night and I had to pay the required sum of money before continuing my trip to Yaoundé. Afterwards I complained to the forestry authorities but nobody did anything, despite the fact that before taking the road, I had already given 'beer' to the head of the forestry post and the Divisional Delegate."*
- *"At the last checkpoint on the way to market K, the head of forestry post asked for a contract with a trader, a bill delivered by a buyer, a paper that shows my membership with CIG...Another pretext was: 'Are you sure all sawn woods in the truck are mentioned on the AOC and transportation waybill?"*
- *"When the wood is not legal, there are talks with forestry supervisors at the checkpoint, as with gendarmes and police officers."*
- *"We (sawyers) are illegal."*
- *"For the order to [company M], despite all transportation documents, police officers, gendarmes and forestry supervisors at checkpoints always asked money from us, through such question: 'Do we eat transportation documents?' We could spend about 120,000 F CFA on a truck carrying 27-30 m<sup>3</sup> of wood like this... It had to be given money at each checkpoint of gendarmes (5,000 F CFA), police officers (2,000 F CFA) and forestry*

*supervisors (at least 10,000 F CFA) on the road to Douala...There were several checkpoints, about 12, on the way" ... "There was different expenses on the road as well as at the weighing stations (03)...between 15,000 and 20,000 F CFA because of overloading"*

- *"Mr. Y (illegal logger) knew well the networks to carry his wood up to Douala paying all costs at each checkpoint: the rates are fix and well known to Mr. Y"*
- *"There are people who give money at checkpoints and we do not even monitor their load or register them".*

At the community and market levels, almost all the actors are very well informed about these bribing practices that are established as common and standard practices for all actors. This taxation is not inscribed in the official duties of forestry and military officials.

There are also municipal agents who do not allow any truck carrying timber to cross their checkpoints without having paid a given sum of money (*"municipality requires 20,000 F CFA for each truck; before it was just 3,000 F CFA, but now it is already 20,000 F CFA. But according to texts [law] CF does not pay any tax: which is against the law"*). Both CF leaders and timber traders suffer from this other informal taxation in their activities.

In other situations, CF managers and other community members who are involved in illegal logging can initiate informal negotiations with most powerful forestry officials in order to transport their sawn wood to urban markets without being controlled at checkpoints. This was the case of the manager of CF A. Conscious of the fact that the CF does not have AOC to operate in legality since 2010 he knew that without legal transportation waybills he could not transport his illegal timber. But, he succeeded in obtaining an informal authorization to transport and deliver his sawn wood. For that, he had to give an important sum of money to someone at the

regional forestry administration office. In return, this person had made a call at the checkpoints so that he could make his trip without worries of being controlled.

#### **4.3.4. Marketing**

State officials are very powerful in local timber market places because they know that most timber trading operations within local markets are not regulated by the state law. There exist grand corruption in the form of unauthorized hammering of sawn wood and bribing for avoiding prosecution or administrative intervention for non-compliance with legal regulations between forestry officials and traders. Also, municipal agents and gendarmes are involved in petty corruption. In general, sawn wood traders lack formal access to forest areas and often operate in the shadows; hence, they are willing to involve in unofficial networks.

Forestry officials in urban areas have installed a system of unauthorized hammering operations in sawn wood businesses. Some sawyers who used to bring and sell their own timber in Yaoundé markets mentioned that the forestry administration officials were coming to the market for the sake of hammering every pieces of sawn wood before any sales. Rates were not uniform and might depend on timber density (hard/soft) or the types of sawn timber products (slats, scantlings, formworks, etc.). These rates were imposed on them for each piece of sawn wood. It was also the case for sawn timber traders at all markets and it is still the case nowadays.

Hammering of sawn wood at market places is not provided under the legal forestry regulations. But, this activity is covered by the forestry administration staff. The forestry officials perpetuate this practice because they know that the majority of timber products sold by these traders come from illegal logging. Their duty is to work at stopping illegal exploitation of forests, but rather they take advantage of it. Timber traders are able to speak about this practice as it is expressed in the following statements:

- *“As illegal sawn timber does not have any papers, forestry officials always disturb. We have to pay...”*
- *“Papers to regularize illegal timber are hard and expensive...”*
- *“Forestry supervisors come also on markets to hammer sawn wood. We pay but there are no bills since it’s illegal/informal timber.”*
- *“Already 6 years I’m selling timber and there has always seen informal payment system as it is today.”*
- *“Illegal timber provides a living for many Cameroonians. You must see the sawyer and his workers, children it helps.”*
- *“Even me, I do not have a quiet mind in my work.”*

In addition, sometimes, gendarmes may come and collect money from traders. Another reported practice comes from traders' own initiative: when a new administrative officer arrives in the division, they gather and decide upon a fix amount of money to collect from each trader, and to bring to that new officer as a guarantee for avoiding prosecution for non-compliance to official legislation.

#### 4.3.5. Conclusion

There is a wide range of illegal/ informal practices related to CF timber. It starts from the administrative process of acquiring the CF to sawn wood marketing, through annual procedures of acquiring legal documentation to exploit and transport timber, and real transportation practices along the way to markets. Table 10 shows a summary of these practices with respect to Callister's classification of illegal/informal activities associated with timber trade (see table 5).

There exist a collective dimension and an individual dimension that are inherent to people's actions along administration hierarchy and community members. In both communities, the expansion in informal/illegal logging activities was induced by the

engagement in sensitizing about creation of a CF around neighboring villages and the fear that resulted from people's misinterpretations on community forestry. State officials at division and subdivision levels exercise informal pressures on sawn timber traders and community members in the shadow of their official rights and duties. Non-official rules and norms that structure and shape actors' relationships, decision making and arrangements will be further discussed in the next section.

Table 10: Summary of actors' perceptions of illegal/informal practices

| Illegal/ informal activities | CF attribution, Acquisition of annual legal documentation  | Timber exploitation  | Transportation  | Marketing  |
|------------------------------|--|--|---|--|
| Illegal logging              |  | Non-respect of SMP and AOC;<br>Logging without permission of the CF board;<br>Logging by private tree owners within the community;<br>Logging by external people who buy trees from community members. |   |  |
| Timber smuggling             |  |  | Unauthorized or unreported movements across cities  | Unauthorized or unreported movements across cities   |
| Misclassification            |  | Under-grading and misreporting harvest   |   |  |
| Illegal processing           |  | Use of informal sites  |   |  |
| Grand corruption             |  | Avoiding prosecution or administrative intervention for non-compliance with official legislation   | Obtaining informal waybills or authorization from forestry officials and from CF managers;<br>Avoiding prosecution or administrative intervention for non-compliance with official legislation. | Avoiding prosecution or administrative intervention for non-compliance with official legislation                             |
| Petty corruption             | Unauthorized fees for file review or access to information | Falsifying harvest declarations;<br>Overlooking petty infringements;<br>Ignoring logging of timber from outside prescribed boundaries.   | Unauthorized fees for wood hammering;<br>Abusive controls;<br>Ignoring logging of timber from outside prescribed boundaries.  | Unauthorized fees for wood hammering;<br>Abusive controls;<br>Ignoring logging of timber from outside prescribed boundaries. |

## 4.4. Non-legal normative systems

In the context of community forestry in the Centre region, management and use of forestry resources occur within a complex context of normative pluriformity. In other words, the acquisition, the management and exploitation of CFs as well as the transportation and marketing of sawn wood harvested are not subject to just one single, coherent and generally known set of legal norms and rules, but to plural normative systems. The set of rules and norms generated and maintained by state law is one such system only. In addition, there are also normative systems which have been generated, transmitted and maintained by individuals within state administration, village communities and markets. These include economic normative systems and customary systems. An understanding of the characterization and the interrelationships among these complex and overlapping systems, and of the constraints imposed on the activities of the various actors is also essential in this section.

