

Research & Development and Intellectual Property Rights in Cameroon: A case study

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Introduction:

The evidence on the role of IPRs as a determinant of innovative activity and consequently of economic development is still a matter of conflicting debates. It has been emphasized that from an economic point of view, it is very difficult to make normative statements or explicit comments on the economic development impact of IPRs protection. Intellectual property rights are very difficult, hugely interrelated processes. Moreover, IPRs are an endogenous variable -- not only with respect to the level of economic development, but also with respect to a country's culture.

For industrialized countries, IPRs is widely recognized as one of the most important instruments for promoting in a sustainable manner the economic, social and cultural development of every nation in the world and that It will be more and more widely acknowledged that the successful development of any business company, from large multinational corporations to small family enterprises, relies for a large part on the proper use of intangible assets, such as various IP titles, know-how and other elements which are the specific contribution of this company to a national economy.

On the contrary, and for most developing countries, any further enforcement of the IP system is detrimental to their welfare as these countries seek for system which favors learning by imitation and/or forgery, etc.

Such a contradictory and even conflicting debate which, on a historical ground, is a matter of difference in technological level of development of counterparts would certainly come to an end when all counterparts will objectively and cooperatively recognize that *there are individuals with the ability to invent and create at high levels in every country, even the poorest. Their intellectual property must be protected as it is the case with the rights of musicians everywhere.*

Unfortunately, debates around the linkages between IPR and development, the quest for an enforcement of IPR come at the wrong moment. Since 1970, WHO has been struggling to provide medication to the majority of population in Developing Countries, an effort that is highly appreciated by all the poor incomes from such countries? Any system or any of its component (TRIPS and Patent) undermining, even at a marginal level, the WHO's contribution will be combated not only by the affected populations, their governments but also by many interest groups. Collateral damages of this conflict are many and only few concrete actions are emerging...

As already mentioned, inventors of any gender do exist in every country, and at all levels of education and condition. The difference in transforming a genuine idea into a commercial product depends only on the ability of any given country to detect and value such an inventor. A novel and useful idea from a Cameroonian inventor may resist its transformation into a product while a lesser idea from a US citizen will result in a very profitable business. Why can it be so? Maybe a brief presentation of Cameroon (AIPO member) as an example of nursery of ideas will help to understand the difficulties in promoting IPR as incentive tools for economic development in poor countries.

Cameroon in short:

Cameroon is located on Africa's west coast, on the Gulf of Guinea. Its population, estimated at 15 million, comprises some 250 ethnic groups, and its mainly agricultural economy (42% of GDP), with a GDP of about USD 10.1 billion, is the largest in the six-nation Central African Economic and Monetary Community (CEMAC). Cash crops, such as cocoa, coffee, timber, cotton, bananas, and oil exports are the foundation of Cameroon's economy. Industrial products comprise only a quarter of exports, and most private industrial companies are very small and are mostly branches of their European and/or American counterparts. After independence, the government created state-owned enterprises in sectors ranging from air transportation to agro-industry; however, these companies could not compete internationally, and Cameroon's economy suffered. Many of these companies, mostly import-substituting enterprises are now being privatized as part of an ongoing economic reform program, leaving an important part of the population jobless (Unemployment rate: 30%). In June 2000, Cameroon was admitted to the HIPC (Heavily Indebted Poor Countries) Initiative, making it eligible for debt relief upon implementation of economic reforms under the conditions that Cameroon regularly disburse its debts estimated in 1998 at \$8.7 billion. The growth is boosted by the services sector (36%), particularly telecommunications and construction, as companies continued to invest in expanding the mobile telecommunications network and recent construction of the Chad-Cameroon pipeline, the largest U.S. investment in sub-Saharan Africa. Inflation fell from 4.5 percent in 2001 to around 2.3 percent in 2004.

While some of its neighbors have recently suffered political turmoil, Cameroon, which has a multi-party political system and legal opposition, has remained stable since the mid-1990s. While there were irregularities in the 2002 legislative and municipal elections, presidential election in October 2004 was judged satisfactory by many international observers, and the ruling party made substantial gains even in zones traditionally held by opposition parties. Despite the assistance of multilateral and international organizations to implement anti-corruption and good governance programs, the government is still perceived as extremely corrupt. A 2004 report by Transparency International, a German non-governmental organization, ranked Cameroon forty-seventh on its list of most corrupt countries. Foreign investors have found it difficult to enforce their legal rights, including contract and property claims, via the Cameroonian judicial system. The enforcement of judicial decisions is also slow and fraught with administrative and legal bottlenecks.

