

ABS IN CAMEROON

Overview of legal requirements, procedures and relevant authorities

International agreements

- *Convention on Biological Diversity (CBD): Party since 17 January 1995*
- *The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization (Nagoya Protocol): Party since 28 February 2017*
- *International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA): Party 19 March 2006*

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Introduction

Cameroon, located in Central Africa, is often called “Africa in miniature”. It has a diversity of landscapes and climates, largely representative of Africa’s ecosystems. It also has a wide diversity of flora and fauna, with a high degree of endemism. Such rich biodiversity has been integrated in the country’s vision for growth and development, which is reflected in rules on access and benefit sharing (ABS).

Cameroon has ratified the Nagoya Protocol on ABS and is in the process of adopting a law to implement its provisions. In the meantime, it has adopted interim terms and conditions for ABS and is taking forward a number of cases. This factsheet outlines requirements in the interim ABS framework in Cameroon and their scope, with a focus on access for commercial purposes.



ABS in national legal and policy framework

- [Law 94-01 on Forest, Fauna and Fisheries](#) (1994)
- [Law 96-12 on the framework law on environmental management](#) (1996)
- [National strategy on ABS](#) (2012)
- [Action plan for the implementation of the ABS strategy](#) (2016-2019)
- Decision No. 00094 of Minister of Environment, Protection of Nature and Sustainable Development (MINEPDED) on the organization and functioning of the National Committee on ABS (2020)
- Decision No. 00150/ MINEPDED establishing the terms and conditions for access to genetic resources, their derivatives and associated traditional knowledge in Cameroon (2020)

Interim measures on ABS

As mentioned, pending the adoption and entry into force of a law on ABS, an interim ABS system has been established by ministerial decisions. These rules establish the terms and conditions governing access to genetic resources, their derivatives and associated traditional knowledge in Cameroon. Additionally, a National ABS Committee, an inter-ministerial advisory body chaired by MINEPDED, is charged with reviewing applications and providing advice on ABS issues.

Competent authorities have also made available an application form and description of the process for access to genetic resources in Cameroon, which describes the steps to be followed by applicants. Finally, the interim ABS system also provides for the regularization of access for companies and other entities that have already acquired genetic resources, their derivatives and/or associated traditional knowledge.

Scope of ABS requirements

The interim ABS framework covers genetic resources, derivatives and associated traditional knowledge accessed in Cameroon for bioprospecting, research and development and commercialization.

What resources are covered?

- ✓ Genetic resources would cover plants, animals, fungi and microbes and parts thereof.
- ✓ Derivatives, as defined in the Nagoya Protocol, covers naturally occurring compounds, such as butters, oils, extracts and natural molecules.
- ✓ No distinction is made between native or exotic, nor between wild or cultivated plant species. However, ABS requirements do not apply to plant genetic resources listed in Annex I of the ITPGRFA, if these resources are used for research, breeding and training for food and agriculture purposes.
- ✓ ABS requirements cover access in both private and public lands.
- ✓ Legal access to genetic resources or derivatives can only take place in Cameroon. That is, an applicant for an ABS permit in Cameroon cannot access samples through intermediaries but must acquire a sample in the country.

What activities are covered?

Activities that trigger ABS requirements in Cameroon include bioprospecting, research and development, use of genetic information and commercialisation, based on access to genetic resources, derivatives or associated traditional knowledge.

Terms such as «commercialisation» are not defined in the interim measures. Nevertheless, it is clear the scope of ABS is quite broad, going beyond «utilisation of genetic resources» as defined in the Nagoya Protocol. For example, access to a plant or essential oils from this plant for the development of a new product is understood as “commercialisation” and covered by access requirements, even if no research into their genetic or biochemical composition is involved. However, activities involving trade in biological resources - for example, commercialisation of cocoa as a commodity or bananas for direct consumption - are not subject to ABS requirements.



Access procedures

Under the interim ABS framework, four steps are required to obtain an ABS permit in Cameroon.

Step 1: Application

An application form, which is available on the ABS Clearing House, must be filled out, signed and submitted to Minister of Environment, Protection of Nature and Sustainable Development (MINEPDED).

ABS application form

Information required	Supporting documents
<ul style="list-style-type: none">• Legalised copy of applicant's identification document• Description of resources to be accessed and any associated traditional knowledge• Purpose of the request (e.g. types of activities, resources, properties of interest)• Details of access (e.g. location, duration, techniques involved)• Research or other project summary, including objectives, duration, planned activities, collaborators and potential commercial applications	<ul style="list-style-type: none">• A detailed project document• Research permit from the Ministry of Scientific Research and Innovation, if applicable. Research permits are generally required if activities foreseen involve any wild collection or research activities in Cameroon.• Proof of payment of the application fee. Fees range between approximately 150 and 1'500 Euro, depending on whether the applicant is a natural or legal person, national or foreigner and on whether activities foreseen involve intellectual property rights and transfer of samples abroad.

