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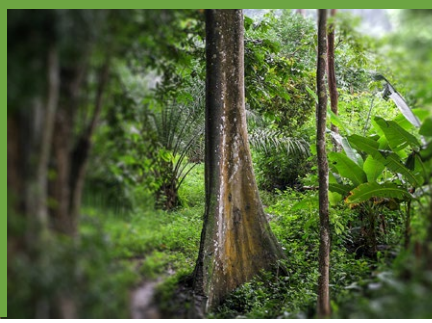
Ministère de l'Environnement,
de la Protection de la Nature
et du Développement Durable

Guidelines on Equitable Sharing of Benefits for Conservation, Sustainable Use and Restoration of **Biodiversity in Cameroon**

Yaounde, June 2023







MINEPDED

ABS Cameroon
For a sustainable and equitable exploitation of Biodiversity

giz Deutsche Gesellschaft
für Internationale
Zusammenarbeit (GIZ) GmbH



Acknowledgement

These Guidelines on Equitable Sharing of Benefits for Conservation, Sustainable Use and Restoration of Biodiversity in Cameroon are the result of a process of consultations, interactive exchanges and discussions, with the different stakeholders in the implementation process of the National Strategy of the Convention on Biological Diversity and the Nagoya Protocol on Fair and Equitable Sharing of Benefits arising from the Utilization of Genetic Resources in Cameroon. In particular, we would like to express our gratitude to the members of the National ABS Committee for bringing in sectorial perspectives, and the National ABS Focal Point for the overall coordination of the drafting process. The drafting of these Guidelines was supported and funded by the BioInnovation Africa project of the Deutsche Gesellschaft für International Zusammenarbeit (GIZ) GmbH. We sincerely thank the various stakeholders for their highly appreciated contribution in drafting this document.





Preface

Cameroon has ratified the Convention on Biological Diversity (CBD) since 1994, thus expressing its commitment to work towards the conservation of biological diversity on its territory. This founding act was then extended with the ratification of other Multilateral Environmental Agreements (MEAs), including the Nagoya Protocol on Access and Benefit-Sharing (ABS) arising from the Exploitation of Genetic Resources and Associated Traditional Knowledge.

With the enactment of an ABS Law on 9 July 2021, a decisive step has been taken and should consecrate the rising power of genetic resources management process. This is very important as Cameroon belongs to the Congo Basin, which is the world's second green lung. However, in order for this implementation to fully achieve the expected objectives, the operational aspects cannot be undertaken without a certain number of guarantees in terms of biodiversity conservation.

It is in this perspective that this document, which sets out the ABS Guidelines for Cameroon, was developed. It answers the essential question on how to guarantee that activities carried out, as well as the various benefits derived by the beneficiaries, contribute at the same time to the conservation and sustainable use of biodiversity. It should be noted that the Nagoya Protocol, in its Article 20, requires States to encourage codes of good conduct and best environmental practices.

A number of guidelines on ABS have already been adopted at the African Union. They have served as a framework for the elaboration of this document by adapting them to the legal and regulatory arsenal of Cameroon, in accordance with the orientations of the United Nations Conference on Trade and Development (UNCTAD).

The objective is to have a compass, in other words, broad guidelines that will facilitate a controlled implementation of the provisions of the Convention on Biological Diversity (CBD). More specifically, they aim to make the financing of biodiversity conservation activities compatible with the development of value chains.

This publication, just like the two others it supplements, namely Users' Guide and Providers' Guide, provides details and clearer guidance for state and non-state actors in the process. It should provide all actors with the necessary elements for the exploitation and management of the resources and the benefits derived from them. By publishing these Guidelines, Cameroon is in particular inviting the multinationals concerned to comply with the principles and essential rules laid down by the United Nations, notably the Ethical Sourcing Exchange (UEBT/UNCTAD).

It is therefore a valuable working tool for the various stakeholders concerned. I would like to take this opportunity to thank all those, in particular the National ABS Focal Point for leading the project, the National ABS Committee for its enlightened guidance, and GIZ through the BioInnovation project for the quality of its partnership and its constant support for the success of the project activities.

Le Ministre de l'Environnement,
de la Protection de la Nature et du
Développement Durable

HELE Pierre





List of abbreviations

CNA	National Competent Authority
ABS	Access and Benefits Sharing arising from the Utilization of Genetic Resources and Associated Traditional Knowledge
CBD	Convention on Biological Diversity
CHM	Clearing House Mechanism (ABS Clearing House)
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
UNCED	United Nations Conference on Environment and Development
CGRFA	Commission on Genetic Resources for Food and Agriculture
ATK	Associated Traditional Knowledge
RLAs	Regional and Local Authorities
GFP	Public Financial Management
LDC	Cameroon Guidelines
MAT	Mutually Agreed Terms
MINEPDED	Ministry of Environment, Protection of Nature and Sustainable Development
SDGs	Sustainable Development Goals
PBC	Biocultural Community Protocol
PIC	Prior Informed Consent

PTF	Technical and Financial Partnership
NDS30	National Development Strategy 2020-2030
DSI	Digital Sequence Information
PES	Payment for Environmental Services
GR	Genetic Resource
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture





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1

INTRODUCTION



1.1. Background

The Nagoya Protocol on ABS under the Convention on Biological Diversity, adopted in October 2010, entered into force on 14 October 2014. It concerns in particular access and the fair and equitable sharing of benefits arising from the utilization of genetic resources (ABS). It thus makes it possible to establish an international legal framework based on three pillars:

(i) Improved access to genetic resources (GR) and associated traditional knowledge (aTK) for their use;

(ii) Fairer and more equitable benefit sharing;

(iii) Compliance among stakeholders.

The concept and obligation of benefit sharing is the key provision of Article 15 of the Convention on Biological Diversity. It attempts to balance the interests of users of genetic resources who want to have continued and sustainable access to these resources with those of the providers who want to receive a fair share of the benefits that may arise from them.

At the national level, Cameroon is endowed with a legal and institutional framework on ABS. Thus, Law No. 2021/014 of 09 July 2021 to govern access to genetic resources, their derivatives, traditional knowledge associated with genetic resources and the fair and equitable sharing of benefits arising from their utilization, was enacted.

In order to create favourable conditions for the conservation and sustainable use of genetic resources for enhancing the contribution of biological diversity to human development and well-being, the ABS Law aims, inter alia, to:

(i) enhance the value of GR and aTK to encourage their conservation and sustainable use;

(ii) ensure the involvement of indigenous and local communities in the sharing of benefits arising from the utilization of GR or aTK;

(iii) promote and enhance research findings, documentation on GR and aTK and

(iv) improve the living conditions of indigenous and local communities.

Access to genetic resources, their utilization, and even the sharing of the benefits arising from them do not guarantee that there is interest or support for the conservation, sustainable use and restoration of biological diversity. The need to take measures to promote the guidelines of benefits arising from the use of genetic resources towards conservation in accordance with Article 9 of the Nagoya Protocol is well documented in the ABS Law.