In spite of the above, the African Growth Opportunity Act (AGOA) has opened the Cameroonian market for American textile processing and garment manufacturing equipment, food processing and packaging equipment, and wood working equipment. Cameroon has adopted the CEMAC common external tariff, and products originating within the CEMAC zone (Cameroon, Chad, Central African Republic, Republic of Congo, Gabon, and Equatorial Guinea) are not subject to tariff. Cameroon belongs to all multilateral free trade arrangements except the ATA Carnets Convention. A signatory member of the Lomé Convention, Cameroon enjoyed special trading advantages with the European Union, its largest trading partner. Cameroon is a member of the World Trade Organization (WTO) and has had its trade policies reviewed through the Trade Policy

Review Mechanism (TPRM) twice. Cameroon is also a founding member of the African Intellectual Property Organization (AIPO). Though 1994 reforms eliminated quantitative restrictions on imports, lifted non-tariff protections, eliminated many import licensing requirements, and simplified customs assessments, administration of the customs regime remains complex.

Despite Cameroon's potential, foreign investors shied away from the country when political and economic conditions deteriorated from the mid-1980s to the mid-1990s. Since the 1994 devaluation of the CFA franc, net foreign direct investment (FDI) has been modest and driven almost exclusively by privatizations and oil-sector investment. In an effort to attract more foreign investment the government is revising its commercial laws. It adopted a new Investment Charter in April 2002, but full implementation is pending and reorganized the governmental structures in December 2004. The extent of FDI in the future will depend on the success of the new government and privatized industries in addressing physical infrastructure constraints, improving the legal framework, reducing corruption, and restoring the credibility of the judicial system.

Science in Cameroon:

In the beginning, scientific research in Cameroon was carried out by explorers, Christian missionaries, colonial administrators, officers of the German and French armies, as well as isolated researchers. Research activities were mainly conducted in areas such botany, zoology, archeology, history, sociology, human and physical geography, geology, etc.

In 1960, when Cameroon became independent, it inherited an appreciable research infrastructure established during the colonial times, but the number of trained Cameroonian researchers was very small. The research structure remained essentially agricultural and focused on plant breeding, crop protection and improvement of agricultural systems. Research interest in subsistence crops was just starting but later has been neglected, all attention having been turned towards cash crops for export (coffee, cocoa, cotton, rubber, banana, etc). The same year, the first institute created by the new state was the “Ecole Nationale Supérieure d’Agronomie (ENSA)”, launched with American funds. A year later, the University of Yaoundé was founded in 1961. Then follows the creation of some important institutes: the National Agricultural Research Institute (1972); the Institute of Medical Research and Medicinal Plants (1974); the National Centre for Agricultural Machinery (1974) and the National Veterinary Laboratory (1983). In 1974, The Council for Higher Education, Science and Technology was created and its task was to advise the government on higher education and scientific research policy issues.

With the Council, a funding system for scientific research and technology was established. Thus, Cameroon was among the African countries having invested most in research. The high funding levels (1 billion in 1976/77 to almost 10 billion in 1985/1986) were to large extent due to revenues from oil, but also a genuine political will to train and have access to scientific elite. Unfortunately, during this euphoric period, research was carried out within programmes included in the five-year plans of development under which, each researcher was simply asked to execute programmes defined beforehand by his or her institute. Under such conditions, many researchers participated in programmes

without publishing anything; they just collected travel claims related to a given programme.

Meanwhile, high level basic research was carried out in research laboratories and units in faculties and polytechnic schools of the universities where most qualified researchers and technicians could be found and where the state has financed between 85-95% of research activities, prior to 1987.

The economic crisis began to establish itself in 1987 and put a violent brake on research. In most sectors, shortages became the rule and not a single programme could be carried out without external funds targeted to national programmes or to support individual researchers. The crisis not only caused a considerable drop in public spending on research institutes and universities, it also meant that salaries of the researchers became so low that they had to come up with *strategies of survival* depending, to a large extent, on consultancies for international organizations, non-governmental organizations and private businesses. For example, a research officer earning about 380 euros per month, in the beginning of 1990s saw his purchasing power drop to around 125 euros per month. On the upper side of the salary scale, a research director earning 800 euros in 1990s got the equivalent of 250 euros monthly in 1993. The 10 to 15 % increase in the salaries in 2000 was judged by all very insufficient to motivate researchers and many established researchers and scientists left their profession for greener pastures.

In response to this uncomfortable and intractable situation, the Ministry of Scientific Research and Technology organized the first conference of ministers in charge of Research and Development in Western and Central Africa in January 1999 on the general theme: “*Boosting and repossessing scientific research in Africa for the good of African people in a context of globalization*”. At the end of that conference, a University research fund scheme was created at the University of Yaounde I with three specific objectives: the re-structuring of existing endogenous academic expertise; the development of synergistic forces between different research teams with an emphasis on multidisciplinary, and the strengthening of science laboratories at the University around concerted research issues.