### 4.4.1. Economic normative system

Social rules, institutions and mechanisms that constitute and relate to economic timber production and market transactions within illegal/informal CF timber context range from informal norms that govern continuing relations, to norms organizing subordinate relations, to standard contractual norms and practices, to private rent-seeking norms. Individual forestry officials in their offices, forestry supervisors at checkpoints, gendarmes, police officers, municipal agents, community members and sawn wood traders in their day-to-day relations with one another are engaged towards benefits accruing from commercial forestry resources use markets. Rules that regulate their decision-making and actions are kept mainly orally and enhanced on the basis of day-to-day interactions. Table 11 summarizes respondents' statements that attest of practices adhering to an economic normative system.

State officials' conception of community forestry goes further than the recognition of their enforcing role. Considering their social position, some state officials in this

context do not conform to the official code of conduct; rather, they are guided by individual opportunistic behavior that surpasses their formal legal entitlement and responsibilities. Their official position gives them authority to subordinate other actors and impose their rules on them. Such kind of power over community members and traders operations is not homogenous to every type of state actors. Above state actors, forestry officials in charge of controlling the implementation of community forestry formal regulations and who have authority to prosecute others are the most influential. They are the most informed about state legal regulations. Likewise, they are able to set any type of informal fees, based on their own principles and arguments, and succeed in applying them. Most of the time, they are only accountable to another official of a higher position in the administration hierarchy. The highest informal fees are set and collected by them. Gendarmes are more influential over villagers and traders than police officers and municipal agents. What is required to please them in order to pursue one's commercial activity and how they operate are well-known from villagers and traders.

Individual traders and villagers are well informed about non-state regulations through their constant interactions with state actors and also through informal conversations with one another. Concomitantly, they are well-advised to follow the informal bureaucratic channels of authority. State officials are foremost among them. As sawn wood traders acknowledge, timber market in the region is characterized by high transaction costs if one wants to comply with official law. The direct consequence is that the majority of villagers (notwithstanding their membership to a CF formal organization) and traders are much involved in informal negotiations, exploitation and commercialization of sawn wood, even if they often supply deals with formally registered sawmills. Even though they suffer from the established informal rules and norms, it can happen that they set their own rules and initiate actions towards maintaining better relationships with individual state officials or administrative authorities, or towards obtaining a service from them. Also, traders keep good relationships with individual villagers, sawyers and related workers (sawyers-helpers, carriers, etc.) in forest communities for supplying their

businesses. But, trust does not prevail in their relationships. In order to be ensured that they will not be cheated, traders often hire the services of their relatives (usually males) for controlling sawmilling operations in the forest. During this time, they can pursue their sawn wood sales in cities until the time comes to hire a truck and carry timber loads from the forest to the cities. In such cases, each actor knows very-well the conditions of negotiations. Prices are negotiated and set according to the knowledge of transportation and market contexts that the trader has to deal with. Sawyers, helpers and carriers receive their wages according to the arrangements made before entering the forests. If they have received an advance on their wage, they will get the rest after all the operations will have been undertaken. There are no written contracts between the two parties (traders and sawmilling workers) but oral agreements only.

Table 11: Respondents' statements showing practices of adherence to an economic normative system

| Actors                  | Statements   |
|-------------------------|--|
| CF legal entity members | <ul style="list-style-type: none"> <li>- <i>"In all offices it must be given money to 'advance' your application file."</i></li> <li>- <i>"There are too much reds at the level of forestry administration...there are too much blocking there. People are used to ask money for all folders related to timber."</i></li> <li>- <i>"Currently, our application file is blocked at this forestry department...We only understand that this is a way to get money."</i></li> <li>- <i>"There are cases where people sold their trees in the village."</i></li> <li>- <i>"When villagers noticed that the application to the administration was about timber, many have sold off their trees to outsiders...This situation continues today."</i></li> <li>- <i>"One delegate of the legal entity sold timber to someone outside the community...and we caught him red-handed."</i></li> <li>- <i>"At the beginning there were a lot of problems. Before timber leaves the village for city C and Yaoundé we had to negotiate for a sum of money to be given to gendarmes, police officers and forestry supervisors: they considered our timber as stolen timber."</i></li> <li>- <i>"Around 2001...someone at a very high position in forestry administration (with the complicity of society P)...looted CF resources during nine months: more than 26,000m<sup>3</sup> were harvested."</i></li> <li>- <i>"Where I work, there is no AOC to get waybills; so I sell wood to those who can get waybills otherwise...There are middlemen who come here to buy and resell in Douala."</i></li> <li>- <i>"The director sent me to meet the forestry post officer to hammer wood before carrying it to Douala. There was a sealed envelope (with money) I had to give to that officer on behalf of Mr. X..."</i></li> <li>- <i>"During transportation from village to Douala, problems cannot miss with</i></li> </ul> |

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|                   |  |
|-------------------|--|
|                   | <p><i>police, gendarmerie and forestry supervisors even if there are all transportation documents...Only waybills are required but they create all kinds of motives to get money..."</i></p>   |
|                   | <ul style="list-style-type: none"> <li>- <i>"Municipality requires 20,000 F CFA for each truck; before it was just 3,000 F CFA, but now it is already 20,000 F CFA. But according to the texts [law] CF does not pay any tax: which is against the law."</i></li> </ul>  |
| Common villagers  | <ul style="list-style-type: none"> <li>- <i>"There are other people who cut timber but they have problems on the road with police."</i></li> <li>- <i>"Sometimes, forestry supervisors reach us in the forest with their truck and seize our Lucas Mill and sawn timber. After we have to go to their offices to negotiate at a high price to get them back."</i></li> <li>- <i>"On the road, forestry supervisors told us that it is not allowed to cut trees without permits, and it is on the base of this argument that the amount of money to give is fixed by them."</i></li> <li>- <i>"We also spent money for forestry supervisors, police officers and gendarmes on the road...They don't care about papers, they just want money."</i></li> <li>- <i>"I knew the former Divisional Delegate: when we logged, we went first to him for hammering sawn timber load before bringing it to Yaoundé; at that time, forestry supervisors did not disturb us anymore."</i></li> <li>- <i>"I built my house (made with concrete) from timber sales and I plan to roughcast it."</i></li> </ul>   |
| Sawn wood traders | <ul style="list-style-type: none"> <li>- <i>"As illegal sawn timber does not have any papers, forestry officials always disturb. We have to pay..."</i></li> <li>- <i>"When somebody propose to sell his tree, I cut and pay per piece of wood sawn...white wood at 50-100F CFA, hard wood at 200F CFA."</i></li> <li>- <i>"I negotiate at all checkpoints: forestry supervisors (30-40,000F CFA), gendarmes (5-10,000F CFA) depending of timber volume carried, police (1000-2,000F CFA) – they are more comprehensive."</i></li> <li>- <i>"Forestry supervisors come also on markets to hammer sawn wood. We pay but there are no bills since it is illegal/informal timber."</i></li> <li>- <i>"It is a power abuse; hammering fees to give to forestry supervisors are unfair"</i></li> <li>- <i>"We pay without any bills since it is illegal timber."</i></li> <li>- <i>"When sawn timber reach the depot there are gendarmes who may come and ask 5,000 F CFA from us."</i></li> <li>- <i>"Already six years I am selling timber and there has always been informal payment system as it is today."</i></li> <li>- <i>"Forestry officials are our friends, we always pay. Checkpoints are still the same"</i></li> <li>- <i>"Timber is the business which profits because as soon as you reach Yaoundé it is sold, even timber wastes!"</i></li> <li>- <i>"Thanks to wood I have my small house, my wife and two children. It is thanks to wood. I never did another activity. Thus, if I go out this business I'll have nothing."</i></li> </ul> |

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#### 4.4.2. Customary normative system

People in village communities share social rules and customs with respect to the exploitation of CF timber resources. This knowledge is shared upon community members and external actors (see table 12). Before the creation of CF management groups, current members used to live in the same area, keeping relationships with

their neighbors and being informed about approved rules and norms about forestry resources. In both community forests A and B, respondents acknowledged that every villager is authorized to cut one tree each year for construction purpose, e.g. building a frame house, an animal pen, a fence, making some furniture and so on. Another example is the fact that if CF leaders want to cut a tree which is inside the farm of any villager, they have to obtain the consent of the person and agree on a fair price to buy that tree before engaging any logging operations. This agreement does not necessarily need to be written down and formalized. What is important is each person to respect his part of the transaction: the buyer receives ownership of the tree and the seller receives money. Prices are negotiated depending on the type of wood (soft wood/hard wood), proxy market values, tree sizes and type of tree species. This type of transaction or tacit arrangement is also well-known by timber traders from outside the village community.

