

PASHTOON BIOCULTURAL COMMUNITY PROTOCOL



1. OVERVIEW

This protocol specifically:

- Sets out our biocultural values and explains how we, the Pashtoon, have developed and preserved unique breeds of livestock and traditional knowledge associated with them, and how our pastoral lifestyle has developed the co-evolved ecosystem of north-eastern Baluchistan's rangelands which we have traditionally conserved and sustainably used;
- Details our customary decision making process involved in providing free prior informed consent to any actions that relate to our grazing rights, animal genetic resources and associated traditional knowledge;
- Illustrates the disastrous impacts of our exclusion from policy making about the rangelands, livestock, genetic resources, traditional knowledge and the forest & rangelands ecosystem;
- Articulates our rangelands access rights and rights over our genetic resources and associated traditional knowledge under Pakistani laws;
- Calls upon the appropriate authorities to implement the following within the Biodiversity Action Plan:
 - Recognize our local breeds and associated traditional knowledge as an important asset and heritage of our community;
 - Help us in formulating a Pashtoon Biodiversity Register and further include it in the Peoples Biodiversity Register;
 - Facilitate the setting up of Biodiversity Management Committees under the local bodies (Jirga or Municipalities) where we live and to support these Committees in ensuring the conservation and sustainable use of our breed diversity and traditional knowledge;
 - Strengthen *in situ* conservation of breeds of the Pashtoon community and help the provincial government in initiating projects for the conservation of breeds;
 - Advise the federal government and coordinate the activities of the provincial government to protect the customary grazing rights of the Pashtoon community so as to safeguard our traditional lifestyles that ensure the conservation and sustainable use of the our breed diversity, associated traditional knowledge and the local ecosystem;
 - Ensure that our prior informed consent (according to customary law) is obtained before any decision is taken that affects our traditional way of life or access is granted to our breed diversity and associated traditional knowledge for research or for commercial purposes, and further ensure that we receive a fair and equitable share of the benefits arising from the utilization of our breeds and traditional knowledge according to mutually agreed terms; and
 - Calls on the Secretariat of the UN Convention on Biological Diversity, specifically under Article 8(j) of the Convention, to recognize the contribution of our traditional lifestyles to the conservation and sustainable use of biological diversity in Balochistan; and calls on the UN Food and Agriculture Organization to recognize the importance of our animal genetic resources and to recognize livestock keepers' rights.

2. OUR BIOCULTURAL VALUES

Our Habitat: We are the Pashtoon, an indigenous/tribal pastoral community, who live in the northeastern Balochistan (which was also known as the British Balochistan under the British raj

of the subcontinent), a province of Pakistan. Our region is comprised of Killa Saifullah, Kohlu, Loralai, Musakhail, Zhob, Qillabdullah, Pishin, Quetta, Hernai, Ziarat, Sherani, Part of Sibi and Chaghai districts of Balochistan. Avesta, the holy book of Zoroaster, written in 2570 and 2523 BP determines the region as Orawah. The region is also known as ‘Arya Warsha’, a Warsh word which means ‘the place for grazing’. The Suleiman mountain range is the historical habitat of the Pashtoon amongst which is the famous Kase Mountain that is believed to be the birth place of Kais, the father of Pashtoon. It is believed that Kharspoon, the grandson of Kais, ruled this area with his family inhabiting present day north-eastern Balochistan and southern Afghanistan. The famous Kharspoon Mountain is located in Musakhel district.

We have a strong cultural and economic connection with the other Pashtoon tribes of Pashtoonkhua province of Pakistan and Afghanistan. This protocol is purely for the Pashtoon of northeastern Balochistan. Our community of pastoral people is comprised of many tribes of Pashtoon, mainly are Kakar, Pani (Musakhail, Alikhail, Essot, Zamri, Marghzani, Lowoon, Khajak, Safi, Barozai), Tareen, Naghar, Babar, Sherani, Haripal, Baraich, Luni, Tareen, Mandokhail, Zarkoon, Ustrani, Achakzai, Luni and Ghilzai tribes. Despite the arid climate and the region’s dryland ecosystem, we have lived in the region for over centuries rearing unique livestock and acting as custodians of the local environment.

Our origins: We are the part of the Aryan pastoral tribes and our spiritual universe is linked to our livestock breeding, and our ethnicity is inextricably intertwined with our breeds and way of life. We have always considered ourselves a distinct indigenous/tribal community, a fact that was recorded by the British Government, and is now recognized by the Government of the Pakistan.



Our traditional livelihoods: We are indigenous/tribal nomadic and semi-nomadic pastoralists who have developed a diversity of livestock breeds based on our traditional knowledge and have customarily grazed our camels, donkeys, goats, sheep and cattle on communal lands, rangelands and forests. This means that our livelihoods and the survival of our particular breeds are based on access to these lands and forests. In turn, our animals help conserve the biodiversity of the local ecosystems they graze within. Moreover, we provide assistance to the area's local communities by providing work animal for agricultural operations and livestock products for food. In this way, we see our indigenous pastoralist's culture as both using and benefiting from the rangelands and forest, in a worthy cycle.

