

Access to and Benefit Sharing of Genetic Resources in Cameroon

Legal and Institutional Developments and Challenges

G. Kristin Rosendal



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August 2010

This report is a contribution from the Fridtjof Nansen Institute (FNI), Norway, as part of a research project on Access and Benefit Sharing carried out in co-operation with the multi-donor ABS Capacity Development Initiative for Africa. The Initiative is supported by the Directorate-General for International Cooperation (DGIS) of the Netherlands Ministry of Foreign Affairs, the Norwegian Ministry of Foreign Affairs, the German Federal Ministry for Economic Cooperation and Development (BMZ) and the Institut de l'énergie et de l'environnement de la Francophonie (IEPF) and carried out in partnership with the United Nations Environment Programme and the Secretariat of the Convention on Biological Diversity. The implementation of the Initiative is commissioned by BMZ to the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH. Starting in 2009, the FNI research project is aimed at improving the knowledge foundation and management related to working on ABS in Africa and internationally.

See: www.fni.no/projects/abs_capacity_development_africa.html



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Title:

Access to and Benefit Sharing of Genetic Resources in Cameroon:
Legal and Institutional Developments and Challenges

Publication Type and Number

FNI Report 8/2010

Pages

29

Authors

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ISBN

978-82-7613-590-9-print version
978-82-7613-591-6-online version

ISSN

1504-9744

Abstract

This study aims to uncover specific and general needs as well as provide insight regarding success factors for establishing and implementing appropriate ABS legislation in Cameroon. The main focus is on providing insight regarding successful institutional designs and effective capacity building for handling ABS issues. The methodology applied in this report is partly document analysis, as we look into the most central as well as draft legal framework on ABS legislation in Cameroon. The main body of our empirical data material for the report has been, however, accessed through interviews. In our interviews we asked key actors to pinpoint specific barriers to ABS policy and legislation. Institutional factors could involve coordination between various sector ministries and other interests, and the domestic distribution of authority between central and local level providers of genetic resources. Moreover, we asked whether the actors saw established institutions as being able to monitor permits to prospect genetic material as well as to develop taxonomic studies and inventories to increase knowledge about the country's biodiversity. This latter aspect relates to how science and policy interact in the decision-making process on ABS. Finally, we investigated perceptions concerning the relationship between domestic and external actors in establishing bioprospecting deals.

Key Words:

biodiversity, Cameroon, access and benefit sharing, legislation, institutions

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Acronyms

ABS	access and benefit sharing
ANAFOR	National Agency for the Support to Forestry Development
BDCPC	Bioresources Development and Conservation Programme – Cameroon
CBD	Convention on Biological Diversity
CEMAC	Economic and Monetary Community of Central Africa (or CEMAC from its name in French, <i>Communauté Économique et Monétaire de l'Afrique Centrale</i>)
CIFOR	International Centre for Forest Research
COMIFAC	Commission on Forests in Central Africa
FAO	UN Food and Agricultural Organisation
GEF	Global Environment Facility
IPR	intellectual property rights
IRAD	Institute for Research in Agricultural Development
IUCN	International Union for the Conservation of Nature
MAT	mutually agreed terms
MINEP	Ministry of Environment and Protection of Nature
MINFOF	Ministry of Forests and Wildlife
NIH	National Institute of Health (USA)
NTFP	non-timber forest products
OAPI	African Intellectual Property Organisation
PES	payment for ecosystem services
PIC	prior informed consent
REDD+	Reduced Emissions from Deforestation and forest Degradation (+ including concern for local people and ecosystem services/ biodiversity)
WWF	World Wildlife Fund

1 Introduction¹

In line with our analytical framework (Rosendal, 2010), this study will seek to uncover specific and general needs as well as provide insight regarding success factors for establishing and implementing appropriate ABS legislation in Cameroon. The main focus is on providing insight regarding successful institutional designs and effective capacity building for handling ABS issues. The case is evaluated in terms of the overall obligations under the CBD: conservation of biodiversity, sustainable use of its components and equitable sharing of benefits from use of genetic resources. In other country studies in the ABS project (Rosendal, 2010), we choose cases from medicine, agriculture and aquaculture. For the comparative perspective, we have chosen the *Prunus africana*² case from Cameroon, which is forest related and has been successful in phases (report by Samndong, 2010). In this report we take a more general approach to discussing the scope for ABS in Cameroon. For both reports, the bioprospecting cases explored are from the field of medicine and pharmaceuticals.

The methodology applied in this report is partly document analysis, as we look into the most central as well as draft legal framework on ABS legislation in Cameroon. The main body of our empirical data material for the report has been, however, accessed through interviews. These are both aspects that have been important for our choice of Cameroon as a case country. We have had very good access to both documents and interviewees through a good network of ABS experts in the country. We have interviewed (19) key actors from a variety of sectors and levels as well as domestic and international non-governmental organisations in Cameroon. For a broad discussion of benefits and challenges attributed to this extended use of the interview technique, we refer to our report on the analytical framework (Rosendal, 2010).

The ABS legal system in Cameroon is based on *Law No 96/12 of 5th August 1996, Relating to environmental management*. Chapter V, Natural resources management and biodiversity conservation, § 64 (1) states: ‘Cameroon’s biodiversity is used sustainably, especially through ... a system on the control of access to genetic resources’; and § 65 (1) ‘Scientific exploration and biological and genetic resources exploitation in Cameroon shall be done under conditions of transparency and in close collaboration with national research’ and § 65 (2) ‘An enabling decree of this law shall lay down the terms and conditions under which foreign researchers and Cameroonian research institutions and local communities shall collaborate.’ The enabling decree is yet to be decided upon. This makes a useful focus for the investigation: Why has the decree been delayed for 14 years, what is being done with a view to establishing an ABS system in line with the intentions in *Law No 96/12*, and how is Cameroon doing without its entry into force?

2 The analytical approach

As there may be a long list of factors accounting for failure, we hope to draw attention to the factors the various stakeholders themselves point to as important ingredients for a successful ABS policy (Rosendal, 2010). With this purpose in mind, we interviewed central decision-makers, both across administrative levels and from various sector ministries, along with other stakeholders from both international and domestic NGOs, as well as academia. From the ministry sector, key actors from agriculture, forestry and environment were represented. A potential weakness in our case study is the lack of inclusion of key actors from other potentially relevant ministries, such as those responsible for treasury, foreign affairs and law. Still, in total the selection has secured a quite high level of representation and has brought out a range of opinions about strengths and weaknesses of the legal framework on ABS, how the framework ended up as it did, how they view the scope for goal achievement, and what factors they see as conducive or as barriers to further developments of the legal and institutional framework on ABS in Cameroon.

In our interviews we asked key actors to pinpoint specific barriers to ABS policy and legislation. Institutional factors could involve coordination between various sector ministries and other interests, and the domestic distribution of authority between central and local level providers of genetic resources. Moreover, we asked whether the actors saw established institutions as being able to monitor permits to prospect genetic material as well as to develop taxonomic studies and inventories to increase knowledge about the country's biodiversity. This latter aspect relates to how science and policy interact in the decision-making process on ABS. Finally, we investigated perceptions concerning the relationship between domestic and external actors in establishing bioprospecting deals: Given the current lack in user-country legislative measures, what strategies are best suited for goal achievement? We also asked about views on the balance between strong ABS regulations and strengthened intellectual property rights (IPR) legislation in terms of promoting foreign investments in Cameroon.