There are historically shared norms among villagers in respect to mystical and medicinal trees that cannot be cut down, and sacred sites that have to be maintained for traditional rites. This knowledge is transmitted over generations among villagers. People from outside the village communities who enter the area for illegal/informal timber exploitation are kept informed about these customs. Since they cannot enter the forest without being accompanied and guided by people native from the village community and with good knowledge in those rules, norms and customs, thus they usually respect these customs, norms and rules.

Community members can exercise pressures on members of the CF management committee in respect of fulfilling the recommendations of the SMP in terms of distribution of benefits derived from CF commercial logging. Even people who do not adhere to CF legal entities consider the CF as theirs. As a consequence, they perceive that the CF management board is accountable to them. They are able to express their dissatisfaction through informal conversations in day-to-day interactions with one another or through the voice of their representatives at the annual general membership meeting. Members of the CF legal entity can also

perceive non-members' dissatisfaction through their lack of interest for the CF legal entity affairs. Nevertheless, they all agree about the fact that if somebody cuts a tree and it falls in someone's farm and destroys crops, he/she has to make meet the land owner and compensate him if the person requires so. In some cases, the offense may be forgiven because of friendship or kinship relationships existing between people. Traders are also well informed about this rule and fulfill it.

In their relationships with traders, villagers do not only seek individual benefits but also that the entire village may benefit from individual transactions. This is illustrated by the situation where villagers commonly agreed upon blocking roads and therefore forced a trader and his driver from Yaoundé who came to harvest sawn wood to fix some village bridges and make some road works before the truck and timber load was allowed to leave the village. Such situation shows pretty well that villagers collectively have the capacity and power to decide and influence others' actions.

Moreover, among community members, there is a kind of commonly agreed permissiveness in letting one another taking full decision on how to exploit trees that are located in one's plot, whether formally or informally. They perceive the CF as a forest for all people living in the surrounding of it. As such, individuals claim to have full decision and access rights on forestry resources, in particular on trees located in their plots that their ancestors kept through many years and bequeathed to them, therefore giving them the right to freely log by themselves or to sell them to any interested party.

Of particular interest are the CF legal entity board members in both community A and B who argue that any community member has to require their consent for any logging operation taking place on private plot of land. In practice, this requirement is not fulfilled always. There were some cases where conflicts arose between CF management board members and other villagers, even with some members of the management committee, but they have generated more animosity among individuals and families, and less interest in CF legal regulations. This local

community context is acknowledged by forestry officials who recognize that in some situations, community members can violate official legal regulations because of their own conscious decisions and actions in resolving their conflicts over forest exploitation without calling upon forestry administration intervention.

Table 12: Respondents' statements showing practices of adherence to a customary normative system

| Actors                  | Statements  |
|-------------------------|---|
| CF legal entity members | <ul style="list-style-type: none"> <li>- “There are mystical trees (e.g. <i>Tali</i><sup>4</sup>) and medicinal trees (e.g. <i>Ekouk</i><sup>5</sup>) that we do not cut...I've not heard that <i>Tali</i> has been cut to supply a customer.”</li> <li>- “In forests there are places reserved for traditional rites, rocks not to be touched, and trees not to be cut. Since I was born I have seen people behave like this.”</li> <li>- “It is not all types of trees that are logged in the forest.”</li> <li>- “The CF logs in the fallow of individuals who trust us. Thus, when we log and timber rots, people get angry and accuse us of theft. This brings many problems in the village...up to the point that the community asks of what use is the CF and where are the promised realizations.”</li> <li>- “Community had accused us to have stolen their money.”</li> <li>- “Members of the CF management board were distributed among villages that compose the CF community for equity purpose; each village had to choose its representative.”</li> <li>- “When there are small loggers who steal our timber, we seize them ourselves... When someone hears a noise from a chainsaw in his village, he inquires and informs others.”</li> <li>- “Each villager is entitled to one tree per year.”</li> <li>- “When a felled tree falls in one's cocoa plantation, you have to compensate the person.”</li> </ul> |
| Common villagers        | <ul style="list-style-type: none"> <li>- “If there is a tree in your farm you cut it when you are in need; if it is in the farm of another person, you meet him to negotiate, you buy and cut it down.”</li> <li>- “When a tree falls in the cocoa farm of somebody you have to compensate the person...in other cases, you implore the person.”</li> </ul>   |
| Sawn wood traders       | <ul style="list-style-type: none"> <li>- “I can go to the forest, the sawyer cuts a tree that destroys ten plants of cocoa; and then I am obliged to compensate these ten plants to the owner of the farm. If my truck breaks a bridge, the village requires the bridge to be fixed before my wood load moves from the village.”</li> <li>- “There are also village rain barriers: in principle when it rains one has to stop and wait until the sun shines.”</li> </ul>  |
| Forestry officials      | <ul style="list-style-type: none"> <li>- “Generally, communities bypass forestry regulation to solve their conflicts...Communities solve their conflicts by violating the SMP.”</li> </ul>  |

<sup>4</sup> *Erythrophleum ivorensis*

<sup>5</sup> *Alstonia boonei*

#### **4.4.3. Conclusion**

Illegal/informal practices in timber exploitation, transportation and trade do not only occur in the context of the state legal system, but rather in a more complex context of plural normative systems. This context is materialized by the co-existence of an economic normative system and a customary normative system alongside the state legal system. The two non-legal normative systems have been generated, transmitted and maintained locally by village communities, individual state actors and traders. The main characteristics of these normative systems and the existing relationships among the state legal system and the non-legal systems are further explained in the next section.

### **4.5. Features and relationships between legal and non-legal systems**

In this section, it will be dealt with the general characteristics that depict the state legal, economic and customary systems of norms. A further attention is focused on the different relationships that exist between these systems.

#### **4.5.1. Main features of the legal and non-legal systems**

A description of the general characteristics of the co-existing normative systems (table 13) is very important because it gives the real picture of how they simultaneously fashion actors' daily interactions with regard to illegal timber. The legal norms for CF timber exploitation, transportation and trade, normally concern technical and administrative issues; but in day-to-day practices, they are trampled by individual actors both within and outside the government administration. Norms related to customary or social issues are well established in village communities and approved by external traders and sawyers. They are often less explicit and aim at stimulating social justice. They are much influenced by power relations differentiation and trust within communities and between communities and external actors. In economic norms, usually more attention is given to profit making strategies and the distribution of actual or expected timber revenue along the CF illegal timber chain. As a consequence, timber is much considered as a productive

asset that can directly or indirectly generate revenues. All these norms are well established in the community forestry sector.

Table 13: Main characteristics of the legal, customary and economic normative systems

| Normative system | Basic characteristics   |  | Reality |
|------------------|---|--|---------|
| Legal            | <ul style="list-style-type: none"> <li>- Government initiated and approved set of technical and administrative norms for professional timber exploitation.</li> </ul>   | <ul style="list-style-type: none"> <li>- Knowledge differentiation between state officials and non-state actors.</li> <li>- Embedded informal bureaucratic taxation.</li> </ul>  |         |
| Customary        | <ul style="list-style-type: none"> <li>- Power relations are more important than bureaucratic and state regulations.</li> <li>- Social justice, equal access and rights over forestry resources.</li> <li>- Trust is important.</li> </ul>  | <ul style="list-style-type: none"> <li>- Power relations exist within communities and between communities and external actors.</li> <li>- Villagers do not trust forestry administration and elected CF representatives.</li> <li>- Unequal benefits sharing.</li> </ul> |         |
| Economic         | <ul style="list-style-type: none"> <li>- Effectively dealing with the existence of a dual legal system (legal/social).</li> <li>- Timber as an asset and an opportunity to increase revenues and improve living conditions in the short term.</li> <li>- Decreasing transaction costs.</li> </ul> | <ul style="list-style-type: none"> <li>- Abusive power relations enacted by state officials on villagers and traders.</li> <li>- Payment of different types of informal fees from the CF initiation to the market.</li> </ul>  |         |

#### 4.5.2. Existing relationships between the normative systems

The co-existence of official legal, economic and customary normative systems in the same social context articulate illegal/informal actors' operations in connection with established relationships of mutual constitution, competition and exclusion.

