Potentials and Recommendations for Combating Corruption and Illegal Logging in the Forest Sector of Bénin, West Africa
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ABSTRACT The article provides a thorough analysis of the forms of corruption and the actors involved, as well as a critical review of national forest policy and economy. Empirical data shows that the current state of affairs is not unalterable. Observable differentiations in the local perception of corruption and illegal logging show that there is a latent majority of people who disapprove and who can be mobilized for sanction activities. The policy oriented recommendations of this article offer ways to systematically reduce corruption and illegal logging: Increasing publicity and civil society by strengthening national NGOs and media; introduction of local sanctioning mechanisms in the framework of donor assisted community forestry; external donors setting anti-corruption conditions for forestry projects and forest policy reform; enforcing decentralization in order to decrease the state personnel’s monopoly over forest resources; creation of alternative income for local actors currently involved in illegal logging; a land tenure reform in order to increase local incentives for sustainable forest management.

KEYWORDS. Corruption, illegal logging, community forest management, land tenure, decentralization, legal pluralism, donor strategies, forest policy, timber, fuel wood, Bénin

1. INTRODUCTION

Within the international debate of environment and development, the awareness of corruption in forestry and illegal logging has increased. Today, many international organizations and NGOs (i.e. World Bank, FAO, WWF, Greenpeace) identify corruption as one of the key factors influencing forest decline in all regions of the world.

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We thank our colleagues in the Department of Social Anthropology, Free University Berlin, for their helpful comments on the slightly different pre-print version of this article.
After looking at current trends in international debates on forest governance, this paper examines the situation of forest policy and forest economy in the West African country of Bénin. At first glance, Bénin does not seem to be a likely candidate for intense corruption: with a relatively dry climate, it is not a country with vast forest cover and thus rarely exports timber nowadays. Unlike countries such as Ghana, Ivory Coast or Cameroon, Bénin does not host foreign logging industries.

However, there is a national timber market for which an estimated 80 to 90% of Bénin’s timber resources are illegally logged with the consent of state forest officers (Siebert, 2001, unpublished). The result is alarming: If the present deforestation rate continues, the country will be completely depleted of timber resources in seven years (Sulser, pers. com. 31 January 2000). The effects are detrimental both for the environment and the climate (degradation and rapid loss of biodiversity), and for the national demand of wood (timber, construction and fuelwood) and non-timber forest products.

2. FORESTRY CORRUPTION ON THE INTERNATIONAL AGENDA

In May 2000, representatives of international NGOs, academia and international organizations met at Harvard University to discuss the problem of corruption and illegality in the forestry sector worldwide. The anti-corruption NGO Transparency International, together with The World Conservation Union (IUCN), Harvard University's Center for International Development, and the World Bank took the lead in setting up the Forest Integrity Network (FIN), an international network with the exclusive focus on forestry corruption. Over the past 10 years, international organizations, especially those active in development, have gradually become more explicit regarding the problem of corruption. Under the aegis of President James D. Wolfensohn, the World Bank has become more outspoken on the subject in recent years. Programs to reduce corruption
within World Bank projects, as well as country-based assistance and learning programs to reduce corruption and improve "good governance" have been launched.

However, openness in addressing corruption issues has not spread quickly to all sectors of the World Bank. The World Bank forestry branch is still hesitant to even use the "c-word" out of fear to antagonize its government members. Countries providing the organization’s budget and accepting World Bank loans and projects may be affected by forestry corruption. Circumscriptions are used instead: In September 2001, the World Bank and the government of Indonesia hosted the conference "Forest Law Enforcement and Governance", but the main focus of the meeting was on forestry corruption, illegal logging, and associated illegal trade in the East Asia region.

Another example is the FAO forest sector, which has only recently started to address corruption and illegal logging by using expressions such as "improving law compliance", in light of the sensitivities of its member governments.

The expressions "law compliance" and "law enforcement" show a strong orientation towards legal texts and juridical reform, however, both the World Bank and FAO acknowledged in recent conferences that broader social, economic and political issues are intricately linked with forestry corruption. Therefore, they now ask for "integrated" approaches to combat corruption.

Due to their clientele and membership, the World Bank and FAO presently delegate anti-corruption issues and concrete actions on the ground to international NGOs. Both organizations currently stress their interest in "building coalitions with civil society" in combating corruption, but stay vague in assessing their own specific contributions and options of influence.

3. METHODOLOGY OF THE STUDY

The analysis of forest use and the processes of illegal logging in Bénin are based on empirical fieldwork in the Region of Bassila in Northern Bénin, from April to June, 1999 and from January to December, 2000.
Research was carried out in an actor-oriented perspective (Long 1993) in order to identify all local actors involved in forest use and forest perceptions. Key informants were "incidentally" asked questions on corruption and illegal logging in 34 semi-structured interviews and many informal conversations with loggers, young male laborers, small scale local and urban entrepreneurs, local forest officers, male and female farmers, traditional healers and priests. In general, it is not very common to hear comments on corruption or illegal activities from local people. When informants did speak about the situation, the circumstances often were not conducive for taking notes. In addition, statements in the interviews were often biased, depending on the informants’ interests and the relation to the researcher. Therefore, there was no attempt to systematically document nor quantify the data.

In addition, valuable information was obtained from three high officers of the State Forest Service (DFRN), from two country experts of the German Technical Cooperation (GTZ), and from five agents of the GTZ forestry project *Projet Restauration des Ressources Forestières dans la Région Bassila* (PRRF).

