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ACCESS AND BENEFIT SHARING IN CAMEROON

UEBT CASE STUDY

Given its fertile lands, unique plant species, and cultural diversity, it is not surprising that Cameroon is known for its rich agricultural biodiversity. Cameroon has more than 300 plants yielding edible fruits and over 500 non-timber forest products are used in the country for food and agriculture. Such agricultural biodiversity offers great potential for innovation in food, beverages, and other sectors, which can be harnessed for conservation, sustainable use, and local development.

This note presents an example of how, through clear requirements, inclusive dialogue and good practices on access and benefit sharing (ABS), the government of Cameroon, local communities and international companies are working together to sustainably use, protect and promote biodiversity. This case study is part of the BioInnovation Africa Project, for which the Union for Ethical BioTrade is an implementing partner.

ABS in Cameroon

Cameroon is a Party to the Nagoya Protocol. That is, it has committed to implementing ABS principles through legal, policy and other measures. In July 2021, Cameroon enacted Law No 2021-014, governing access to genetic resources, their derivatives, traditional knowledge, and benefit-sharing. Implementing regulations are under development.

Prior to the 2021 law, interim measures on ABS were in place. These measures established the terms and conditions governing access to genetic resources, their derivatives and associated traditional knowledge in Cameroon. The National ABS Committee, an inter-ministerial advisory body, reviewed access applications.

The interim ABS system also provided for the regularisation of access for companies and other entities that had acquired genetic resources or their derivatives prior to the adoption of the measures.

What is access and benefit sharing?

To ensure the conservation and sustainable use of biodiversity, it is essential to acknowledge its social, cultural, and economic value. That is why international agreements such as the Convention on Biological Diversity and the Nagoya Protocol recognise the rights of countries and communities to regulate how biodiversity is used for research and development and to promote a more fair and equitable sharing of resulting benefits. These agreements set out the key principles of ABS, such as prior informed consent and mutually agreed terms, which are then implemented through a growing number of laws and regulations in countries around the world.

Biodiversity and innovation

Firmenich is a leading company in the fragrance and flavour sector. It develops and provides a range of fragrances, flavours and ingredients used in different food, beverage, beauty, home, and other products. For example, in the food sector, the company works with its customers to offer ingredients contributing to improve diets and nutrition, including through less sugar or salt. Firmenich is also recognised for its sustainability commitments, including through its UEFT membership.

In 2019, Firmenich bought a range of spices, available on the market. It subsequently identified Cameroon as the country of origin of those spices. Prior to including the spices in its Taste&Beyond research programme, and in line with ABS principles and rules and its own policies and practices on ABS, Firmenich requested a permit to conduct research and development and explore the spices' molecules for their potential use as a flavour or flavouring compound for the food sector. At the time, no ABS permit had yet been granted in Cameroon.

ABS challenges and opportunities

ABS is often described as a "complex" topic and moving from concepts to practices has proved challenging in countries around the world. At the same time, studies show that ABS also provides an opportunity for companies to work together with governments and local communities towards partnerships that increase mutual understanding, promote innovation, and result in positive impact¹. This was the aim of the ABS partnership created between Firmenich and the community of Pimbo, identified as a provider of genetic resources. Yet it was not a simple process, even with the support of the Cameroonian Ministry of Environment, Nature Protection and Sustainable Development (MINEPDED) and the BioInnovation Africa project (BIA project).

What is BioInnovation Africa?

BioInnovation Africa is a project commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ) and coordinated by the German development agency GIZ, along with other partners. It aims to support four African countries in the implementation of their national ABS systems by supporting the conclusion of benefit-sharing agreements between African providers and European users of genetic resources. Through technical support and facilitation, BioInnovation Africa seeks to ensure that European-African partnerships for biodiversity-based innovation are strengthened with fair and equitable benefit-sharing for conservation and sustainable use. In Cameroon, the lead executing government partner is the Ministry of Environment, Nature Protection and Sustainable Development (MINEPDED).