There is a mutual constitution between customary normative system and economic normative system as they create relations of mutual support on one another (figure 6). Informal economic transactions are encouraged as long as market partners submit to social shared norms involved at community level. In the case of this study, this relation of mutual constitution depends on specific structures that regulate the

interchange between customary and economic normative system. These structures include a social contract that materializes the expectations of the village communities towards the traders (e.g. respect of sacred sites and maintenance work on roads and bridges), and a moral contract that represents the expectations of the individual buyer and supplier or exchange partners at the forestry checkpoints.

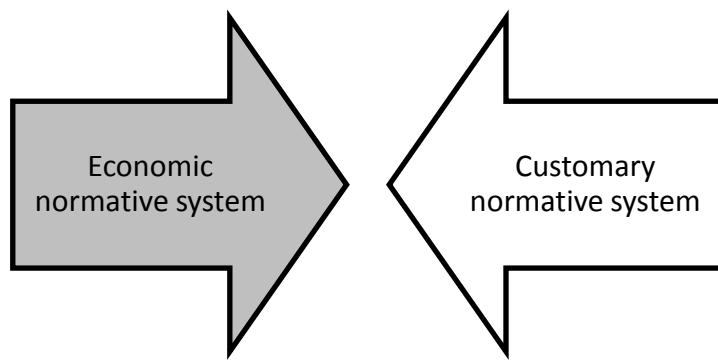


Figure 6: Mutual constitution between the economic and customary normative systems

In the case of the competitive relationship between the state legal system and the economic normative system (figure 7), social actors represented by individual state actors, community members and traders show ability in playing each normative order against each other in pursuit of individual strategic advantages along the different steps of the formal CF or informal timber exploitation. Decision-making and actions are not necessarily based on the alternative of either official legal system or economic normative order. Rather, exchange partners are endowed with a bargaining power provided by the individual normative systems. This endowment considerably increase in strategic value as exchange partners have the opportunity to pick and choose between relevant norms and enforcement mechanisms with respect to the temporary strategic situation they come across. This situation of competition is more complex in the sense that it intervenes at an individual level. Constantly, individual state actors, CF legal entity members, individual community members and sawn wood traders have to play off economic normative system

and/or customary normative system against state legal system in decisions made about rather fulfilling state forestry legal requirements or taking advantage of the market opportunities.

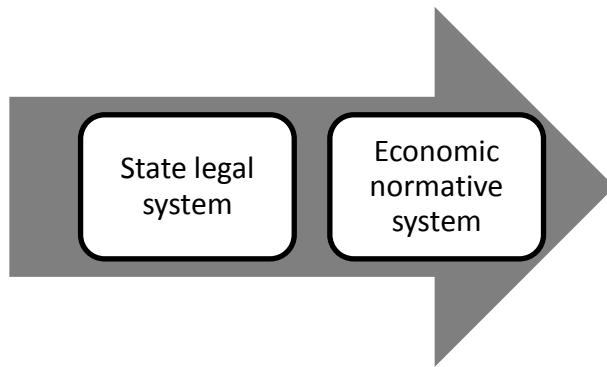


Figure 7: Competition between the economic normative and state legal systems

Another relationship is exclusion which arises between official legal system and customary normative system in dispute resolution and access to forestry resources (figure 8). Community members in the study context are able to develop and enforce customary norms through endogenous mechanisms of coordination and sanctions related to dispute resolution and access to forestry resources in such a way that the application of official legal system is widely excluded or suppressed in a more or less conscious way. The recourse to the official legal system is intentionally prevented and even sanctioned by peer exclusion within village communities.

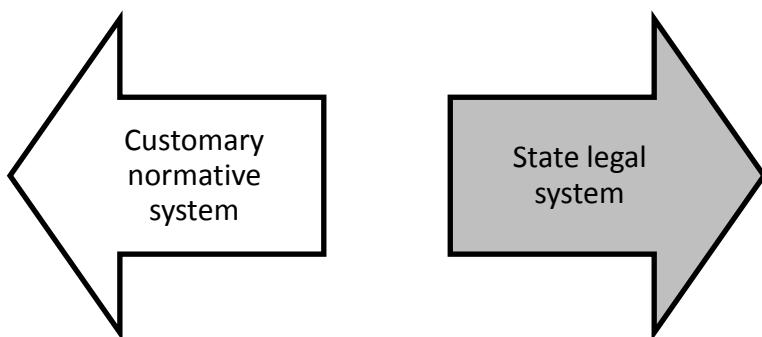


Figure 8: Exclusion between the customary normative and state legal systems

#### 4.5.3. Conclusion

All normative systems interact with one another, rather positively through process of mutual constitution, or negatively through relationships of competition or exclusion (figure 9). These complex and overlapping normative contexts impose potential constraints on the activities of various actors. This applies to current illegal/informal activities of individual villagers, CF legal entity members, state officials (forestry, municipality, police, and gendarmerie) and traders along the different related processes (table 14).

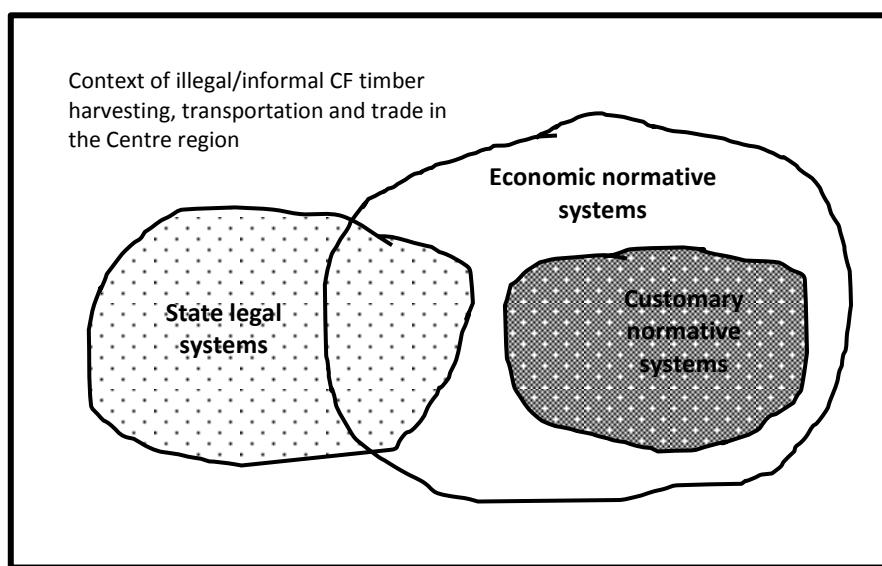


Figure 9: Mutual constitution and competition/exclusion interactions between the normative systems

Official regulations to community forestry do not provide specific rules and norms for small scale timber commercialization. This situation stimulates the development of different types of informal taxation by state officials. Although the state legislation clearly regulates the procedures for the attribution of CFs and their management, as regards to norms about both the required types of legal documentation and the technical procedures for timber exploitation, this does not prevent the development of bureaucratic informal rent-seeking in forestry offices along the different administrative tracks of application for CF related legal documentation, illegal negotiations at subdivision/local level between state and

non-state actors. Customary norms contribute by coordinating the interactions among villagers, interactions between outside loggers and forestry resources, and between outside loggers and villagers within the community. The overlapping legal contexts provide a set of legitimate claims related to the rights to control, management, exploitation and commercialization of timber resources. They also provide existing sets of socio-political institutions to validate and enforce such claims.