This oral information was counter-checked by participatory observation of every day logging activities in the villages, which included observation of the number of timber truck loads passing through the villages, recruitment and remuneration of logging labor, as well as observation of procedures of the forest officers and of forest check points on the road.

The fact that this kind of information can be made available through investigation shows that there is room to maneuver in combating corruption in the forest sector.

4. FOREST RESOURCES AND FOREST USERS

4.1. Forest Resources

As one of the coastal West African countries on the Gulf of Guinea, Bénin is situated between Togo and Nigeria and is bordered on the north by Burkina Faso and Niger. Bénin stretches
from 6° to 12° northern latitude with a surface of 112,600 km². Due to specific conditions, the climate of Bénin and Togo is dryer than in other coastal West African countries. Therefore, the West African rainforest belt stretching from Guinea to Cameroon is interrupted in Bénin and Togo.

As a result of the dry climate, Bénin's ecosystems and soils are very fragile. The semi-deciduous forests host the richest biodiversity in the country and are the most crucial factor for maintaining soil fertility and regular rain fall. The northern parts of the country have already suffered serious degradation due to forest loss and agricultural over-use. Due to one of the highest amounts of rainfall in the country (1,200-1,300 mm annually), the central part of Northern Bénin is the richest in forest resources. Large areas of dense, semi-dense, semi-deciduous forest and dense gallery forests along the waterways contain valuable timber species such as *Milicia excelsa*, *Antiaris africana*, *Diospyros spp.*, *Khaya senegalensis*, *Khaya grandifolia*, *Afzelia africana*, *Isoberrinia doka*, *Parinari robusta* and *Ceiba pentandra*.

Because exact numbers on forest cover and its changes have not been recorded since the colonial period, the condition and change of Bénin's forests can only be estimated. FAO forest statistics of 1980 estimated a 13% to 20% overall loss of forest in the region of West Africa - the highest deforestation rate world wide. As for Bénin, FAO statistics (which rely on satellite images and aerial photographs from 1975-76) state that the forest cover in 1975 consisted of 7,602,600 ha (67.5% of Bénin's territory) (FAO, *et al.*, 1980). In a 1990 world wide forest survey by FAO, only 4,947,000 ha remained (44.7% of Bénin's territory) (FAO, 1993). Another FAO statistic of 1995 recorded 3,470,000 ha (Fürstenberg and Leinert, 1995,5, General Wood & Veneers Ltd., 1997,40). This would mean a dramatic loss of forest cover totaling 4,132,600 ha between 1975 and 1995. Fairhead and Leach (1998) point out that FAO statistics on deforestation in Benin and West Africa are highly exaggerated. The authors argue that a "deforestation orthodoxy" based on wrong data (on which FAO statistics rely) has primarily served colonial and postcolonial interests for control of local populations' use of forests. They suggest that as a result, local populations have wrongly been
accused for unsustainable use patterns. However, Sieberts' empirical data shows that for the period from 1960 onwards, the argument of Fairhead and Leach does not hold for whole Benin and for the Bassila Region in particular. Interviews on vegetation developments in the last 40 years reveal that deforestation has been dramatic and is largely due to commercial logging and agriculture.

For example, the region of Bassila (Sous-Préfecture de Bassila) in the central part of Northern Bénin is the richest in forest resources. According to the data of a GTZ expert, 29,500 m³ of wood have been illegally logged between 1996 and 1999 in the project area of the GTZ Projet de Restauration des Ressources Forestières (PRRF), with a considerable increase from 6,707 m³ in 1998 to approximately 11,000 m³ in 1999 (Anonymous personal communication, 2000). In an international comparison, these numbers seem low, but project consultants estimated in 2000 that if the current exploitation rate continues, timber trees in the region will completely disappear within 5 to 7 years (Sulser, pers. com. 31 January 2000).

The maintenance and growth of forest cover in Bénin is therefore a very critical issue today, and also because of the fact that, thus far, there has not been a coordinated nation-wide effort of afforestation and deforestation control.

4.2. Forest Users

Many small-scale entrepreneurs and loggers on the local and regional levels engage in mostly illegal timber logging and in the harvesting of construction wood. They recruit other loggers and unskilled labor in the villages close to forested areas. The loggers are mostly middle-aged male farmers and the unskilled laborers are young men between the ages of 16 and 25.

Both male and female farmers close to forest resources engage in commercial charcoal production, which involves the collection of dry fire wood, as well as illegal felling. The technological level of charcoal production is rather low, resulting in waste. Small entrepreneurs
transport the bags of charcoal from rural areas into the cities. Occasionally, charcoal is sold directly to consumers, who pass by on the big roads.

Male farmers cultivate yams, the most important source of carbohydrates, on forest land because it requires highly fertile soil. The extensive cultivation system of shifting agriculture combined with demographic growth (INSAE 1999, 9), commercial logging and its associated road networks, the introduction of cash crops such as cotton, as well as immigration has led to a considerable expansion of cultivated areas into forests in many regions. In addition, male farmers go into gallery forests in order to harvest oil palms (*Elaeis guineensis*) for palm nuts. In the savanna, they harvest the néré tree (*Parkia biglobosa*) for its fruit, the néré beans, and hunt in forested areas.