3. WE PRESERVE UNIQUE ANIMAL GENETIC RESOURCES AND HAVE ASSOCIATED TRADITIONAL KNOWLEDGE

Animal genetic resources: Through our interaction with the forests and rangeland, and through selective breeding for generations we have created breeds that are particularly hardy, able to forage and digest rough vegetation, withstand the dry and harsh environment, walk long distances, highly adapted to our mountainous ecology and resistant to many diseases and parasites – all attributes that “high performance” exotic breeds do not have. The animal genetic diversity they embody enables us to respond to changes in the natural environment, important attributes in the context of climate change adaptation and food security. Their genetic traits and our traditional knowledge associated with them will also be of use in breeding for disease resistance, and may provide us with other diverse economic opportunities under the forthcoming International Regime on Access and Benefit Sharing or a future International Treaty on Animal Genetic Resources for Food and Agriculture. Specifically, we maintain the following breeds that are more fully described in Appendix I:

- **Cattle:** Kohi Suleimani (officially Lohani);
- **Sheep:** Dumeri, Kajalle or Gosalli, Kakari, Musakhaili and Thorghuazi or Waziri;
- **Goat:** Kohi Suleimani and Khurasani;
- **Camels:** Kohi and Raigi;
- **Chicken:** Kulengi and Pawinda;
- **Dog:** Afghan Shepherd.

Our breeds are intrinsically migratory, and cannot be stall bred. Just as our lifestyles require only suitable conditions to survive, these breeds are only suited to our bicultural realities.

Traditional knowledge: Our traditional knowledge relating to breeds and breeding has arisen from centuries of experience of tending these particular breeds in Balochistan. We have traditional customs that ensure the genetic diversity of our breeds, such as exchange of reputed and proven breeding male etc. We have also developed extensive local treatment systems called as ethno-veterinary knowledge. Many parasitic infestations, fractures, infertility and wounds are treated by ethnoveterinary practices. Animal breeding, feeding and other managerial issues are

also settled with the help of indigenous knowledge. Our community has indigenous knowledge about the vegetation and topography of our lands and the associated ways of breeding and managing of animal production in these diversified climatic conditions. Both men and women are familiar with the ailments of the animals and know the dosage of local herbal products. In our community women are more specialized in ethnoveterinary treatment of the livestock and human beings. They know how to keep the animal in comfort zone and how to take care of the animals at home. We share our ethno-veterinary knowledge freely with other communities that own livestock and are perhaps the only veterinary care for livestock in remote areas. Our animal products are totally organic having attributes that are highly desired in our community and other parts of the country. There are many tales and songs about the yellow cream of cow, white cream of sheep, aromatic eggs and health friendly milk of camel. We use their wool for making carpets, rope and blankets and they also provide draught power in the far-flung areas.



Spiritual understanding of our breeds: Our breeds are more than just a livelihood. They form an integral part of our social fabric and carry great spiritual significance for us. A number of important holy days involve our animals which underscore the sacred ties between our livestock, the environment and our traditional knowledge. We scarify animals at the ritual of Eid ul Adha and other important days. We offer meat of sheep at the occasions of marriages, child birth and other ceremonies.

4. WE CONSERVE OUR BIODIVERSITY AND USE IT SUSTAINABLY

Our animals have contributed to the ecology of the region to such an extent that they cannot be separated from the “natural” state of the rangelands and forest of the province. As our animals graze, they provide manure to otherwise infertile ground. At the same time, the seeds in the manure have a higher chance of germination, provide gestation and increase the natural

propagation of local flora. Because our animals consume the foliage on the ground, it helps to keep termite numbers low. For generations we, the Pashtoon, have acted as custodians of the ecosystem, forest and rangelands. Our customary laws ban practices that degrade the environment including the lopping of sacred trees, the laws prohibit the cutting of trees which have been devoted to the Quran, and heavy punishments are given to community members who break the rules.

We stimulate tree growth through our practice of lopping only selected trees to aid the growth of fodder trees, which is further facilitated by our camels that eat the twigs and leaves of the upper branches. Predators such as wolves, jackals, foxes and others have traditionally preyed on our livestock and we consider the resulting loss of livestock as a natural part of our integral relationship with the ecosystem. Studies on our grazing patterns have shown stronger tree growth in areas where our livestock have traditionally grazed. Our livestock has become integral to the animal diversity in forest areas.

We also provide services to the villages near our grazing lands and migratory routes. We provide manure to farmers, either by keeping our animals on their land on a temporary basis, or by selling it to them directly. People from surrounding villages use the forest for a variety of needs, including collecting dry wood, fodder, agricultural nutrient inputs, medicines, thatch and famine foods. Villagers consider us to be their guardians of the forest as we offer guidance and protection to them in an otherwise dangerous area. Members of our community use the forest for the collection of medicinal plants that are used to provide free health assistance to our community and to people in other neighboring villages.

We want to continue to graze our animals in the forests and rangelands, in a way that sustains the natural plant and animal ecology of these areas, maintains our diverse breeds, and sustains our rich traditional knowledge.