In order to achieve the expected objectives, the implementation of the Nagoya Protocol in Cameroon will have to be well shaped. It is important to emphasise that ABS, properly implemented, including technology transfer and adequate funding, offers opportunities for Cameroon to create added-value and benefit from its natural and cultural resources. ABS can also help alleviate poverty, stimulate local economic development and serve as an incentive for the sustainable use, conservation and restoration of biodiversity.

The Guidelines on Access and Benefit Sharing Arising from the Utilization of Genetic Resources in Cameroon thus provide directives and tools to stakeholders for the optimal implementation of the Nagoya Protocol in Cameroon, in accordance with its legislative and regulatory provisions.

1.2. Purpose of the guidelines

The objective of these Guidelines, based on the legal and regulatory requirements in force, is to contribute effectively to the achievement of policy objectives in the field of conservation, restoration and sustainable use of biodiversity. They provide practical guidance to facilitate the implementation of the ABS process by stakeholders, including providers, users and relevant administrations. More specifically, they aim to ensure that the benefits arising from the development of value-added chains of genetic resources and associated traditional knowledge contribute to the financing of activities on biodiversity conservation.

It is a document that provides guidelines and options for users on key issues in the implementation of the Nagoya Protocol, including conservation, restoration and sustainable use of biodiversity, research and development, promotion and protection of traditional knowledge associated with genetic resources, and respect for the principles of taking into consideration gender aspects, vulnerable and marginalised populations in benefit sharing.

1.3. Target audience

These Guidelines address all State and non-state actors, including those from the private sector, indigenous and local communities, regional and local authorities involved in value chains through the exploitation and enhancement of biological and genetic resources and associated traditional knowledge.

Stakeholders, mainly users and providers of genetic resources and associated traditional knowledge, will find a reference tool to guide their actions and roles.

The Guidelines target at different levels those actors involved in the management of benefits from the exploitation of genetic resources and/or private sector users interested in investing a share of their profits in the protection of biodiversity.

1.4. Definitions

For the purpose of these Guidelines, the following definitions of terms, mostly taken from the ABS Law, shall apply.

Access:

possibility for a person or group to acquire, own and master knowledge. It entails collection and acquisition including any transaction on genetic resources, their derivatives or associated traditional knowledge by the user;

ABS:

access and fair and equitable sharing of benefits arising from the utilization of genetic resources;

Competent National Authority (CNA):

person vested with State Authority, responsible for issuing the Prior Informed Consent and the ABS Permit;

Benefit:

monetary or non-monetary gain derived from the utilization of genetic resources, their derivatives and associated traditional knowledge;

Biodiversity:

all forms of life on earth and their natural characteristics. It covers all levels of organisation, including genes, species, populations and their interactions, as well as all the ecosystems of the biosphere, and agricultural ones;

Synthetic biology:

application of engineering methodologies and techniques to biology with the aim of creating or modifying a living system that has a characteristic that is not normally found in nature;

Bioprospection:

inventory and assessment of the components of biological diversity. In other words, it is the collection, research and utilization of biological or genetic material in order to apply knowledge to scientific or commercial purposes;

Biotechnology:

any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use;

Value chain:

succession of activities, exploitation and valuation of a genetic resource;

ABS-CH (ABS-Clearing House):

clearing house on access and benefit sharing arising from the use of genetic resources;

Local and indigenous communities:

community of people who rely on their associated traditional knowledge for their livelihoods from their natural environment and genetic resources, and the way of life, which is of interest to conservation, and sustainable use of resources;

Mutually Agreed Terms (MAT):

expression that generally indicates that the user and provider of a resource must agree on the conditions governing its use as well as the conditions sharing the benefits arising thereof;

Associated traditional knowledge:

dynamic and evolving knowledge, generated within a traditional context, collectively preserved and passed on from generation to generation and which includes knowledge, techniques or skills, innovations, practices and learning, which exist in biological and genetic resources;

Prior Informed Consent (PIC):

authorisation issued by the National Competent Authority giving an applicant access to a genetic resource and/or associated traditional knowledge of for its continued use;

Conservation:

protection, care, management and maintenance of ecosystems, habitats, wild species and populations within or outside their natural environments, in order to safeguard the natural conditions for their long-term permanence. Biodiversity conservation involves a multitude of knowledge and activities (from biology to law, from economics to politics, from agriculture to consumption) developed to ensure the maintenance of genetic resources, including so-called wild life forms, necessary for the maintenance of ecosystems and the provision of the ecosystem services they may produce;

National Focal Point:

a designated individual who is entitled to provide information on access to genetic resources and associated traditional knowledge, the National Competent Authority, indigenous and local communities, and relevant stakeholders;

Applicant:

any natural person or corporate body wishing to access a genetic resource and/or associated traditional knowledge, for scientific or commercial exploitation purposes;

Derivative:

any naturally occurring biochemical compound resulting from the genetic expression or metabolism of biological or genetic resources, even if it does not contain functional units of heredity;

Holder of associated traditional knowledge: a

ny natural person belonging to a local community, or any community that has a mastery of associated traditional knowledge;

Diversity:

richness of species in a given place, assessed by means of an index. Diversity implies both the number of species and the distribution of species;

Biological diversity (biodiversity):

variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and

the complexes of which they are part; includes diversity within species, between species and of ecosystems;

Ecosystem diversity:

variety and variability of habitats, biotic communities, abiotic components and ecological processes that exist in a given area;

Genetic diversity Variation:

genetic make-up of individuals within or between species, varieties or breeds, and genetic variation that is transmissible within or between populations;

Customary law:

set of customs, usages and beliefs accepted as mandatory rules of conduct in indigenous and local communities;

Intellectual property rights:

set of legal rules designed to protect creations of intellectual works, namely those relating to:

- *literary, artistic and scientific works,*
- *interpretation of artists and performers, phonograms and broadcasts programmes,*
- *inventions in all fields of human activity,*
- *scientific discoveries,*
- *industrial models and designs,*
- *trademarks, service marks and commercial or trade names,*
- *protection against unfair competition;*

And all other rights relating to intellectual activity in the industrial, scientific, literary and artistic domains;

Provider:

the State as owner of genetic resources, or indigenous and local communities as custodians or holders of associated traditional knowledge with genetic resources;

Genetic material:

any material of plant, animal, microbial origin or other containing functional units of heredity;

Breeder:

person who has discovered and developed a variety. The term does not include a person who has redeveloped or rediscovered a variety whose existence is publicly known or is the subject of ordinary knowledge;

Sharing:

division of monetary and non-monetary benefits between the contracting parties of Mutually Agreed Terms. (Between the parties involved in an ABS contract);

ABS permit:

legal title certifying that the access to the genetic resource or/and their derivatives, associated traditional knowledge which it bears has complied with the procedures for obtaining Prior Informed Consent and signing of Mutually Agreed Terms;

Biocultural community protocol:

participatory tool that articulates the values, processes and priorities of indigenous and local communities. It establishes rights and responsibilities within the context of customary rules, national legal systems and international law as a basis for interactions with external actors;

Biological resource:

material of plant, animal, microbial origin or other, containing functional units of heredity;

Plant genetic resource:

genetic material of plant origin with actual or potential value for food and agriculture;

Genetic resource:

genetic material of actual or potential value;

Private sector:

it corresponds to the sector of activity of the economy that is not dependent on the state or at least where the state is not an employer and only intervenes as a legal framework and referent. These are mainly privately owned and managed companies whose raison d'être is profit.