In accordance with their domestic duties, female farmers engage in the collection of forest products for household subsistence: Fire wood, which does not involve the felling of fresh trees, fruit, nuts (most importantly sheanuts from the sheabutter tree *Vitellaria paradoxa*), bark, leaves, mushrooms, and medicinal plants. The latter foodstuffs are crucial complements for the local diet dominated by carbohydrates, providing vitamins and minerals. These forest products are especially important as nutrients at the end of the dry season in April, which is considered the "hungry" period between the harvests in the system of shifting agriculture.

Male and female autochthonous healers harvest forests for herbs, leaves, bark and roots for their various healing qualities. Nomadic pastoralists use forested areas as grazing grounds for their cattle. Since cultivated areas due to growing cotton as a cash crop have increased considerably in the last decades, the pastoralists are being pushed into the forests.

**5. THE ROLE OF TIMBER AND WOOD ON THE NATIONAL AND INTERNATIONAL MARKET**
Due to a lack in appropriate forest resources, Bénin cannot be considered a timber exporting country. On the national market, however, timber and wood are an important resource to meet the country's national demand in carpentry, as construction material or as fuel. The official share of 2.8% for timber and wood in Bénin's GNP is very low (General Wood & Veneers 1997, 17). However, the figures are low since illegal transactions are not represented in the GNP and the timber and wood market is a part of the country's shadow economy. According to our estimation, the real percentage may attain 16%.

The lack of both forest cover statistics and data on the national wood market is a serious impediment to the control and planning of the national forest economy. It has to be noted that the lack of statistics may be linked with the interest of state forest officials to conceal illegal forest exploitation.

Bénin only has a marginal timber industry with four small sawmills. In addition, there are many small-scale entrepreneurs as well as individual loggers working with chain saws and an estimated 5,500 carpentry shops that operate on a very low technological level (Brüntrup 2000, 11). Most of Bénin's annual demand for wood of 7,779,000 m$^3$ is met by the exploitation of natural forests. Approximately 80% to 90% of timber is felled illegally with the consent or encouragement of state forest officers.

**Timber** - The annual national demand for timber consists of an estimated 52,000 m$^3$ of teak (*Tectona grandis*) and 60,000 m$^3$ of indigenous wood species, such as *Khaya senegalensis*, *Ceiba pentandra*, *Khaya grandifolia*, *Antiaris africana*, *Milicia excelsa*, *Isoberlinia doka*, *Pterocarpus erinaceus*, *Afzelia africana*.

The demand for teak can be currently met by state and private plantations. State plantations offer approximately 24,000 ha of trees of which 50% are teak, and non-state plantations offer approximately 11,750 ha of trees which are all teak (General Wood & Veneers 1997, 42-44).
As for red and white wood, 50% of the demand can be sustainably met by national forests and the other 50% are allegedly imported from Nigeria and Togo, according to the study of General Wood & Veneers (1997, 58ff). However, based on empirical data, approximately 90% of “imports” from neighboring countries are, in fact, re-imports of timber illegally felled in Bénin (Siebert 2000, unpublished). This exceeds the sustainable yield of national timber resources by 27,000 m³.

Construction Wood - Annually, 25,000 m³ of construction wood is consumed at the national level. A shortage in this segment of the forest sector has not yet been identified (General Wood & Veneers 1997,105).

Fuelwood / Charcoal - As one of the poorer developing countries, Bénin is characterized by a very low standard of technology. Due to a lack in new energy technology, the country mainly depends on charcoal and fire-wood, both in the cities and in rural areas. Parallel to the rapid growth of Bénin's cities, the demand for charcoal grows annually. The current yearly demand of 7,642,000 m³ can hardly be met and thus a serious fuel-wood shortage has to be expected in the near future. At the same time, General Wood & Veneers point to a general lack of strategies for alternative sources of fuel in Bénin (1997: 98-100).

The numbers show a need for exploitation and afforestation in state forest reserves, private forests and plantations in the timber segment. In the fuelwood segment, a more rational charcoal production and more fire-wood plantations as well as an introduction of alternative energy sources are highly recommended.

6. NATIONAL FOREST POLITICS AND REGULATION

Bénin's extractive forest economy and policing forest politics of the colonial period continued until the democratization period in 1989 and 1990, when external donors' willingness to provide
development aid in Bénin increased notably. German and French donors as well as the World Bank pressed for a reform of the forest policy, aiming at participatory forestry and a more rational use of forest resources. The financing of this reform by the FAO, World Bank, Germany and France started in the early 1990s with the Projet de Gestion des Ressources Naturelles (PGRN) and resulted in the new forest law Loi No. 93-009 in 1993 and its operational guidelines in 1996 (Décret No. 96-271).

According to the new forest law of 1993, which replaces the forest code of 1987, the entire forest domain remains state property. There are two forest zones: forêts classées and forêts protégées. In both types of forests, timber felling is possible through the purchase of permits. The State grants the rights of use to individuals and collectives, which are very restricted in the case of forêts classées. In the forests of the domaine protégé, the population is granted more extensive rights of utilization regarding agriculture, pastures, as well as the collection and exploitation of forest products.