5. PRIOR INFORMED CONSENT & BENEFIT SHARING

Our animal genetic resources and our associated traditional knowledge about breeding and ethno-veterinary practices are the collectively owned by the Pashtoon.

We have customary laws that regulate decisions making in our communities. For issues that relate to all community members, we form a *Jirga* that is constituted by our elders who follow our customary laws and norms of decision-making.

The *Jirga* resolves intra and inter-community disputes on the rights over grazing areas and migratory routes, amongst other conflicts.

6. OUR CUSTOMARY LAWS

The land inhabited by Pashtoon pastoral people in northeastern Balochistan is owned by communities. Every community has his own area, which is comprised both of mountainous and plain lands. Only the roadsides, railway lines and the state areas near the towns and cities belong to the state. There is no conserved area by the Government in the Pashtoon lands of Balochistan.

After the crop harvest, during the monsoon rains, the pastoral people move towards high mountains and graze the remote and high peaks of the mountains. This type of movement also saves their livestock from foot and mouth diseases. The piedmonts and the plain lands are conserved, and nobody is allowed to graze animal there; the conservation is called as *Pargorr*. The temporary and short settlement in the mountains is called as *Gholai*. They come down to the plain lands crossing the piedmonts and settle down for the period of autumn; this conservation through settlement is known as 'a smaller Pargorr'. In winter they travel again to the piedmonts area of the mountains and stay there for longer periods. This is a permanent settlement and is called a *Pakha Mena*. The topography of piedmonts saves them from the affect of fast wind in the region.

The customary laws are oral laws and respected by the Government. These laws were formulated in Shahi Jirga of British Balochistan and were respected by the British Government. The pastoral people of all tribes respect the customary laws. The people of one community can come and graze in the area of some other community although the willingness of the owner community is absolutely necessary. Sometimes outsider tribes come without permission along with their animals and create problems. The elders of the tribes call a *Jirga* and settle the issue. This type of a situation usually arises when there is dryness in the area of other tribes and there is nothing available for grazing. Usually pastoral people help each other and if prior consent is obtained then there is no trouble. However, there is one important customary law that there is no restriction for camel; camel can be grazed anywhere and anytime of the year.

The Afghan nomads have no rights of settlement. The nomads, also called Pawindas, can cross the areas and can stay for three days in the area of one community. Each tribe of the Pawindas has a fixed route and stations where they stay for three days. In certain situations they can stay more than three days at one station, a case in point being during rainfall or snow as tents could become wet making them heavier to transport, and even spoiling those which are made of wool

or hair. According to customary laws they are bound to abide by the laws of the community, otherwise the local administration is involved and they are made to move. Some communities allow Pawindas to stay in specific reserved areas for the whole winter and charge them according to the number and species of the animal. This charge is also called *Tharni*.

Suleimankhail tribe crosses the famous Gomal pass and enter in Indus delta near Bhakkar of Punjab province. Safi and Akakhail and part of Jiggie tribe have the route in the Kakar land of Zhob and Qillasaifulla. Shinwari, Andar and Kharoti pass the Kakar land of Loralai and Qillasaifulla to reach the Anambar area of Duki Loralai where they stay for the winters and pay Tharni to Loni tribe. Some clans of Shinwari and Kharoti tribes station themselves at Kethran area and pay Tharni for winter settlement. Taraki and part of Suleimankhail tribe cross Bolan to reach Pat or Kachi basin of Southern Balochistan and some cross the area and move to the Sindh province. The Thoi of Waziristan is the route of the Dotani tribe, but amid the socio-political upheaval the tribe, which has very large size of animal flocks and herds, is not using it for security reasons. Rather it is now passing through Zhob valley. This has created problems among the pastoral communities and Pawinda. According to local customary law they have no right to pass through this area.

7. OUR RIGHTS UNDER PAKISTANI LAW AND POLICY

A. LEGISLATION ON ACCESS TO BIOLOGICAL RESOURCES AND COMMUNITY RIGHTS (2004)

There is no Biodiversity Act that has yet been passed in Pakistan. However, there is a Draft Law on access and community rights namely LEGISLATION ON ACCESS TO BIOLOGICAL RESOURCES AND COMMUNITY RIGHTS (2004) that is under consideration so as to effectively fulfill Pakistan's obligation under the Convention of Biological Diversity.

It recognizes the necessity "to protect and encourage cultural diversity, valuing the knowledge, innovations and practices of the local communities with respect to the conservation, management and use of biological resources". The Draft Law aims to find appropriate mechanisms for a fair and equitable sharing of benefits arising from the use of biological resources and [related] knowledge and technologies as well as ensuring the participation and agreement of concerned communities in making decisions as regards the distribution of benefits which may derive from such uses. Hence it is a "duty of the state and its citizens to regulate access to biological resources as well as related use of community knowledge and technologies". The draft law refers to a competent national authority that will regulate the process when any person or body would need access to biological resources for commercial or research purposes.

Article 5 gives community various rights. Subsection 2 gives the community legal recognition as the generators and sole custodians of the relevant knowledge, innovations and practices; hence it follows in Subsection 3 that this knowledge, innovation or practice cannot be transferred or accessed by anyone in any manner what so ever without the prior informed consent of the local communities.

