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Decentralized Territorial Communities and Implementation of Public Policies: The Case of Cameroon

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Abstract

Cameroon's Constitutional Law of 18 January 1996 enshrined decentralization as a fundamental principle of the organization of state governance, and subsequent implementing legislation affirms the central government's commitment to transferring a number of powers to local authorities with a view to local management. Local and regional authorities then appear as an essential link in the implementation of public policies at the local level. Their genuine autonomy in financial and administrative matters is a necessary condition for achieving local development objectives. However, a review of the existing literature reveals that these communities do not have real autonomy in public policy decision-making, which is illustrated by mixed development at the local level.

Keywords: public policy, decentralization, territorial communities, local development, resources

1. Introduction

The binomial “local-national” is not only old, but it is also probably inherent in any state regardless of what it is. This duality can be translated by imbalances and tensions, but it commits necessary relations between the central authority and the local authorities, which is qualified of territorial community.

The expression territorial community refers to the decentralization that is called the territorial; the expression “public policy,” with respect to it, returns to the state. With regard to African countries, the debate around the decentralization, although old, has taken the magnitude toward the end of 90 years. The foundation of the accentuation of this debate has been the approximation of the government of the local actors for involvement of the latter in the decisions of public policy for a better efficiency of the actions undertaken.

The achievement of the decentralization remains subject to the legal plan to the respect of three essential conditions: the existence of a sphere of specific skills for the benefit of the local communities; the taking in charge of local affairs by authorities at the base, independent of the central power both by their mode of

designation; and the evaluation of their actions as for their revocation. The emphasis is on a sufficient autonomy of these local authorities in the management of their own affairs. Consequently, the decentralization assumes the existence and the accountability of the dismemberment of the state, spends the management of local affairs by officials and local elected representatives, and recognizes the relevance and the effectiveness of the management of proximity.

In the specific case of Cameroon, the decentralization has been endorsed by the Constitution of 1996 which made this country a unitary decentralized state. This implies the recognition of the existence of local communities and the maintenance of the unity of the state. Eight years later, a series of legal text have brought clarification on the objectives assigned to decentralization and the territorial communities whose emphasis is on the promotion of development at the local level. Furthermore, the laws of the decentralization of 2004 have redefined the relationship between the central government and the local authority in matters of public policy.

Entering an operational phase in 2010, the territorial communities are seen to transfer certain skills and the appropriate means to give impetus to the development at the local level through appropriate public policies. This article allows you to present the role played by the territorial communities in the implementation of public policies in the Cameroonian context. To achieve this, a documentary review is undertaken to identify the key concepts, present the characteristics of the decentralization of Cameroon, and state the role played by the territorial communities in the implementation of public policies.

2. Public policy: response of the political actors to a problem of society

In a given society, any problem can become a policy since the question is to know by what mechanisms. It is safe, in any case, that the triggering of the public action is not linked to any threshold of the intensity of the problem. For example, the relationship between the onset of policies for the protection of the environment in the year 1970 and the pollution of the era of the industrial revolution cannot be established. Even if we suppose the question of the identification of the problem resolved (everyone agrees today to consider that there are problems of pollution, delinquency, or poverty), it remains to be determined from what threshold of intensity public action should be triggered.

2.1 What is a public policy?

Public policies, the fact of the multiplicity of research work, are variously defined. However, these definitions are functions of the following elements: the actors and the activities as well as the problems and the solutions.

2.1.1 Anchor on the actors and their activities

The specialists of this current perception of public policies see the public policy as activities or absences of activities on the part of actors defined more or less precisely.

The public policy is defined as everything that the public authorities decide to do or not to do [1]. In other words, public policies are the actions undertaken by the government [2]. Other authors present government policies such as this that the political and administrative authorities, legitimately constituted, decide to do or not

to do and what they are doing in reality [3]. Of this fact, they consist of a series of action or inaction, more than inactions or specific decisions.

These definitions emphasize the government actors (public authorities, political or administrative). They neglect the impact of other actors, members of political parties, electoral or administered populations, in the decision or the nondecision to make the public policies. It is to correct this failure that a definition involving all actors has appeared. As well, public policies are presented as the set of interrelated decision, taken by an actor or a group of political actor [4].

Other definitions are a complement with the emphasis on the subject of public policies.