Table 14: Occurrence of the different normative systems in illegal timber processes

| Level of intervention                     | Official legal system | Economic normative system | Customary normative system |
|---|-----------------------|---------------------------|----------------------------|
| CF attribution                            | xx                    | xx                        |                            |
| Acquisition of annual legal documentation | xx                    | xx                        |                            |
| Timber exploitation                       | x                     | xxx                       | xxx                        |
| Timber transportation                     | x                     | xxx                       | x                          |
| Timber marketing                          |                       | xxx                       | xx                         |

x: low occurrence; xx: high occurrence; xxx: very high occurrence

## CHAPTER 5: DISCUSSION

Before drawing conclusions about the results presented in the previous chapter, the research will be reflected upon. Hence, this chapter provides a first section that focuses on the empirical representativeness of the study. The next section discusses the findings in the light of the scientific objective and research question, as well as in the light of the theoretical framework used. The last section reflects on the research methodology. It discusses whether the methodology used was suitable and able to provide the information needed, and lastly to which extent the findings might have been influenced by the chosen methods.

### 5.1. Empirical representativeness

In the EU-FLEGT process, timber-producing countries are under increasing pressure from their development partners, consumer countries and international NGOs to guarantee the legality of their timber production, both on the international and national markets. This case study carried out in Cameroon's Centre region CFs is one in a long list of assessment of the scope of illegal/informal logging processes. Plouvier et al. (2002) already investigated the informal sawn wood sector in Cameroon. He attested of bribing practices that exist among small scale loggers, police, soldiers and forestry officials. He also concluded that this informal system takes root partly in the ineffectiveness of the Ministry in charge of Forestry to provide a regular and clear status to small-scale commercial forestry operations under existing laws. Other studies have demonstrated that rural communities may seek economic benefits in arranging and keeping informal transactions with people outside their communities as regards to their timber resources extraction (Pacheco and Paudel, 2010).

There are other reasons that explain why people involve in informal timber networks. In fact, studies in Bolivia and Brazil have demonstrated that for local communities, local sawyers and small traders, illegal logging is more profitable than

legal logging because timber market is characterized by high transaction costs for carrying out forest management through formal plans (Pacheco and Paudel, 2010). Also, rent-seeking opportunities by officials may increase in places where legal frameworks for forest management fail to accommodate local rights. This situation greatly undermines compliance to fulfill state law to an extent that the poor are also stimulated or forced to operate into illegality (Wells et al., 2006).

McCarthy (2002) studied the underlying social and political causes to the expansion of illegal/informal logging at the subdivision level in Indonesia through fieldwork carried out in Sumatra between 1996 and 1999. He also found evidence that illegal logging is rooted in the variable shifting between economic and political interests of various actors at the subdivision, sub-subdivision and village levels. It is also enhanced by the fact that it costs less for small-scale loggers to get involved in informal timber networks than in legal network. Local police, army, forestry and subdivision officials conceded anyone who desired to log, transport wood, or to operate a sawmill to do so as long as they paid informal payments and gave petty sums of money to police and army officials who were responsible to check permits of logging trucks at checkpoints along the road. Instead, those who wanted to operate legally found it too expensive and time consuming, and they also faced serious problems with local officials. More interesting is the fact that villagers allowed illegal logging as they found it was futile to try to stop it since it had the support of the local authorities. McCarthy's study concluded that this informal system of exchange is far from being eradicated. The reality is that the active implication of the official administration in non-legal networks help to legitimize the development of informal logging networks.

Pommier (2002) also stressed the key role played by government officials in promoting illegal logging in a study carried out in Nicaragua. These officials operated at the local level and issued logging permits that were totally in contravention of forestry regulation to different communities, with the support of municipality and community leaders. He gets to the conclusion that well-organized

local actors have the ability and capacity to distort the law to favor their own individual interests. This converges with the findings of this study in the sense that state officials and CF managers behave the same as they are able to use legal argument when it fits their individual interests.

The case study presented in this report also demonstrates that CF formal timber harvesting and informal chainsaw milling that supply local markets are sustained by diverse, well-established and interconnected normative systems which are created and maintained by individual state and non-state actors in their daily interactions. Benda-Beckmann (1991) has already studied normative complexity in the use and management of natural resources, in particular of land. He analyzed critically the perception about the complexity of legal issues in projects implemented in six different contexts (Peru, Kenya, Sri Lanka, Java, Mali and Burkina). Although this study was dealing with planned actions implemented within a specific environment (project) and not with current social event as it is the case in this report, some relevant conclusions could reinforce our findings. Of particular interest in Benda-Beckmann's study are the degree to which the plurality of legal issues were considered in project planning and implementation as well as the degree to which they may constitute a constraint upon planning for change. Almost all the case studies acknowledged the co-existence of multiple legal systems and multiple state and non-state authorities for maintaining and sanctioning the rules with respect to the use and management of natural resources. At the same time, he described that the combination of state and local regulations in the six case studies generated a situation of insecurity about which sets of regulations enjoy validity and should be the crucial criterion for villagers, state officials and project officials, and also about which kinds of relations to the natural resource are allowed and will keep secure for them. As a consequence, it has become crucial to enrich people's knowledge of normative complexities and their social significance for better detailed planning as far as natural resource use and management are concerned.

Meingen-Dick and Pradhan (2002) demonstrated that legal pluralism also applies to water use and management, and even to other resources. It should be particularly noticed that it would be naïve to assume that local groups are homogenous in knowledge and interests, and hence in access to natural resources. He showed through different case studies (Sri Lanka, Nepal) that power differences and social relations impeded current rights to resources for women or low-status groups. This reality aligns with the situation described in this report, in the sense that within the community, the membership to the CF legal entity is a discriminatory factor to have legal access to the resources in some situations. Even within the CF legal entity, there are power differences within board committees and between board members and ordinary members. In both CF A and B, only few individuals within the CF management board take effectively part to the majority of decisions-making processes on formal and informal use of timber resources. The existence of these differences in power relations have also been demonstrated among state officials (forestry, police and gendarmerie), and also within forestry administration in the access to and distribution of informal fees collected on community members and traders.

Benjamin (2008) has studied the relationship between local government and community-level institutions in Mali. He used legal pluralism to demonstrate the dynamic nature of local state and non-state institutions under decentralization. His study showed that at the local level, actors' behavior is shaped to a large extent by tension between what is legal according to state law and what is perceived locally as legitimate. As Benda-Beckmann (1991), he concluded that more considerations should be given to the diversity of local circumstances in formulating and keeping open, flexible and pragmatic approaches to legal and institutional decisions existing under decentralization in resource management. This idea was also emphasized by Wollenberg, Anderson and López (2005) who stressed the fact that forest decision-makers should adhere to governance principles that acknowledge the concept of pluralism to lead their political choices.

The importance of artisanal timber production (e.g. chainsaw milling) in supplying local markets in most developing countries is not to be contested. It is characterized by informal and location-specific arrangements. As such, it is often considered as illegal in opposition to legal timber from the normative viewpoint of the state legal system. Wiersum (2010) suggests that the legality discourse as including only technical and economic issues should shift to an approach that takes more into account social issues. As such, chainsaw milling should be more recognized as a livelihood improvement strategy for poor people than as an infringement to state and international legislation (Wiersum, 2010).

## **5.2. Reflection on theoretical framework**

This research started with the objective to gain insight into the diversity of plurality of legal or normative orders with regard to illegal community forest sawn timber exploitation, transportation and trade in the Centre region of Cameroon. This research was considered appropriate, because, in general, less attention was given to studying complexity of normative systems in sawn timber trade chain, assuming that this can provide more insights in understanding and legitimizing differences in people's values about forests. This study was not intended to do an assessment of all illegal/informal practices and normative systems regarding CF resources in Cameroon, but rather it was focused only on sawn wood and on a specific case study. As a result, this study does not pretend to generalize its findings to all situations across all community forests timber chains in Cameroon. Rather, the research objectives can be still applied to other case studies and may reveal a wider complexity and diversity in legal pluralism about forest use and management.