There may obviously be different opinions not only about how to achieve a suitable policy on ABS, but also on what exactly might constitute a suitable system. In our analysis, we define suitability in terms of equitable sharing (distribution of monetary and non-monetary benefit-sharing) and also in terms of conservation and environmental concerns. We also discuss different views on suitability in terms of institutional capacity for monitoring and enforcing bioprospecting deals.

3 Institutional and legal framework for ABS in Cameroon

Starting with the general administrative system in Cameroon, the vertical division of labour in administering the country is partly based on the French legacy and partly on British and German colonial heritage. The French administrative approach consists of 10 regions, 58 divisions and a great number of sub-divisions as well as districts and villages. These make up the administrative units of Cameroon; they are all run by governors appointed by head of state. Another, parallel hierarchy is based on election and consists of 10 urban councils (for each big city in the regions), 13 additional urban councils for additional big cities in the divisions, about one hundred and fifty rural councils, each with elected mayors and council members. At these levels, however, the government also appoints supervisors in the urban councils (government delegates) to supervise the mayors, often leading to quite a bit of conflict. A third administrative system is the traditional one, which was acknowledged by British colonial powers and which consists of hereditary chiefs (also known as fons in the north-western regions) for each of the villages or clans. In some cases the chiefs may enter politics and may get elected as mayor. In other cases the chiefs and mayors vie for power, and may in addition be in conflict with the government-appointed supervisors.³

Important for understanding the central administration is how the horizontal division of labour is organised. In 2005 the Ministry of Environment and Forests was split into the Ministry of Environment and Protection of Nature (MINEP) and the Ministry of Forests and Wildlife (MINFOF). Within the central system, the distribution of power is directly linked to the decree of appointment to duty. In MINEP and MINFOF, for example, both the minister and the secretary general are appointed by a presidential decree. This gives these two positions similar power, which may give rise to conflicts. On the other hand, the technical advisers and inspector generals at the ministry are appointed by a prime ministerial decree and they are directly answerable to their ministers and to the Prime Minister. Most of the ministers work in close collaboration with these two positions. These complex administrative structures hinder coordination initiatives within the ministries (Samndong, 2010).

The conservation projects run by MINEP are to a large extent paid for by national resources, rather than external funding.⁴ We raised the question of how local people respond to and accept conservation measures in Cameroon. It was maintained that this was predominantly depending on their possibility of benefiting, for instance from hunting or sports; otherwise it was acknowledged that local people might well resort to illegal hunting.⁵ The generation of this type of local benefits is made difficult, however, as according to the national legislation local people have user rights only. User rights imply some kind of subsistence rights and do not include rights of using natural resources for sale or commercial use. We will return to this aspect later with reference to FAO and the IUCN that are engaged in widening the legal scope of user rights.⁶

Since 1992 the management of biodiversity in Cameroon has been based on the output from the UN Conference on Environment and Development in Rio, its Agenda 21 and the Convention on Biological Diversity (CBD). The 1994 law on logging and wildlife management stipulated the following way of sharing revenue from the activities of logging companies: The taxes are to be shared with 50 percent to the state, 40 percent to the council and 10 percent to local communities. If the state gives concessions to exploit, this formula must be followed. What the MINFOF deems as remaining to be done is: i) to review the 1994 law in terms of biodiversity; ii) to enhance the management of sharing revenues between the state, council and local levels; and iii) to improve the management of sharing of benefits from use of genetic resources – the international perspective.⁷ Small progress on the ABS issue at the international level means that there is no guidance on how to move forward on the issue at the domestic level.

The 1994 forests, wildlife and fishery law was promulgated to regulate conservation and management of Cameroon biodiversity. Among the different provisions of the law, logging, wildlife management and the decentralized forest model are the only provisions that have been highly implemented so far. Cameroon is the only country that has provision for benefit sharing in their forest law in the Central Africa region, but these provisions have only been implemented with a view to timber and wildlife exploitation. Legislation on ABS concerning genetic and biological resources and non-timber forest products (NTFPs) are still awaiting a decree for implementation, while the exploitation of some of these resources started as far back as 1972 (Samndong, 2010). It is therefore clear that the forest law gives more preference and value to that which concerns timber due to immediate economic returns, and neglects the value and importance of biological resources, genetic resources and NTFPs. No adequate and precise management regime has been instituted for these resources, although the government recognized their importance to some extent in order to improve livelihoods in rural areas. To this effect the government has listed some of these NTFPs and biological resources and categorized them as **Special Forest Products**, of which 5 per cent tax is imposed on any person or group willing to harvest and commercialize them. The **special products** on the list are those that require specific permits prior to logging concessions being granted, and also require a tax to be paid to make certain the species is regenerated.

In terms of coordination and division of labor, MINFOF is in charge of forest and wildlife management including protected areas; ANAFOR,⁸ the scientific authority of MINFOF, is in charge of forest inventory, reforestation and regeneration activities; and MINEP is in charge of biodiversity management, conservation and environmental protection of the country (Samndong, 2010).

However, MINFOF does realise that the compensation coming in for environmental costs (e.g. for mining) is not enough to secure regeneration of forest areas. Here MINFOF see parallels between REDD+, Payment for Ecosystem Services (PES) schemes and ABS in creating international funding mechanisms for maintaining forest ecosystem services at local levels. There is an urgent need to put more value on forests and the

ecosystem services they produce, or else water will be lost – one of the great values of the Congo basin. MINFOF staff is also engaged in trying to estimate the value and establish the same criteria for carbon and other non-timber forest products (NTFPs) such as biodiversity and water, as for logging. This could give rise to agreements similar to logging, with time frames of 20-25 years, but so far Cameroon has had no offers of support from the international community.⁹ Key actors in MINFOF realise that some of the exported *Prunus africana* is not merely used as timber in bulk but may eventually be used for its genetic resources. It is argued that when a variety is used for breeding or medicinal purposes, this means that it becomes relevant also in an international ABS perspective.¹⁰

In the following, we turn to our more specific case of access and benefit sharing (ABS) from use of genetic resources. In this area, a number of international NGOs have also been actively involved in trying to move the policy process and find solutions.

One such international NGO is CIFOR, which has done a lot of work on *Prunus*. CIFOR has done a study of the whole value chain, including medicinal, food, and household goods from *Prunus*, and mapped who benefits, where and how from these products (Ingram & Nsawir, 2007). Through this work, CIFOR has developed recommended guidelines to the government and the whole forest sector on sustainable harvest and benefits, which is found in the *Prunus* Management Plan (Ingram et al., 2009). There are advanced forest laws in Cameroon, but these laws do not include NTFPs, which could also include ABS-relevant biological material. Consequently, these products are dealt with very inconsistently. Some are on the CITES (International Convention on Trade in Endangered Species of Flora and Fauna) lists; some are on the government's **list of Special Forest Products**. Some of these products are exotic (eucalyptus), some are native and threatened, some have a scientific label and some do not, and finally, some are regulated as special forest products, such as *Prunus*. It is argued that there is a lack of logic to the list of special products. The trade in these products is visible, but revenue from their trade is not. The 5 per cent tax is collected by the Ministry of Finance and is supposed to lead to regeneration of the forest after logging activities have taken place. This is meant to be checked by MINFOF and ANAFOR, but they are not able to control the revenue.¹¹