The draft law aims to set up a national inter-sectoral coordination body to implement the provisions of this legislation. Furthermore, it states that a technical secretariat (advisory body) will be set up to assist the national inter-sectoral coordination body. The functions of the national inter-sectoral coordination body are such that it will ensure that local communities fully enjoy their rights when biological resources are accessed for collection or research purposes. It is appointed to study and recommend policies and laws on the sustainable use of biological resources including new laws or intellectual property rights and community rights over their knowledge innovations and practices [relevant to the conservation and sustainable use of biological resources].

The Daft Law therefore provides certain rights to the Pashtoon People:

- The right to compensation for the conservation for biological resources (Article 5(4)).
- The right to be asked for prior informed consent before any project is under taken to deal with biological recourses and associated traditional knowledge, innovation and practice in any manner.
- The right to get at least ten percent benefit from any commercial use of biological resources.
- The right that our breeds will be conserved and sustainably used.
- The right that the state recognizes our collective [intellectual][achievement] rights after a process of consultation with the local communities to demarcate what these rights are in every case[Article 5(5)].
- The right not to allow the collection of biological resources and access to their traditional technologies, knowledge, innovations and practices, as well as to deny and put restrictions upon activities when it is provided that such activities threaten the integrity of their natural or cultural patrimony.

B. THE BALUCHISTAN PEOPLE’S LOCAL GOVERNMENT ORDINANCE, 1972

This Ordinance establishes People’s Local Councils, namely, People’s District Council, People’s Municipal Committees and People’s Town Committees, in all areas of Baluchistan with the exception of Tribal Areas. The Ordinance recognizes the need for the improvement in breeding of cattle, horses and other animals, along with the rural development of livestock and communities. Hence the law makes the aforementioned a compulsory function of the People’s District Council (The Second Schedule). Moreover, under this law the People’s District Council has been assigned the task of maintaining and improving pastures and grazing grounds and undertaking any measures that are likely to promote animal husbandry (The Second Schedule). Furthermore the Ordinance envisions the need for holistic development of livestock. To realize this end, the law requires the People’s Municipal Committees and People’s Town Committees to prepare livestock schemes (The Third Schedule).

The Pashtoon Community calls for:

- Setting up of People’s District Council, People’s Municipal Committees and People’s Town Committees in all areas of Baluchistan where there is lack of such Councils;
- The acknowledgment of livestock keeper’s contribution to the development of livestock and breeds which is a source of livelihood of the community and contributes to the national economy;

- Conservation and expansion of pastures, grazing land and water sources for the livestock for the improvement in breeding;
- The right to carry on the Pashtoon traditional lifestyles, which involves continued access to their grazing lands in order to conserve the biological diversity of the communities breeds and associated traditional knowledge;
- Formalizing of entitlements for traditional pastoralists/herders for maintaining native animal breeds through breeding schemes so as to give free access to notified and demarcated grazing sites and migratory routes giving due regard to customary practices. This could possibly be carried out on a similar pattern as Livestock Breeding Schemes of 1960 that give tenancy rights to breeders but is only applicable to the province of Punjab.

C. THE BALUCHISTAN LOCAL GOVERNMENT ORDINANCE, 1979 (IX OF 1979)

This Ordinance establishes the District Council. The Ordinance recognizes the need for the improvement in breeding of cattle, horses and other animals, and livestock development.

The Pashtoon Community calls for:

- The establishment of District Councils where a lack of such exists;
- The acknowledgment of livestock keeper's contribution to the development of livestock and breeds which is a source of livelihood of the community and contributes to the national economy;
- Conservation and expansion of pastures, grazing land and water sources for the livestock for the improvement in breeding.

D. NATIONAL CONSERVATION STRATEGY (1993)

National Conservation Strategy (NCS) addresses the broad spectrum of issues relating to the environment. Its goals are expressed in broad terms: "conservation of natural resources", "sustainable development" and "improved efficiency in the use and management of resources"; biodiversity is one of the 14 core programmes. The influence of the NCS is clearly seen in the Eighth Five Year Plan (1993-1998), which identifies the environment as a 'critical issue'; the Eighth Five Year Plan identifies the need to develop provincial conservation strategies to carry forward the NCS into implementation. It specifically calls for 'action' for the preservation of endangered species.

E. BALUCHISTAN CONSERVATION STRATEGY (2003)

The Baluchistan Conservation Strategy (BSC) is an attempt to implement the NSC scheme in the Baluchistan by drafting a strategy owned by the people, through their participation in the formulation of the BCS. Its goal being the well-being of people and ecosystems in Baluchistan, the BCS is predicated on the following important principles: the distinctive geography, geopolitical location and socio-economic characteristics of Balochistan will be recognized, ecological balance will be maintained for sustaining essential life-support systems, biological diversity will be conserved in a sustainable manner an integrated approach will be taken to meet development and environment objectives, community participation in conservation and resource

development programs will be ensured, and cultural and religious values and traditions will be recognized, respected and adhered to.

