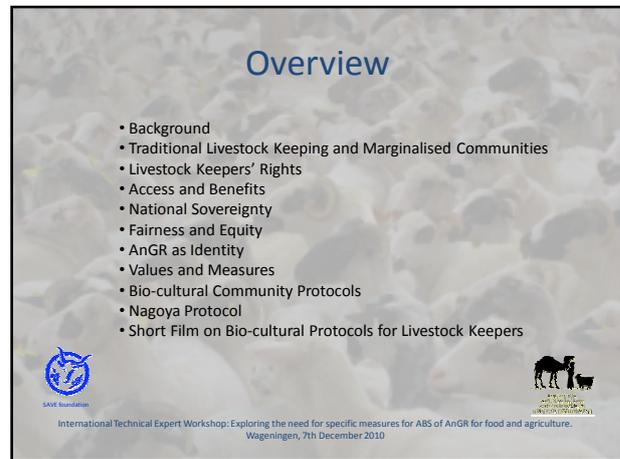


## A stakeholder view on fair and equitable exchange of AnGR: *a civil society perspective*

Elli Broxham and Ilse Köhler-Rollefson

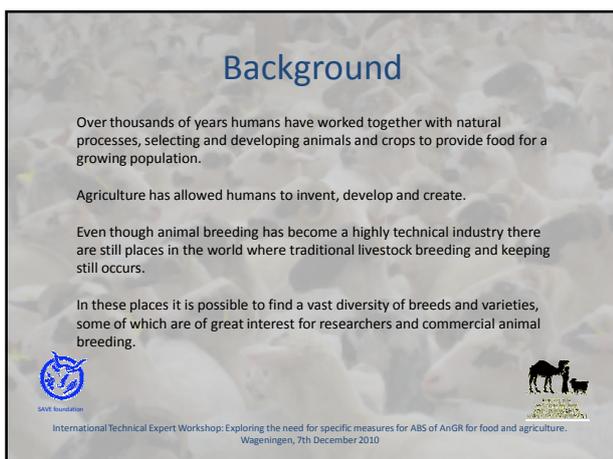
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## Overview

- Background
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- Livestock Keepers' Rights
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## Background

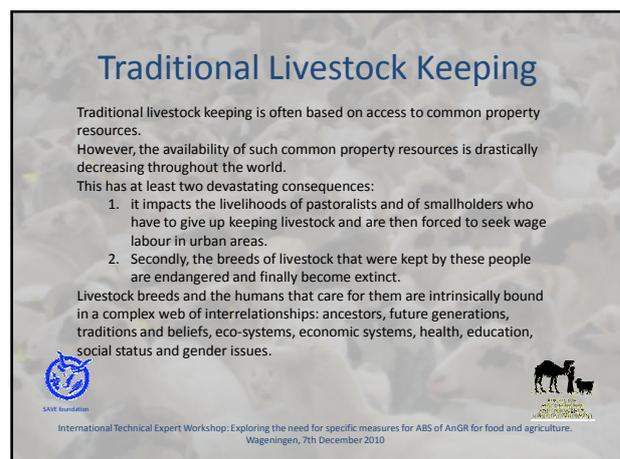
Over thousands of years humans have worked together with natural processes, selecting and developing animals and crops to provide food for a growing population.

Agriculture has allowed humans to invent, develop and create.

Even though animal breeding has become a highly technical industry there are still places in the world where traditional livestock breeding and keeping still occurs.

In these places it is possible to find a vast diversity of breeds and varieties, some of which are of great interest for researchers and commercial animal breeding.

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## Traditional Livestock Keeping

Traditional livestock keeping is often based on access to common property resources.

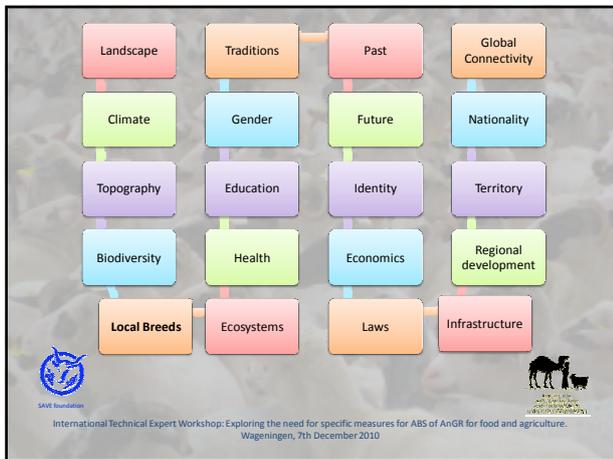
However, the availability of such common property resources is drastically decreasing throughout the world.