As discussed in the theoretical framework, several researchers have emphasized the importance to consider the plurality of legal orders (Boelens, Roth and Zwarteeven, 2003; von Benda-Beckmann, 2001; Wollenberg, Anderson and López, 2005) and to focus on social elements that constitute community than on community as a whole (Agrawal and Gibson, 1999; Berkes, 2004) in empirical studies on natural resource management. In addition, the insights developed by Savaneli (2010), Tamanaha

(2008) and Fix-Fierro (2005) in assessing normative orders' categories and interactions with one another have contributed to a great extent to developing a specific approach for this study. The theoretical framework therefore identified three prominent types of normative orders that were likely to intervene in the specific case study in the Centre region, namely: the official/state legal system, an economic normative system and a customary normative system. The theoretical framework provided the connection between the actions of diverse actors and normative systems within the specific social context. It showed that decision-making and actions are shaped by a set of co-existing normative systems in which any actor can consciously choose and pick in specific circumstances within the social context. The social context has a wide meaning. Hence, in this report it was conceived as the socio-political environment including actors, practices and norms in connection with to illegal/informal CF timber exploitation, transportation and trade. Nevertheless, the supporting NGOs and other organizations from the civil society which act in preventing, sensitizing and advising policy-makers were not taken into account, because their role was neither significant in the case study, nor at stake for the purpose of this research. However, further research may attach more attention to this dimension.

The research objectives were formulated more general and the theoretical framework and research questions were definitely very useful and suitable to reach the research objectives. As the results demonstrated, relevant information about the organization and rules of state actors, village communities and sawn wood traders, their illegal/informal practices in everyday life and interactions with one another, the non-state normative systems co-existing and interacting with the official legal system about the administrative processes and arrangements along CF timber operations have become available. This has accurately shown how respondents differ in their relations with sawn timber and in compliance to state legislation. The aim was also to view the objective from the standpoint of respondents at a local level, being members of CF legal entities or not, and sawn

traders too, because this case study was expected to provide the most complete insight, in particular about the actions of state actors.

From the research question about conclusions to be drawn from the co-existence and interactions among the identified normative systems, it can be said that oversimplification of defining groups in natural resource management is detrimental. Indeed, complex and overlapping differences in interests, group identity, institutions and practices exist among people in timber logging and trade situations. This acknowledgement to pay more practical considerations to pluralism is also found within the work of Butler (2003) and Wollenberg, Anderson and López (2005).

Despite no similar theoretical framework was found in the literature, the theoretical framework developed for this research has proved to be helpful. Nonetheless, more research on this topic must be encouraged to get more insight on more accurate theoretical approaches for studying legal pluralism in forest resource management, considering the recent evolution in law enforcement and the challenges of a more social-oriented approach in the EU-FLEGT process (Wiersum, 2010).

### **5.3. Reflection on research methodology**

The reflection on the research methodology focuses on two aspects, including: the validity and reliability of the data, and the limitations to the study.

#### **5.3.1. Data validity and reliability**

There are different strategies to promote both the internal and external validity of a case study. This study employed a variety of these strategies to enhance its validity. Firstly, the study used triangulation of both methods and sources of data collection. The methods described in section 3.4 resulted in triangulation of methods. Secondly, various sources of data were used, including on one hand semi-structured interviews with actors/experts from different CF supporting organizations, different levels (central, divisional and subdivisional) within forestry administration, some actors in two distinct CFs and sawn wood traders in different markets, as well as

content analysis of different text documents on the other hand. This also resulted in triangulation of sources. Both triangulation of methods and sources is a key strategy for reinforcing internal validity of a case study (de Vaus, 2001; Yin, 2003).

In terms of external validity, the case study approach is not focused at statistical generalization, rather at theoretical generalization (de Vaus, 2001). Having analyzed the plurality of normative orders articulating illegal/informal processes related to CF timber exploitation, transportation and trade in Cameroon's Centre region, the official legal, economic and customary normative systems were examined in the light of the literature and in respect of the theory of legal pluralism. This suited for generalizing from the case to the theory, which is the external validity of a case study research.

### **5.3.2. Limitations to the study**

The case study draws its strength from the fact that it employs diverse sources of data collection including literature and document analysis, non-participant observation, individual interviews and focus group, amongst others. Focus group discussion is particularly a major source of data for a case study. However, this study could not employ focus group as a method of data collection as it was not possible to organize a meeting with the CF management committee board members because they live scattered in different villages and cities. While I remain confident that literature and document review, trust building and non-participant observation, individual semi-structured interviews and diary keeping provided enough information for the analysis presented in this report, using focus group discussion as one source of information would have greatly improved the quality of the data and thus the results of this study. Still, I have no confidence if people would have spoken freely of their informal/illegal processes during focus group discussion; this aspect may be considered in further research on similar topics.

Throughout the research, I have depended upon respondents speeches as a major source of primary data. Nevertheless, these speeches may have not been neutral according to the embarrassment or delicacy generated by the nature of the

investigations about illegal/informal processes in timber harvesting, transportation and trade. But, from the beginning of interview, the interchangeable use of the terms 'informal' and 'illegal' was very helpful to get more information. Henceforth, the analysis presented in this thesis should be considered in this light.

Also, the use of non-participant observation to collect data for this study would have suffered from the following problems and limitations (Kumar, 2005), which are important to mention here:

- The individuals or groups may have become aware that they were being observed, and because of that they may have changed their behavior. This situation is known as the Hawthorne effect (Kumar, 2005). One result of that is the introduction of distortion in the analysis, for what is being observed may not represent completely the normal behavior of persons or groups;
- Observer bias is not to be excluded. In fact, it is not easy to verify the observations and the inferences drawn from observations;
- The interpretations derived from observations depend on the observer, and this may vary from one observer to another;
- It is possible to have made incomplete observation and recording. This situation is influenced by the method of recording, and in the case of this study, handwriting was used instead of an electronic recorder which was not available during fieldworks. I tried to take as much field notes as possible on a day-to-day basis. However, this method of recording does not prevent neither from incomplete detailed recording nor from missing some of the interactions in the situation taking place.

Other problems could arise also from interviewing. It is known that the quality of interaction between interviewer and interviewee is likely to influence the quality of the information collected (Kumar, 2005). Moreover, while drawing and conducting the interviews, I may have introduced a bias in the framing of questions and/or in the interpretation of responses. Another situation which occurred is the disapproval of some target respondents, though relevant for the study, to collaborate and

provide answers to the researcher because of the sensitive nature of the inquiries although I ensured that all information will be kept confidential and that their names will not appear in the report. In addition, some respondents refrained from providing answers to certain questions or gave incomplete answers. Still, I was able to complete the data and some missing points through informal conversations at several occasions.

## CHAPTER 6: FINAL CONCLUSIONS

From this research, the following general conclusions have emerged:

- There exist clear legal regulations about community forestry and formal norms for attribution of a CF and timber management. Some regulations also concern timber transportation. But few regulations regard the informal timber trade related to small scale logging operations. In particular, chainsaw milling is still regarded as an illegal activity. This situation stimulates rent-seeking from bureaucrats and other state agent at power positions (gendarmes, police officers, and municipal agents). Within the framework of developing legal regulations regarding community forestry it is essential to consider specific provisions to regulate small scale logging or chainsaw milling activities.
- The legal entities of the two studied CFs have a different history and organization, and they function in different ways. Formally, these legal entities are represented by the official forest management committee, and consequently their leaders are more accountable to the forestry administration and state authorities than to the members of the communities. But, membership to the legal entity does not ensure compliance to state forest regulations.
- Within community forestry, legal irregularities may involve both the creation of CF entities, and the timber exploitation, transportation and trade. The main actors involved in the illegal/informal networks include forestry officials, gendarmes, police officers, municipal agents, communities' members and sawn wood traders. They do not share the same level of knowledge in respect to legal community forestry regulations. The actors of the bureaucratic sector are relatively well informed about legal regulations with respect to timber.
- Within communities, only CF managers and a few board members are knowledgeable about the formal CF timber management procedures and norms. They do not share this information with other community members. This might not

be considered as an excuse for practicing informal operations, but the recognition of the lack of local knowledge may help NGOs and other organizations from civil society in further adaptation of their campaigns to stimulate both community forestry and legal timber production.