The Pashtoon Community calls for:

- The recognition that the pastoralists have an intimate knowledge of land and its resources;
- Respect of traditional systems of ownership and control by the people who have been sustaining the ecosystem through conservation of their breeds;
- The development of a policy on nomadic and transhumant pastoralism to ensure the sustainability of these life-styles, to understand it better, and to enhance the outcome of benefits that flow from it;
- The construction of a comprehensive database on biodiversity as per the need recognized in the BSC and objective 4 of the Biodiversity Action Plan (BAP) so as to help identify the priorities for biodiversity conservation, including threatened ecosystems and species;
- The development and implementation of a protected area system for In-situ conservation with the involvement of local people in all steps of the process so as to achieve objective 6 of the BAP.
- The fulfilment of objective 2 of BAP through the development of an effective legal framework in line with international obligations especially under the Convention of Biological Diversity by reviewing and amending the existing legal rules based on rationalization of legislation on endangered and exploited species;
- The development of institutional systems to monitor key elements of biodiversity in line with objective 5 of BAP.

F. BIODIVERSITY ACTION PLAN

Biodiversity Action Plan (BAP) has been chalked out in an attempt to meet the planning requirements of CBD as it rolls into one of the three sequential processes called for under the Convention (the country study, national strategy, and action plan). Even though it covers much of the same ground as the National and Provincial Conservation Strategies, it is more focused on biodiversity and hence needs to be emphasized here. The overall goal is to promote the conservation and sustainable use of Pakistan's biodiversity, and the equitable sharing of benefits arising thereof, for the well-being and security of the nation. One of the principles established in managing and conserving biological diversity is that the biodiversity management actions must be based on sound ecological principles, scientifically valid information, and local knowledge. Natural resources cannot be sustainably managed exclusively by communities or governments. The government must recognize the interests and rights of the local communities.

The Pashtoon Community calls for:

- Extension of protected areas and recognition of the right of communities living alongside protected areas to participate in their management and derive benefits (in-situ conservation) under objective 5 and 6 of BAP;
- Local government laws to be amended so as to inculcate greater community level participation in activities supporting biodiversity under Objective 2 of BAP;
- The development of access legislation as a matter of priority to comply with Article 15 (genetic resources) under Objective 2 of BAP;

- Setting up of national and provincial centers to enhance the enforcement of biodiversity laws by collection and collation of kinds of species that communities have been breeding in organized data bases under Objective 4 of BAP;
- The protection of the breeds and livelihoods of the Pashtoon Community, and further aid the communities in a manner that enhances their capacity to conserve biodiversity under Objective 5 of BAP;
- The recognition of the role that the Pashtoon Community plays in sustainability-an overarching principle of the CBD-and accordingly clarify the rights of ownership of biological resources under Objective 9 of BAP;
- Review and revision of the laws relating to ownership and access to natural resources e.g. tenure rights to fuel wood, fodder, breeds and trees, so as to recognize community property rights and traditional natural resource management systems under Objective 11 of BAP;
- Promote community-based conservation projects in which sustainable use of natural resources can be demonstrated under Objective 11 of BAP;
- The recognition and protection of indigenous knowledge (through the use of patents or similar mechanisms), irrespective of time limitations under Objective 22 of BAP;
- The establishment of a clear system for the fair and equitable distribution of benefits derived from the use of genetic resources under Objective 22 of BAP.

G. NATIONAL ENVIROMENTAL POLICY 2005

The National Environmental Policy (NEP) recognizes the duty of the government to promote the conservation and sustainable use of biodiversity and effective management of protected areas, and the equitable sharing of benefits arising thereof. In this regard, the government has to ensure the effective implementation of the Biodiversity Action Plan. The government is responsible for developing and implementing protected areas system plan for in-situ conservation of biodiversity with community involvement. In doing so, the government has to ensure that the local communities are involved in conservation and sustainable use of biodiversity through provision of incentives and responsibilities. Under the Policy, the government has to establish a National Institute of Biodiversity and Ecosystem Sciences at federal level with the objective of enhancing training and research capabilities in the fields of biodiversity conservation and ecosystem management. NEP further demands an active role through local governance by formulating district and tehsil level environmental management plans. Under the policy, a National Environmental Policy Implementation Committee will be established to ensure effective implementation of the Policy and oversee the progress so as to monitor frameworks.

The Pashtoon Community calls for:

- The recognition of livestock keeper's contribution to the development of livestock and conservation of breeds;
- The right to consultation and public participation prior to any project that may affect the livelihood of the Pashtoon community, and their animal breeds and TK;
- The right to conservation and sustainable use of their animal breeds;

- The right to give prior informed consent and negotiate mutually agreed terms when any Pashtoon animal genetic resource or animal breed is accessed and share fairly equitable in any benefit arising from the utilization of their animal breeds and associated TK;
- The effective implementation of international obligation under the Convention of Biological Diversity by pressing for the passing of the 2004 draft law on Biological Diversity after giving due consideration to the recommendations contained herein.