Following an informal review of the application by the ABS national focal point, in order to ensure that it adequately meets the requirements above, the application form and accompanying documents must be deposited physically at MINEPDED.

The National ABS Committee is then invited to carry out a substantive review and to provide advice to MINEPDED on the access request. The committee is composed of representatives from various ministries and national research institutions and generally meets twice a year.

Step 2: Prior informed consent (PIC)

Under the interim ABS framework, the prior informed consent (PIC) is granted by MINEPDED, as the competent authority, based on an application and the advice of the National Committee on ABS. A PIC is expected to be issued within 60 days of the submission of the application and it authorises the applicant to enter into negotiations on mutually agreed terms with the local communities identified as the providers of the genetic resources, derivatives or associated traditional knowledge.

Step 3: Mutually agreed terms (MAT)

Mutually agreed terms (MAT) are negotiated between the applicant and the local communities identified as provider. MINEPDED may provide support in identifying the local communities to be involved and ensuring inclusive participation of representatives from the local communities and traditional authorities. MINEPDED may also facilitate preparatory training or consultations on ABS among members of the provider communities.

During the negotiations, MINEPDED plays a supervisory role, promoting a balanced exchange of information and ensuring all key issues are addressed. Under the interim ABS framework, MINEPDED has developed a MAT model to be used as a basis for negotiations (see box). However, the content of the MAT can be negotiated and adapted to the specificities of the project (e.g., depending on whether it is a research or a commercialisation project or whether it involves setting up a supply chain).

The MAT is signed by the applicant and the provider under the supervision of MINEPDED. Applicants may be requested to have a legal address in Cameroon in order to finalise the agreement. The MAT is valid for a period of three years and can be renewed upon written request of the user.

Key provisions in Cameroon MAT template

Common obligations	Annual report on activities agreed in MAT must be submitted to competent national authority
Obligations of user	Environmental and social considerations: <ul style="list-style-type: none"> • Environmental and social impact assessment, when required by law • Exploitation must ensure resource conservation
	Approval from MINEPDED and provider for transfer to third parties
Obligations of provider	Guarantee access in accordance with MAT
	Provide user the quantities set out in the PIC
	Submit annual report to MINEPDED on impacts of exploitation of the resource and provide a copy to user
Confidentiality	Parties must consider any information, received in relation to the MAT or the activities covered as confidential
Intellectual property rights	Local community must be co-applicant and co-owner of intellectual property rights obtained over genetic resources or any of its components, unless the local community renounces these rights in writing
Associated traditional knowledge	New agreement to be negotiated with local community if interest in traditional knowledge associated with the resources covered by MAT
Benefit sharing	Monetary and non-monetary benefits are negotiated between applicant and local community and described in the MAT, including timeframes and deadlines

Step 4: ABS permit

Once the MAT is signed, the applicant can request the ABS permit from MINEPDED, which should be issued within a period of seven days.

Benefit sharing requirements

Benefits are negotiated between the applicant and the local community. According to the interim measure, benefits arising from the utilisation of genetic resources, their derivatives and/or associated traditional knowledge may be monetary or non-monetary.

Monetary benefits may include access rights per sample collected, up-front payments, milestone payments and research funding. Non-monetary benefits may include transfer of techniques or technology, training, sharing of information, as well as the provision of goods and services. Additionally, the MAT template suggests considering monetary remuneration, specific non-monetary benefits and reporting requirements.



Compliance

No measures for compliance with ABS requirements of other countries have yet been established regarding users in Cameroon which may access genetic resources abroad for research and development purposes.

Regularisation of access

Interim ABS measures in Cameroon grants persons or entities that have already accessed genetic resources, their derivatives and/or traditional knowledge for purposes of bioprospecting, research and development or commercialisation a 12-month period to obtain ABS permits and related agreements, which expires on 25 November 2021. The regularisation process is similar to the normal access procedure, except no prior informed consent is required prior to engaging in MAT negotiations.

Contacts

The contact details of the ABS national focal point are:

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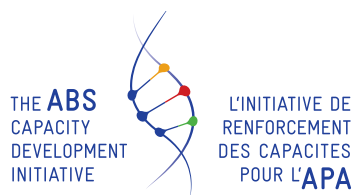


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