2.1.2 Anchor on the problems and the solutions

When the object of public policy is defined in a precise way, the authors generally make a reference to the notions of problems or even to conflicts. These concepts allow you to make a clarification on the “stimuli,” which seek to respond to the public policies. As well, public policies are actions or inactions in response to requirements [5]. It is also of actions oriented toward the settlement of a problem [6]. Another approach presents the public policies as a series of action or inaction that public authorities choose to adopt to solve a problem or an interlocking set of problems [7]. It is important to note that the stimuli to the origin of the public policies are internal or external to the system policy being, whereas the political system can be the object of an economic policy.

The purposes or the solutions sought are at the center of some of the definitions of public policies. In questioning the why of public policies, it appears that these are of the order of the project and includes values and practices sought [8]. The concept of purpose is also essential in the sense that public policies refer to the selection of goals and the means to achieve, therefore, in search of solutions [4].

A public policy may be presented as a set of activities (or non-activities) of public authorities (central, regional, or local) to provide solutions to the problems of society. This response consists of actions/public interventions through legislation, regulation, taxation, transfers, and public expenditure to meet a request from the community in a specific area.

2.2 Typology of public policies

History allows you to raise the fields, actions, means, and objectives of public policies that were varied in time. These different variations can be used to draw up the typology of public policies.

The typologies of policies most used have been drawn up in the 1970s [9]. They combine two dimensions: the instruments of public action and the recipients. They are available through two parameters: the type of national (individual or collective) and the type of constraint (direct or indirect). The pooling of dimensions and parameters allows to distinguish four typologies of public policy:

- Regulatory policies that target individuals by means of a direct constraint. They consist to enact mandatory rules which apply to any individual in a given situation.
- The allocative policies which target individuals by means of an indirect constraint. They are based on the allocation of permissions or specific benefits.

| | | Constraint | |
|--------|------------|-----------------------|--------------------|
| | | Direct | Indirect |
| Public | Individual | Regulatory policy | Allocative policy |
| | Group | Redistributive policy | Constituent policy |

Source: Ref. [9].

Table 1.
Typologies of public policy.

- Redistributive policies which aim groups of individuals by means of a direct constraint. They operate transfers between groups, often in a logic of solidarity.
- The procedural policies which aim groups of individuals by means of an indirect constraint. They lay down rules or procedures to follow that must respect the actors of public policies (**Table 1**).

2.3 Decentralized territorial communities and link of the implementation of public policies

Public policies are defined at the national level by the competent authorities, legislature and government, but they need a local anchor to realize that any policy could not be that territorialized. This “territorialization” is also done well with the services of the state at the local level than with the territorial communities. In fact, a unitary state cannot happen, our days, of a certain degree of decentralization. As well, the unitary decentralized state implies an association of territorial communities in the formulation of public policies decided at the national level.

2.3.1 The criteria for the characterization of the decentralized territorial communities

The territorial communities are separate administrative structures of the administration of the state, which must support the interests of the population of a specific territory. According to the territorial extent, three types of community can be identified: the commons, departments, and regions. Whatever the type, three criteria are essential in the definition of territorial communities:

- The moral personality, which enables him to act in justice. Allied to the decentralization, he makes the benefits for the territorial community of the administrative autonomy. It has its own personnel and its own budget.
- The specific skills, which are entrusted to it by the legislator (parliament). A territorial community is not a state within the state. It does not hold sovereignty and cannot acquire, its sole initiative, new bodies.
- The power of decision, by deliberation within a council of elected representatives. Decisions are then implemented by the executive power’s premises.

However, the territorial communities do not follow all the same rules of operation and do not have the same status.

2.3.2 The means of control of the public policies of the decentralized territorial communities

The political actors, like the decentralized territorial communities, use public policies as a means of control, to their advantage, for decisions adopted for the regulation of public affairs. The decisions matter to the political actors because they relate to their resources [10]. Furthermore, the power is shown by the capacity of the political actors to limit the scope of the decision to which does not threaten their resources [11].

The resources, thus, constitute a means of control in the implementation of public policies. A categorization of resources can be made in the functions of the various strengths available in a territorial community to make its effective preferences about the various issues of public policy. The literature allows to highlight seven categories of resources:

- The normative resources, which correspond to the set of rules and values that the political actors use to serve as assets or that they seek to control the issues.
- The statutory resources, which refer to official or actual positions occupied by the actors. They constitute for the latter means of power.
- The action resources, which consist the levers of actions among the recipients of control.
- The relational resources, which refer to the links established with other actors.
- The hardware resources that make reference to the material and financial resources.
- The human resources that return to the workforce which has a political actor.
- The informational resources, which refer to information that has a political actor and that it can use to influence public policy.