7. WE CALL ON THE NATIONAL BIODIVERSITY AUTHORITY

We call on the National Biodiversity Authority to:

- Recognize our local breeds and associated traditional knowledge and set them out in a Pashtoon Biodiversity Register;
- Facilitate the setting up of Biodiversity Management Committees under the local bodies
- Initiate and Strengthen *in situ* conservation of breeds of the Pashtoon
- Ensure that our prior informed consent (according to customary law) is obtained before any decision are taken that affect our traditional way of life or access is granted to our breed diversity and associated traditional knowledge for research or for commercial purposes, and further ensure that we receive a fair and equitable share of the benefits arising from the utilization of our breeds and traditional knowledge according to mutually agreed terms.

8. WE COMMIT TO PROTECTING THE BIOLOGICAL DIVERSITY AND ASSOCIATED TRADITIONAL KNOWLEDGE

We commit to protecting the biological diversity of the region, our animal genetic resources and associated traditional knowledge, by:

- Upholding our traditional roles as custodians of the forests/rangelands and as sustainers of the co-evolved forests/rangelands ecosystem of the region;
- Sustaining the predator population that rely on our livestock;
- Continuing to increase forest growth through the manuring of the forests from the dung of our livestock;
- Ensuring strong tree growth by the customary pruning of the upper branches and twigs of trees by our camels;
- Grazing the fallen leaves on the forest floor thereby keeping the termite population in check;
- Combating illegal logging and poaching in the forests/rangelands;
- Continuing our traditional rotational or seasonal grazing (Pargor) that facilitates vegetation growth;
- Promoting and sustaining the breed diversity of our livestock; and
- Preserving and practicing our traditional breeding and ethno-veterinary knowledge and innovations, and sustainable management of forest resources relevant to the protection of the co-evolved forest/rangeland ecosystem of the region.

9. OUR RIGHTS UNDER INTERNATIONAL LAW

We the Pashtoon in our bio-cultural community protocol identify the following principles and rights based on international law, (that are further elaborated in Appendix II, namely:

A. Principles

- We are creators of breeds and custodians of their animal genetic resources for food and agriculture;
- The Pashtoon and the sustainable use of traditional breeds are highly dependent on the conservation of our ecosystem; and
- Our traditional breeds represent collective property, products of indigenous knowledge and our cultural expression.

B. Rights

We 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.
- Receive appropriate training and capacity building and equal access to relevant services enabling and supporting us to raise livestock and to better process and market our products.
- Participate in the identification of research needs and research design with respect to our genetic resources, as is mandated by the principle of Prior Informed Consent.
- Effectively access information on issues related to our local breeds and livestock diversity.

We call on the Secretariat of the UN Convention on Biological Diversity, specifically under Article 8(j) of the Convention, to recognize our contribution to the conservation and sustainable use of biological diversity in the Balochistan forest/rangelands ecosystem. We also call on the UN Food and Agriculture Organization to acknowledge the importance of our animal genetic resources and to recognize livestock keepers' rights.

APPENDIX I: PRECIOUS LIVESTOCK BREEDS WITH SPECIAL TRAITS

CAMEL

Kohi

Special traits of the breed

- ❖ Compact body, strong hind quarter, wide cannon bones and strong foot pad making it specially fit for mountainous ecology
- ❖ Survival in cold weather without housing
- ❖ Browsing in small area when vegetation is available (easy care and accessible).
- ❖ White nails and yellowish eye colour
- ❖ More weight per unit body area (Compact)
- ❖ Highly resistant to diseases, locally called as *syed*
- ❖ Its white colour is phenotypic marker for more milk yield
- ❖ The animal is very loyal and loving to the owners

Raigi

Special traits of the breed

- ❖ Thick milk is a special trait; one of the most thick milk in camel breeds
- ❖ Drinking brackish water
- ❖ Eating the bitter taste plant Artemisia



SHEEP

Kajalle

Special traits

- ❖ Resistant to dry years (*Tha kal sakhtha*)
- ❖ Can survive with very scarce vegetation (*pa laz abadi guzara kavi*)
- ❖ Mouth and muzzle is like forceps and can graze on tiny vegetation
- ❖ The meat is delicious and does not decrease in size after drying (*Landi meat*); when the dry meat is put in water, it regains its size
- ❖ Wool is like cotton and second coat of wool also appears in winter. The wool is dense (*Thathwargi*)
- ❖ The milk is yellowish like cow milk and has even more butter fats than cow milk (high fats contents)
- ❖ The breed is persistent in characteristics; when other breed's ram is offered the breed does not change easily (*the nasal sakhta*)
- ❖ Good learning skills and is obedient to the shepherd and the owner

Thorghuazi or Waziri

Special traits:

- ❖ Mountainous in nature like goat
- ❖ Good learning skills and is obedient to the shepherd and the owner
- ❖ Snow white wool
- ❖ More weight and height compared to Kajalle
- ❖ The ghee is fattier (more density) (*Stokh*) than any other breed of the region.
- ❖ Prolificacy rate is more, i.e. more number of off springs in the life time of the ewe

Kakari

Special Traits:

- ❖ The wide diversity within the breed is very important. There are many kinds of Kakari, i.e. those specific to mountainous & plain land, small sized (Abdullazai area) & large sized (Kibzai area)
- ❖ Hard to dry years
- ❖ Long soft wool
- ❖ Good in gaining weight and good for stall feeding