Transfer of genetic resources:

action/act by which the provider, through a material transfer agreement, makes available to the user the genetic resource, their derivatives and/or the biological resource;

Transfer of associated traditional knowledge:

action/act by which the provider, through Mutually Agreed Terms, makes associated traditional knowledge available to the user;

User:

any natural or legal person holding an ABS permit exploiting genetic resources, their derivatives, and/or associated traditional knowledge;

Use of genetic resources and associated traditional knowledge:

process of researching the properties of plants, animals and microorganisms as well as associated traditional knowledge and their derivatives in order to increase knowledge, information and scientific knowledge, or to develop commercial products;

Sustainable use of biodiversity:

the use of components of biological diversity in a way and at a rate that does not lead to their long-term decline, thereby maintaining their potential to meet the needs and aspirations of present and future generations.



1.5. Rappel des fondements clés de l'APA



The Convention on Biological Diversity has three main objectives, namely

1. the conservation of biological diversity;
2. the sustainable use of its components;
3. the fair and equitable sharing of benefits arising from the utilization of genetic resources.

To achieve the third objective of this Convention, the Nagoya Protocol on the fair and equitable sharing of benefits arising from the utilization of genetic resources (ABS) was adopted on 29 October 2010 in Nagoya, Japan, at the 10th Conference of the Parties on the CBD. It entered into force on 12 October 2014, in conjunction with the first meeting of the Conference of the Parties serving as the Meeting of the Parties to the Nagoya Protocol on ABS.

The guidelines and clauses of the Nagoya Protocol already originate from the Convention on Biological Diversity, including the following Articles:

CBD Article 15

- *Recognizing the sovereign right of States over their natural resources;*
- *Each contracting Parties shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses;*
- *Access where granted shall be on Mutually Agreed Terms and subject to the provisions of this Article;*
- *Parties shall take measures to share the benefits arising from the utilization of genetic resources, according to the MAT.*

CBD Article 8 (j)

- *Protection of traditional knowledge and equal sharing of benefits arising from the utilization of such knowledge, innovations and practices.*

CBD Article 16(3)

- *Access to technology using these resources by parties providing such genetic resources.*

CBD Article 19(1) (2)

- *Effective participation in biotechnological research activities of the Parties providing the genetic resources.*
- *Access to the results and benefits arising from biotechnologies based on genetic resources provided by the Parties.*

1.6. Reminder of the key points of the ABS Law in Cameroon

Law No. 2021/014 of 09 July 2021 to govern access to genetic resources, their derivatives, traditional knowledge associated with genetic resources and the fair and equitable sharing of benefits arising from their utilization covers the following scope (Section 3):

- *Access to genetic resources of plant, animal and microbial origin or any other genetic resources containing functional units of heredity across the national territory;*
- *Access to associated traditional knowledge, including that of individuals or indigenous and local communities;*
- *Transfer of genetic resources, associated traditional knowledge and research findings to third parties for development or commercial purposes;*
- *Obtaining intellectual property rights on the use of genetic resources, their derivatives and/or associated traditional knowledge;*
- *International cooperation and cross-border aspects relating to genetic resources;*
- *Current use of previously acquired genetic resources and/or traditional knowledge;*
- *Conservation of genetic resources.*

The following shall be excluded from the scope of the ABS Law (Section 4):

- *Biological resources whose use is not intended for the utilization of genetic resources;*
- *Biological resources and associated traditional knowledge used or exchanged among indigenous and local communities in traditional, cultural, spiritual or customary settings.*

The Commission on Genetic Resources for Food and Agriculture (CGRFA), of which Cameroon is a member, works towards a world free of hunger by promoting the use and development of the full range of genetic resources for food and agriculture that are important for food security, nutrition and poverty alleviation. Thus, for food and nutrition security, certain crops and forage species of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) included in the multilateral system shall be excluded from the scope of ABS.

Benefits arising from the utilization of a genetic resource, its derivatives and/or associated traditional knowledge are monetary or non-monetary (Section 27 (1) of the ABS Law).

Monetary benefits may include, but not be limited to:

- *Access rights/rights per sample collected or acquired otherwise ;*
- *Initial payments;*
- *Milestone payments;*

- *Royalty payment ;*
- *Licence rights in case of marketing;*
- *Special fees to be paid to trust funds for the conservation and sustainable use of biological diversity;*
- *Salaries and preferential terms if mutually agreed;*
- *Research funding;*
- *Joint ventures;*
- *Joint ownership of relevant intellectual property rights.*

Non-monetary benefits may include, but not be limited to:

- *Sharing of research and development results;*
- *Collaboration, cooperation and contribution in scientific research and development programmes, including biotechnological research activities, as much as possible in the Party providing the genetic resources;*
- *Participation in product development;*
- *Collaboration, cooperation and contribution to education and training;*
- *Access to facilities for ex-situ conservation of genetic resource and databases;*
- *Knowledge and technology transfer on concessional and preferential terms to the genetic resource provider, whenever mutually agreed, in particular knowledge and technology, which is relevant to the conservation and sustainable use of biological diversity;*
- *Capacity building for technology transfer;*
- *Institutional capacity building;*
- *Human and material resources to strengthen capacities for the administration and enforcement of access regulations;*
- *Training on genetic resources with the full improvement of, and as far as possible, in the countries providing the training;*
- *Access to scientific information relevant to the conservation and sustainable use of biological diversity, including biological inventory and taxonomic studies*
- *Contribution to the local economy;*
- *Research directed towards priority needs, such as food security and health, taking into account domestic uses of genetic resources in the Party providing the genetic resources;*
- *Institutional and professional relationships that may arise from an access and benefit-sharing agreement and subsequent collaborative activities;*
- *Benefits in terms of food security and livelihood;*
- *Social recognition;*
- *Co ownership and relevant intellectual property rights.*

Benefits arising from the utilization of genetic resources and associated traditional knowledge shall contribute to sustainable use, conservation of biodiversity , the enhancement of the above-mentioned Access and Benefit Sharing, technology transfer, and improvement of the living conditions of relevant communities (Section 29 of the Law).

1.7. Socio-economic and environmental impact of the implementation of the Nagoya Protocol in Cameroon

At the social level: sustainable jobs, traditional and scientific knowledge

Innovation resulting from research and development with genetic resources may contribute to the achievement of many important social objectives, be it health, nutrition, food security or other. The ABS process focuses on:

- *Transfer of knowledge and technology to developing countries alongside job creation and poverty alleviation;*
- *Effective recognition and protection of the rights of indigenous and local communities;*
- *Strengthening of the direct participation of local communities in negotiations on access to genetic resources in their territories and their traditional knowledge.*

By enshrining community-based biocultural protocols for access and utilization of genetic resources and associated traditional knowledge, the Law establishes the essential biocultural rights of indigenous and local communities that significantly assert their self-determination.