Another actively involved international NGO is the IUCN, which is doing extended work on the links between local income and conservation. Studies show that conservation and management invariably work better when local people have a stake in this (Brown et al., 2005; Borrini-Feyerabend et al., 2004). Tenure is important and so are improved local rights, as local people currently have very limited subsistence rights according to the legislation. IUCN staff also draws attention to the timber concessions and argues that it is still unclear whether these include NTFPs. Meanwhile, 80 per cent of the forest logging concessions are given to foreign companies – so the uncertainty concerning NTFPs could very quickly raise ABS issues. In that case, the concessions would no longer be about biological resources sold in bulk (timber) only, but might

involve a whole range of material that could have great value in terms of genetic resources and their hereditary material. Instead, IUCN argues, it would be prudent to give local people rights over the NTFPs.¹²

FAO staff is of the same opinion as the IUCN on this issue. They refer to a number of EU-financed projects under way on NWFPs (non-wood forest products is the same as non-timber forest products, NTFP, in FAO terminology). Key respondents in FAO argue that the most important aspect for improved benefit sharing is to improve access rights for local people. Like IUCN, they argue that the user rights (subsistence collection) under the current legislation are not sufficient to enhance natural resources management – local people also need access for commercial use. A problem with the present system is that timber concessions include NTFPs – or at least it is uncertain whether timber concessions also give external companies the right to exploit NTFPs. Hence, the local people are excluded from their use and from benefit sharing.¹³ FAO staff is dedicated to helping Cameroon to implement this change, and argues that this will contribute to the implementation of the CBD in terms of better incentives for conservation of biodiversity.

The Commission on Forests in Central Africa (COMIFAC) has the same aim regarding user rights and has adopted the same approach as the FAO. COMIFAC is also heavily involved in the ABS issue, and especially so in Cameroon. COMIFAC has ten member countries in Central Africa and is responsible for REDD/PES activities as well as an ABS Initiative. This ABS Initiative is supported by several development agencies in donor countries (Germany's GTZ, Norway's NORAD, Denmark's Danida i.a.) and aims at capacity building along the following dimensions and phases:

- i) The ABS Initiative of 2006 first started a study on whether forest policies in the countries are taking ABS into consideration. The study concluded that Cameroon alone was doing this, through some 5-6 provisions.
- ii) Next a Working Group on ABS/biodiversity in Central Africa was set up, also in 2006, to support implementation of the CBD in Central Africa. It was stressed that in Cameroon the concept of ABS has a wider meaning than in the CBD, as it includes biological as well as genetic resources.¹⁴ This implies i.a. a special concern for checking whether the distribution of royalties' from forest logging concessions (10 per cent to local communities) is effectively implemented. Another issue that COMIFAC has looked into is the legal status of genetic resources on private lands – according to the current laws, these are state owned. Third, COMIFAC has studied the status of NTFPs and concluded that here there is a lack of domestic benefit sharing from NTFPs and that this material is undervalued.
- iii) A new study seeks to identify elements of a regional strategy on ABS. There is now a (confidential) draft to be decided on in July.¹⁵

IUCN is involved in the COMIFAC process on ABS, in defining key issues to support at the national level. IUCN argue that it is most important to reach the local people, and indigenous people such as the Pygmies,

in order to improve participation of marginalised groups. Community forestry is a flagship of Cameroon.¹⁶

From our investigations and meetings in several ministries and NGOs, it became clear that several documents on ABS have been or remains in the pipeline, most importantly:

- i) BDCPC document – this has been sent to MINEP and is now awaiting formalisation at the PM office, and
- ii) The COMIFAC document (regional).

The latter is confidential, but there is a *Draft National Policy on Access to Genetic / Biological Resources and Benefit-Sharing*, which was sent to us (confidentially) by the BDCPC.¹⁷ The draft takes the Law of 1996/12, § 65(1) as its point of departure and builds on the *CBD Bonn Guidelines on ABS* and the Royal Botanic Gardens Kew *Principles on Access to Genetic Resources and Benefit-Sharing*.¹⁸ Again we see that genetic and biological resources are treated as part and parcel of the ABS issue; this is a broad understanding among many African countries and has implications for the international debate. As we go along, we will see more of the rationale for this understanding. The draft is quite detailed on the content of ABS, such as prior informed consent and mutually agreed terms, but it does not designate any one particular institute or ministry as the focal point for ABS in Cameroon.

While this draft has come quite a long way towards formulating the necessary legal contents, it is still awaiting formalisation in MINEP. Hence, we asked how the ministry viewed the policy process. Part of MINEP's answer was that they were not heavily involved and they argued that one must first ask whether it is necessary to establish a new law, what kind of policy will be needed, and what exactly the gap between the law and the need is. Since the Law (of August 1996) is already there, it was argued, one must ask if there is a need for an amendment, or perhaps a decree.¹⁹ Others argue, however, that it is the responsibility of MINEP to translate multilateral environmental agreements into national legislation – in collaboration with sector ministries.²⁰ This displays an uncertainty or disagreement within MINEP about how to understand the legal responsibilities involved.

In the absence of a functional Decree, a focal point for ABS, or any other detailed approach to ABS in Cameroon, we asked how bioprospecting deals with external partners were actually handled. Professor Jato was with the Faculty of Medical Science (a government position) before establishing the BDCPC (1994) and has been involved in several cases of bioprospecting in Cameroon through his extended expertise about medicinal plants. The aim of BDCPC is to link conservation with the needs of the local people, and to implement the CBD. During our interview with Professor Jato and his companion Dr. Augustine, we learned about several cases, their contents and how they were handled.

The most important is the bioprospecting agreement with Shaman Pharmaceutical. The BDCPC represented the government in this agreement, and their role was to provide all the permits. There were six required permits at the time:

- 1) Permit for research from the Ministry of Scientific Research and Innovation.
- 2) Permit for access (and taking material out of the forest) from the Ministry of Environment and Forests (this was in 1995, ten years before the split; today MINFOF would be responsible for material from protected areas and MINEP for the rest).
- 3) Permit to export out of the country from the same ministry (see point 2).
- 4) A phytosanitary permit from the Ministry of Agriculture.
- 5) Licence to do forestry activities from MINFOF.
- 6) A certificate of origin from the same ministry as 2 and 3.

Unlike for instance InBio in Costa Rica this leads to a very complicated process, as there is not one focal point from which to acquire permits for bioprospecting activities. BDCPC could be that focal point in Cameroon, they argue, but so far this has not been settled.²¹

The Shaman contract included sending off 214 samples to US laboratories to search for active ingredients for the treatment of diabetes. All samples were coded by BDCPC. Relative to the expectations, the results from these examinations have so far been very small. This is rather surprising since the anticipated and 'usual' link between traditional knowledge about medicinal plants and actual medicinal activity is about 75 per cent according to Shaman's own findings (Sheldon and Balick, 1995). Local healers have explained that this failing could be due to the mix and combination of different plants that is usually involved in the treatment (and which was not done here).²²

Nonetheless, the agreement gave monetary benefits up front to the healers and collectors. It also gave benefits in kind to several Cameroonian institutes based on needs in local communities, including hospitals at regional level, the National Herbarium, the National Institute of Medicinal Plant Research and some training of local people for collection. In addition, it was agreed in the contract that more sharing would be received if Shaman came up with a discovery based on results from screening of the plant material and samples. In short, a great number of stakeholders did benefit from the agreement. According to Dr. Mbah, who went to the village and talked to people, they said it was the first time they benefited from their plants. The monetary benefits given to collectors was 150-200 000 CFA – Central African Franc, for each harvested plant, which is about one € for three harvested plants. With a total sample of 214 plants this would add up to about € 71, but the funding given to local hospitals, the Herbarium and medicinal research comes in addition. Unfortunately, we were not able to ascertain how much this amounted to. Either way, the agreement is considered the best benefit sharing yet, and truly gave local people an incentive to conserve the plant.²³

But then Shaman Pharmaceutical went bankrupt. The process from screening to getting a product on the shelf (after all the clinical testing etc) is very long and costly, so this is not an unusual situation. The research is still going on, however. Shaman Pharmaceutical was bought by Shaman Botanical (it is a less cumbersome process to get permission to sell a botanical/herbal product rather than a medicinal one), and then sold again to NAPO Pharmaceutical. The first time, the contract was renewed by Dr. Augustine, but he had not yet done the renewal after the second takeover.²⁴ This raises interesting questions about what happens to bioprospecting agreements when the user goes bankrupt, which is not an unusual situation in the pharmaceutical sector. It is also quite common to see rapid takeovers in this sector – and that may well turn out to be problematic for the providers, who may find it hard to follow up who is responsible for complying with the obligations of the bioprospecting agreement. This adds to the problematic situation in Cameroon, where there is also uncertainty about who the responsible domestic actors are in terms of following up contracts for bioprospecting.