- There exist a wide range of illegal practices and negotiations amongst the different actors. They start from the process of attribution of the CF to the administrative procedures to obtain the AOC and transportation waybills, permits for timber harvesting and processing, and permits for sawn wood transportation and trade. In some case they are imposed by state actors, and in other case they are tacit arrangements between local and external actors. In many cases it involves a win-win transaction, because engaging in illegal timber trade costs less to traders and communities than following legal timber procedures.
- The high costs for following legal practices are often caused by informal taxation practices; these may start already during the legal creation of the community forest. Still, little attention is given to this dimension of legal and illegal forestry practices, and the illegal practices related to the formal procedures of community forests attribution are usually not included in the norms for timber legality. But, as indicated by the perception of CF members, bureaucratic practice of informal taxation is well established during the administrative procedures for CF attribution. These practices limit trustful relations between the bureaucrats and communities and do not stimulate adherence to legal timber requirements in community forestry.
- The actors' informal interactions and practices are determined by the co-existence of three main normative systems. These systems include the state or official legal system, the economic normative system and the customary normative. These systems are not just shaped by legal requirements, but also by factors such as power relations, trust, transaction costs and expected benefits. They are interrelated in different ways. There exist three main types of relationships among the normative systems, i.e. mutual constitution, competition and exclusion.

- State legislation does not consider local people's differences in interests, identity, institutions, power relations and practices. This results in a partly related and partly competitive set of technical and administrative, financial and social norms, rules and procedures and in a diversity of normative arrangements regarding forest exploitation and market transactions.

### **Recommendations**

On the basis of the findings of this study, the following two major recommendations are made:

- Forestry research organizations should undertake further studies on the normative plurality in timber trade. This will assist in gaining a better understanding of normative pluralism in forest management and in addressing the diversity of local realities in respect to community-based forest management.
- The Cameroonian government and non-governmental organizations should pay more attention to legal pluralism in timber issues, because it reflects the social realities of people who bear often irreconcilable values and interests in respect to community forest management and small-scale commercial timber sector.



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## APPENDICES

### Appendix 1: Checklist for forestry officials

|  |  |
|--|--|
| Location (city/region/department/council/ village) |  |
| Interviewee name                                   |  |
| Interviewee code                                   |  |
| Date of the interview                              |  |
| Duration of the interview                          |  |
| Next visit (if applicable)                         |  |

*Introduction to the interviewee: Context and justification of the study; Expectation of collaboration of the respondent; Duration of the interview; Ethical and confidentiality arrangements regarding data collected for the research; Access to the final report (if applicable).*

#### Professional information

1. What is your position?
2. For how long have you occupied this position?
3. What are your professional responsibilities regarding community forestry?

#### Attribution of CF, control and monitoring of CF timber management

4. What are the roles of local forestry authority in regulating, controlling, monitoring CF timber operations?
5. How are made regulations and management rules regarding the attribution of a community forest, timber exploitation and trade?
6. What do you know about the Manual of Procedures for community forests and the improvements made to the new MoP?
7. What is your role in implementing these regulations regarding CF on the ground (levels, main actors, their roles)?
8. What difficulties did you face on the ground in implementing CF regulations for timber exploitation and trade until now (give concrete examples)?
9. What are the difficulties and complaints raised by local communities in the implementation of the CF's regulations for timber exploitation and trade?
10. What measures do forestry administration takes to prevent or fight against violations to CF regulations? What are the main actors and their roles? What difficulties do you encounter in applying these measures?
11. Which difficulties do you face in applying these measures on the ground (actors involved, respective roles)?
12. What are the roles of local communities and other actors in managing CF's timber resources and trade?
13. What are your challenges as forestry administration regarding CF timber?

*Last point: Any other thoughts/ your last words to conclude this interview? Any question about this survey?*

## Appendix 2: Checklist for legal entity members

|   |  |
|---|--|
| Location (city/region/department/council/village) |  |
| Interviewee name                                  |  |
| Interviewee code                                  |  |
| Date of the interview                             |  |
| Duration of the interview                         |  |
| Next visit (if applicable)                        |  |

*Introduction to the interviewee: Context and justification of the study; Expectation of collaboration of the respondent; Duration of the interview; Ethical and confidentiality arrangements regarding data collected for the research; Access to the final report (if applicable).*

### Position in the CF

1. What is your position?
2. For how long have you occupied this position? How have you been elected?
3. What are your duties regarding the CF?

### Process of acquisition of CF, timber exploitation and trade - Benefits sharing

4. How the process of acquisition of the CF has been initiated?
5. How decision was made regarding CF acquisition process?
6. Did you receive any support regarding acquisition and management of community forests? If yes, from which group/ organization or person?
7. Which types of costs have been incurred in this process?
8. What are the different actors who shared these costs?
9. How were these costs distributed among them?
10. Do you have any debts towards your partners?
11. How do you exploit your timber resources?
12. Do you trade your timber resources? Which timber species do you exploit? For which purposes?
13. Which types of clients do you have?
14. How do you organize your activity (negotiations, transport) with your clients?
15. What benefits do you received from CF logging activities?
16. How are these benefits shared?
17. Who have full responsibilities over management of forestry resources and the allocation of the costs and benefits?

### Decision making and Organization of commercial timber exploitation

18. How are decisions made regarding CF timber exploitation and trading?
19. Who is involved in decision making regarding CF timber (cutting, transporting, negotiating, and trading)?
20. What are the roles of different actors in decision making regarding CF timber (cutting, transporting, negotiating, and trading)?
21. What are the motives of different actors to participate in CF management?
22. Are you implicated in decision regarding timber exploitation and trading? How?

23. What kind of forest activities have you been participating in respect to commercial timber exploitation?
24. Can you describe these processes? How have you been involved in each?
  - a. Community forest management Committee (CFMC)
  - b. Preparation of the Simple management plan (SMP)
  - c. Preparation of the Final management agreement (FMA)
  - d. Implementation of SMP and FMA
25. What were the criteria for selection of CFMC members?
26. Are there any by-laws used in management of timber resources?
27. Who are involved in the establishment of by-laws? And how this work is coordinated?
28. Do the community members aware of the MoP (old and new versions)? If yes, How?
29. How do you implement formal CF timber regulations at the local level?
30. What are the main principles and Norms used in forest management and timber exploitation? Who decides on them?
31. What specific Rules and procedures have been used in structuring the management practices? Who decides on them?
32. Have you register any violations in the implementation of these principles, norms, by-laws and rules? Which types of timber species are concerned? Can you describe them?
33. Which social institutions have been agreed upon to control and monitor commercial timber exploitation?
34. How actors are involved in the establishment and the implementation of these institutions?
35. What are the main constraints you face in your activities?
36. What challenges do you face?

**Opinion about forestry control and monitoring**

37. What is your opinion regarding the actual role of forestry officials and controllers in regulating/controlling/monitoring CF timber activities and trade?
38. What is your opinion regarding the actual role/ influence of NGOs (give details: which specific NGO, which type of services...) in providing support and advice in CF logging activities and trade?
39. What do you think should be done to regularize these activities?
40. Indicate any conflicts you are facing in respect to management of commercial timber as well as interests of actors?

*Last point: Any other thoughts/ your last words to conclude this interview? Any question on this survey?*

### Appendix 3: Checklist for common villagers

|   |  |
|---|--|
| Location (city/region/department/council/village) |  |
| Interviewee name                                  |  |
| Interviewee code                                  |  |
| Date of the interview                             |  |
| Duration of the interview                         |  |
| Next visit (if applicable)                        |  |

*Introduction to the interviewee: Context and justification of the study; Expectation of collaboration of the respondent; Duration of the interview; Ethical and confidentiality arrangements regarding data collected for the research; Access to the final report (if applicable).*

#### Identification information

1. What is your main occupation regarding timber exploitation?
2. For how long have you been involved in it?
3. Do you have any connection with the CF in the village? If yes, how?