The ABS process provides a regulatory and institutional framework through several consent mechanisms at different levels, both national and local, which allows controlling access to genetic resources and limiting biopiracy.

At the economic level: monetary and non-monetary benefits, and domestic private sector development.

The essence of the Nagoya Protocol is benefit sharing for provider countries. The ABS mechanism allows for the redistribution of the added value generated at the end of the value chain with the providers of genetic resources and/or holders of traditional knowledge well structured as a recognised entity.

In addition to the redistribution of a share of the net benefit derived at the end of the value chains provided for by the Law (ABS royalty), the ABS process, through the negotiation of Mutually Agreed Terms between the user and the providers of genetic resources and holders of traditional knowledge, enables to generate other monetary and non-monetary benefits to be paid directly to local communities.

Besides, other specific access rights are provided for in various sectorial instruments as prerequisites for the exploitation of the raw material of the genetic resource, such as the regeneration tax for plant resources.

The national private sector actors play an important role in the ABS implementation process. This constitutes a future opportunity to be seized for the development of the local industrial fabric within the framework of the partnership agreements signed in the context of ABS.

At the environmental level: conservation of biological diversity and sustainable use of genetic resources

The current rapid loss of biodiversity is partly due to insufficient public funding. In this context, the ABS process, which establishes contractual relationships between two or more parties to govern the search for species from which components of commercial interest are extracted and to share the financial benefits, is one of the new market instruments to contribute to biodiversity conservation.

ABS requirements for sharing the potential value of genetic resources should provide incentives and mobilise financial means for central and local government to allocate them to biodiversity conservation.

At the local level with communities, private investments in conservation should be more profitable in the ABS context. This should help to empower indigenous and local communities to act as custodians of biodiversity and to steer them away from activities that are harmful to natural resources.

The biological resources from which genetic resources are extracted may be over exploited due to their strong economic potential. Emerging stakes at the CBD level such as Digital Sequence Information (DSI), which allows genetic information to be synthesised to curb the overexploitation, carry enormous risks of alienating the rights of the provider countries of origin, and thus circumventing the requirement to share benefits.







2

GUIDELINES FOR BENEFIT SHARING



Directive 1. Implementing benefit-sharing principle

The ABS Law enshrines the principle of benefit-sharing from the utilization of genetic resources and associated traditional knowledge (Section 27).

Benefit-sharing principle is based on the premise that providers of genetic resources offer access to their resources in return for a fair share of the benefits arising from their utilization.

Benefit-sharing must contribute to the sharing of economic, environmental, scientific, social and/or cultural benefits arising from access to genetic resources and associated traditional knowledge, on Mutually Agreed Terms, in the form of business contracts. These benefits may be monetary or non-monetary.

Benefits should aim at creating or building the capacities of providers or other stakeholders concerned, particularly through technology transfer and relevant training to the conservation and sustainable use of genetic resources. The participation of providers in the development of value chains, as appropriate, is important. It should not be limited to the export of natural raw material. Technology transfer should enable resources at the local level to be better processed, as specified in the Nagoya Protocol.

Benefits may be monetary or non-monetary. The difference between both benefits in the ABS context is that monetary benefits involve financial transactions for the benefit of the recipient, whereas non-monetary benefits, although having economic and financial value, are mainly goods and services provided directly to the recipient.

Benefit-sharing can consist of:

- *enriching or preserving biodiversity in situ or ex situ, while ensuring its sustainable use;*
- *preserving traditional knowledge associated with genetic resources through the creation, where appropriate, of databases on the traditional knowledge of the communities of people concerned, with their Prior Informed Consent, as well as the preservation of other traditional practices and knowledge that are biodiversity-friendly;*
- *contributing, at local level, to the creation of green jobs for the population and the development of related industries;*
- *sustainably using genetic resources or associated traditional knowledge associated with or allowing the enhancement of biodiversity, in connection with the territories that have contributed to the conservation of these resources;*
- *collaborating, cooperating or contributing to research, environmental education, training, public and local professional awareness-raising activities, including technology transfer and/or skills transfer;*
- *maintaining, conserving, managing, providing or restoring ecosystem services in a given area;*
- *providing financial contributions (monetary benefits).*

Directive 2. Negotiating benefits

Benefits should be provided according to the specific stages of the utilization of resource implemented in the PIC and MAT agreement (discovery, research, and development, and commercialisation, intellectual property rights). Thus, it is renegotiated when the type of use changes from what was set out in the agreements. Benefit-sharing considers and provides for short, medium and long-term benefits.

Benefits to be shared must take into account benefits arising from the utilization of the genetic resources,



starting with the Digital Sequencing Information (DSI) in data bases, and those from applications to access and commercialisation of resources as well as associated traditional knowledge.

Both the **provider** and prospective **user** of a genetic resource must have the willingness to participate in good faith in ABS negotiations. If there is a lack of trust between potential parties involved in an ABS negotiation, the possibility of reaching a successful agreement that benefits all parties will be reduced.

Relationships should be based on trust, dialogue and mutual benefits. Negotiations on access, as well as benefit-sharing arrangements, therefore, must be established and implemented in a manner that advances the participation of all relevant stakeholders, allows effective dialogue among these stakeholders and promotes mutual accountability. Understanding of partners' business model and enhancing ownership of negotiated contract clauses.



Directive 3. Identifying the recipients of benefits

Genetic resources and their derivatives of national origin belonging to the State shall constitute the common heritage of the nation. No one may use them for scientific, commercial or cultural purposes without Prior Informed Consent (PIC) (Section 5 of the ABS Law).

Associated traditional knowledge shall belong to indigenous and local communities that developed, preserved, and handed it down from generation to generation, or to individuals identified by them in their midst (Section 6 of the ABS Law).

It is important in the negotiation process to clearly identify the key stakeholders recognized as having the established right to grant access to genetic resources or holding traditional knowledge associated with genetic resources.

The signing of Mutually Agreed Terms (MAT) between the applicant (user) and the relevant entity (provider) is a prerequisite for securing access to genetic resources and/or associated traditional knowledge.

Benefits shared fairly and equitably with all those who identify as having contributed to the resource management process or the scientific or commercial process. This may include:

- *Indigenous and local communities;*
- *The State and its components (Government, regional and local authorities, etc.);*
- *Relevant stakeholders who are owners, managers or custodians of the genetic resource and/or associated traditional knowledge.*

Indigenous and local communities, as the primary stakeholders directly linked to biological resource areas, are the priority targets and entities to be considered for negotiations and benefit-sharing. They are also key partners in the development of value and supply chains at the grassroots level. Access and benefit-sharing with biodiversity custodians is an incentive and support for sustainable use and conservation.