In 2003, it was the turn of the Ministry of Higher Education to oversee the “*Journées Universitaires pour la Science et la Technologie*” (JUST). The initial goal of JUST, to map the state of affairs of S&T activities in the universities, became more ambitious when the Ministry of Science & Technology and the private sector got engaged and contributed to the needed dialogue on Science, society and development in Cameroon. JUST was also partly responsible for the creation of specific funds to support research at each university in Cameroon. At the same time, the research fund of the Ministry of Higher Education was increased from 220000 euros in 2002 to 450000 euros in 2003.

Following one of the recommendations of JUST, *University Brain Trust Games* were launched in September 2004 and gathered more than 200 best students involved in science and technology from the six State Universities and private institutions. The aim of the brain trust games is to instill competitive spirit in science and technology education as an instrument of development.

These initiatives make the situation in Cameroon within the S&T community in 2004 one of hope, with young researchers re-entering the system, and a strong nodes of highly qualified senior researchers in key centres and departments. However, the rejuvenation of

the Cameroonian S&T infrastructure during the coming years will clearly depend on the continued attentions of both the government of Cameroon and cooperation with national and international partners and donors. But for the research to yield fruit, the S&T community in Cameroon must take challenges and compete in an environment where IP issues have a growing impact on research approaches. Hopefully, Cameroon is a member of AIPO.

IPRs in Cameroon:

As already mentioned, Cameroon is a founding member of AIPO (its negotiation power could be questioned as many believe that poor countries cannot challenge the views of those providing financial support to their ill economies) and this context, all the conventions, treaties, agreements (TRIPS) and regulations adopted by the board of directors of AIPO will enter into force in Cameroon as national laws. In order to follow up AIPO treaties and agreements, It has been created within, the Ministry in Charge of Commerce and Industrial Development an office of Intellectual property in charge of relaying the missions of AIPO on the national territory. The government, through the law of April 2002, instituting the Investment Charter of Cameroon, has reaffirmed its determination to build a competitive and prosperous economy by boosting investments and savings, and attain its economic and social objectives. The Government of Cameroon therefore opted for:

- ◆ The reassertion of the market economy as the ideal economic system;
- ◆ The commitment to safeguard the free macro-economic market;
- ◆ The clarification and consolidation of the role of the university and the national scientific and technical research system as a crucial factor in the transformation and mastery of the economic and social structures;
- ◆ The quest for an appropriate institutional and regulatory framework to guarantee the security of investments, provide support to investors, and ensure fair and prompt settlement of investment-related as well as commercial and industrial disputes;
- ◆ The acquisition and mastery of appropriate technologies and facilitate their dissemination.

In order for this last point to be fully implemented, the Government of Cameroon will set up the following bodies:

- ◆ An Industrial Partnership Council;
- ◆ An Entrepreneurship Institute;
- ◆ A Trade and Industry Observatory;
- ◆ A Standardization and Quality Board; and
- ◆ An Intellectual Property Centre. This centre is aimed at resolving the shortcomings of the national office of Intellectual Property based at the Ministry in Charge of Mines, Industry and Technological Development.

Conclusion:

The why an inventor in Cameroon will find it very hard to take his or her idea to a commercial product is almost evident now. Cameroon, under the present condition characterized by heavy internal and external debts, cannot finance its research activities or upgrade its research infrastructure. Because the few private companies operating locally are mostly branches of multinationals and are not entitled to carry out any innovative research in Cameroon, they cannot provide support to research in state owned institutions. The level of salary is low for that inventor to be patient. The risk to alienate its original and useful idea is the rule. In the case, research funds are from international bodies, the would-be inventor is very mobile to keep a secret. In this context, his or her idea is quickly collected by a malicious partner.

Taking the above into consideration, It will not be enough to fund research works and financially support inventors in Cameroon. It is not enough to adopt international norms of IP protection or to belong to AIPO, etc. Cameroon cannot compete in all fields of S&T given its present state of technology, its financial contribution to research activities and its political commitment. Cameroon, with its strong background in the Natural Products Chemistry and/or agriculture, should set priorities in research and development on those fields.

However, in order to succeed even in this small area of research, Cameroon should have good facilities and development a good communication system. Here again, collaboration in research with developed countries or transnational corporations if research is to lead to commercialization appears as an obligatory step.

Finally, the national and international bodies in charge of IPR issues (AIPO, WIPO, etc) should assist researchers and would-be inventors in understanding not only the legal aspects of IP but also to master the implications of IP specially patents, in all the steps of discovery. Best research practices must always be considered at the beginning of any research work or project.

When all these basic requirements will be fulfilled (Supporting research in priority fields, upgrading the scientific level of scientists, creating a good environment for research activities, setting up a good judiciary system for the protection of the rights of all, etc.) research in Cameroon and its protection by IP systems will certainly pay its natural role in innovation and global development.

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