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Livestock keepers' rights: the state of discussion

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Summary
Livestock keepers' rights (LKR) is a concept developed by civil society during the "Interlaken process" and is advocated for by a group of non-government organizations, livestock keepers, pastoralist associations and scientists who support community-based conservation of local breeds. This study provides an overview of the rationale, history and content of LKR and suggests that biocultural or community protocols are a means of invoking the principles of LKR even in the absence of their legal enshrinement. It is concluded that besides striving for legal codification of LKR its principles should form the basis of pro-poor and ecological livestock development in general.

Keywords: *livestock keepers' rights, biocultural protocols, international regime on access and benefit-sharing, guidelines*

Résumé
Le concept des droits des éleveurs a été développé par la société civile au cours du «processus d'Interlaken». Ils sont défendus par un groupe d'organisations non gouvernementales, d'éleveurs, d'associations de pasteurs et de scientifiques qui soutiennent la conservation des races locales au niveau communautaire. Le présent document fournit une vue d'ensemble de la justification, de l'histoire et des contenus des «droits des éleveurs» et suggère que les Protocoles bioculturels ou communautaires représentent un moyen pour invoquer les principes de ces droits même s'ils ne sont pas juridiquement garantis. Le document arrive à la conclusion qu'en plus de s'efforcer d'atteindre la codification juridique des droits des éleveurs, il faudrait utiliser leurs principes de façon générale en tant que base pour le développement de l'élevage écologique et en faveur des pauvres.

Mots-clés: *droits des éleveurs, protocoles bioculturels, Régime international relatif à l'accès et au partage des avantages, lignes directrices*

Resumen
Los derechos de los propietarios de ganado es un concepto desarrollado por la sociedad civil durante el "proceso de Interlaken" y es defendido por un grupo de organizaciones no gubernamentales, propietarios de ganado, asociaciones de pastores nómadas y científicos que apoyan una comunidad basada en las razas locales. Este trabajo proporciona una visión general del fundamento, historia, contenido de los "Derechos de los propietarios de ganado" y sugiere que los protocolos bioculturales y de la comunidad son un medio para invocar los principios de los derechos de los propietarios de ganado; incluso en ausencia de su materialización legal. Se concluye que, además de luchar por la articulación legal de los derechos de los propietarios de ganado, sus principios deben ser la base en beneficio de los pobres y el desarrollo ecológico del ganado en general.

Palabras clave: *Derechos de los propietarios del ganado, Protocolos bioculturales, régimen internacional sobre el acceso y el reparto de beneficios*

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Introduction

Livestock keepers' rights (LKR) is a concept developed by civil society (including non-government organizations and herders' associations) during the "Interlaken process", the run-up to the First International Technical Conference on Animal Genetic Resources held at Interlaken by the Food and Agriculture Organization of the United Nations (FAO) in September 2007 (FAO, 2007). They are advocated for by a group of non-government organizations, livestock keepers, pastoralist associations and scientists who support community-based conservation of local breeds and form the LIFE (Local Livestock For Empowerment of Rural People) Network. LKR are based on the rationale that many breeds in developing countries disintegrate owing to the loss of the traditional rights of livestock keepers to sustain their livestock on common property resources, as well as policies that are adverse to small-scale livestock keepers. LKR are a set of principles

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that – if implemented – would support and encourage livestock keepers to continue making a living from their breeds and thereby achieve the combined effect of conserving diversity and improving rural livelihood opportunities.

Origin and history of LKR

The term LKR was first coined and promoted by civil society organizations during the World Food Summit held in 2002. The expression was an allusion to farmers' rights, which had just been legally enshrined in the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). At this point in time, the discussion around animal genetic resources had not yet picked up the enormous importance of livestock keepers in the management of animal genetic resources; in fact, livestock keepers were not even regarded as stakeholders. Having based their argumentation on anthropological rather than animal science data, the proponents sought to emphasize the fact that many traditional livestock keeping communities, especially pastoralists, have developed highly sophisticated knowledge systems and social mechanisms for managing their genetic resources (Lokhit Pashu-Palak Sansthan and Köhler-Rollefson, 2005). Arguing that livestock keepers were indispensable to animal genetic resource management, they claimed that LKR and an equivalent to the ITPGRFA were needed to ensure the sustainable management of animal genetic resources.