In line with Article 21 of the Nagoya Protocol, measures shall be taken to raise awareness on the importance of genetic resources and traditional knowledge associated with genetic resources and related access and benefit-sharing issues through the organisation of meetings with indigenous and local communities and other relevant stakeholders (Cooperatives, Associations and NGOs.).

Directive 4. Préciser les canaux de mobilisation des avantages monétaires et les parts affectées aux activités de conservation, d'utilisation durable et de restauration de la biodiversité

There are four possible levels of monetary benefit-sharing from the exploitation of genetic resources, based on the diversity of situations on the ground:

1	2	3	4
Local level with indigenous and local communities;	Level with Regional and Local Authorities;	Level with deconcentrated conservation services of biological resources;	National level.

At the local level. with communities, investments in conservation should be further encouraged in the context of ABS. This should help to recognise and formalise the role of indigenous and local communities as the primary custodians of biodiversity and steer them away from activities that are harmful to natural resources. The monetary benefits to communities to be agreed in the contracts come from three (3) sources:

a. *Direct benefits arising from the commercialization or research and development, as specified in Mutually Agreed Terms (MAT);*
b. *Through set up mechanisms by the Government to collect royalty and/or tax related to the economic and financial benefits arising from the utilization of genetic resources, their derivatives and/or associated traditional knowledge, a share of which is retroceded to communities in compliance with the provisions set out in the regulations, in particular the Finance Law.*
c. *Spin-offs from the use of Intellectual Property Rights (IPR).*

The share of monetary and/or non-monetary benefits received and allocated by the communities for biodiversity conservation activities must be at least equal to twenty five percent (25%) and well recorded in the agreements to be agreed.

At the level of the Regional and Local Authorities, the benefits to be agreed in the contract accrue from three (3) sources**:**

a. *A share of the direct benefits (monetary or non-monetary) arising from commercialization or research and development, as specified in Mutually Agreed Terms, is obtained by the recipient communities. This should be well documented in the MAT during negotiations;*
b. *Monetary benefits can go directly from the resource user to RLAs beneficiary through RLAs account, given that, it is the "provider" of the resource. These are the direct benefits agreed under the Mutually Agreed Terms (MAT);*
c. *Through the mechanism set up by the State to collect royalty and/or tax related to the economic and financial benefits arising from the utilization of genetic resources, their derivatives and/or associated traditional knowledge, a share of which is allocated to RLAs in accordance with the provisions of the Finance Law.*

The share of monetary benefits received and allocated by the RLAs communities for biodiversity conservation activities must be at least equal to seventy five percent (75%) and well recorded in the agreements to be agreed.

At the level of deconcentrated services of conservation like protected areas, seed banks, gene banks, or others, all these institutions can receive monetary benefits from the exploitation of genetic resources from two main channels:

a. *The Special Appropriation Account for the Conservation and Sustainable Use of Biological Diversity provided for in the ABS Law, fed by royalties and/or taxes related to the economic and financial benefits arising from the utilization of genetic resources, their derivatives and/or associated traditional knowledge, a share of which is allocated and intended to support the funding of biodiversity conservation and restoration.*

b. *Direct funding of conservation structures/services by private companies that agree to contribute a certain percentage of their profits to support environmental protection and biodiversity conservation actions in the context of Corporate Social Responsibility (CSR) agreed in the ABS negotiations and recorded in PIC and/or MAT.*

In case of direct corporate funding for conservation, adequate mechanisms to facilitate the mobilisation of such funding, such as trust funds, should be provided for and recorded in the PIC and/or MAT.

Monetary and non-monetary benefits received by the deconcentrated services of conservation should be one hundred percent (100%) earmarked for biodiversity conservation activities.

At the national level, revenues generated by the ABS process are of two types:

a. *Administrative fees paid by users for obtaining the various required documents including the ABS permit;*

b. *Royalty and/or tax related to the economic or financial benefits arising from the utilization of genetic resources, their derivatives and/or associated traditional knowledge, according to the modalities provided for by the Finance Law.*

In accordance with national regulations on Public Financial Management (PFM), a clear mechanism must be put in place to ensure that royalties/taxes related to the economic and financial benefits arising from the utilization of genetic resources, their derivatives and/or associated traditional knowledge are mobilized for the conservation, restoration and sustainable use of biodiversity.

Therefore, this mechanism must provide for the percentage shares for:

- *Local communities and RLAs in respect to compensation rights;*
- *Special Appropriation Accounts for conservation, restoration and sustainable use of biological diversity;*
- *Public treasury.*

The share of the Special Appropriation Account earmarked for actions, conservation, sustainable use and restoration of biodiversity should be at least fourty percent (40%).



Directive 5. Ensuring good governance in benefits management

Transparency in the management of benefits, granted and generated as a result of the implementation of the requirements of the ABS Law, must be ensured by the recipients and all other stakeholders at local and national levels.

The full participation of indigenous and local communities must be ensured through their decision-making and management structures, which should be facilitated by the development of Biocultural Community Protocols (BCPs) to self-regulate and codify the modalities of access to biological resources, genetic resources and associated traditional knowledge.

In accordance with national gender regulations, the governance structures set up for the negotiation and management of benefits must include at least **thirty percent (30%) women**, especially in the management boards.

At the local level, these governance structures should be represented by the various social groups within the community, including vulnerable and marginalised populations.

The negotiation of monetary and non-monetary benefits and the resulting priority action plans should take into consideration all social groups, including youth and women.

The provision and sharing of information, according to the modalities agreed between the stakeholders of the cooperation system, and the monitoring modalities should be codified in the agreements to be signed in order to increase transparency in management.



Directive 6. Setting up a management monitoring mechanism at the community level

The funds received by communities within the framework of the benefits of the ABS process are public funds and are meant for social, economic and cultural development of the community, as well as for the conservation and restoration of biological diversity.

Thus, at the community level, the legal entity for the management of monetary and non-monetary benefits must be placed under the supervision of the territorially competent council to ensure the monitoring of the proper use of funds in its prerogative as guarantor of local development. In this regard, the chairperson of the legal entity concerned is required to produce an annual report listing the achievements of the income generated by the exploitation of genetic resources and their derivatives.

Copies of this report must be sent for information to the council concerned, the Divisional Delegate of Environment and to the Divisional Controller of Finance territorially competent.