Even though the forest law of 1993 was supposed to emphasize the participation of local populations and grant more rights of use in accordance with sustainable land management plans (Art. 40), two-thirds or more than 70 Articles of the law regulate timber exploitation and sanctions in a policing manner (Art. 41-112). To summarize regulations defined by this law, loggers have to obtain a professional identity card and felling permits. The profit from felling has to be declared and is taxed by the state. In order to obtain felling permits, a logger has to declare the individual trees he wants to cut and the chief forest officer has to check the respective tree species and diameter. In its annex, the forest law lists as all valuable timber species of Bénin as protected species for which there are supposed to be logging limits. Only mature trees are to be felled, and the diameter has to be sufficiently large so that a tree provides a specific number of boards (board standard sizes 30 cm x 8 cm x 4.20 m, or 3.20 m).
After the chief forest officer has again counter-checked logs and the permit after the felling, he has to issue a laissez-passer for transport and a declaration of origin of the timber. These documents must be checked at several forest check-points on the main roads leading to the wood markets in the cities.

The high number of regulations provides opportunities for state officials to obstruct forest users. The latter, mainly loggers, thus feel encouraged to resort to corruption in order to speed up formalities. Van Klaveren (1957) showed that these types of legal regulations are meant to create illegal income opportunities rather than effectively reduce illegal activities.

According to the law, it is prohibited to cut tree trunks into boards with chain saws after the tree has been felled (Art. 53) thereby curbing the production of timber. It is also illegal to transport timber cut into boards by chain saws unless it is imported. In a country where all forest regions are a maximum distance of 60 km from national borders, this regulation sounds like an invitation to fraud. Timber can easily be cut in Bénin's forests, transported over a border and then be declared as import. This is a current practice in the region of Bassila, where timber is often declared as imported from Togo. In August 2000, this illegal practice was acknowledged by DFRN (Direction des Forêts et Ressources Naturelles) high officials when their Togolese colleagues pointed out that their country does not offer the forest potential for all the timber declared as originating from Togo.

In the case of law violations, state forest officers of the DFRN national forest service must enforce various sanctions, ranging from money penalties (US $ 9 to US $ 835) to prison sentences (15 days to 6 months) (Art. 88-104). The penalties and sanctions stipulated in the forest law are sufficiently high on their upper limits, however, due to lack of enforcement they are ineffective.

Bénin's current forest politics and policies are largely dependent on external donors and projects, concerning both policies and activities, such as the introduction of participatory forestry and forest management plans. In 1999, the World Bank and other donors agreed to finance the preparatory phase of a new big project PGFTR (Programme de Gestion des Forêts et Terroirs
Riverains), meant to further enhance participatory management of state forest reserves and coordinate forestry projects on the national level. In this phase, the donors financed an audit of the DFRN in 1999. It revealed that the forestry reform of the early 1990s had not been successful due to an insufficient number of personnel and a failed implementation of the participatory approach (MDR and PGFTR 1999, 9). For the first time in DFRN history, problems of corruption and engagement in illegal felling were openly addressed (MDR and PGFTR 1999, 11-13, 15). As a precondition for financing of the new project, PGFTR's main phase, the donors are asking for a restructuring of the DFRN into a "nouveau service forestier" (Kakpo 2000, pers. com., 5 December 2000). Over all, the audit recommends an annual increase of 80 forest officers from 2000 until 2010, because at the moment, each forest officer controls an area of 8,180 ha while lacking the necessary means of transport. Furthermore, the audit asks for an increased recruitment of sociologists as forest officers in order to build a "nouvelle génération" in the line of participatory forestry.

Political and administrative decentralization is another relevant issue in Bénin's forest policies and politics. Since the early 1990s, donors and political opposition parties have been pressing those in power to decentralize in order to increase political participation on the local level. According to the new laws on decentralization such as law 97-029 of 1999 on the organization of the communities, communities will substitute the Sous Préfectures and will be vested with financial and administrative autonomy. They can become managers of natural resources similar to the state, following a community development plan in order to organize infrastructure and the management of natural resources. Forests will thus constitute a part of the village and community capital by which local necessities such as road construction, medical units, schools and teachers will be financed.

However, officials within the DFRN are still very much opposed to share responsibilities for forests with the local population. They argue that local populations are too incompetent in management and would quickly deplete the resources. This resistance bears the fear of losing
discretionary power over sources of illegal income, since decentralization may lead to radical change of the old power structure by opening the political arena for new players.

Geared towards decentralization, German development aid has recently introduced a compromise structure labeled "participation". The PRRF and Programme de Gestion des Terroirs et des Ressources Naturelles (PGTRN) (as well as the former Projet Gestion des Ressources Naturelles (PGRN)) facilitate contracts and management plans (plans d’aménagement) between the forest administration and village communities or local individuals. Between 1996 and 2000, five forest management plans (Plans d'Aménagement) for state reserves were implemented by PGRN and PRRF. In 2000, the Banque Africaine du Développement granted finance for the design of two more management plans for state reserves and their implementation.

According to the forest law of 1993, management plans for state forest reserves (forêts classées) stipulate restricted logging rights, as well as rights to collect fuelwood, forest fruit and plants for village communities neighboring the forest reserve. According to local land tenure, the so-called "private forests" (forêts privées) are usually owned by a lineage. Managers can be lineage members or other individuals upon agreement by the owning lineage. For a private forest, management plans stipulate the same rights as in the case of forêts classées, but the beneficiaries are individuals and lineages. For the management of private forests, the PRRF had difficulties in finding local partners because forest owning lineages fear expropriation upon the end of the project phase. This fear is a consequence of former experiences of expropriation in the 1940s and 1950s, when the French colonial administration appropriated state forest reserves from lineage land without local consent.