Another case of bioprospecting concerns *A. korupensis*, a plant growing in Korup National Park, which have possible agents against HIV and cancer. It is still in the process of being tested for toxic elements, there is clinical field testing to do, and as yet no patent is pending. Professor Jato is the core discoverer and the USA (National Cancer Institute under the National Institute of Health) has asked for clinical testing in Cameroon.²⁵

Finally, we also interviewed key actors in the agricultural sector, although this is not central to the predominantly forest case in Cameroon. The Institute for Research in Agricultural Development (IRAD) is engaged in maintaining field varieties and local gene banks for all varieties of land races, including both plants and animals. MINEP is responsible for biodiversity at all levels nationally, and IRAD deals with the domestication of plants and animals. We were told that there is a long tradition of sharing these resources – improved varieties from IRAD – almost freely (at a government subsidised 300F/kg rather than the market price of 700F/kg for seeds), both domestically and with neighbouring countries. There may be some differentiation between small-scale farmers and large-scale, who will be asked to pay more. At any rate, it would be too hard to control the seed material and the policy is that it should all be shared as freely as possible. But one could ask for more payment for commercial export, Dr. Ngeve admits. Some of these plants are in the multilateral system (ITPGRFA) and Dr. Ngeve could see no conflict here with ABS; the two can develop in harmony, he argued.

This brought up a question of what would happen if Monsanto should ask for free access to a particular variety of drought-resistant sorghum and then put restrictions on it by patenting it later. In the view of Dr. Ngeve, it was likely that if Monsanto really wanted the variety they would be able to get hold of it somehow. But ideally they should enter into a contract and pay for it. Dr. Ngeve is aware of the work done by Dr. Mbah at the Academy of Science in developing guidelines for such deals and that the guidelines are pending in MINEP, awaiting clearance by the Prime Min-

ister.²⁶ While there do not seem to have been any negative experiences, or indeed any experiences at all, of either bioprospecting or ‘biopiracy’ in the agricultural sector, we found that the same high level of awareness about ABS issues could be found here as in the medicinal sector. Almost all actors agree on the need to establish a functional legal and institutional system for ABS in Cameroon. In the next section we will discuss why this has been difficult to achieve.

4 Explaining the situation

In our analytical framework for these case studies we have basically pinned down three major dimensions of factors that are believed to be important for the success or failure of ABS policies (Rosendal, 2010). The first is the domestic institutional capacity and competence in dealing with ABS, the second is the cognitive dimension – the relationship between science and policy in relevant decision-making processes, and the third is the effect and role of external actors. While we sought to avoid posing leading questions about the challenges and needs for ABS, we still found that almost all actors made reference to either two or all three of these general factors. In addition, we learned a great deal of specific details of how these factors may affect policy-making in Cameroon.

4.1 Institutional capacity and challenges for ABS policies

What are the barriers to moving forward on ABS legislation? Raising this question first with MINEP, we learned that the main bottlenecks are due to an unclear division of labour, especially due to the split between environment and forestry from one into two ministries in 2005. MINEP does have the mandate to translate international environmental agreements into domestic legislation, but needs to do this in collaboration with several sector ministries. Then the question arises of who is responsible for what – there are several ministries responsible for overlapping issues. Nonetheless, the intention is to consult with all key actors in the legislation process.²⁷

Secondly, MINEP argued that problems are also very much linked to capacity – and to who has the necessary resources and competence to go through with and take the lead in legislation. This is mostly a question of differing competence between forestry and agriculture, but there is also the issue of how to balance access with patenting. The African Intellectual Property Organisation (OAPI) of 1977 was revised by the Bangui agreement in 1999 (Mahop, 2004). OAPI means that patent legislation is addressed at a regional level for many African countries and that there is little domestic patent legislation being developed. A central question here is how important patent legislation is for innovation and for encouraging foreign investments in Cameroon. These questions about IPR legislation also imply that there is a need to cooperate with the Ministries of Justice and of Commerce. The parts of the central administration which are responsible for patents must also be brought into the discussion on general ABS issues.²⁸

Exploring the relationship between MINEP and MINFOF, MINEP has to collaborate with MINFOF on management of natural resources, but sometimes responsibilities overlap and conflicts arise. Most recently conflicts arose in 2009 over forest logging companies: MINEP was trying to monitor the companies' conservation activities and noticed that the companies failed to reforest and plant, as was stipulated in the agreement. The companies complained about MINEP's interference, and eventually

the Prime Minister intervened and made MINEP stop monitoring the activities of the logging companies. MINEP is still not allowed into the logging areas, even though it is their mandate to monitor these activities.²⁹

This view of the relationship between MINFOF and MINEP is rather different from how this is seen from the Ministry of Agriculture's point of view. Dr. Ngeve argued that the government has given MINEP the mandate to coordinate this type of activity, including all types of biotechnology (forestry, fisheries, and livestock); hence, MINEP gets all the money for biodiversity.³⁰

Nevertheless, this raises the question of how MINFOF sees their role and their relationship with MINEP. MINFOF staff very candidly explains that there used to be one ministry which worked well as a team, but that this changed with the 2005 split. The division has led to deterioration in teamwork as well as greatly decreased the flow of information between the two. The same MINFOF respondent also argued that other countries have gone back to having one ministry for environment and forestry, and that Cameroon should do the same in order to improve the structure for managing multilateral environmental agreements. This was also seen as very important in order to go forward with ABS legislation, as the ministries are currently too divided to do it.³¹

The split between environment and forestry seemed to be very important, and this issue was also pursued in interviews with key ABS experts in the academic sector. Dr. Mbah of the Academy of Science agreed that the most important bottleneck to improving the management of ABS was linked to this split and the ensuing overlapping responsibilities of MINEP and MINFOF. This has led to continuous fights over resources and lack of coordination mechanisms. Neither of the two ministries is in a position to take the lead, as neither is willing to take orders from the other. One example was that of MINFOF declining to show up for an ABS meeting, simply because the meeting had been called for by MINEP.³² Another example was given by the IUCN: The MINEP and MINFOF do not want to understand each other and this brought about a fight over a GEF project – MINEP did not want to act on the proposal simply because it was submitted by MINFOF.³³ IUCN also works to support Cameroon in implementing the CBD, and this implies working with both of these two ministries. According to the IUCN, this is particularly complex in the biodiversity issue area.³⁴ According to CIFOR, the coordination problems are not restricted to MINEP and MINFOF; there are also problems of cooperation with the Ministry of Finance and with the Ministry of Agriculture.³⁵ Summing up, even though MINEP has the formal responsibility to follow up on the implementation of the CBD, including ABS issues, they have small political scope for actually going through with this.