1. Identifying a local provider

Firmenich, not having accessed the spices directly from Cameroon, could not identify the local provider of these genetic resources. Under ABS rules in Cameroon, access to genetic resources must be negotiated with a local provider. Identifying a provider was thus key to allow for the negotiation of a benefit sharing agreement and securing a permit.

Once the Cameroonian National ABS Committee had approved the Firmenich ABS application, MINEPDED took charge of the task of identifying a local provider. It carried out surveys among traders and markets in Cameroon to identify where the spices were likely to come from: the coastal region was identified as most relevant. In addition, in early November 2020, MINEPDED and BIA project local staff visited the area and met with various communities, including Pimbo, a small village in the coastal region of Cameroon. Pimbo had not only significant knowledge and experience with the selected spices, which women harvest for use in food, but also interest in building a partnership and investing in local development. The community was therefore selected as the local counterpart to negotiate fair and equitable benefit sharing.

2. Developing capabilities

Another challenge was the limited experience with ABS negotiations among parties. Firmenich has an internal expert on biodiversity, as well as other staff trained on ABS issues. However, it was still necessary to further develop capabilities to put ABS into practice. This meant engaging several Firmenich teams, including business, research, legal, sustainability and senior executives. Several meetings and discussions took place internally and were considered critical for Firmenich to build a solid benefit sharing proposal that established the basis for long term partnership.

On the provider side, the Pimbo community had never been involved in an ABS case: for their inclusive and proactive participation, it was necessary to introduce them to ABS concepts and support them in negotiations. In late November 2020, MINEPDED and BIA project local staff conducted a two-day training on ABS for the community. This training, conducted by experts and facilitators, provided background on concepts related to mutually agreed terms, such as permitted uses, transfer to third parties and benefit sharing. It also offered basic training on negotiation processes and approaches. Finally, it guided the community in selecting a diverse and representative group of people, including women and youth, to participate in the negotiations.

3. Bringing actors together

In early 2021, preparations began for the negotiations. Given the distances and difficulties in reaching the Pimbo community, it was decided that negotiations would take place in Edea, a city located along the Sanaga River in Cameroon's coastal region. Restrictions linked to the COVID pandemic meant Firmenich representatives could not travel to Cameroon. Negotiations thus could only happen in a hybrid manner, with both physical and online participation. Additionally, Firmenich engaged a local expert to act as a company spokesperson - someone the community could approach and exchange with more easily, in person.

MINEPDED and the BIA project provided constant guidance and support in preparing for negotiations. For example, the BIA project organised the venue and the Pimbo community representatives' travel to the negotiations, as well as provided facilitators with strong ABS credentials and deep knowledge of local communities in Cameroon. Prior to the negotiations, BIA project experts and facilitators also organised an additional workshop to provide further training for the Pimbo community representatives. MINEPDED, on its side, shared its proposed template for mutually agreed terms to allow legal experts from both parties to prepare and share proposals prior to the negotiations.

¹See, e.g., "The Contribution of Access and Benefit Sharing to the United Nations Sustainable Development Goals available at: <https://www.ethicalbiotrade.org/resource-pages/handout-the-contribution-of-abs-to-the-sdgs>.

4. Building mutual understanding

In February 2021, a two-day negotiation session took place in Edea. This session involved a 15-person delegation from the Pimbo community, including the village chief and legal counsel, MINEPDED representatives, BIA project local staff, the Firmenich spokesperson and two facilitators. Additionally, Firmenich staff and other BIA project experts participated online.

Negotiations were based on the template developed for mutually agreed terms. However, all participants hoped not only to agree on specific text, but also to come to a mutual understanding of the project and develop a partnership that would promote local development and the conservation and sustainable use of biodiversity. In this regard, the most significant moments during the two-day exchange were the sharing of information, aims, and experiences of both Firmenich and the Pimbo community.

For example, it was important for Firmenich to explain that the research project was still at an early stage, with uncertainty about results and commercialisation potential. Another key point was clarifying that, though small quantities were to be harvested as part of the agreement, the project would not necessarily involve building a supply chain. On the other hand, it was important for the Pimbo representatives to explain their needs, priorities, and preferences for how benefit sharing might take place.