In order to appease forest managers, the PRRF introduced so-called "attestations de propriété" with a signature by the Sous Préfet of the Bassila region testifying the ownership of a forest by a given lineage. However, this paper does not have the legal status of a land title, which is officially recognized by state land law. Local forest managers of the villages of Kodowari and
Pénélan in the Bassila region know about this fact. Expecting a complete loss of their rights after the PRRF ends, they are not motivated for long-term investment. For village land (*terroir villageois*), management plans (*plans de gestion de terroir*) are made which do not only include forests, but also land used for cultivation, habitation and pasture, and thus stipulate broader use rights. So-called *structure villageoises*, as an ensemble of village-based management committees, are introduced into the villages in order to organize collective management of either *forêts classées* or village land. The benefits stemming from use of the resources such as timber, plantations and other forest products are divided between the DFRN, a fund for forest management, the administration of the *structure villageoise*, and the individual users (PRRF 1998 and PRRF 1999).

However, due to a lack of official recognition of local land tenure arrangements, rights to private forests and village land only have an usufructuary character. As for state forest reserves, the rights conceded appear to be legally better stabilized, but they, too, merely consist of restricted usufructuary rights.

### 7. CORRUPTION AND ILLEGAL ACTIVITIES IN THE FOREST SECTOR

Within the forest sector, timber production is most prominently affected by corruption. Therefore, this analysis focuses on timber only. Illegal logging is done in both state forest reserves and forests of the *domaine protégé* including *forêts privées*. Although there is corruption in the management of state plantations as well, it is relatively small-scale compared to the corruption in natural forests.

#### 7.1. Concepts and Perceptions of Corruption and Illegality

From a social science perspective, we have to distinguish between analytical or etic and endogenous or emic categories of corruption and illegal activities because in international debates
on combating corruption, this distinction is rarely made, leading to flawed policies lacking adjustment to local situations.

Corruption as a neutral analytical category in this study is defined as the sale of services by state officials for their personal benefit in spite of formal laws, and the tolerance of illegal acts is such a service. Corruption is accompanied by abuses of power, such as the use of the public officials’ authority for committing illegal acts (e.g. forest officers commission of illegal logging and engaging in illegal timber trade). Purely illegal acts, such as theft of public or private property, are committed by private individuals and companies. Corruption should also be differentiated from embezzlement because of their different economic dynamics. Embezzlement is limited by the resources accessible to the authority holder. Corruption has, however, a creative potential. In a corrupt system there are services sold without which one could do very well. Many services for which bribes are paid are artificially created.

Inquiring into endogenous concepts and perceptions of corruption and illegal acts is crucial because in rural Bénin, as in many West African countries, there is a de facto legal pluralism which is not officially recognized by the state. What constitutes property, theft, and corruption from the state’s point of view may differ from local perspectives. Therefore, we have to take into account endogenous concepts of forest-related property rights. We have to ask if forests are conceived as a possible target for theft and what types of duties and expectations are attributed to state officials and local authorities.

According to autochthonous land tenure of the Bassila region, forests and land are collectively owned by patrilinear lineages. The lineage head is the administrator of forests and land for the male lineage members. He does not have exclusive property rights and is not allowed to dispose of the land (i.e. sell it). His duty is to grant all men of his lineage permanent rights of use such as cutting trees, harvesting trees (e.g. oil palm, néré, shea), fishing and hunting rights, and the right to cultivate, build a house and to put out beehives. The men have to concede some use rights
to their wives, who married into the lineage. These rights are economically important as they concern the rights to collect tree products and firewood, and to a limited extent cultivation rights.

These local land tenure concepts clash with the legal version of land tenure for the state of Bénin. As shown above, the state defines forests as state property, according to the French droit domanial, and gives out restricted usufruct rights, especially in the case of state forest reserves. Thus, for many local people, the state's control over forests, especially regarding forest reserves, constitutes illegal expropriation. Lineage heads often point to the exclusive right of the firstcomers and their kin to own land or give it away to others. They stress that their lineage did not give the land to the colonists or later to the state. Accordingly, locals often disregard the severely restricted use regulations in state forest reserves. Lineage heads are still giving out various use rights for cultivation, collecting and hunting in these areas. Under state law, the local population thus became criminalized as illegal trespassers and thieves.

Due to this legal pluralism, the first officially authorized external loggers coming into the region at the end of the 1950s also had to get permission by lineage heads for logging. When logging was taken over by local actors in the 1980s, they also sought logging agreements with lineage heads if they were to cut on another lineages’ land. These lineage heads gradually exceeded their role as administrators by disposing of forests without consent of lineage members. At the same time, local loggers began to offer bribes to the state foresters.

Not surprisingly, our empirical data shows that endogenous concepts of corruption and illegality vary depending on the individual’s role and interest. The people who profit from logging positively say that the state foresters "are nice because they let us do our work." They agree that the foresters' behavior is against the law, but say that state law does not mean anything to them apart from the fact that they have to pay bribes because of the law. Regarding lineage headmen, loggers point out that they profit from easy agreements, but acknowledge that the headmen act improperly.
The people excluded from logging profits, which is the majority of the local population, refer more negatively to the activities of foresters. In some cases, entire village populations are excluded from timber profits, but are the targets of extensive logging by actors from other villages. These populations acknowledge an abuse of power by the state foresters and claim that, "They are not doing their jobs." They also criticize the active roles of state foresters in uncontrolled logging. Some people are concerned about vanishing state law, and the privilege given to a few wealthy entrepreneurs to circumvent the law.