On a slightly different note, these turf wars sometimes result in Ministers being afraid to make decisions, fearing that they may make the wrong move that may boomerang later. Basically, this is because they all have much respect for the President (and to some extent the Prime Minister) and here the centralisation of the French system is part of the bottleneck. The centralised culture of the French system will sometimes clash with

the decentralised English system. The English made deals directly with the traditional chiefs, while the French imposed their own administrative hierarchies (with the appointed heads or governors of regions, divisions, sub-divisions and districts alongside the elected mayors of urban and rural councils, sub-councils, and villages).³⁶

A related problem with the French legacy is that this has brought about legislation saying that all land belongs to the state, while local people have user rights (subsistence) only. In West Cameroon this is different, because there the English and the Germans entered into contracts directly with the traditional chiefs. The legal pluralism in Cameroon adds to the difficulties, as the traditional systems will sometimes conflict with those of the state.

This state of affairs also has implications for the ABS decision-making process. For bioprospectors it is not enough to have permits from the government, they also need permission from the chiefs. Especially in the North-West (English regions) this has implied that the sacred forests of old are particularly well preserved. This view is corroborated in the article of Mahop (2004:436) where the ritual ceremonies for accessing sacred forests are described. Meanwhile, in the South and East, where the French system dominates, the administration has not paid attention to the local chiefs, or to indigenous people, such as the Pygmies. Conservation is hence less successful.³⁷ Under these conditions, it is also difficult to build coalitions, both internationally and nationally, when local people do not trust their governments.

On a methodological note, one must consider that all this discontent with the French legacy was related to us by people who are very central in the central administrative system in Cameroon, and that these interviews took place well within the French parts of the country. On the other hand, we know that many (the majority) of our respondents actually originate from the North-Western regions, which constitute the English regions of Cameroon. This raises the question of whether there is a higher percentage of highly educated people in the central administration that have this origin or whether the selection is rather due to our prime key actors who helped us chose interviewees.

Another problem relating to institutional factors is that since the division between the ministries, the MINEP changed a lot of the staff. This was done partly to show efficiency and partly to give employment opportunities to younger people. In effect, much has been lost in terms of stability, competence and payment, as all staff over 45 were sacked – but then had to be hired back as consultants at 30 times the price. Their roles as very experienced consultants may sometimes bring internal conflict to the ministries, as some of these technical experts work directly with the minister and some work for the secretary general.³⁸

Zooming in, we looked at the bioprospecting deals going on in Cameroon. The general verdict is that a lot is going on, but no one has an overview of it all (more about this point in section 4.3). Several actors

claim that many foreigners go directly to the local people.³⁹ Others claim that foreign companies are being sent to the local communities by the MINEP.⁴⁰ The problem is that there is no one way of dealing with the requests for bioprospecting – although the legal basis is really already there to develop Memorandums of Understanding or Material Transfer Agreements.⁴¹ All our respondents agree that there is a need to coordinate this better, but that this is made very difficult by the present turf war between MINEP and MINFOF over the issue of ABS and bioprospecting. The ministries have different and overlapping responsibilities and that makes coordination difficult, as there is no focal point. The concurrent view was that this was an issue on which the President or the Prime Minister Philémon Yang should decide.⁴² During our discussion with the Prime Minister this view was conveyed.⁴³

Central members of the national NGO, *Bioresources Development and Conservation Programme – Cameroon* (BDCPC) regret that the government does not seem to be interested in following up this kind of activity. The result is that each time the issue of bioprospecting is up for discussion, the debate starts at scratch and there is no way to make progress or for Cameroon to be proactive on ABS. They argue that the government should appoint a focal point (preferably the BDCPC) and place it right under the Prime Minister to avoid turf wars between the other ministries.⁴⁴

There are several key actors arguing that national NGOs could take the role of a focal point for ABS, along with scientific institutes.^{45, 46} There is a strong trend for retired government officials to be joining these NGOs, so a lot of competence gets spread around. This is of course a rather classical situation in many countries, not at all special to the Cameroon case. These are quite influential and very knowledgeable people; they are much needed in tackling issues of bioprospecting, but at the same time a bit intimidating to the ministers. Most ministers are happy to use them, but they keep retiring them to make space for younger people – even though they must then be hired back at much higher consultancy costs.⁴⁷

Digging a bit deeper in the cases of bioprospecting, we discussed what exactly went wrong. Some argue that Shaman was too generous, too optimistic, and too naïve; but it could also be argued that Shaman was mainly unlucky. This is because the risk of failing is much lower when there is already traditional knowledge about the medicinal traits. In the former case, one could argue that the main lesson is that hopes should not get too high for benefits to be shared. Moreover, this could substantiate the view that countries should not ask for too much in bioprospecting agreements, as most companies are really honourable and will give what they can. On the other hand, there is the question of who actually benefits from the many bankruptcies and take-overs in the multinational pharmaceutical sector and how poor provider countries are supposed to deal with this situation.

A third aspect raised by this case, is whether the process of entering into bioprospecting deals is too complex. With a view to all the permits required (and since the division between MINEP and MINFOF, even a couple more may be needed, due to uncertain division of labour) the com-

plexity is certainly quite great.⁴⁸ On the other hand, it is not clear how this may have affected the outcome of the Shaman contract. Shaman failed to get medicinal results and they went bankrupt, seemingly due to this and many other similar cases. This does not refute the generally great returns within the pharmaceutical sector, one of the most prosperous worldwide; the particular situation may be idiosyncratic to Shaman pharmaceuticals.

Let us take another look at the *A.korupensis* bioprospecting case, the herb with potential ingredients to fight HIV and cancer. The draft contract with the USA National Institute of Health (NIH) was originally in English and then reputedly inadequately translated to French with ensuing uncertainty about ABS and benefits for Cameroon. The agreement needed authorising from the President or the Prime Minister, but this has so far not been concluded. This case has been given broad attention from the media, which have been asking questions about the conditions under which external actors can access biodiversity in Cameroon. In any case, the contract will come too late, as the material has already been accessed.⁴⁹ A third case involved the Swiss Federal Institute of Technology, who wanted an agreement for a student to take samples of genetic material back to Switzerland for laboratory testing. This was discussed in a MINEP meeting where Dr. Mbah walked out because the conditions asked for were too high financially. The other side of the story is that the Minister did not dare sign due to lack of ABS framework. In either case, the agreement was never signed.⁵⁰ We will have more to say on these bioprospecting agreements in the next section.

While all our interviewees agree on the problems rising from the turf-wars between ministries, most actors also point to the problem of corruption.^{51, 52, 53}

The challenges for an ABS policy with a view to the institutional framework can be summarised as follows:

1. Weak governance and inadequate law enforcement

Most of the government officials and politicians lack the commitment to effectively enforce and implement the law. They focus more on their political agenda and strategies to prolong their mandate. We were informed that most of the bureaucrats and politicians both at the central and local level in the forestry and environmental sectors focus more on timber and wildlife resources because of direct economic benefits. This behavior has impacted the ambition to institutionalize and regulate other potential biological resources and NTFPs.

The monitoring and enforcement of the law is generally weak, as the borders of the country are easily passable. Many valuable biological resources are easily tradable to neighboring countries without any monitoring and control.