This has at least two devastating consequences:

1. it impacts the livelihoods of pastoralists and of smallholders who have to give up keeping livestock and are then forced to seek wage labour in urban areas.
2. Secondly, the breeds of livestock that were kept by these people are endangered and finally become extinct.

Livestock breeds and the humans that care for them are intrinsically bound in a complex web of interrelationships: ancestors, future generations, traditions and beliefs, eco-systems, economic systems, health, education, social status and gender issues.

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## Marginalised Communities

Animal genetic resources still exist within marginalised communities. This marginalisation allows for the right conditions for locally adapted breeds.

These conditions will be cross-cutting; they will include a variety of factors such as, topography, climate, infrastructure, economics, religion or traditional beliefs, history, education etc.

Many locally adapted breeds are known for their hardiness, their frugal eating habits and their high fertility in low-input conditions. These are the attributes that make the breeds interesting for research and for conservation.

Therefore, it is essential that breeds are conserved in-situ, surrounded by the correct agroecosystem.

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## Livestock Keepers' Rights

The **Declaration on Livestock Keepers' Rights** lists three principles and five rights that make up Livestock Keepers' Rights, and provides the legal instruments underpinning these rights in international law:

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 on the conservation of their respective ecosystems.

Traditional breeds represent collective property, products of indigenous knowledge and cultural expression of Livestock Keepers.

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## Livestock Keepers' Rights

Livestock keepers have the right to:

- Make breeding decisions and breed the breeds they maintain.
- Participate in policy formulation and implementation processes on animal genetic resources for food and agriculture.
- 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.
- 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.
- Effectively access information on issues related to their local breeds and livestock diversity.

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## Access and Benefits

Livestock keepers already have access to the resources and they reap the benefits of them.

These benefits are often only enough to live a traditional lifestyle. Modernisation of marginalised communities tends to rely on the goodwill of the State or on charities promoting 'development'.

Good practice within development work and goodwill on the part of the state cannot be assumed.

Many development programmes are top-down, from national or international bodies.



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## Access and Benefits

These programmes are often based on external assumptions about what indigenous or local communities might want – perhaps to keep their traditional way of life or be included into the modern, globalised world.

Often, local stakeholder consultations do not take place, especially in countries with small economic and political resources; this means that local communities often have their future and way of life decided for them.



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## National Sovereignty

Both access and benefits can be damaged by lack of national regulation protecting the web of connectivity the locally adapted breed is located within.

Genetic resources are, since the signing of the Convention on Biological Diversity, a matter of national sovereignty.

It is often not in the interests of a State to promote the right of a minority group to its own identity – most modern states are 'nation states' with one national identity.

Many locally adapted breeds occur cross-border - historical nomadic routes are often unrelated to modern national borders.

It is unreasonable to assume that access and benefit to genetic resources will or can be adequately protected by national legislation alone.



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## Fairness and Equity

From a civil society perspective, fair means: free from bias, dishonesty or injustice, legitimately sought.

Equity means: the quality of being impartial or reasonable; fairness.

Bias is already built into a system that is based on national sovereignty. A regime that outlines 'access and benefit sharing' when one partner already has access and benefit means that marginalised communities have to share their resources with research and commercial bodies.

Marginalised communities often have low educational levels. Can prior informed consent really be legitimately sought in this case?

It would seem logical to ask if this concept itself is fair or equitable and not only discuss the regulations that might be needed to ensure fairness.



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## AnGR as Identity

Perhaps this is just a word game, however, it is a word game that attempts to unpick some of the assumptions underlying the current discussions.

Animal genetic resources used and owned by indigenous and local communities are more than they at first appear. They are not just animals – living, breathing, economic units or research objects, as they might appear to be for other stakeholders. They are not even just sentient beings – close life companions who require respect, as an animal welfare activist might suggest. They are much more than this. They are livelihood, they are culture, they are meaning, status, food security, inheritance and belonging – in short: they are identity.



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## Values and Measures

“useful products cannot be harvested from extinct species.”

We all have an interest in keeping the communities supporting animal genetic resources alive and functioning.

We all have the responsibility to ensure that the individuals within these communities have the right to self-determination and development of their potential.