Musakhaili

Special Traits:

- ❖ Can climb on high mountains and consume the inaccessible vegetation
- ❖ Get more weight in short duration and fill the tail with fats very fastly, hence can resist the dry period
- ❖ Good response to stall feeding and grains offer
- ❖ The wool is thin in density (*Khalaswargi*) and is good to resist high temperature
- ❖ Consumes bushy vegetation when there is scarcity of grasses

Dumeri

Special traits:

- ❖ *Assili* i.e. good thriftiness nature, and high compensatory growth
- ❖ This breed of sheep is hardy and can survive in dry period
- ❖ The goat like nature enables it to graze in the peaks of the mountains
- ❖ The meat is tender and juicy, very much like by local consumer
- ❖ There is more meat compare to bones compared to other breeds

GOAT

Kohi-Suleimani

Traits special:

- Highly resistant to drought
- Easily reaches inaccessible areas for grazing

- Very alert and a fast running animal, hence can't be eaten by pests and predators. They share traits with their wild ancestors and are more resistant to diseases and droughts.
- Higher milk production than local sheep and provide milk in summer for family needs

Khurasani

Special traits

- ❖ The animal of this breed is highly intelligent, making it safe
- ❖ The Khurasani goat is loving to her soul and takes care of herself; it can find vegetation and water
- ❖ Always leads other livestock towards water and vegetation
- ❖ Close to wild ancestors and highly resistant to diseases
- ❖ Can travel long

CATTLE

Kohe-Suleimani officially Lohani

Special traits:

- ❖ Climbs mountains and uses the vegetation of the high altitudes
- ❖ Consumes highly fibrous material
- ❖ The disease register is very low; highly resistant to trypanosomiasis and other tick diseases.
- ❖ ***The kal sakhta*** (resistant to dry years)
- ❖ Milk production is persistent and not adversely affected by weather and feed scarcity
- ❖ Very hardy animal and is used for draught power in mountains
- ❖ ***The yakh sakhta*** (resistant to cold weather)



DONKEY

Shinghari

Special traits:

- ❖ Very hardy and consume very fibrous feeding materials
- ❖ No leech infestation because it drinks water with closed jaws
- ❖ Highly resistant to diseases
- ❖ Very fit to work in mountainous ecology
- ❖ Can walk long, making it fit for nomadic system

Sperki or Piddie

Special traits:

- ❖ Very hardy and consume very fibrous feeding materials
- ❖ No need of any care and management
- ❖ Highly resistant to diseases
- ❖ Ability to run fast

APPENDIX II

OUR RIGHTS UNDER INTERNATIONAL LAW

We the Pashtoon in this Pashtoon Bio-cultural Community Protocol identify the following principles and rights based on international law:

Principle 1:

The Pashtoon are creators of breeds and custodians of their animal genetic resources for food and agriculture.

Over the course of history, the Pashtoon have managed and bred livestock, selected and used them, thus shaping them so they are well adapted to our environment and its extremes. Keeping these breeds is a vital part of our culture and livelihoods. Yet these breeds and our livelihoods are under risk through loss of access to our traditional grazing lands. This has endangered our food security and our way of life. As recognized in the Global Plan of Action for Animal Genetic Resources and the Interlaken Declaration on Animal Genetic Resources, livestock keeping communities are thus the creators and custodians of the breeds that they maintain. We have therefore earned certain custodianship rights over these breeds, including the right to decide how others use the genetic resources embodied in our breeds.

Principle 1 is supported by:

Point 9 of the Interlaken Declaration on Animal Genetic Resources recognizes “that the *genetic resources of animal species most critical to food security, sustainable livelihoods and human well-being are the result of both natural selection, and directed selection by smallholders, farmers, pastoralists and breeders, throughout the world, over generations*”.

Point 12 of the Interlaken Declaration on Animal Genetic Resources recognizes “*the enormous contribution that the local and indigenous communities and farmers, pastoralists and animal breeders of all regions of the world have made, and will continue to make for the sustainable use, development and conservation of animal genetic resources for food and agriculture*”.

Part I Point 10 of the Global Plan of Action for Animal Genetic Resources: “*all animal genetic resources for food and agriculture are the result of human intervention: they have been consciously selected and improved by pastoralists and farmers since the origins of agriculture, and have co-evolved with economies, cultures, knowledge systems and societies. Unlike most wild biodiversity, domestic animal resources require continuous active human management, sensitive to their unique nature*”.

Principle 2:

The Pashtoon and the sustainable use of traditional breeds are dependent on the conservation of our ecosystem.

Our traditional breeds are developed through the interaction between our livestock, the Pashtoon pastoralists and our natural environment. This natural environment is conserved, inter alia,

through traditional practices of the Pashtoon, and traditional breeds lose their specific characteristics once removed from this ecosystem. The Pashtoon therefore have a right to access our natural environment, so as to ensure the sustainable use and conservation of our breeds and the environment.

Principle 2 is supported by:

Article 8 of the Convention on Biological Diversity: “*genetic resources should be conserved in the surroundings in which they have developed their distinct properties*”.