An important factor to emphasize here is corruption at both the central and local levels. The fact that most government officials benefit from bribes affect them in enforcing and implementing the law effectively. The

complexity of the central administration when acquiring exploitation permits has also amplified the corrupt habits, since even with or without permits you have to pay bribes to keep business moving.

2. *Legal Pluralism*

An important challenge to the ABS policies is that the legal framework of forest management and biodiversity conservation undermined customary rights to land and resources to subsistence use only. This has created a situation of legal pluralism where customary laws to land and resources compete with state laws and private title to land (logging concessions) over access and use of land and resources.

4.2 Science and politics in ABS decision-making

In this section we look into the cognitive aspects and needs for knowledge in the policy process. Most of our key respondents stressed the lack of scientific input in the decision-making processes relating to ABS as a major explanation for lack of success. It is important to note here that when our respondents are talking about ABS issues, it is most often implied that this concerns conservation and natural resources management in general. At the Academy of Science, a list was provided on the needs for building up capacity and competence in ABS:

1. National capacity building: Stop the brain drain and retain educated people by establishing a system of receiving students educated abroad and returning to Cameroon. Some of the lack of implementation is due to reluctance to pay for necessary studies.
2. Examine needs for IPR systems to enhance innovation.
3. Increase capacity for value added products (model agreements).
4. Address the very high level of corruption.
5. Address the lack of awareness of people to these issues. There is a lack of sensitivity among people at all levels.⁵⁴

At the Institute for Research on Agricultural Development, we achieved a similar list of what was lacking in capacity and competence building:

1. Lack of adequate agricultural research; Ministry of Agriculture should also be more involved.
2. Need to get more revenue from innovation and breeding activities.
3. Need to monitor technology in order to share innovation in breeding with farmers.
4. Lack of capacity, competence and institutional resources, not least at the local level.⁵⁵

The FAO representative pointed to lack of awareness among politicians as the main barrier to successful ABS implementation. According to FAO staff, it is important to educate people at local levels about the value of their natural resources; this will provide better management of natural resources. For this to succeed, however, user rights must also be expanded to commercial rights. FAO staff is confident that this new policy will be passed; the political willingness is developing.⁵⁶

An overall problem which explains the lack of biodiversity conservation, is that presently all legislation is focused on timber in Cameroon. Hence, the government fails to evaluate the biodiversity and to provide biodiversity inventories before giving timber concessions. There was more awareness about these links between forests and biodiversity before the split between the MINEP and MINFOF, many argue.⁵⁷ This gives rise to major knowledge gaps about the value and patterns of biodiversity. The forestry laws are there, but there is a lack of regulation of non-profit aspects of biodiversity, the ecosystem services.⁵⁸ In effect, quotas (for logging) are given, but these are not based on scientific knowledge about the abundance of a species. A critical example is the plant *Rauwolfia* – there is no knowledge about its abundance in Cameroon and no control of collection activities – even though this is a typical case of an ABS species.⁵⁹

The FAO also point to the lack of logic and lack of scientific basis concerning the government's **lists of Special Forest Products**. These special products are those that require specific permits prior to logging concessions being granted. They also require a regeneration tax of 5 per cent to be paid to make certain the species is regenerated. However, it is argued that the list is not based on an understanding of the abundance of or the endemism of a native species; hence the regeneration tax is not used purposefully. Many research institutes and organizations have criticized this list of special products for being inconsistent and lacking scientific and inventory information. They further indicate that many NTFPs of biological and economic value with important genetic components are exploited and commercialized for free, as they are not listed in this list. It is important for the government to carry out proper inventory and evaluation of the country's biodiversity before they institutionalize regulatory mechanisms – but the question is who will pay for this. If biodiversity inventories are not paid for, the country will lose important species. This was partly the basis for MINFOF asking for the *Prunus* management plan to be developed.⁶⁰ This would seem to indicate that there is awareness in the ministry about these needs.

However good the scientific knowledge is, being on the list of special products or not may remain without great consequence, as there is more to be paid in bribes than in securing permits. Hence, even if you do get a permit you still have to pay bribes on top of that. Why then go to all the hassle of getting a permit?⁶¹ This also shows the need to revise the 1994 forestry law in order to include NTFPs.

Both CIFOR and FAO see important roles for themselves here and aim to inform and influence politicians and increase awareness about the value of species – *Prunus* may not be the most important of these.⁶² Information does tend to get around, as people have many hats (scientist, NGO, consultant, public servants), but the government still fails to ask for science-backed decisions.⁶³

Let us also consider how science and politics may play out in the bioprospecting cases. With a view to *A. korupensis*, we have seen that some

claim that the US stole it and the media went wild over the story. Another side of the story, however, is that the active ingredients of the plant were discovered in collaboration with the National Institutes of Health (NIH) and the National Cancer Institute of USA. There may be anti-cancer traits associated with the plant as well as anti-HIV traits. According to the Cameroonian scientist working on this case, there will be sharing of benefits with Cameroon if testing is finally successful.⁶⁴ A third central aspect of the case is that the plant is scarce and it is very hard to grow and domesticate. There is currently a great need to fund projects for domestication to save this herb (and others also), but the government is not contributing.⁶⁵ Here one might argue that it could have been pertinent for the NIH to offer to pay for some of the domestication and conservation work needed. In ten Kate and Laird (1999) the *A. korupensis* case is described in some detail and at some points in time there has been funding for its domestication from the NIH. This again brings up the question of whether there is a tendency for Cameroon to ask for too much in bioprospecting agreements. From the academic point of view, this aspect was met with the perception that non-scientists (politicians) do not understand the dynamics of these contracts and the energy that goes into understanding and examining the material.⁶⁶

4.3 External actors' role in and effect on ABS policy

This section deals primarily with the external companies doing bioprospecting in Cameroon, but also with the role of international NGOs in this issue area and with the role that the multilateral environmental agreements in general may play in affecting the scope for ABS management in Cameroon.

A very difficult question turned out to be how to get a grip on the scope and amount of bioprospecting that is actually going on in Cameroon. On the one hand it was argued that research on microorganisms and medicinal plants has little domestic funding, and hence foreign activities are both needed and increasing. This view was also found in an article on bioprospecting in Cameroon by Marcelin T. Mahop (2004). Moreover, in a legal sense the external actors must secure a permit from the MINFOF (if bioprospecting activities take place within protected areas) or from the MINEP (other areas) – but there is reason to concede that in practice this may not happen.⁶⁷ On the same note, several key actors claimed that there are a lot of external researchers coming to Cameroon, and that the authorities are not always aware of their activities. *A. korupensis* (the potential HIV and cancer active herb from Korup national park) was cited as an example, and it was stressed that this meant that Cameroon needs help from the international ABS process in the CBD with a view to controlling foreign activities and also to stimulating investments. As there is little domestic R&D, Cameroon needs the CBD to increase the moral of external users to conform to the principles of PIC and MAT.⁶⁸ As the international negotiation process ABS has not moved very fast, it is clear that Cameroon has not had the pull it had desired in this area from the international arena.