Lineage headmen are accused by villagers of the same lineage or other lineages of misusing their position by stealing collective property, and some villagers have recently formed control committees to defend their forest property. Foresters, loggers and lineage headmen are blamed for the current anarchical mode of logging, as well as for the negative effects of rapid deforestation (i.e. degraded soil, less rainfall and lack in non-timber-forest products). Even though most villagers do not recognize the state's control over forests, they consider the misuse of power of state officials worse than that of lineage headmen. In their view, foresters win doubly, first by being paid a government's salary, and secondly by accepting or demanding bribes.

Theft of trees and forests constitutes a locally recognized concept. Even in the face of legal pluralism, there are clear-cut endogenous perceptions of proper behavior of both state and local authorities and deviations from it. The description and evaluation of these deviations show many parallels to our analytical categories of corruption and illegal activities.

7.2. The Actors

Forest service personnel and loggers are organized into clientelist and corrupt networks encompassing the local, departmental, and national levels of the forest sector. The networks started in the 1980s with a covert market for local individual actors as successors of officially authorized foreign logging entrepreneurs. Corruption of foresters started when they were approached by local
loggers, for whom official authorization was costly. They asked the foresters for advice on where to find suitable trees and for support with their illegal transport. Often, corruption also started when foresters caught illegal loggers who offered bribes to them, and developed when foresters took the initiative themselves. By the year 2000, individual contacts in the illegal market became stabilized. Certain individuals on all levels sustained the corrupt network. At the community level, chief forest officers, their aides, and the *Sous Préfecture* administration may be implicated. On the departmental level, the departmental forest service directors and their personnel may be involved. On the national level, agents within the administrative bodies of the DFRN and the overarching ministry for agriculture may play a role.

At the local level, the chief forest officers (*Chef Cantonnement Forestier*) and his aides are theoretically obliged to enforce the forest law by checking timber exploitation. In many cases, however, forest officers bribed by entrepreneurs and loggers ignore their duty of law enforcement and often perpetrate illegal logging themselves. In the latter case, they maintain "business" relations with urban traders.

In current practices, the chief forest officer issues wrong papers with the consent of the departmental director of the DFRN and the national administration. Benefits of corruption and illegal logging are distributed within the network from the local chief forest officers to the departmental director and from there up to the national administrative level. The forest check points on the main roads to the timber markets are bribed directly by the entrepreneurs.

State officials within the network maintain ambiguous relations with legal norms. They uphold the appearance of order and legality by insisting on authorizations because they can sell their authorization service by way of issuing false papers. In addition, they produce this orderly façade because there are also officials within the administrative DFRN structure who are not implicated in corrupt practices and often maintain good relations with external donors.
The logging of timber is mainly done by locally or regionally based entrepreneurs who hire loggers and laborers, or by independent local loggers. Loggers also often lease chain saws from entrepreneurs. Both types of actors offer the timber to bigger traders from the cities who visit the forested areas. The entrepreneurs organize logging and illegal sawing with chain saws into boards and transport the boards to the timber depots of urban centers. One truck load usually consists of 100 boards. If entrepreneurs and loggers extract wood from forests outside the state reserves, they usually operate in lineage-owned forests (forêts privées). According to customary arrangements, they ask the lineage headmen for permission to cut trees.

The traders in the cities own timber depots and sell timber by the board to carpenters or engage in occasional export deals. Often, traders commission timber from corrupt chief forest officers in the forested regions. In areas close to borders, customs agents have to check imports and exports of timber and are often involved in corruption. It is their role to issue wrong import certificates.

7.3. Corrupt Practices and Illegal Activities

Being paid small sums of money by loggers and entrepreneurs for their consent to cut trees on their lineage's land, lineage headmen often appropriate this money for their own profit. Thus, the payment can be considered as embezzlement. After the payment of lineage caretakers, loggers often engage in theft by cutting many more trees than agreed.

In many cases, entrepreneurs lease chain saws to individual loggers for approximately US$ 1,100 for 12 months and ask for a return commission of another US$ 1,100 at the end of the year. Many individuals interested in logging depend on such outrageous deals because there is very limited access to chain saws in the country. Consequently, many loggers find themselves under enormous pressure to meet the lease requirements and to earn a profit. Some entrepreneurs enlist
violent gangs who threaten non-compliant leasing clients. This pressure forces loggers into very unsustainable and wasteful logging. Often young trees which only provide one board are cut.

In addition, the numerous regulations of the forest law are often not sufficiently transparent to loggers and cause them to consent to offers of corruption by forest officers if they want to avoid a blockade or loss of time. Bribing foresters extremely neutralizes the costs of logging authorizations because instead of the usual authorization over approximately five trees, the logger can now cut up to 30 trees.

In their corrupt activities, state forest officers do not differentiate between the extraction from state forest reserves or from lineage forests. The entrepreneur can extract numerous truck loads of timber with one permit which officially may allow for the felling of approximately five trees. The forest officers also ignore the fact that all loggers use the prohibited chain saws in order to produce the boards for trade on the spot.

Bribes for forest officers consist of a considerable share of the entrepreneurs' profit per load. Some chief forest officers have direct business contacts with urban traders and hire local entrepreneurs and loggers for the extraction and delivery of timber. Costs for entrepreneurs for one load of timber (100 boards), without the fee for the permit, and including the salary for workers, fuel and materials, amounts to approximately US$ 280. This leaves a profit of US$ 700 to US$ 1,400 per load for the entrepreneur, who will give about 50% to the chief forest officer. Compared to the average domestic income of US$ 15 to US$ 70 per month, this profit is considerable.