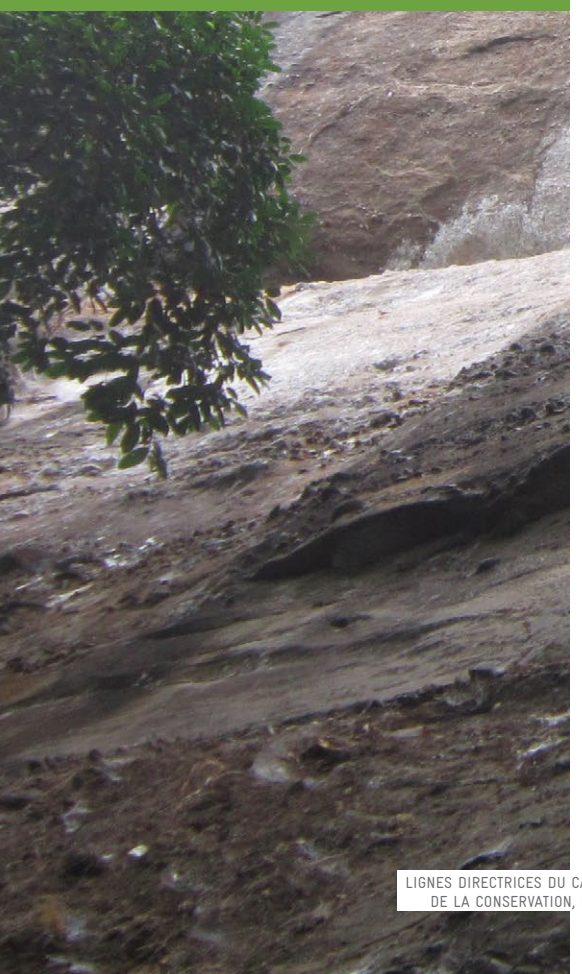
The Competent National Authority (CNA) may, if necessary, convene meetings to evaluate the management of benefits arising from the utilization of genetic resources and their derivatives in conjunction with the Ministry in charge of decentralisation at the level of the communities, and regional and local authorities.





3

GUIDELINES ON FUNDING OPTIONS



Directive 7. Targeting funding options according to the typology of the provider entities

Within the framework of the implementation of the ABS process, various channels for the mobilisation of funds should be considered:

- *Direct funding between the user and provider of the resource;*
- *Indirect funding through the payment of the ABS fee by the user to the State according to the collection mechanisms defined in the Finance Law;*
- *Voluntary funding of conservation by private user companies.*

a. *Within the framework of direct funding, the provider can be represented by* ***communities, Regional and Local Authorities, (Councils, Regions)*** *or any other entity provided for by the regulations in force. This funding shall correspond to the direct benefits agreed under MAT.*

Financial transactions must be made for providers in an account opened in a financial institution in the name of the legally constituted entity or in a special earmarked account for Regional and Local Authorities.

b. *ABS fees are collected by the State from users according to the modalities and rates, laid down by the Finance Law. The effective collection of this fee is not easy to monitor by the communities or RLAs because the mechanisms put in place require recourse to users who, in most cases, are located outside the national tax jurisdiction.*

The shares of this ABS fee are (I) allocated to the communities, (ii) RLAs, (iii) Special Appropriation Account for the conservation and sustainable use of biological diversity, (iv) public treasury, and (v) as collection fees, according to the provisions of the Finance Law.

c. ***In the context of voluntary funding,*** *a user of genetic resources and associated traditional knowledge may choose, during negotiations, to provide direct financial and/or non-financial support to initiatives for the conservation and sustainable use of biodiversity or the promotion of research and development at the national level.*

Tableaux de synthèse des niveaux de mobilisation des avantages et des modalités de collecte des fonds

Local level

Option	Funds	Calendar
Directly from the **resource user to the recipient community**. These are the direct benefits agreed under the Mutually Agreed Terms (MAT)..	Account opened in a banking institution in the name of the legally constituted community entity	Short term
Share of the ABS royalty allocated to the communities by the State with regard to the provisions of the Finance Law	Via the mechanism for collecting the royalty and tax to be codified in the Finance Law	Long term
Share to be allocated for biodiversity conservation		25%



At the level of the Regional and Local Authorities

Option	Funds	Calendar
From the communities to RLAs depending on the negotiations and the role played by the Regional and Local Authorities (RLAs). This should be well documented in the MAT during negotiations.	Account assigned to RLA	Short term
Directly from the user of the resource to the RLAs beneficiary in a situation where RLAs is the entity providing the resource. These are the direct benefits agreed under the Mutually Agreed Terms (MAT).	Through a dedicated RLA account	Short term
Share of the ABS fee collected by the State via the national ABS fund allocated to RLAs in accordance with the provisions of the Finance Law and specifically earmarked **for the funding of conservation activities**.	Via the mechanism for collecting the royalty and tax to be codified in the Finance Law	Long term
Share to be allocated for biodiversity conservation		75%

At the level of devolved services of Conservation

Option	Funds	Deadline
Share allocated by the State of the ABS fee to be used for and support to conservation funding.	Mechanism for collecting the fee and tax to be codified in the Finance Law	Long term
Through **direct funding by private companies** that agree to support actions for the conservation and sustainable use of biodiversity in protected area	The mechanism adapted to mobilise and capture this funding directly (e.g. Special Appropriation Account)	Short term
Share to be allocated for biodiversity conservation		100%

The national level

Option	Funds	Deadline
Administrative fees paid by users for obtaining the various required documents including the ABS permit;	Mechanism for collecting the fee and tax to be codified in the Finance Law	Short term
ABS fee provided for in the ABS law to be paid by the user of the genetic, biological resource, and their derivatives, according to the rate set out by the Finance Law.	Mechanism for collecting the fee and tax to be codified in the Finance Law	Long term
Specific taxes required for access to biological resources, if any, depending on the sector of activity	Specific sectorial fund	Short term
Share to be allocated for biodiversity conservation		40%



4

GUIDELINES FOR THE CONSERVATION AND SUSTAINABLE USE OF BIODIVERSITY



Halting and reversing the process of land degradation and halting biodiversity loss is one of the ten important pillars for achieving the aims of the Sustainable Development Goals (SDGs) by 2030, which Cameroon is part of. The National Development Strategy 2020-2030 (NDS30) highlights the following national priorities for biodiversity conservation and sustainable use:

- *Rational use of soils through responsible farming practices, including soil restoration, abstention from slash-and-burn agriculture, rational use of fertilisers and pesticides, and other modern techniques that facilitate sustainable soil management;*
- *Encourage communities and councils to create community and council forests;*
- *Improve the supply of seeds through the creation of seed banks of species and the establishment of reference nurseries;*
- *Promote reforestation actions;*
- *Improve information on the state of biological and genetic resources;*
- *Intensify actions to ensure the protection of species and biodiversity ecosystems;*
- *Promote ecotourism;*
- *Secure protected areas;*
- *Strengthen the fight against poaching;*
- *Rationalise the use of surface and groundwater resources through new practices and technologies;*
- *Continue actions that are aimed at developing Blue economy;*
- *Increase actions to combat water hyacinths.*

By 2030, Cameroon has also committed to restoring more than 12 million hectares of deforested and degraded land as part of the Bonn Challenge, and the African Initiative AFR100, aim at restoring 100 million hectares of deforested and degraded lands by 2030 in Africa.

Directive 8. Ensuring coherence of biodiversity conservation and sustainable use actions with national priorities

Actions to support the conservation and sustainable use of biodiversity on the basis of the benefits arising from the implementation of the ABS process must be identified according to the local context and realities in line with the aspirations of the local populations. This, in accordance with the priorities set at the national level inscribed in strategic documents (NDS30, NBSAPs[1]),and at the local level through local development plans such as communal and regional land-use plans.