The resources, thus, appear as instruments of public policy; they can be enabling for some actors and binding for others.

This section will be allowed to review the concept of public policy. They can be presented as recurrent attempts of regulation of public affairs by actors who seek to control decisions on the occasion of the process of formulation or implementation. The process of monitoring of policies by some actors, like the decentralized territorial communities, gives rise on the basis of the resources available and of power relations with other actors. The following section will illustrate the relationship of the decentralized territorial communities in the implementation of public policies in Cameroon.

3. Places of the decentralized territorial communities in Cameroon in the implementation of public policies

Invoking the decentralized territorial communities in fact appeals to the decentralization policy implementation in a country. For the specific case of Cameroon, the decentralization process has been recognized as a pillar of the socioeconomic development in the Constitution of 18 January 1996 [12]. This section will review

the tasks assigned to the decentralization and the profile of the territorial communities as well as their missions and the state of things.

3.1 Decentralization according to the Cameroonian context

The constitutional revision of 18 January 1996 defines the legal regime and sets out the general principles of the decentralization in Cameroon. Also, Cameroon is a unitary state and decentralized. The law of orientation of the decentralization promulgated on 22 July 2004 is clarified in the institutional context of decentralization in Cameroon. In its second article, it defines the decentralization as a transfer by the state to the decentralized territorial communities of particular skills and appropriate means; this transfer obeys the principles of subsidiarity, progressivity, and complementarity [13].

For the Cameroonian legislature, decentralization must constitute the fundamental axis of promotion of development, democracy, and good governance at the local level. In the specific, it is question:

- In the area of promotion of local development: the achievement (increase, improvement) of basic social infrastructure. It also induces the improvement of incomes of the population at the base, thanks in particular to the promotion and financing of income-generating activities, for an improvement in the quality of life of populations and of their being.
- In regard to the strengthening of local democracy: the designation, either by consensus or by vote, by local populations of their representatives in the decision-making bodies.
- With regard to the promotion of good governance at the local level: the organization and functioning of communities through the exercise of power and the involvement of all the local actors (NGOs, organizations at the base, local population, etc.). The control of the local administration in the community of the inhabitants of the community is a pledge of the local governance [14].

3.2 The decentralized territorial communities in Cameroon: profile and responsibilities

The decentralized communities are defined as legal persons of public law, enjoying administrative and financial autonomy for the management of regional and local interests. The constitutional revision of 18 January 1996 defines two main decentralized communities: the regions and communes.

The commune is an old entity of the decentralization process in Cameroon initiated since 1974. The reforms of 2004 applicable to the commons specify the mission of the commons in the decentralization process. Those are the basic local communities which it returns the competence to manage local affairs under the guardianship of the state, in view of the social and cultural development of its people [15].

The region is the entity newly instituted by the Constitution of 1996. The reform of 2004 [16] devotes the missions identical to those of the commons. The only difference lies in the territorial coverage of the actions. The activities of the regions extend over the whole of the commons of its territorial jurisdiction which is not the case for the common whose activities do not limit that has its territory.

The territorial communities are involved in virtually all areas of the life of the populations: social, economic, health, and education. The specific responsibilities of each community in the different areas are reflected in **Table 2**.

| | | Responsibilities | |
|-------|--------------------------|--|---|
| | | The regions | The commons |
| Areas | Social and health policy | <ul style="list-style-type: none"> Promote the hygiene and safety as well as the measures for the prevention of diseases Organize and manage the supply of drugs and other health products Participate in the development of the health map of the region; create, equip, manage, and maintain the infrastructure of health Support the health infrastructure that exists Maintain and manage the training centers and social reintegration Organize and manage the assistance to needy layers List the infrastructure of vocational training as well as the trades creation and maintenance of rural roads not classified, as well as the construction and management of trays of the crossing | <ul style="list-style-type: none"> Provide support to the maintenance and management of the centers for promotion and social reintegration Prepare the acts of civil status (copy and extract of the act of birth, marriage act, act of death) Create, equip, manage, and maintain the health centers Support the training of health and social issues that exist Make quality controls in the structures of production, packaging, storage, and distribution of food entering the power supply of the populations Ensure drinking water supply in areas not covered by the public network for the distribution of the water |
| | Economique | <ul style="list-style-type: none"> Move the contracts/plans for the achievement of the objectives of development in partnership of the state Promote small- and medium-sized enterprises (SMES) Organize fairs and exhibitions Promote the crafts and the agropastoral activities Promote the regional associations of economic operators Promote the tourism Promote microprojects, revenue generators, and creators of jobs Protect, maintain and manage the natural sites Combat nuisance and pollution of waters; Create wood and protected areas Emergency planning and the prevention of risks Develop and execute plans for regional development Organize and manage the intercity public transport | <ul style="list-style-type: none"> Promote the agropastoral activities, fishery, and crafts Create, develop, and maintain tourist sites Build, equip, manage, and maintain markets, stations road, and abattoirs Plan and execute the communal investments Monitor and control the management of industrial waste, as well as the garbage Combat nuisance and pollution, including pollution of surface water and groundwater Ensure the hygiene and the safety of public places Plan and monitor the activities for the protection of the environment Improve access to drinking water Organize and manage exhibitions of a commercial character Promote and support the microprojects generators of revenue and creators of jobs |