#### Process of acquisition of CF and Costs sharing

4. Do you know how the process of acquisition of the CF has been initiated? If yes, how? If no, why?
5. Did the community receive any support regarding acquisition and management of community forests? If yes, from which group/ organization or person? Which type of support?
6. Have you/the community (who?) incurred any costs in this process? Which ones?
7. What are the different actors who shared these costs?
8. How were these costs distributed among them?
9. Does the community have partners in the management of the CF? Who are they? Do you have any debts towards your partners?

#### Decision making, Rules and Norms in CF timber exploitation and trade

10. How are decisions made regarding CF timber exploitation and trading?
11. Who have full responsibilities over management of forestry resources and the allocation of the costs and benefits?
12. Do you know how decisions are made regarding CF timber exploitation and trade? If yes, why? If no, why?
13. What are the roles of different actors in decision making regarding CF timber (cutting, transporting, negotiating, and trading)?
14. What do you know about the motives of different actors to participate in CF management?
15. Have you been involved in activities related to chainsaw milling in the CF and timber trade? How? Which difficulties did you face?
16. What benefits does the community receive from CF logging activities?
17. How are these benefits shared?
18. What do you about how the selection process of CFMC members?

19. Are there any by-laws used in management of timber resources?
20. Who are involved in the establishment of by-laws? And how this work is coordinated?
21. What are the main principles and norms used in forest management and timber exploitation? Who decides on them?
22. What specific rules and procedures have been used in structuring the management practices? Who decides on them?
23. Which social institutions have been agreed upon to control and monitor commercial timber exploitation?
24. How actors are involved in the establishment and the implementation of these institutions?

**Opinion about forestry control and monitoring**

25. What is your opinion regarding the actual role of forestry officials and controllers in regulating CF logging activities and timber trade, and of NGO in helping communities?
26. What is your opinion regarding the actual role/ influence of NGOs (give details: which specific NGO, which type of services...) in providing support and advice in CF logging activities and timber trade?
27. What do you think should be done to regularize these activities?
28. Indicate any conflicts you are facing in respect to the management of CF timber and trade as well as the interests of actors?

*Last point: Any other thoughts/ your last words to conclude this interview? Any question on this survey?*

#### Appendix 4: Checklist for NGO workers

|   |  |
|---|--|
| Location (city/region/department/council/village) |  |
| Interviewee name                                  |  |
| Interviewee code                                  |  |
| Date of the interview                             |  |
| Duration of the interview                         |  |
| Next visit (if applicable)                        |  |

*Introduction to the interviewee: Context and justification of the study; Expectation of collaboration of the respondent; Duration of the interview; Ethical and confidentiality arrangements regarding data collected for the research; Access to the final report (if applicable).*

#### Professional information

1. What is your position?
2. For how long have you occupied this position?
3. What are your professional responsibilities regarding community forestry?

#### Implication of the NGO in community forestry

4. Do you know anything about how regulations and management rules regarding the attribution of a community forest, timber exploitation and trade are made?
5. What do you know about the Manual of Procedures for community forests and the improvements made to the new MoP?
6. What are the difficulties and complaints raised by local communities in the implementation of the CF's regulations for timber exploitation and trade?
7. What are the roles of local communities and other actors in managing CF's timber resources and trade?
8. How are (were) you involved in these processes?
  - a. Community forest management Committee (CFMC)
  - b. Preparation of the Simple management plan (SMP)
  - c. Preparation of the Final management agreement (FMA)
  - d. Implementation of SMP and FMA
9. What do you know about the election criteria of CFMC members?
10. What are the main constraints you face in your activities regarding CF timber and trade?

*Last point: Any other thoughts/ your last words to conclude this interview? Any question on this survey?*

## Appendix 5: Checklist for sawn wood traders

|  |  |
|--|--|
| Location (city/region/department/council/ village) |  |
| Interviewee name                                   |  |
| Interviewee code                                   |  |
| Date of the interview                              |  |
| Duration of the interview                          |  |
| Next visit (if applicable)                         |  |

*Introduction to the interviewee: Context and justification of the study; Expectation of collaboration of the respondent; Duration of the interview; Ethical and confidentiality arrangements regarding data collected for the research; Access to the final report (if applicable).*

### Identification information

1. What is your main occupation regarding timber trade?
2. For how long have you been involved in it?
3. Do you have any connections with any CF in the region? If yes, can you describe them?

### Business organization and regulations

4. Which institutions regulate your business activities? How?
5. How do you supply your business in sawn-wood? Do you mind about the location of the trees in the national forestry domain? Why?
6. What are your different points of supply? Which specific types of wood do you seek?
7. Are you sure that all the products that you buy from chainsaw millers follow the legal requirements of exploitation?
8. If no, how do you negotiate with them and forestry controllers (and other actors) in order to pursue your business activity?
9. What happens if a person/community is not able to supply you on time?
10. Do you have financial partners in your business? If yes, who are they? (give details)
11. Do you have all formal authorizations to conduct your business?
12. How do you manage to conduct your business in the current context?
13. What constraints do you face in your business? How do you cope with them?

### Opinion about interactions with forestry administration (and other relevant actors)

14. What is your opinion regarding the actual role of forestry officials and controllers in regulating CF logging activities and timber trade?
15. What do you think should be done to regularize their informal practices?

*Last point: Any other thoughts/ your last words to conclude this interview? Any question on this survey?*

## Appendix 6: Brief description of the study area

Cameroon is located at the junction of West Africa and Central Africa. It covers an area of 475,442 square kilometers in total, of which 469,440 square kilometers are land area. It lies between latitudes 2° and 13° N and longitudes 8° 30' and 16° 10' E (Ngwa, 1978; Tchigio, 2007). Cameroon shares frontiers with other countries: Lake Chad to the North, the Bight of Biafra and Nigeria to the West, Chad and Central African Republic to the East, and the Republic of Congo, Gabon and Equatorial Guinea to the south. It is divided ten administrative regions (formerly called provinces), among which is the Centre region (see Figure 3).

The Centre region covers an area of 68,953 km<sup>2</sup>. It is densely populated, with almost 2.5 million inhabitants (PANERP, 2005), and therefore about 33 inhabitants/km<sup>2</sup>. The region is characterized by an equatorial climate (heavy rainfall, high temperature), with a mean annual rainfall of 1,550 mm. The mean annual temperature varies between 20°C and 24°C. The four main seasons distinguished are:

- big dry season, from mid-November to mid-March;
- small rainy season, from mid-March to mid-June;
- small dry season, from mid-June to mid-August; and
- big rainy season, from mid-August to mid-November (Delvingt et al., 2001).

The vegetation in this region is diversified. It consists of dense forests, secondary forests and savannah. The trees most frequently encountered include *Triplochiton scleroxylon* (*ayous*), *Terminalia superba* (*fraké*), *Lophostoma alata* (*azobé*), *Diospyros crassiflora*, *Milicia excelsa* (*iroko*). Moreover, about 630 species of actual or potential commercial value have been identified in timber production. These timber species were categorized in five main groups: (group 1) 26 species of high commercial value; (group 2) 14 timber species currently found in local and international markets; (group 3) 49 timber species abundantly found in forest and produced mainly for local market closed to the logging area; (group 4) 522 timber species of sporadic commercial potential; and (group 5) 30 introduced timber species (Djontu, 2009). Grasses and shrubs are predominant in the savannah.

Soils are ferralitic, made with muscovite-based minerals and coarse fragments from the bedrock. They are very rich in humus and appropriate for farming activities. The hydrological network of the region is dense, with a big river (Sanaga) and small rivers. A diversity of crops is grown: cocoa, banana plantain, cocoyam, cassava, groundnuts, and palm oil trees.