Benefit sharing agreement

Negotiations were successful. The intense February 2021 negotiating session concluded with traditional songs and an agreement on terms of access and on benefits to be shared. After a final legal review, the benefit sharing agreement was signed in July 2021, in presence of the Cameroonian Minister of Environment, Minister of Forestry, and Minister of Basic Education, as well as German diplomatic representation. The signatory ceremony was an unforgettable moment, engaging senior executives from Firmenich with the Cameroonian counterparts in a hybrid event. A permit was issued, and an internationally recognised certificate of compliance was published shortly afterwards. Figure 1 outlines the steps taken towards this agreement, in an approximate timeline.

The Pimbo community and Firmenich benefit sharing agreement seeks to set the basis for a win-win, long-term collaboration. In line with the official template for mutually agreed terms, the benefit sharing agreement involves mandatory elements, such as the obligation for both parties to report annually on their progress, the obligation for Firmenich to acknowledge Cameroon as the country of origin of the genetic resources in any scientific publication and the obligation of the Pimbo community to inform Firmenich if any issues or difficulties arise during the partnership. Additionally, Firmenich and the Pimbo community agreed on milestone payments linked to progress on the research project, which involved investments into a list of possible projects for local development, including vegetable gardens, boreholes, solar panels, and school infrastructure. These projects will be directly controlled by the community, which will also receive training on project management as part of the benefit sharing agreement.



Cameroon officials during the signature of the benefit sharing agreement with Firmenich

FIGURE 1: STEPS TOWARDS THE BENEFIT SHARING AGREEMENT





Lessons learned

In many ways, this case is unique. Cameroon had not yet adopted a law on ABS. Negotiations took place during the COVID pandemic. The BIA project provided significant logistic and expert support, including facilitators with extensive knowledge of local laws, customs, and practices. Yet, there are lessons that may be valuable for future ABS negotiations in Cameroon and beyond.

- **ABS negotiations must be inclusive.** ABS is often seen to involve bilateral negotiations, between user and provider. Yet users and providers often involve many different groups and individuals, which must be fully engaged. In this case, Firmenich conducted work to promote internal awareness and alignment on ABS. Internal alignment and support allowed the company to be dynamic and proactive in negotiations. Additionally, there was significant work, thanks to the support of the BIA project, to include and prepare the Pimbo community to actively contribute to negotiations and advance its own views and suggestions. Beyond user and provider, involving other experts and stakeholders may be key to smooth negotiations. In this case, for example, the role of MINEPDED, as the competent national authority, was critical, as it built trust and ensured a balanced process and outcome.
- **Focus on practical solutions.** Even with ABS rules and procedures in place, there are always unforeseen challenges and opportunities as actors negotiate access and benefit sharing. In this case, dialogue and the openness of actors and competent authorities to explore options and find solutions were critical. In this way, initial uncertainty regarding the identification of a local provider turned into a strong partnership, a research project was harnessed for benefit sharing, and benefit sharing arrangements were discussed in a way to ensure that there is positive impact for the Pimbo community.
- **Consider replicability.** Given the importance of the BIA project support to the success of this case, there is significant concern that such a process could not be replicated on a larger scale. What happens if no project funding is available to provide local support and guidance? How can requirements for users to submit applications in person, for example, be adapted for international companies? How can clauses in the agreement ensure a meaningful and timely sharing of benefits? How can applicants obtain technical and logistical support to support their engagement with local providers? How can the user support the provider during negotiations without compromising the process? Can ABS promote biodiversity-based innovation from Cameroon if a separate agreement is necessary for each species to be researched? These questions must be considered as Cameroon and other countries roll out procedures to implement and advance the provisions of the Nagoya Protocol.

About this case study

This case study was produced by the Union for Ethical BioTrade (UEBT), supported by the BioInnovation Africa project.

UEBT is a non-profit association that promotes sourcing with respect. It works to regenerate nature and secure a better future for people through ethical sourcing of ingredients from biodiversity. UEBT aims to contribute to a world in which all people and biodiversity thrive.

With the support of:



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