| Responsibilities | |
|---|--|
| The regions | The commons |
| <ul style="list-style-type: none"> • Develop the regional plan of development of the territory • Coordinate the actions of development • Support the plans and actions of communal urbanization and habitat | <ul style="list-style-type: none"> • Establish industrial zones • Manage, in partnership with the State and the region, the contracts and the plans of the commune in order to achieve the objectives of development • Plan and control the occupation of land by issuing the building permit, to subdivide, demolish and implement • Create, maintain the municipal roads and develop the related activities relating thereto • Develop and servicing the habitable space • Name and address the streets, buildings and public spaces |
| Cultural life | |
| <ul style="list-style-type: none"> • Create, equip, manage, and maintain the high schools and public colleges • Recruit staff for these schools • Participate in the development of the school map of the region • Distribute and allocate aid and school grants • Support the commons for the acquisition of textbooks, school supplies, and teaching materials for training centers • Develop the school map related to technical and vocational education as well as the plans for the professional insertion of young people • Promote the partnership schools-companies • Promote, organize, and manage the sports activities • Put in place the infrastructure and equipment for the promotion of local cultures | <ul style="list-style-type: none"> • Create, equip, manage, and maintain schools, nursery, primary, and preschool • Recruit staff for these schools • Provide support to the management and administration of the schools • Support the creation and maintenance of the educational infrastructure and training centers • Plan the insertion and the professional reintegration of young people • Promote and animate sports activities and the youth • Create and manage municipal stages, swimming pools, sports courses, the areas of games, and the arenas • Organize days and cultural events, traditional, literary and artistic works with competition • Support the cultural associations; in partnership with the region, promoting the national languages |

Source: Authors.

Table 2.
Responsibilities of the municipalities and regions in the framework of decentralization in Cameroon.

The reading of the legal framework and regulatory governing the decentralized territorial communities in Cameroon allows to raise that they have three essential criteria, namely, the moral personality, the specific skills, and the power of decision. It remains only to examine the effectiveness of the resources of those communities for the implementation of public policies.

3.3 State of the availability of resources of the decentralized territorial communities of Cameroon for an implementation of optimal public policies

The text of law on the orientation of the decentralization stipulates that the state should transfer to the communities the skills and appropriate means. This transfer is in reality the resources granted to them for the implementation of public policies at the local level. The state of the resources available to the communities is presented on the financial plan, human, statutory, physical, and normative.

3.3.1 State of financial resources

Financial resources should give local and regional authorities financial autonomy. This is also the basis for the transfer of financial resources by the state to local authorities. Cameroonian municipalities manage three types of resources:

- Own resources derived from activities carried out on their territory
- Resources from the treasury
- Resources obtained within the framework of decentralized cooperation (although these are now “managed by the state”)

However, the financial autonomy of local authorities is relative because of the following legal provisions:

- Equalization, which is the obvious manifestation of the guardianship’s intervention in local management
- Levying of 10% of the additional municipal fees by the state, which reduces the self-financing capacity of local authorities and, thus, compromises local development
- The power granted to the prefect to correct an unbalanced budget
- The financial controller’s approval of any financial act by local authorities

It should be noted that according to the legal provisions [17], “authorizing officers are required to produce an administrative account showing the acts of their management and a performance report on programmes and projects.” But only the approximate knowledge of the budgetary procedure by many municipal authorities leads them to budget deviations that are difficult to justify and to a low mobilization of their own resources, which are nevertheless necessary for the smooth running of services and the inclusive development of the commune. They would find it very difficult to produce their management account [18].