The DFRN personnel at the check-points receive approximately US$ 75 to US$ 170 in bribes per load in order to ignore missing or wrong permits, accept false declarations of origin, and allow the transport of boards cut by chain saws. The same applies to custom agents. In the Bassila region, regional entrepreneurs often transport timber over the nearby border to Togo, and re-import it as "bois togolais".
It is easy for forest officers not to do their job because there are no forest inventories and felling statistics that need to be declared to the director of the DFRN at the Département level, nor are there any internal or external work controls on the job.

8. RECOMMENDATIONS FOR COMBATING FOREST CORRUPTION
In Bénin, corruption is an everyday reality in many governmental services and domains. This is especially due to a lack of rule of law, information and transparency of decision making, and deficiencies in the juridical system. Some authors such as Contreras-Hermosilla (2001) argue that if several governmental sectors are infested by corruption, there is little hope for success in combating corruption in one single sector. However, fighting corruption has to begin somewhere, and action in a single sector such as the forest sector can lead to success in other areas as well, if a sufficient number of cooperating actors in these sectors can be identified.

Even though Bénin is in the process of political transformation in the form of democratization and decentralization, it can still be characterized as a Command State, which is a system of politics and administration characterized by the primacy of present authority in daily life interaction and an ambiguous relation with legal norms (Elwert 2001). These norms only serve to define the overall power sharing within the state apparatus. A Command State has a reversed normative hierarchy compared to the state under the rule of law. Whereas the constitution ranks highest in a state under the rule of law, the Command State gives priority to ad-hoc commands often orally voiced and to by-laws. It is important to note that in a Command State, written rules are not only façades. They play an important role in the sectorial and regional division of labor and income, which is to a large extent drawn from corruption.

One of the most salient features of the Command State is clientelism, which is the dominant economic structure for the organization of economic relations. Economic appropriation and distribution is organized by sectorial clientelist and corrupt networks, which can reach from the
local to the highest administrative level. Through this clientelist structure, actors, who are newcomers or do not have the economic means to participate in corruption, are locked out from access to the controlled resources and from political influence. Therefore, the innovation capacity of a command state is severely reduced, explaining its stability. This also explains why the decentralization process in Bénin, as in many West African countries, has been so slow and has primarily been promoted by external donors, political opposition, and NGOs.

In the perspective of the Command State system, isolated measures such as reforms of legal texts will not be effective since the laws are treated ambiguously or are not applied at all. This aspect should be taken into account by international organizations, which currently focus to a great extent on the reform of forest laws. Thus, more complete political reforms such as decentralization in order to bring about a state under the rule of law, an independent law system, and the strengthening of political transparency and participation of local populations will provide more sustainable solutions.

As Bierschenk and Olivier de Sardan (1998, 12) argue, there is a trend in current development discourse to celebrate decentralization as a panacea for all sorts of problems. We agree that it is questionable that formal decentralization in itself will reduce corruption and dismantle the command state system. Likewise, it has been shown that a strengthening of civil society does not necessarily reduce corruption (Sommer 2000). However, if political decentralization is accompanied by an increasing flow of information by critical mass media and by building new institutions of political participation, it will provide an opening to formerly excluded actors as potential controllers of state performance and a higher level of public information. Both may cause a redefinition of the normative hierarchy of the Command State and strengthen the rule of law as a defense for the weaker political actors against power abuse.
Concentrating on immediate measures of combating corruption in the forest sector, simultaneous action along four lines is recommended:

8.1. Publicity and Increase in Norm Awareness

If facts on corruption are made known to a wide public, the systemic lack of information on which the Command State thrives will be reduced. The population will be in a more ready position to hold state officials accountable for their activities. International donors have an important role to play in strengthening a critical and diverse mass media as watchdogs of corruption and provide further training in critical journalism. Given the low literacy rate of 20% in rural areas, investment in more local radio stations will enhance the effective spread of information.

Also, NGOs and civil society organizations are well placed to disseminate legal know-how and information to local populations in the field of local self-governance and forest management. International NGOs and international organizations have the capacity to establish training programs on local mobilization, self-governance and forest control. In addition, a country-wide campaign would be an important asset to inform local populations that forests constitute their capital for village development after decentralization.

8.2. Internal Sanctioning

If the local population is engaged in the fight against illegal logging, forests will be more effectively controlled. Often, villagers are divided into actors who profit from illegal logging such as local loggers, young labor, small scale entrepreneurs and a majority for whom forest corruption means a loss like women, excluded male youth, excluded farmers and traditional healers. Once mobilized, this local majority can play an active role in curbing illegal logging and controlling state forest officers. This mobilization can be achieved if donor projects and local NGOs rapidly and systematically inform villagers in forested areas that forests constitute their capital in
decentralization. In the case of three villages in the Bassila region, control committees are already defending forests with some success against the interests of a few.