On this same line of argument, it was noted that many traditional healers cooperate directly with external companies, because politicians shy away

from the issue. There is a lack of resources for biodiversity conservation and a lack of understanding of the need for conservation of biodiversity and its ecosystem services. Hence, there is a lack of political awareness of the need to have permits for taking out samples.⁶⁹

On the other hand, some of our interviewees noted that the central administration may have an overrated sense of how much bioprospecting is going on. In any case, they cannot substantiate their claims and fears about the scope of these activities. Of course, this type of activity is taking place all over the world, but it may not be to the extent envisaged; there is a lot of paranoia about bioprospecting.⁷⁰ The more sober view of the scope of bioprospecting was corroborated by the IUCN. They concurred that there is a lot going on, but probably not as much as rumoured. It is no less serious, however, that the government does not know how to deal with what is going on with a view to bioprospecting. In addition to the case of *A. korupensis* there are also quite a lot of activities relating to collection of frogs and reptiles. In any case, a first priority would be to find out what is actually going on.⁷¹

We inquired about how an international ABS regime could be useful to Cameroon. This link to the international ABS negotiations raised the question of whether a regime would need to distinguish between international and domestic benefit sharing (8j). Some argued that it would be good to separate these in the legal framework and also to include all biological resources.⁷² Others said that an ABS system should encourage partnerships rather than distinguish between domestic and international benefit sharing. There was widespread agreement that it is the local people that are really managing the natural resources, and the terms must be balanced with this in mind.⁷³

The effects of external actors such as the IUCN and CIFOR may be a two-edged sword. It was maintained that it was important to make people see the benefits of dealing with the government rather than with external companies – or with international NGOs. For the long term survival of a management system, it is a problem that the NGOs are doing the job that the government should be doing. Cameroon could learn from Kenya, which has more legitimacy in how the government is dealing with conservation and tourism, and in effect experiences fewer problems with bush meat and illegal hunting. It is also better to work with domestic NGOs than with the international ones, as this ensures a greater scope for sustainability and permanence. The BDCPC is one such group, as it receives funding from a great variety of sources.⁷⁴

On the same note, the international ABS negotiations show how African governments need to cooperate for added strength. During our interview with FAO representatives, a dominant view was that the multinational pharmaceutical companies are so much stronger than domestic actors in poor countries and they are prone to take the resources free of charge.⁷⁵ Again we met a strong notion about the amount of bioprospecting taking place in Cameroon, but we have not been able to corroborate the quantity of these activities.

We also asked about the relationship to other international MEA, most particularly between an international ABS regime and the FAO International Treaty on plant genetic resources for food and agriculture (ITPGRFA). From the Academy of Science, Dr. Mbah argued that he could see no problem; the two systems complement each other – although some coordination may be needed.⁷⁶ Mary Fosi Mbantenkhu, supported by the representative from the Ministry of Agriculture, had a less optimistic view of the relationship and argued that the ITPGRFA is not useful to Cameroon and that it should not be broadened. This is because a lot is lost in the multilateral system of FAO and, if it is part of the multilateral system, a seed or variety do not get any value attached to it.^{77, 78}

It was also argued that the overall experience of dealing with foreign companies had not brought many benefits to Cameroon so far. *Prunus* has been extracted from Cameroon since the 1970s, but there is still no technology transfer to Cameroon. Hence, there is indeed a need for stronger ABS legislation – but not too strict.⁷⁹

4.4 Observations from and recommendations for the local and community level⁸⁰

At the local level we visited two community forests in the North-West region (The Oku region with six Community Forests in the Kilum-Ijim Community mountain forest area and the Baba II Community mountain forest). These forests are part of the Afromontane forests found in West Africa. They contain varieties of plant and animal species, including some endemic bird species found only in these forests. There are also some important plant species with potential genetic components for medicinal purposes (Tchoundjeu et al., 2004; Betti, 2001). We also visited two local forest areas in the Central region, the Baminkom Kala Community Forest and the Mbalmayo Forest Reserve. There had been some cases of bioprospecting in the latter area, but no detailed information was available. The characteristics and attributes of all these forests make them worthy of being conserved and managed in a sustainable way. During our talks, some important issues were identified in the management of the forests:

- In the North-Western highlands of Cameroon, local institutions of community forest management are relatively well organized and have great concern about biodiversity conservation in their region.
- These communities have designed mechanisms of collecting benefits from external actors who want to access their forests for touristic or research purposes.
- We noticed that the traditional institutions in this region are very strong and work closely with the local institutions for effective management of the forest.
- The local institutions here have designed a harmonized mechanism for benefit sharing, which is implemented across the entire region and is very efficient as acknowledged by the local people.
- There are also some income-generating activities apart from the benefits derived from forest management and *Prunus* exploitation that are undertaken by the locals within the community forests, such as bee farming, woodcarving and eco-tourism activities.

- A striking observation was the clear demarcation of the community forest area from agricultural land areas. This clearly indicates that there is no encroachment of farmlands in the community forests. The local people access the community forests to collect fuel woods, poles for construction, woodcarving and to carry out bee farming.
- In the Central region the regulation and management of community and local forests seems to be less stringent and less well-coordinated compared to the North-West regions. Sharing of benefits from forest use was perceived as important also in this region, but it was less clearly laid out.

We also identified some setbacks and challenges these communities face in managing and conserving the forests:

- The need to build local capacity on proper evaluation and sustainable use of their biodiversity.
- The need to develop mechanisms to effectively control illegal activities within the community forests (see next section).
- The need to secure the access and user rights for local people to land and resources is still important, especially for marginalized groups (like women and Baka Pygmies in southern forest areas).
- There are high transaction costs associated with developing a simple management plan for community forests every five years and having it accepted and approved by MINFOF.
- There are challenges related to the shared management of forests where there is state ownership but partly locally managed community forests, like in the Mbalmayo Forest Reserve.

*On the possibility to control the Cameroonian borders*⁸¹

The weak borders of Cameroon are attributed to its membership in the Economic and Monetary Community of Central Africa (or CEMAC from its name in French, *Communauté Économique et Monétaire de l'Afrique Centrale*), an organization of states of Central Africa established by Cameroon, Central African Republic, Chad, Republic of Congo, Equatorial Guinea and Gabon to promote economic integration among countries that share a common currency, the CFA franc. CEMAC's objectives are the promotion of trade, the institution of a genuine common market, and greater solidarity among peoples and towards underprivileged countries and regions. In 1994 it succeeded in introducing quota restrictions and reductions in the range and amount of tariffs. Currently, CEMAC countries share a common financial, regulatory, and legal structure, and maintain a common external tariff on imports from non-CEMAC countries.

Cameroon is a member of CEMAC and hosts most of the administrative offices of CEMAC. It is also the feeding basket of the sub-region and the only country with a well developed legal framework and policies for the management of natural resources in this sub-region. COMIFAC is the focal point of forest and biodiversity management of this sub-region, with

headquarters in Cameroon. COMIFAC's main agenda is to develop a harmonized system of forests and biodiversity conservation and management in this sub-region.