The user of genetic resources can also guide the choice of priority conservation actions in a manner consistent with the local, national and international context.

Directive 9. Prioritizing conservation, sustainable use and biodiversity restoration

Monetary and non-monetary benefits arising from ABS contact negotiation should be used primarily for the improvement of people's livelihoods, regeneration of exploited resources, and actions for conservation, sustainable use and restoration of biodiversity.

Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT) should contain clear clauses that bind users and providers to direct the benefits arising from the use of genetic resources to the conservation of biological diversity, landscape restoration and the sustainable use of its components. The parties to the contract should ensure that the activities or projects to be funded are explicitly mentioned in such contracts.

Directive 10. Considering various conservation options to be made either at the genetic, species or ecosystem levels

Conservation actions should target genes, species and ecosystems as appropriate, each requiring distinct but overlapping approaches.

- *Conservation focusing on genetic resources may include ex-situ approaches such as gene banks, botanical gardens, zoos, natural history museums, pedigree animal management, gene cradle management, in vivo conservation and collections of micro-organisms and others, and gene sequence information (GSI) stored in databases.*
- *Species-level conservation approaches include: pedigree animal management, gene*

[1] *Strategy and the National Action Plan for Biodiversity*

cradle management, in vivo conservation, ex situ collections such as botanical gardens and zoos, sustainable harvesting from the wild, domestication of endangered or economically important species, as well as approaches to changing unsustainable practices of endangered or economically important species...

- *Landscape and ecosystem-level approaches may include protected areas, projects that integrate conservation, community-based natural resource management, migration corridors, buffer zone management around protected areas, sacred forests, urban green spaces and legal allocation of community and council forests.*

Mechanisms to support and finance these approaches include payments for ecosystem services, biodiversity offsets, and ecotourism.

Options and approaches for biodiversity conservation and sustainable use



Directive 11. Applying precautionary principle, environmental and social protections

Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to biodiversity conservation. Precautionary measures should be taken as set out in Article 15 of the 1992 Rio Declaration on Environment and Development, adopted by the United Nations Conference on Environment and Development (UNCED).

Any entity responsible for the exploitation or utilization of biological and/or genetic resources must take adequate measures to control and redress adverse environmental impacts. This should be done within the framework of a clear environmental and social protection plan that addresses key environmental and social issues from the design, implementation, and evaluation of project activities through the community consultation frameworks.

Directive 12. Providing for the sustainable management of biological and genetic resources

Agreements to be reached in the context of access and the utilization of genetic resources must incorporate the need for the development of a **sustainable management plan for biological** resources, and the development of ecological research on these resources, to control their natural potential and the impact of harvesting.

Species listed in Appendix 1 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and those deemed globally or locally endangered by the International Union for the Conservation of Nature (IUCN) Red List or equivalent category should be included in the agreements and treated with care.



Options and approaches for biodiversity conservation and sustainable use should be specific to the context and project location. The choice of these options should be based on the following analysis matrix in order to better target the actions and measures to be taken.

Threats	Causes	Measures	Support to achieve measures
		Gene level	
		Species level	
		Landscape level	
		Gene level	
		Species level	
		Landscape level	



For plant biological resources, collection should follow the generic sustainable harvesting guidelines below :

Guidelines	Plant part harvested							
	Fruits/ nuts/ seeds	**Bark**	**Liana**	**Root**	**Root**	**Leaves**	**Stems/ branches**	**Flowers**
Left after collection in %	**30%**	**50%**	**50%**		**60%**	**50%**	**40%**	**50%**
Harvested part	After harvesting, leave some quality fruits	Do not cut the tree	Do not uproot Old Liana, Support trees should not be cut	Do not cut the tree	Only lateral roots	Harvest should be evenly distributed	Mature stems	Harvest should be evenly distributed
Method	Fallen fruits	Vertical strips in length	Lateral roots	Vertical incisions	Lateral root 30 cm from main stem Avoid main root	Leaves only, no stems nor branches		Flowers only, no stems nor branches
Rotation period	-	Only after regeneration of previous harvest	Only after regeneration of previous harvest for 2-3 years	Only after regeneration / healing of previous harvest			Only after regeneration / healing of previous harvest	

Directive 13. Ensuring the participation of indigenous and local communities in biodiversity management and conservation

Indigenous and local communities should be involved in environmental management and development based on their traditional knowledge and practices. Participatory management of resources must be ensured in the management frameworks (Sustainable Management Plan) to be developed, and guaranteed through capacity building and support to the structuring of these communities.





5

GUIDELINES ON RESEARCH AND DEVELOPMENT OF GENETIC RESOURCES



The ABS process offers an opportunity to negotiate a win-win partnership for the promotion of national research through the transfer of technologies and skills, laboratory equipment, research findings, etc.

The ABS Law provides greater legal certainty and transparency in benefit-sharing for both providers and users of genetic resources. It by increasing legal certainty, and promoting benefit-sharing, it encourages the advancement of research on genetic resources that could lead to new discoveries for the benefit of all. Thus, this framework creates the incentives to conserve and sustainably use genetic resources, thereby increasing the contribution of biodiversity to human development and well-being.

Directive 14. Promoting national research and development on genetic resources for the conservation and sustainable use of biodiversity and technology transfer

The national research system that contributes to the conservation and sustainable use of biodiversity should be strengthened. At the national level, Institutional access measures should not hinder the emergence of research and innovation, which is already confronted by a number of challenges such as limited funding, equipment, etc.

In the contract, technology transfer, mainly through collaboration and cooperation in technical and scientific research and development programmes, must be a priority to be taken into consideration.

The export of large quantity of Biomass for research purposes in laboratories abroad should be limited and shall be an important point to be taken into consideration in the negotiations to promote technology transfer and strengthen national research in terms of technical and material capacity.

Thematic areas of research in ABS should give greater priority to national research to promote the use of traditional knowledge for the development of sustainable value chains of genetic resources and industry, and for basic research to control and better conserve biodiversity.

Directive 15. Sharing benefits on research and development

At the national level, benefit-sharing measures adopted have provided for a fair and equitable sharing of benefits arising from the utilization of genetic resources, as well as from their subsequent application and commercialization. The term "utilization" covers research and development activities on the genetic and/or biochemical composition of genetic resources.

Benefit-sharing is subject to Mutually Agreed Terms. Benefits may be monetary or non-monetary, as well as the sharing of research findings or technology transfer.

For example, providers may benefit from the transfer of knowledge and technology or the improvement of their research skills.

These benefits should also be used to improve the conservation and sustainable use of biological diversity (e.g. conducting research/studies on the regeneration of a resource or the impact of improved practices or technology on local biodiversity conservation, etc.).





6

GUIDELINES ON THE PROTECTION AND PROMOTION OF TRADITIONAL KNOWLEDGE



Traditional knowledge of indigenous and local communities on genetic resources and associated innovations and practices is recognised as part of the national intangible heritage within the meaning of 2013 Law on cultural heritage, without a real strategy for recognition and protection being guaranteed.