Article 10 (d) of the Convention on Biological Diversity demands that “*local populations are supported to develop and implement remedial action in degraded areas where biological diversity has been reduce*”.

Chapter 15 (5) (g) of Agenda 21: requires States to “*Take action where necessary for the conservation of biological diversity through the in situ conservation of ecosystems and natural habitats,...and the maintenance and recovery of viable populations of species in their natural surroundings*”.

Principle 22 of the Rio Declaration: “*Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development*”.

Principle 3:

Our traditional breeds represent collective property, products of indigenous knowledge and cultural expression of the Pashtoon.

While the Pashtoon have collective custodianship rights over our breeds and the genetic traits of these breeds, it is crucial that these rights are supported and promoted by the government. Our government must therefore respect, preserve and maintain the knowledge, innovations and practices of the Pashtoon embodying lifestyles relevant for sustainable use and conservation of livestock diversity.

Principle 3 is supported by:

Article 8 (j) of the Convention on Biological Diversity: “*Contracting parties shall...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...*”

Article 10 (c) of the Convention on Biological Diversity: “*customary use of biological resources is protected and encouraged in accordance with traditional cultural practices that are compatible with conservation and sustainable use requirements*”..

Chapter 15 (4) (g) of Agenda 21 calls on governments at the appropriate level “*to recognize and foster the traditional methods and knowledge of indigenous people and their communities ...relevant to the conservation of biological diversity and the sustainable use of biological resources*”.

Chapter 15 (5) (e) of Agenda 21: Governments should “*subject to national legislation, take action to respect, record, protect and promote the wider application of the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles for the conservation of biological diversity and the sustainable use of biological resources ...*”

Based on these principles articulated and implicit in existing legal instruments and international agreements, the Pashtoon who belong to a traditional livestock keeping community and adhere to ecological principles of animal production affirm the following rights:

1. The Pashtoon have the right to make breeding decisions and breed the animals they maintain.

This right is supported by:

Article 10 (c) of the Convention on Biological Diversity: obliges Parties to “*protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation and sustainable use requirements*”.

2. The Pashtoon shall have the right to participate in policy formulation and implementation processes on animal genetic resources for food and agriculture.

This right is supported by:

Article 8 (j) of the Convention on Biological Diversity: obliges Parties to “*promote the wider application of the knowledge, innovations and practices of indigenous and local communities with their approval and involvement*”.

Article 14(1) (a) of the Convention on Biological Diversity: obliges Parties to “*introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and where appropriate allow for public participation in such procedures*”.

Article 3 (a) of the United Nations Convention on Desertification: compels Parties to “*ensure that decisions on the design and implementation of programmes to combat desertification and/or mitigate the effects of drought are taken with the participation of populations and local communities and that an enabling environment is created at higher levels to facilitate action at national and local levels*”.

Article 10(2) (f) of the United Nations Convention on Desertification: obliges the “*effective participation at the local, national and regional levels of non- governmental organizations and local populations, both women and men, particularly resource users, including farmers and*

pastoralists and their representative organizations, in policy planning, decision-making, and implementation and review of national action programmes”.

3. The Pashtoon shall have the right to appropriate training and capacity building and equal access to relevant services enabling and supporting us to raise livestock and to better process and market our products.

This right is supported by:

Article 12 (a) of the Convention on Biological Diversity obliges Parties to *'establish and maintain programmes for scientific and technical education and training in measures for the identification, conservation and sustainable use of biological diversity and its components'*

Article 11 of the Convention on Biological Diversity obliges Parties to *'adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity'*

Article 19 (1) (e) of the United Nations Convention on Desertification obliges parties to promote capacity building *“by adapting, where necessary, relevant environmentally sound technology and traditional methods of agriculture and pastoralism to modern socio-economic conditions”.*

Strategic Priority 6 of the Global Plan of Action for Animal Genetic Resources requests governments to *“Support indigenous and local livestock systems of importance to animal genetic resources, including through the removal of factors contributing to genetic erosion. Support may include the provision of veterinary and extension services, delivery of microcredit for women in rural areas, appropriate access to natural resources and to the market, resolving land tenure issues, the recognition of cultural practices and values, and adding value to their specialist products.”*

4. The Pashtoon shall have the right to participate in the identification of research needs and research design with respect to our genetic resources, as is mandated by the principle of Prior Informed Consent.

This right is supported by:

Article 8 (j) of the Convention on Biological Diversity (see above) and Article 10 (d), which says Parties shall *“support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced”.*

Chapter 15(4) (g) of Agenda 21 require states to *“Recognize and foster the traditional methods and the knowledge of indigenous people and their communities ...and ensure the opportunity for the participation of those groups in the economic and commercial benefits derived from the use of such traditional methods and knowledge”.*

5. The Pashtoon shall have the right to effectively access information on issues related to our local breeds and livestock diversity.

This right is supported by:

Article 13 (a) of the Convention on Biological Diversity: obliges Parties to “*Promote and encourage understanding of the importance of and the measures required for the conservation of biological diversity, as well as its propagation through media, and the inclusion of these topics in educational programmes*”.

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