

LIVESTOCK KEEPERS' RIGHTS: A RIGHTS-BASED APPROACH TO INVOKING JUSTICE FOR PASTORALISTS AND BIODIVERSITY CONSERVING LIVESTOCK KEEPERS

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Starkly simplified, there are two types of livestock breeds. On one end of the spectrum are the so-called high-performance or high-input breeds that are kept in industrial systems to metabolize concentrate feed into large amounts of meat, milk, and eggs. On the other end are livestock breeds that are managed in extensive pastoralist systems, utilize scarce and scattered natural vegetation, are drought- and disease-resistant, and generate a wide variety of products. The latter type of breeds are a means of accessing and taking advantage of common property resources; for this reason, livestock keepers may be financially poor, but are never destitute. In contrast to land, their animals are a self-replicating asset, analogous to money earning interest in a bank. In fact, in many countries where financial and banking services are not available, the main function of livestock is still as a type of savings account that can be sold whenever cash is needed to pay for unexpected expenditures, school fees, or new acquisitions.

The animals kept in traditional systems have evolved in constant interaction with their environments and are the results of intensive natural and cultural selection. They also retain many of the characteristics of wild animals, often having an urge to migrate, being attuned to predators, and having a strong maternal instinct.

Traditional livestock breeds are the result of intensive natural and cultural selection.

Globally, there is a large diversity of breeds that have adapted to their local ecosystems and are able to reproduce and thrive in areas that otherwise could not be used for food production¹. However, this diversity is decreasing, primarily because of the exclusion of these low-input production systems from traditional grazing areas. In addition, a handful of industrial monocultures of genetically narrow poultry and pig strains are proliferating – a process similar to the one that is well-known from the crop sector.²

Experts at the Food and Agriculture Organization of the United Nations (FAO) are concerned about this trend in decreasing diversity. In 2007, the first International Technical Conference on Animal Genetic Resources for Food and Agriculture was convened in Switzerland, which resulted in the Global Plan of Action for Animal Genetic Resources.³ The Global Plan of Action for Animal Genetic Resources provides comprehensive coverage of all aspects of the conservation and sustainable use of animal genetic resources. In its Strategic Priority No. 6, it states the following:

Over millennia, animal species and breeds have been domesticated, developed and maintained for human use. These resources have co-evolved with the social, economic and cultural knowledge and management practices. The historic contribution of indigenous and local communities to animal genetic diversity, and the knowledge systems that manage these resources, needs to be recognized, and their continuity supported. Today, the adaptive animal genetic resources management strategies of these communities continue to have economic, social and cultural significance, and to be highly relevant to food security in many rural subsistence societies, particularly, though not exclusively, in dry lands and



Figure 1. Soundra, from the village of Mulanur in Tamil Nadu, India, keeps Kangayam stud bulls for breeding. © Ilse Köhler-Rollefson

1 FAO, 2009. *Livestock keepers: Guardians of biodiversity*, Animal Production and Health Paper No. 167. FAO: Rome.

2 Gura, S., 2007. *Livestock genetics companies: Concentration and proprietary strategies of an emerging power in the global food economy*. League for Pastoral Peoples and Endogenous Livestock Development: Ober-Ramstadt, Germany.

3 FAO, 2007. *Global Plan of Action for Animal Genetic Resources and the Interlaken Declaration*. FAO: Rome.

mountainous regions.⁴

Nevertheless, the Global Plan of Action on Animal Genetic Resources is grounded in the assumption that governments and scientists are the key actors in conserving breeds. As a description of the situation, it is factually inaccurate because livestock populations retain their fitness traits only if constantly exposed to challenging conditions⁵.

As a prescription for ensuring the survival of animal genetic diversity, it is inadequate because only livestock keepers can ensure that local breeds are kept in living production systems. The main role of the government should be to provide an enabling environment and put into place policies that sustain the livestock keepers and their production systems that together conserve biodiversity.

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The LIFE Network is a group of non-governmental organizations and individuals that support community conservation of livestock breeds. Prior to the Interlaken conference, the Network developed the concept of livestock keepers' rights, which seeks to strengthen and reinforce the role of communities in the conservation and sustainable use of local breeds⁶. Livestock keepers' rights are the result of extensive consultations with livestock keepers in Asia, Africa, and elsewhere and are grounded in existing and emerging legal frameworks, especially the United Nations Convention on Biological Diversity (CBD). They encompass the following principles and specific rights:

- Livestock keepers are creators of breeds and custodians of animal genetic resources for food and agriculture;
- Livestock keepers and the sustainable use of traditional breeds are dependent upon the conservation of their respective ecosystems;
- Traditional breeds represent collective property, products of Indigenous knowledge, and cultural expressions of livestock keepers; and
- Livestock keepers have the right to:
 1. Make breeding decisions and breed the breeds they maintain;
 2. Participate in policy formulation and implementation processes concerning animal genetic resources for food and agriculture;
 3. Receive appropriate training and capacity building and equal access to relevant services to enable and support them to raise livestock and better process and market their products;
 4. Participate in the identification of research needs and research design with respect to their genetic resources, as mandated by the principle of free, prior and informed consent enshrined within Article 8(j) of the CBD; and
 5. Effectively access information on issues related to their local breeds and livestock diversity.