In addition, more pluralistic institutions of natural resource management will decrease the discretionary power of the public sector. Participation of local actors can be broadened by encouraging collaboration and contract management between various stakeholders in the public and private sectors as well as local NGOs and local users (Venema and Van den Breemer, 1999, von Stieglitz, 2000). In some areas, a first step might be to introduce "codes locaux" in the project area (GTZ, 2000). These local codes can provide clear norms and sanctions to be applied by the local population and thus reduce the legal monopoly of state officials who ambiguously apply law. Such a code can enforce sustainable forest management plans, sanction forest use on the village level and make local actors on the village level responsible for forest control. After full implementation of decentralization, the codes can be incorporated into the statutes of the communities. Locally accessible independent court systems, new institutions for collaborative management, such as multi-stakeholder management committees and local codes may help local actors to prosecute and penalize illegal activities of loggers, labor, lineage headmen and entrepreneurs by providing the resources needed to bring a case to court. In addition, donors can offer know-how concerning conflict management and sanction procedures.

8.3. External Enforcement

The reform of DFRN personnel and structure, as recommended in the PGFTR audit, is not far-reaching enough. Increasing the number of agents and replacing some agents with others will not automatically curb corruption, but rather, it may increase the number of beneficiaries of corruption. Also, it is doubtful whether the measure of sophisticating the DFRN by hiring more sociologists will increase integrity.
It will be more effective to sanction theft and corruption when internationally funded projects are affected. The donors could set an example by adding conditionalities to projects along these lines. Such sanctions will be most powerful if they imply:

a.) The publication of facts and persons involved in illegal logging in local and national mass media
b.) The requirement of the state to sanction known cases of corruption
c.) Control of state forest officers as a finance conditionality given the considerable lack of integrity of DFRN personnel. Special committees consisting of international donors personnel and state agents external to the DFRN can control forest agents and forest check points on the local level and ask for updated forest inventories at least over the next 5 years.

d.) The revocation of funds which were used against the spirit of specific agreements

Needless to say, this requires a concerted effort by all donors in the forest sector of Bénin. The World Bank, Germany, the Netherlands, and others must take a unified stance in order to effectively sanction the state. Contradictory activities and goals of donors generally encourage corruption. Thus, a strict coordination of donor programs in all sectors is necessary. International NGOs are well placed to lobby within the donor community for stricter conditionalities and their enforcement.

8.4. Change of Structural Conditions Facilitating Corruption

Current bureaucratic regulations, which are time consuming, allow for arbitrariness and block economic action. If the 1993 forest law is revised in order to increase its transparency for all forest users, room for ambiguity in law enforcement will be decreased.

In addition, if the participation of the population including socially underrepresented groups such as women, pastoralists and immigrants is increased in the new decentralized structures (eg. community committees), the monopoly of the state personnel will be reduced. A new role of the DFRN is well conceivable. It could from now on only intervene as an advising body, while
communities, as decentralized political units with their forest management committees, could control the forests in their area. Donors and NGOs have an important role to play in local capacity building, in creating local expertise in self-government, and administration.

Furthermore, sustainable management of forests will only be achieved if local actors, especially young men who are the largest group of beneficiaries of illegal logging, are faced with alternative sources of local income. Given the strong local interest in teak and cashew, subsidies and aid for plantations and afforestation might be suitable for initial efforts.

Most importantly, a land tenure reform is needed in order to increase security of property and user rights, especially in rural areas. The current insecurity in land tenure, stemming from ambiguous pluralism between state and autochthonous tenure systems, hampers economic investment. For example, poor, credit-seeking farmers and rural women cannot give their land as security for lack of formal land titles. Secure land tenure is especially crucial in forest resource management and afforestation. Donor projects working in resource management often fail to realize that without legal security and predictability, such an investment may not seem economical to local investors. The value of land increases with the planting and protection of trees and becomes an object of interest for those in power. If the project with quasi-legal security ends, local stakeholders will fear expropriation by private and public power holders.

Thus, a combination of resource management and tenure reform is overdue. Such a reform requires the harmonization of state and autochthonous land tenure. Or it could consist of the introduction and controlled keeping of land registers. In this case, multiple use rights of socially vulnerable groups such as women, pastoralists, and immigrants must be secured on registered land, which can be owned by individuals, lineage based institutions or co-operatives (see also Elwert 1999).

Such reforms will of course not end all problems in this sector. In the case of fuelwood, 90% of Bénin's demand is currently met by charcoal and firewood. This consumption can be
considerably reduced by introducing alternative sources of fuel such as solar energy and gas. Less wasteful charcoal production and more firewood plantations might be additional options.

9. CONCLUSION

Illegal logging threatens Bénin's last forests. The legitimacy of and the respect for property rights and protective regulations seem flexible. However, theft of trees and forests are locally recognized concepts. Local people differentiate between proper behavior of both state and local authorities and deviations from it.

The corruption of state officials plays a major role in delegitimizing public property in forests. Protective regulations, which equally affect private forests and wood plantations, seem to be mere annoyances meant to be bribed away by corruption money.

Corruption in our case does not seem to be unalterable. Observable differentiations allow us to suggest possible paths for its reduction. Since there is a latent majority for disapproval of corruption, transparency and public information can work as sanctions, and support for material sanction can be mobilized. If laws with overly complex regulation encourage corruption as “speed money”, the laws need to be modified. The state has to monitor where its capacity to observe and sanction illegal acts is insufficient, and should proceed to remedy it. If the international donors conditionalize their aid for effective sanctioning of corruption, this would have a strong effect given the dominant role of the donors in the national budget. However, such conditionalities will only work if the donors are strictly coordinated, leaving no loopholes and opportunities for donor-shopping.
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