Cornerstones of LKR

For the purpose of adding substance to the term LKR, the LIFE Network organized a series of consultations and workshops with representatives of livestock keeping communities and support non-government organizations (NGOs) in Karen (Kenya) in 2003, Bellagio (Italy) in 2006, Yabello (Ethiopia) in 2006, and Sadri (India) and Addis Ababa (Ethiopia) in 2007. Hundreds of livestock keepers representing more than 20 countries participated in these gatherings and identified the threats that undermine the ability of pastoralists and small-scale livestock keepers to continue acting as stewards of domestic animal diversity. In the process, seven key elements or "cornerstones" of LKR were identified that would support small-scale livestock producers to continue maintaining their breeds.

Cornerstones of LKR (Köhler-Rollefson, Rathore and Mathias, 2009)

1. Recognition of livestock keepers as creators of breeds and custodians of animal genetic resources for food and agriculture.
2. Recognition of the dependency of the sustainable use of traditional breeds on the conservation of their ecosystems.
3. Recognition of traditional breeds as collective property, products of indigenous knowledge and cultural expression.
4. Right of livestock keepers to breed and make breeding decisions.
5. Right of livestock keepers to participate in policy-making processes on animal genetic resources issues.
6. Support for training and capacity building of livestock keepers and provision of services along the food chain.
7. Right of livestock keepers to participate in the identification of research needs and research design with respect to their genetic resources so as to ensure compliance with the principle of prior informed consent.

LKR at Interlaken

During the First International Conference on Animal Genetic Resources held at Interlaken (Switzerland) in September 2007, the African region promoted the inclusion of LKR in the Global Plan of Action for Animal Genetic Resources (GPA), but this was opposed by the European and North American regions. As a compromise, the GPA recognizes that "in some countries, livestock keepers have specific rights, in accordance with their national legislation, or traditional rights, to these resources", and that "policy development should take into account . . . the rights of indigenous and local communities, particularly pastoralists, and the role of their knowledge systems". Furthermore, some of the cornerstones are reflected in the GPA. In particular, Strategic Priority No. 5 emphasizes an agro-ecosystems approach to conservation, while Strategic Priority No. 6 focuses on support to "indigenous and local production systems and associated knowledge systems, of importance to the maintenance and sustainable use of animal genetic resources" and recommends various services for livestock keepers, as well as integration of traditional knowledge with scientific approaches, the development of niche markets for products derived from indigenous and local species and breeds, and strengthening of associated knowledge systems.

Subsequently, at the 34th session of the FAO Conference, the issue of LKR was raised again (this time by the government of Brazil) and FAO was requested to look into the "important role of small-scale livestock keepers, particularly in developing countries, as custodians of most of the world's animal genetic resources for food and agriculture in the use, development and conservation of livestock resources". The Commission for Genetic Resources for Food and Agriculture (CGRFA) was tasked with addressing this issue in its report to the 35th session of the FAO Conference in 2009 (FAO, 2009).

The Kalk Bay Workshop

In December 2008, the LIFE Network organized a consultation with African lawyers in Kalk Bay (South Africa) to brainstorm on how to advance the cause of LKR in the

absence of an ongoing international policy process and how to express the cornerstones in legal language. At this juncture, the legal experts deduced that most of the components of LKR were actually already explicitly or implicitly endorsed by a number of existing legal frameworks and international agreements. Among the most important of these is the legally binding Convention on Biological Diversity (CBD), which commits its contracting parties in its paragraph 8j to "subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge innovations and practices". Another supporting international agreement is the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Experiences, which gives recognition to the distinctive nature of cultural activities as vehicles of identity, values and meaning. Only the right to breed is not specifically mentioned in any existing law.

The legal experts also concluded that the "cornerstones" should be disaggregated into three overarching principles and five specific rights.

Principles:

1. Livestock keepers are creators of breeds and custodians of animal genetic resources for food and agriculture.
2. Livestock keepers and the sustainable use of traditional breeds are dependent on the conservation of their respective ecosystems.
3. Traditional breeds represent collective property, products of indigenous knowledge and cultural expression of livestock keepers.