These three principles and five rights have been compiled into a “Declaration on Livestock Keepers Rights”, which references them to existing legal frameworks.⁷ The Declaration also clarifies the term “livestock keeper” by breaking it down into two specific groups: Indigenous livestock keepers representing those communities that have a long-standing cultural association with their livestock and have developed their breeds in interaction with a specific territory or landscape; and ecological livestock keepers who may be modern but adhere to standards corresponding to organic principles, including sustaining their animals largely on natural vegetation or home-grown fodder and crop by-products and without artificial feed additives.

The importance of national level recognition of livestock keepers' rights are supported by a recent FAO publication that explores the role of livestock keepers as guardians of biological diversity⁸. They were also the subject of a recent electronic discussion on the FAO's Global Forum on Food Security and Nutrition in which the importance of local livestock breeds that can utilize common property resources for food security was highlighted. This is a major advantage for poor rural people, especially women, who are much less likely than men to own land. Despite this, there is currently no government level process for codifying livestock keepers' rights into law; this contrasts with such a process that led to farmers' rights playing

4 FAO, 2007.

5 Van der Werf, J., H. U. Graser, and R. Frankham (eds.), 2009. *Adaptation and fitness in animal populations: Evolutionary and breeding perspectives on genetic resource management*. Springer: Dordrecht, the Netherlands.

6 Köhler-Rollefson, I., H. S. Rathore, and E. Mathias, 2009. “Local breeds, livelihoods and livestock keepers' rights in South Asia”. *Tropical Animal Health and Production*, 41(7): 1061-1070.

7 LIFE Network, 2009. “Declaration on Livestock Keepers Rights”. Last accessed August 5, 2010, at: http://www.pastoralpeoples.org/docs/Declaration_on_LKRs_with_initial%20signatories_6.pdf.

8 FAO, 2009.

an integral role in the International Treaty on Plant Genetic Resources. To overcome this legislative inaction, legal experts associated with the LIFE Network recommended the development of a “Code of Conduct” on how to implement livestock keepers’ rights as a form of soft law to which stakeholders such as governments, donors, and scientists can voluntarily adhere.



Figure 2. The Raika of Rajasthan require secure grazing rights in the Kumbalgarh sanctuary to continue managing this ecosystem. © Ilse Köhler-Rollefson

The guidelines are entitled, “Supporting Livelihoods and Local Livestock Breeds: Guidelines for Putting Livestock Keepers’ Rights into Practice” and were developed in two stakeholder consultations that took place in Kenya and India in 2009⁹.

In India, the government is engaging with the concept of Livestock Keepers’ Rights, largely due to the Indian LIFE Network’s persistent and coordinated campaign. Elsewhere, governments have not taken much interest in the concept, probably because of lack of grassroots pressure.

Livestock keepers’ rights link the conservation of biodiversity to sustainable rural livelihoods.

However, whenever there is a discussion about ownership and intellectual property rights, livestock keepers’ rights are very often referred to as a means of protecting the property and interests of small-scale livestock keepers, including, for example, at a recent interdisciplinary workshop on rights to animal genetic resources that was held in Switzerland¹⁰. Livestock keepers’ rights link the conservation of livestock biodiversity and surrounding ecosystems to poverty alleviation and sustainable rural livelihoods.

For this reason, the LIFE Network, which is currently led by the League for Pastoral Peoples and Endogenous Livestock Development, will continue to press for livestock keepers’ rights in various international such as the CBD and FAO, while trying to forge a broad coalition of pastoralist interest groups to join the movement¹¹.

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9 LIFE Network, 2010. “Supporting livelihoods and local livestock breeds: Guidelines for putting Livestock Keepers’ Rights into practice”. Last accessed August 5, 2010, at: http://www.pastoralpeoples.org/docs/LIFE%20Guidelines%20LKR%20March%202009_2.pdf.

10 Köhler-Rollefson, I., 2010. “Livestock keepers’ rights”, pages 61-66 in Biber-Klemm, S., and M. Temmermann (eds.), *Rights to animal genetic resources for food and agriculture: Notes from an interdisciplinary workshop*. National Centres of Competence in Research: Berne; Hiemstra, S. J., and M. Ivankovic, 2010. “A need for changes to the animal genetic resources regulatory framework?”, pages 56-60 in Biber-Klemm, S., and M. Temmermann (eds.), *Rights to animal genetic resources for food and agriculture: Notes from an interdisciplinary workshop*. National Centres of Competence in Research: Berne.

11 The Declaration on Livestock Keepers’ Rights is available for signature at the League for Pastoral Peoples and Endogenous Development, 2010. Last accessed August 5, 2010, at: http://www.pastoralpeoples.org/docs/Declaration_on_LKRs_with_initial%20signatories_6.pdf.