3.3.2 Normative resources

The normative resources are the bedrock of the administrative autonomy devolved to territorial communities by the legislator. However, the reading of the legal provisions and the observation of current practices allow raising the limits:

- All deliberations of the territorial communities must be approved by the tutorship.

- The guardianship may suspend the municipal council, the dissolve.
- The mayor can be suspended by the guardianship.

3.3.3 Statutory resources

The statutory resources refer to the operational organization and function of the territorial community. In practice, each organization should put to a specific position a person who can have control. In the framework of territorial communities in Cameroon, some employees are designated by the central administration:

- The secretary-general of the town hall who is a servant placed at the disposal of the municipality by the department in charge of the decentralization and deals with the mayor in a relationship of a horizontal collaboration: he is not his subordinate.
- The municipal tax collector who is an official of the ministry in charge of finance, which deals with the authorizing officer in a relationship of collaboration: he is not his subordinate and has no orders to receive from him.
- The delegate of the government who is an agent appointed by the state and has more weight than the elected representatives of the people that are the mayors.

3.3.4 Human resources

The organic framework on decentralization provides that the territorial communities recruit and manage freely their human resources. However, some officials of the communities, as seen by examining the statutory resources, are appointed by the central administration. In addition to this, there is a tendency to neglect the recruitment of staff in particular with regard to the adequacy profile/employment and a lack of the texts of application on the local public service.

3.3.5 Hardware resources

The limited nature of the financial resources available to the territorial communities is borne from their staffing in materials and equipment to fully play their role in the implementation of public policies. The case visible enough is that of the development of communal roads or the equipment of communal health centers. This state of things can be explained by the absence of a regulatory framework on the devolution to the commons of material means corresponding to the block of skills already transferred.

The review of the status of the resources available to the decentralized territorial communities allows to raise that these actors of public policies do not have real means of decisions on the implementation of public policies in Cameroon. In effect, the National Council of Decentralization noted that local development is still mixed in Cameroon and this is despite the advances made in the transfer of skills and resources in the House of Commons since 2010 [19]. Also, this local development remains focused essentially on the political and social dimensions and the detriment of the economic dimension.

4. Conclusion

The objective of this article was to gauge the weight of decentralized local authorities in the implementation of public policies in Cameroon and thus to assess the effectiveness of decentralization. The result was a mixed weight of decentralization on the local development front. This reflects the efforts required for local authorities to be genuinely involved in the formulation and implementation of local public policies.

Decentralization is not an innovation in Cameroon, but related practices do not always follow the existing legal framework. It is not enough just here to want but to give power and let the local authorities act. The state would come after to control and not to rule. Indeed, decentralized local authorities will only play their part perfectly if the strategic state/CTD partnership is backed by a clear legal and regulatory framework, lending little to variable geometric interpretations, and if the state improves its strategy for managing its triple function of the strategic state (facilitator, regulator, and developer).

On the normative level, the legal arsenal in Cameroon is well provided in terms of decentralization, and its implementation is necessary to achieve local development objectives. Its operationalization is manifested by the transfer of skills in several fields that are the social, economic, and cultural. However, a relevant analysis of the legal framework and the mechanisms for setting up effective decentralization in Cameroon shows that in reality, as things stand, local authorities have no financial autonomy and have very limited administrative autonomy. Beyond the technical capacities that they do not yet have, we note the weight of supervision that weighs on those responsible at the local level. The existence of so many shortcomings attests that decentralized local authorities are not always provided with adequate local services and personnel for the optimal exercise of their competences. This assessment is the marker of an administrative autonomy of the communes still fragile to serve as a basis for local development.

On the financial level, given that state allocations are largely insufficient to enable local authorities to develop, only local taxes can play a determining role in their financial empowerment. Public authorities should, therefore, review the distribution of local tax revenues in such a way that local authorities are able to finance themselves and reduce financial intermediation as regards the financial circuit of local taxes. One strategy could initially be to reduce the procedures for making financial resources available to local authorities and to strengthen the mechanism for monitoring the implementation by the latter of their program budgets.

In statutory terms, the legitimacy of government delegates should be guaranteed. Therefore, they should be chosen by municipal councilors from among elected mayors who demonstrate the will to assume these functions. Moreover, the state should put in place a strategy that would ensure that, in the long term, the municipal council can be the only body that controls the mayor's action at the local level and effectively plays the role that the National Assembly plays alongside the executive at the national level. Also, the municipal receiver and the mayor's secretary should be placed under the authority of the mayor in a vertical collaborative relationship in order to limit confrontations between these officials in matters of local management.

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