Livestock keepers have the right to:

1. make breeding decisions and breed the breeds they maintain;
2. participate in policy formulation and implementation processes on animal genetic resources for food and agriculture;
3. appropriate training and capacity building and equal access to relevant services enabling and supporting them to raise livestock and to better process and market their products;
4. participate in the identification of research needs and research design with respect to their genetic resources, as is mandated by the principle of prior informed consent;
5. effectively access information on issues related to their local breeds and livestock diversity.

The three principles and five rights were compiled into a "Declaration on Livestock Keepers' Rights", which puts them in the context of existing legal frameworks (LIFE Network, 2009). The declaration also clarifies the term "livestock keeper", breaking it down into two specific groups: traditional or *indigenous livestock keepers* representing those communities who have a longstanding cultural association with their livestock and have developed their breeds in interaction with a specific territory or landscape and modern "ecological livestock keepers" as those who sustain their animals and the environments, where these animals live, relying largely on natural vegetation or home-grown fodder and crop by-products and without artificial feed additives.

Current status

LKR are frequently referred to as a potential tool for protecting the rights of livestock keepers in a situation where scientists and industries make increasing use of the Intellectual Property Rights (IPR) system to protect their advances in breeding and associated technologies (Tvedt *et al.*, 2007). Some countries have expressed support for the concept of LKR, but it remains controversial, and there is currently no ongoing policy process in which they would become formally enshrined (CGRFA, 2009). As a result, livestock keeping communities and their supporters are developing new tools that protect the rights of livestock keepers and especially support them in traditional ways of life that are a prerequisite for the conservation of local breeds.

Biocultural protocols

Biocultural community protocols (BCPs) put on record the role of a community and its traditional knowledge in stewarding biological diversity. They are a legal tool that was recently developed in response to the need for fair and equitable benefit-sharing agreements under the CBD (UNEP and Natural Justice, 2009). Establishing a biocultural protocol involves a facilitated process in which a community reflects about and puts on record its role in the management of biological diversity, not only its livestock breeds but also its contribution to general ecosystem management. In addition, and maybe even more importantly, the community is also made aware of existing national and international laws – such as the CBD – that underpin the right to *in situ* conservation. The three-part process – documenting, reflecting and learning about rights – can be enormously empowering for a community. The first livestock keeping community that developed a BCP was the Raika of Rajasthan in India (Raika Samaj Panchayat, 2009). Since then several other communities have followed suit, including the Lingayat of Tamil Nadu in India, the Pashtoon Baluch in Pakistan and the Samburu in Northern Kenya. The Raika are using the BCP to contest their customary grazing rights in certain forest areas from which the Forest Department is trying to expel them.

While BCPs have met with great interest among communities, the approach is not without challenges. It requires a skilled mediator that the community trusts, such as a Civil Society Organisation (CSO), an NGO or an individual and with which it has a strong rapport. Establishing a BCP can and should not be done quickly or rushed, because then there may be a danger that a written document will be produced that is not really backed by the community. An important point is that although BCPs were conceptualized in the context of the debate on access and benefit-sharing, their relevance for livestock keepers relates more to the part of paragraph 8j of the CBD, which commits states to protect traditional knowledge and support *in situ* conservation.

Community protocols in the CBD process

Community protocols are explicitly referred to in the draft text for the International Regime on Access and Benefit-sharing (IRABS) that will regulate all access to genetic resources and traditional knowledge and is expected to be agreed upon as a legally binding framework during the tenth Convention of the Parties to the CBD to be held in Nagoya in 2010. IRABS is also expected to provide communities with the option to opt out of the patent system – something they cannot do at the moment. However, in order to do so, communities first need to make visible their role as stewards of biological diversity and for this purpose BCPs are a crucial tool.

Code of conduct/guidelines

At the Kalk Bay Workshop, legal experts recommended developing a "code of conduct" on how to implement LKR. They pointed out that soft law to which stakeholders can voluntarily adhere to is more realistic, because countries are increasingly wary of entering into any legally binding frameworks. Accordingly, two stakeholder consultations took place in Kenya and in India to develop such guidelines. These guidelines are entitled "Supporting livelihoods and local livestock breeds. Guidelines for putting Livestock Keepers' Rights into practice" (LIFE Network, 2010) and are now open for signature at: www.pastoralpeoples.org

LKR in the CBD process

Although indigenous livestock keepers fulfil the criteria of "indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity", they have only just begun to make use of the CBD process for lobbying for their rights. At COP9 that took place in Bonn in 2008, the LIFE Network, the World Initiative for Sustainable Pastoralism and other representatives of livestock keepers made a statement demanding that the contribution of pastoralists to the conservation and sustainable use of biodiversity is recognized and rewarded in accordance with the commitments made by contracting parties in articles 8j and 10 of the CBD, but without reference to LKR.