Traditional knowledge associated with genetic resources is knowledge resulting from intellectual activity in a traditional context, which is specific or general in its relation to genetic resources. It includes know-how, practices, skills and innovations. It can be found in a wide variety of contexts, notably: agricultural, scientific, technical, ecological, medicinal, including remedies and knowledge related to biodiversity.

Directive 16. Protecting traditional knowledge

The ABS Law recognises and enshrines the status of "holders of traditional knowledge" for indigenous and local communities. It incorporates mechanisms for the protection of traditional knowledge and know-how through documentation, sui generis, control of intellectual property rights, to avoid piracy. It enshrines the Biocultural Community Protocols as a condition for the utilization of traditional knowledge associated with genetic resources.

Traditional knowledge must be recognised, protected and strengthened for the benefit of the holders

It aims to:

- *Preserve and conserve traditional knowledge;*
- *Raise awareness on the value of traditional knowledge;*

- *Enable communities to continue to use aTK as part of their traditional way of life;*
- *Prevent unauthorised use of traditional knowledge;*
- *Encourage innovations based on traditional knowledge;*
- *Commercialise some types of traditional knowledge;*
- *Ensure fair and equitable sharing of benefits arising from the commercial use of traditional knowledge;*
- *Facilitate access to traditional knowledge for a variety of purposes, including research, commercial applications or use by other traditional communities;*
- *Encourage the conservation and sustainable use of biodiversity.*

Directive 17. Requesting explicit access to traditional knowledge associated with genetic resources

In some cases, access to genetic resources may depend on the use of traditional knowledge of indigenous and local communities. The rules governing access and benefit-sharing take into account the value of such knowledge and require users to obtain permission from the communities that possess it to use and share the benefits arising from its utilization.

The utilization of traditional knowledge associated with biological and genetic resources shall be subject to the establishment of Mutually Agreed Terms between the applicant/user and the holder of the e associated traditional knowledge as laid down in a Biocultural Community Protocol or according to the customary law of the communities represented by the home council(s) (Section 18(2) of the ABS Law).

Directive 18. Activating mechanisms for the protection of traditional knowledge associated with genetic resources

The protection of traditional knowledge associated with genetic resources must be ensured (i) in the ABS permit process, (ii) protection of intellectual property rights, (iii) through the establishment of a national system of documentation of traditional knowledge, and (iv) through the application of the ***sui generis*** protection systems

1) As part of the ABS permit issuance process

The following points should be considered to ensure the protection of traditional knowledge:

- *Any contact between a local community and a researcher, be it for commercial or non-commercial research, must result in the signing of an agreement as part of the requirements of their Biocultural Community Protocol (BCP);*
- *This contract must be recorded in a consent form, completed and signed by the holders of traditional*

knowledge associated with genetic resources and the user;

- *The contract signed by the user and the holder of the traditional knowledge must be initialled by the local administrative authority in (4) four copies of which (1) one for the holders of the traditional knowledge, (1) one for the user, (1) one to be deposited with the local representative of the Ministry in charge of environment for transmission to the Competent National Authority (CNA), and (1) one for the archive at the level of the local administrative authority.*

The holders of traditional knowledge associated with genetic resources must develop their Biocultural Community Protocol (BCP) which specifies the modalities of collaboration among the representatives of the community or groups of holders of traditional knowledge.

2) In the context of the protection of Intellectual Property Rights(IPR

In accordance with the ABS Law, the State, through the services mandated by the National Competent Authority, shall ensure that existing Intellectual Property Rights obtained through the exploitation of associated traditional knowledge, including patents, geographical indications, plant breeders' certificates, and collective trademarks, recognise and respect the rights of indigenous and local communities.

The State, through the services mandated by the National Competent Authority, shall assist communities in obtaining Intellectual Property Rights from the Intellectual Property Offices, including patents, plant breeders' certificates, collective trademarks and geographical indications relating to their associated traditional knowledge.

The State shall take measures to accompany local communities in negotiating intellectual property agreements relating to their associated traditional knowledge.

3) Within the framework of the national system of documentation on traditional knowledge.

Under the leadership of the Competent National Authority (CNA), a database on traditional knowledge is to be integrated into the national ABS database. This official database is dedicated to the registration of references of published scientific articles dealing with topics related to traditional knowledge based on biological and/or genetic resources on the basis of a periodic inventory. This inventory will focus on references of publications that are already in the public domain. The objective is to help prevent the patenting of such knowledge.

All contracts signed between holders of traditional knowledge and potential users should be registered in the database of the ABS Clearing house.

Communities are encouraged to make an inventory of their traditional knowledge as part of the process of developing their Bio cultural Community Protocol and submit it for registration in the ABSCH database.

4) Through the application of the sui generis protection system

The ABS Law enshrines the application of the sui generis protection system. This system in the context of intellectual property rights is a special form of

protection regime that recognises and legally protects traditional knowledge related to the utilization of genetic resources even though it is not formally documented, but rather exists in the form of oral information, traditional and historical uses.

Under a sui generis system, and as provided for in the CBD, anyone wishing to access the biological resources or traditional knowledge of a community for scientific, commercial or industrial purposes would have to obtain the Prior Informed Consent of the indigenous and local communities who own the traditional knowledge.

In accordance with the ABS Law, the State, through the services mandated by the National Competent Authority, may contest in the court of law intellectual property titles obtained in violation of the rights of indigenous and local communities.





7

MONITORING, EVALUATION AND COMMUNICATION



The monitoring of the implementation of Guidelines on Equitable Sharing of Benefits for Conservation, Sustainable Use and Restoration of Biodiversity in Cameroon is carried out by the National ABS Committee under the supervision of the Competent National Authority (CNA).

These Guidelines shall be used by the National ABS Committee as a working document when evaluating the various applications for access to genetic resources and associated traditional knowledge. To this end, these Guidelines serve in the development of a check-list, taking into consideration the directives formulated in the Guidelines in the following areas:

- *Governance;*
- *Conservation and sustainable use of biodiversity;*
- *Promotion of the national research system;*
- *Enhancement of traditional knowledge and protection of the rights of indigenous and local communities.*

The National ABS Committee shall send an annual opinion to the National Competent Authority on the level of appropriation by the various stakeholders of the Guidelines on Equitable Sharing of Benefits for Conservation, Sustainable Use and Restoration of Biodiversity in Cameroon, taking into consideration the four aforementioned pillars.

Broad communication about the Guidelines is an important success factor that will need to support all partners to ensure their effective implementation. It will make them known to the various stakeholders, including communities and applicants/users.

The National Competent Authority shall support and provide for the development and implementation of a communication plan as part of programme budgeting. This communication plan, in the short term, shall consider the following actions:

- *Transmit the Guidelines to other relevant administrations and targeted Technical and Financial Partners;*
- *Disseminate the Guidelines at the national level during workshops with key actors, including representatives of indigenous and local communities;*
- *Upload the Guidelines in the ABS-CH.*



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