The value placed upon the resources should be more than just an economic value, their cross-cutting nature has to be understood and respected.

Measures need to be in place that ensures that the distribution of benefits should be regulated by the community.

This requires that free, prior informed consent has to be negotiated with the community in a way that is ethically defensible i.e. ensuring that the community truly understands what is being agreed to – mutually agreed terms that really are mutually agreed.



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## Bio-cultural Community Protocols

Ideal ways of ensuring that these measures are in place and that the interests of local communities, to protect their traditions, livelihoods and rights to self-determination, are protected are bio-cultural community protocols.

These protocols outline the values upon which free, prior informed consent, mutually agreed terms and benefit-sharing can be based. They provide all stakeholders with a framework for negotiations.

Communities developing a bio-cultural protocol will be facilitated to produce a document in which they state or outline: who they are;

- Their traditional way of life and territory;
- The customary laws that govern the use of resources;
- The pressures they face;
- Their preferred development path;
- An inventory of legislation and agreements;
- And, how they wish to be consulted.



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## Nagoya Protocol

**Pre-ambble:** Noting the **interrelationship between genetic resources and traditional knowledge**, their **inseparable nature for indigenous and local communities**, the **importance of the traditional knowledge for the conservation of biological diversity** and the sustainable use of its components, and for the **sustainable livelihoods of these communities**

**Article 9:** In implementing their obligations under this Protocol, Parties shall **in accordance with domestic law** take into consideration indigenous and local communities' customary laws, **community protocols** and procedures, as applicable, with respect to traditional knowledge associated with genetic resources.

**Article 5:** **In accordance with domestic law**, each Party shall take measures, as appropriate, with the aim of **ensuring that traditional knowledge associated with genetic resources that is held by indigenous and local communities is accessed with the prior and informed consent or approval and involvement of these indigenous and local communities, and that mutually agreed terms have been established.**



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## Bio-cultural Protocols for Livestock Keepers



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## Bio-cultural Protocols for Livestock Keepers

Protocols are the outcome of 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 eco-system management.

The community is also made aware of existing national and international laws – such as the Convention on Biological Diversity (CBD) – that underpin the right to in-situ conservation.



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## Bio-cultural Protocols for Livestock Keepers

The Raika of Rajasthan who steward camel, Nari cattle, Marwari goat and a number of sheep breeds have already formulated such a protocol.  
The Raika (or Rebari) are the largest group of pastoralists in Western India.  
The process of writing the protocol helped various stakeholders become aware of the importance of the Raika and their way of life.  
Educated Raika who may wish to distance themselves from the traditional way of life can see that their culture is valued.  
Government officials who may have traditionally looked down upon the Raika and their way of keeping animals can see the value in protecting their rights.  
Young people who decide to continue the way of life of their ancestors are empowered and protected in their life choices.



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## Bio-cultural Protocols for Livestock Keepers

Their protocol sets out the following:

- Their biocultural values;
- How they developed and preserved unique breeds of livestock and traditional knowledge associated with them;
- And, how the pastoral lifestyle has developed the co-evolved ecosystem of Rajasthan's forests.

It details:

- Customary decision making processes
- The impacts of exclusion from communal grazing areas and forests is having on lives, livestock, genetic resources, traditional knowledge and the forest ecosystem itself;
- Articulates forest access rights and rights over genetic resources and associated traditional knowledge under Indian law;



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## Bio-cultural Protocols for Livestock Keepers

And calls upon the National Biodiversity Authority to:

- Recognize their local breeds and associated traditional knowledge and to include it in the Peoples Biodiversity Register;
- Facilitate the setting up of Biodiversity Management Committees under the local bodies and to support these Committees;
- Strengthen in situ conservation of breeds and include them in the Biodiversity Management Committees;
- Advise the Central Government and coordinate the activities of the State Biodiversity Boards to protect the customary grazing rights;
- Ensure that prior informed consent is obtained and ensure that they receive a fair and equitable share of the benefits arising from the utilization of the breeds and traditional knowledge according to mutually agreed terms.



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## Bio-cultural Protocols for Livestock Keepers

It also calls on the Secretariat of the UN Convention on Biological Diversity to recognize the contribution of their traditional lifestyles to the conservation and sustainable use of biological diversity in Rajasthan

And calls upon the UN Food and Agriculture Organization to recognize the importance of their animal genetic resources and to recognize livestock keepers' rights.



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Thank you for your attention!



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