More recently, the process of developing BCPs has strengthened the movement to make an intervention at the Meeting of the Ad hoc Working Group on paragraph 8j of the CBD in Montreal in November 2009 in which the working group was requested to consider and reflect on the special situation and needs of pastoralists when making recommendations on the international regime in order to ensure their continued contribution to the conservation of biological diversity.

Conclusions

Although LKR were originally modelled on farmers' rights as articulated in the ITPGRFA, they have evolved into a much more comprehensive concept than farmers' rights by not being restricted in scope to the right to breed, save and exchange genetic material but by encompassing a broader approach that would strengthen small-scale livestock keepers and support them to make a living in their traditional agro-ecosystems (Köhler-Rollefson *et al.*, 2009).

Most of the principles and rights are reflected in existing international agreements, including the Interlaken Declaration, the GPA, the UN CBD and the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Experiences. The one exception is the right to breed and make breeding decisions.

While the crucial role of small-scale livestock keepers and their locally evolved breeds in biodiversity and ecosystem conservation has now become widely recognized at least on paper, international policies, especially free trade agreements, continue to support the proliferation of the large-scale intensive livestock production system relying on a very small number of high-performance breeds and strains. At the same time, general development trends, including population trends and land-grabbing, undermine the existence of the extensive livestock production systems that make use of local resources and conserve biodiversity. If small-scale ecological livestock keepers are to survive, they need more than recognition on paper: They require strong support, and their basic rights – which are already implicit in existing legal agreements, such as the CBD – must be secured and enforced. While BCPs and the code of conduct are useful tools, they are unlikely to be strong enough, unless backed by law.

It would be extremely important to adopt the elements of LKR as guiding principles for livestock development in general. If the same donors that promoted cross-breeding and replacement of indigenous with exotic breeds – often by investing enormous sums of money – were to support livestock keepers in developing local breeds, in organizing

themselves, and in niche and added value product marketing, they would make a major contribution to saving biodiversity and to creating rural income opportunities.

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References

CGRFA. 2009. *The use and exchange of animal genetic resources for food and agriculture*. Background Study Paper No. 43. Rome, FAO.

FAO. 2007. *Global plan of action for animal genetic resources and the Interlaken Declaration*. Rome, Food and Agriculture Organization of the United Nations.

FAO. 2009. *Livestock keepers. Guardians of biodiversity*. FAO Animal Production and Health Paper 167. Rome.

Köhler-Rollefson, I., Rathore, H.S. & Mathias, E. 2009. Local breeds, livelihoods and livestock keepers' rights in South Asia. *Trop. Anim. Health Prod.* 41(7): 1061–1070.

LIFE Network. 2009. *Declaration on Livestock Keepers Rights* (available at www.pastoralpeoples.org/docs/Declaration_on_LKRs_with_initial%20signatories_6.pdf).

LIFE Network. 2010. *Supporting livelihoods and local livestock breeds: guidelines for putting Livestock Keepers' Rights into practice* (available at www.pastoralpeoples.org/docs/LIFE%20Guidelines%20LKR%20March%202009_2.pdf).

Lokhit Pashu-Palak Sansthan & Köhler-Rollefson I. 2005. *Indigenous breeds, local communities. Documenting animal breeds and breeding from a community perspective*, LPPS, Sadri (India).

Raika Samaj Panchayat. 2009. *Raika Biocultural Protocol*. Sadri, Rajasthan, Lokhit Pashu Palak Sansthan (available at www.pastoralpeoples.org/docs/Raika_Biocultural_Protocol.pdf)

Tvedt, M., Hiemstra, S.J., Drucker, A.G., Louwaars, N. & Oldenbroek, J.K. 2007. Regulatory options for exchange, use and conservation of animal genetic resources: a closer look at property right issues. *Anim. Genet. Res. Inf.* 41: 91–99.

UNEP & Natural Justice. 2009. *Bio-cultural community protocols. A community approach to ensuring the integrity of environmental law and policy*, UNEP, Montreal.