5 Conclusions and recommendations

Summary of challenges:

1. *Governance and institutions:* Lack of coordination, fragmented and conflicting responsibilities and division of labour, especially between the MINEP and MINFOF, are important barriers. In effect, ministers are in conflict or reluctant over who should take the lead in ABS legislation, deal with bioprospecting contracts and follow them up. There is a need for a focal point and a clear mandate about who should be responsible for all of this, and directions must come from the Prime Minister or President. This could be a high level horizontal cooperation mechanism, directly subordinated to the Prime Minister or President, in the form of a commission with relevant actors that could provide clear advice about how to proceed. The lack of specific legislation, the much awaited decree based on Law 1996/12, is also part of this lack.
2. *Science and knowledge:* There is a substantial lack of knowledge about the value, distribution and trends of biodiversity in Cameroon. There is similarly a lack of incorporating what knowledge there is into relevant decision-making and where to set limits for use to make it sustainable. The legal framework is enhancing this situation as presently all legislation is focused on timber – not biodiversity, in Cameroon.
3. *Uncertainty about bioprospecting activities* and hence also about the effect of external users. Our inquiries raised the question of what happens in situations where bioprospectors go bankrupt and also pointed to the need for more elaborate studies of bioprospecting focusing on user actors and activities.
4. *Corruption.* Cameroon has topped the international list of most corrupt country twice. Now this problem is being dealt with politically,⁸² and this is clearly a precondition for the rest of the benefit-sharing system to work. Why bother getting permits if you still have to pay the same bribes – in addition to paying for the permits – in order to carry out bioprospecting?
5. *Consistent thinking with a view to domestic IPR legislation.* Balance investment needs with needs for local and poor people to access medicines and improved breeding material. This could involve a discussion of how to strengthen the search for *prior art* in IPR legislation in order to avoid appropriation of traditional knowledge, which are reputedly very vaguely addressed in the current Bangui agreement of the OAPI (Mahop, 2004).
6. *The Prunus africana case raises the important issue of distinguishing between biological and genetic resources:* The problem relates to the indirect use of biological resources as genetic resources. The timber is sold in bulk as biological resources but the genetic information contained in the material may later be used for either medicinal

or breeding/cultivation purposes. *Prunus* is known for its pharmaceutical traits and it is also possible to visualise that a variety of *Prunus africana* may turn out to be valuable for improving the plant in cultivation. Both of these areas of utilisation are relevant and important to the international ABS negotiations. At the time of writing, important outstanding issues in the negotiations are the definition of utilization of genetic resources and how to handle derivatives (Schei & Tvedt, 2010; Tvedt & Rukundo, 2010). Most crucially, should ABS be linked to the point of access or to the point of ABS-relevant activities? A related point is how this illustrates the limited help that developing countries have so far had from the international ABS process.

7. *Benefit sharing at local level* is necessary in order to make conservation effective. The issues of user rights versus commercial rights as well as tenure rights are important here. There is also a call for improved concern for and participation of indigenous and local people in decision-making.

Notes

¹ This report is based on an interview study tour to Cameroon by G. Kristin Rosendal, Peter Johan Schei and Raymond A. Samndong, 11-19 April, 2010. We are very grateful to our interviewees, who were very knowledgeable and shared their insights candidly with us.

² *Prunus africana*, or Red Stinkwood is an evergreen tree native to the montane regions of Sub-Saharan Africa and the Islands of Madagascar, Sao Tome, Fernando Po and Grande Comore. The timber is hardwood and widely exported, while an extract, pygeum, a herbal remedy prepared from the bark of *Prunus africana*, is used to treat a benign prostatic hyperplasia (BPH). The collection of mature bark for this purpose has resulted in the species becoming endangered.

³ 13 April 2010: interview with Dr. Mbah, Academy of Science, Mary Fosi Mbantenkhu and NN, engineer, the Ministry of Agriculture and Rural Development. This section is partly based on discussions with Raymond Achu Samndong, research fellow, Norwegian University of Life Sciences and the Fridtjof Nansen Institute.

⁴ 12 April, 2010: interview with key actor in Division of Conservation, MINEP.

⁵ 12 April, 2010: interview with key actor in Division of Conservation, MINEP.

⁶ 12 April, 2010: interview with key actor in Division of Conservation, MINEP.

⁷ 12 April, 2010: interview with key actor in Ministry of Forests and Wildlife/Fauna (MINFOF).

⁸ ANAFOR is the National Agency for the Support to Forestry Development.

⁹ There is an interesting precedent now as Ecuador has recently (August 2010) acquired the acceptance of receiving international funding for keeping large reservoirs of oil in the ground in order to save part of their rainforest and the ecosystem services provided there.

¹⁰ 12 April, 2010: interview with key actor in Ministry of Forests and Wildlife/Fauna (MINFOF).

- ¹¹ 13 April 2010: interview with Verina Ingram, CIFOR Central Africa, Regional Office.
- ¹² 15 April 2010: interview with Cleto Ndikumageng, Forest Programme Officer, and Leonard Usongo, Regional Director, IUCN.
- ¹³ 13 April 2010: interview with Dr. Ousseynou Ndoye, Regional Coordinator, the FAO Representation in Cameroon.
- ¹⁴ This is i.a. apparent from the text of Law 96/12, § 65 (1), see introduction.
- ¹⁵ 12 April 2010: interview with Mr. Nchoutpouen Chouaibou, consultant in charge of biodiversity in the Commission on Forests of Central Africa (COMIFAC) and Mrs. Justice Prudence Galega, Ministry of Environment and Protection of Nature (MINEP).
- ¹⁶ 15 April 2010: interview with Cleto Ndikumageng, Forest Programme Officer, and Leonard Usongo, Regional Director, IUCN.
- ¹⁷ 13 April, 2010: interview with Chief Augustine Bokwe and Mary Fosi Mbantenkhu, Centre for Environmental Forestry and Agriculture.
- ¹⁸ www.kew.org/conservation/docs/ABSPolicy.pdf Accessed 30 April 2010.
- ¹⁹ 12 April, 2010: interview with key actor in Division of Conservation, MINEP.
- ²⁰ 12 April 2010: interview with Mrs. Justice Prudence Galega, Ministry of Environment and Protection of Nature (MINEP).
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- ³³ 15 April 2010: interview with Cleto Ndikumageng, Forest Programme Officer, and Leonard Usongo, Regional Director, IUCN.
- ³⁴ 15 April 2010: interview with Cleto Ndikumageng, Forest Programme Officer, and Leonard Usongo, Regional Director, IUCN.
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- ⁴¹ 13 April, 2010: interview with Chief Augustine Bokwe, Centre for Environmental Forestry and Agriculture and Mary Fosi Mbantenkhu, Principal Civil Administrator (Jurist), Chairperson, Tender's Board – National Commission on Human Rights and Freedom, Member, Civil Service Supreme Council, Cameroon, Environmental Consultant.
- ⁴² 13 April, 2010: interview with Chief Augustine Bokwe and Mary Fosi Mbantenkhu, Centre for Environmental Forestry and Agriculture.
- ⁴³ Meeting with Prime Minister Philémon Yang, 15th April 2010.
- ⁴⁴ 14 April 2010: interview with Professor Johnson Jato and Mr. Augustine Njaminshi; Founding President and Executive Director of Bioresources Development and Conservation Programme – Cameroon.
- ⁴⁵ 13 April 2010 Interview with Mary Fosi Mbantenkhu, Principal Civil Administrator (Jurist), Chairperson, Tender's Board – National Commission on Human Rights and Freedom, Member, Civil Service Supreme Council, Cameroon, Environmental Consultant.
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- ⁵⁸ 15 April 2010: interview with Cleto Ndikumageng, Forest Programme Officer, and Leonard Usongo, Regional Director, IUCN.
- ⁵⁹ 13 April 2010: interview with Verina Ingram, CIFOR Central Africa, Regional Office. Rauwolfia is a plant known to i.a. reduce blood pressure, it is declining world wide due to collection for its medicinal use.
- ⁶⁰ 13 April 2010: interview with Dr. Ousseynou Ndoye, Regional Coordinator, the FAO Representation in Cameroon.
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- ⁸⁰ This section is written by Raymond A. Samndong and Peter Johan Schei.
- ⁸¹ Section written by Raymond A. Samndong.
- ⁸² Meeting with Prime Minister Philémon Yang, 15th April 2010.

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