# Can Tenure and User Rights Help Achieve 2030 Agenda for Sustainable Development?

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# The 2030 Agenda for Sustainable Development

- 17 SDGs and 169 targets were announced as "new universal agenda" (UNGA Resolution 70/1 dated 25 Sept 2015) to build on the 8 MDGs (2000) and to complete what MDGs could not achieve
- SDGs **broaden the scope of the MDGs**; to stimulate action until 2030 focusing on people, planet, prosperity, peace, and partnerships; recognizes common but differentiated responsibilities principle
- **MDGs** were goals **mainly for developing countries**; SDGs are **universal goals applying to all countries** taking into account different national realities
- SDGs provide a globally **shared normative framework** that fosters collaboration across countries and mobilizes all stakeholders
- **Seek to realize the human rights of all**, to achieve gender equality and the empowerment of all women
- **Integrated and indivisible** and balance the three dimensions of sustainable development (economic growth, environmental sustainability and social inclusion)

# Relevant Goals

- All are relevant but some are more relevant than others (**Goal 1**. End poverty in all its forms everywhere; **Goal 2.** End hunger, achieve food security and improved nutrition, and promote sustainable agriculture; **Goal 3.** Ensure healthy lives and promote well-being for all at all ages; **Goal 5.** Achieve gender equality and empower all women and girls; **Goal 6.** Ensure availability and sustainable management of water and sanitation for all; **Goal 8.** Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; **Goal 10.** Reduce inequality within and among countries; **Goal 12.** Ensure sustainable consumption and production patterns; **Goal 14.** Conserve and sustainably use the oceans, seas and marine resources for sustainable development; and **Goal 15.** Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, halt and reverse land degradation and halt biodiversity loss; )

# SDGs (Continued)

- Also see (Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all; Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation; Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable; Goal 13. Take urgent action to combat climate change and its impacts; Goal16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels; and Goal 17. Strengthen the means of implementation and revitalize the global partnership for sustainable development)

# SDG Targets

- Targets are part of the roadmap to achieving Goals

# Relevant Targets SDG 1
# End poverty in all its forms everywhere

- 1.2. By 2030, reduce at least by half the proportion of men, women and children of all ages living in **poverty in all its dimensions** according to national definitions

- 1.3. Implement nationally appropriate **social protection systems** and measures for all, **including floors**, and by 2030 achieve substantial coverage of the poor and the vulnerable

- 1.4. By 2030, ensure that **all men and women**, in particular the **poor and the vulnerable**, **have equal rights** to economic resources, as well as **access to** basic services, **ownership and control over** land and other forms of property, inheritance, **natural resources**, appropriate **new technology and financial services**, including microfinance

# Relevant targets SDG 2
# End hunger, achieve food security

- 2.1 By 2030, end hunger and **ensure access by all people**, in particular the poor and people in vulnerable situations, including infants, **to safe, nutritious and sufficient food** all year round

- 2.3 By 2030, **double the** agricultural **productivity and incomes of small-scale food producers**, **in particular women, indigenous peoples,** family farmers, pastoralists and **fishers**, **including through secure and equal access to land, other productive resources** and inputs, knowledge, financial services, markets and **opportunities for value addition and non-farm employment**

# Relevant Targets SDG 5
# Achieve gender equality

- 5.1 **End all forms of discrimination** against all women and girls everywhere

- 5.5 Ensure **women's full and effective participation and equal opportunities** for leadership at all levels of decision-making in political, economic and public life

- 5.a Undertake reforms to **give women equal rights to economic resources**, as well as **access to ownership and control over** land and other forms of property, financial services, inheritance and **natural resources**, in accordance with national laws

- 5.c **Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality** and the **empowerment of all women** and girls at all levels

# Relevant Target SDG 6
# Sustainable management of water

- 6.6. By 2020, protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes

# Relevant Targets SDG 8 Employment and decent work for all

- 8.5 By 2030, achieve full and productive employment and **decent work for all** women and men, including for young people and persons with disabilities, and equal pay for work of equal value

- 8.6 By 2020, **substantially reduce the proportion of youth not in employment**, education or training

- 8.7 Take immediate and effective measures to **eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour**, including recruitment and use of child soldiers, and by 2025 **end child labour in all its forms**

- 8.8 **Protect labour rights** and **promote safe and secure working environments** for all workers, including **migrant workers**, in particular **women migrants**, and those in **precarious employment**

# Relevant Targets SDG 10
# Reduce inequality

- 10.2 By 2030, **empower and promote the social, economic and political inclusion of all**, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status

- 10.3 Ensure **equal opportunity and reduce inequalities of outcome**, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard

- 10.7 Facilitate orderly, safe, regular and **responsible migration and mobility of people**, including through the implementation of planned and well-managed migration policies

# Relevant Targets SDG 12
# Ensure sustainable consumption

- 12.2 By 2030, achieve the **sustainable management and efficient use of natural resources**
- 12.3 By 2030, halve per capita global food waste at the retail and consumer levels and **reduce food losses along production and supply chains, including post-harvest losses**
- 12.c **Rationalize inefficient fossil-fuel subsidies** that encourage wasteful consumption by removing market distortions, in accordance with national circumstances, including by restructuring taxation and **phasing out those harmful subsidies**, where they exist, to reflect their environmental impacts, taking fully into account the specific needs and conditions of developing countries and minimizing the possible adverse impacts on their development in a manner that protects the poor and the affected communities

# Relevant Targets SDG 14
## Conserve and sustainably use the oceans

- 14.1 By 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution

- 14.2 By 2020, sustainably manage and protect **marine and coastal ecosystems** to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans

- 14.4 By 2020, effectively **regulate harvesting and end overfishing**, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics

- 14.5 By 2020, **conserve at least 10 per cent of coastal and marine areas**, consistent with national and international law and based on the best available scientific information

- 14.7 By 2030, **increase the economic benefits to small island developing States and least developed countries from the sustainable use of marine resources, including through sustainable management of fisheries**, aquaculture and tourism

# Relevant Targets SDG 15
## Sustainable use of terrestrial ecosystems

- 15.1 By 2020, ensure the **conservation, restoration and sustainable use of** terrestrial and **inland freshwater ecosystems** and their services, in particular forests, **wetlands**, mountains and drylands, in line with obligations under international agreements

- 15.4 By 2030, ensure the conservation of mountain ecosystems, including their biodiversity, in order to enhance their capacity to provide benefits that are essential for sustainable development

# Relevant Target SDG 14.b and Indicator

- 14.b Provide access for small-scale artisanal fishers to marine resources and markets

- 14.b.1 Progress by countries in the degree of application of a legal/regulatory/policy/institutional framework which recognizes and protects access rights for small-scale fisheries

# Relevant Targets SDG 16
## Inclusive societies and access to justice for all

- 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all

- 16.5 Substantially reduce corruption and bribery in all their forms

- 16.6 Develop effective, accountable and transparent institutions at all levels

- 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels

# Systems of tenure

- "How people, communities and others gain access to land, fisheries and forests  is defined and regulated by societies through systems of tenure. These tenure systems **determine who can use which resources, for how long, and under what conditions**. These systems may be based on written policies and laws, as well as on unwritten customs and practices" (the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security)

# Tenure Rights

- Rights and associated duties to access, use and control land, fisheries and forests
- Cases of informal tenure rights, publicly-held tenure rights, communal tenure rights, customary tenure rights, collective tenure rights, periodic tenure rights, individual tenure rights, etc. Some are tenure rights in transition
- A whole range of insecure inland and marine tenure rights to secure inland and marine tenure rights ranging from mountains to the coast, from internal waters, territorial waters to the EEZ, from small-scale artisanal fisheries (significant emphasis!) to industrial fisheries, from developing countries, including SIDS to OECD countries; fisheries recovering from civil war to fisheries impacted by civil war; tenure rights of fishers and fish processors, of men and women; some are reports of work in progress
- Drivers for tenure reforms vary from internal reforms, external pressure/incentives-- markets (e.g. EU), environmental organizations, FAO projects; funding  support from the World Bank; pressure from tourism, real estate, industrial fishing, joint ventures, access agreements, etc.

# Indigenous/Customary/Collective Tenure Rights and SDGs

- Indigenous tenure rights are disputed (Argentina, Garifunas, Central America)

- Customary marine tenure rights are sometimes unable to deal with pressure from external markets (e.g. Lamakera, Indonesia)

- Customary marine tenure rights can achieve SDGs 1, 2, 5 and 14.b (but not sure of SDG 14)-Aceh, Indonesia

- Customary and collective tenure rights have partially contributed to achieving SDG 1 and 2 (e.g. Selayar, Indonesia, Tonle Sap, Cambodia)

# Open Access Fisheries and SDGs

- Overfishing pressures leading to reduced availability of fish (unlikely to achieve SDG 1, 2 and 15-e.g. Lake Tanganyika)

- Collective tenure rights to deal with pressures from other sectors (e.g. tourism, real estate, etc.) e.g. an estuary in Ghana (could potentially contribute to SDGs 1, 2 and 15)

# Limited Access Fisheries and SDGs

- Marine tenure for industrial fishing inclusive of labour standards (e.g. Sierra Leone) (potentially contributing to SDG 8)
- Separate marine tenure rights for small-scale artisanal fishing (co-management assns.) and joint venture industrial fishing; however, SSF fishing zones are not respected (will not help achieve SDG 1)
- Tenure rights on land as compensation to alleviate pressure on fishing grounds (e.g. China) (SDG target 1.3. *Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable;* 10.4 *social protection policies to progressively achieve greater equality)*
- Effective marine tenure leading to the conservation and sustainable use of nearshore marine resources (e.g. Belize) (SDG1, 2, 10 and 14)
- Effective marine tenure leads to better income for fishers (e.g. Alaska, Korea) (SDG 1, 2, 14)

# Output Control and SDGs

- Mainly in the context of industrial fisheries
- Output control leads to better planning of fisheries (industrial fisheries in the United States, Angola and demersal fisheries in Sweden) (SDGs 1, 2, 10 (?), 12, 14)
- Jurel and anchovies in Chile and Peru have created employment in the processing industry in rural areas; improvement in labour conditions in fishing in Uruguay (SDGs 1, 2 and 8); employment of women in the service industry related to fisheries (quality control, certification, etc.) (SDG 5);
- Lesser pressure on these fishery resources; longer fishing seasons (SDG 14)

# Rights, Post Harvest Sector and SDGs

- Invisibility of women in harvest and post-harvest activities (e.g. Costa Rica, Colombia and Tunisia)
- Exploitation by middlemen
- Importance for women to be organized to improve their access to resources and markets
- Insecure tenure rights
- Infopesca project in Tunisia to help women improve their tenure rights and access to market; successful organization of women in Costa Rica (SDG 5)
- Implementation of the SSF Guidelines for securing tenure and user rights of women and small-scale fishers (SDG 5)

# Rights, Post-harvest and SDGs

- Processor quotas improving safety at sea in crab fishing (Bering Sea Aleutian Islands) (SDG 8)
- Community rights acting as barrier to entry into fishing and ageing population of men fishers moving into post-harvest activities, tourism, etc. (Baekmiri, Korea); relaxation of traditional rules, mediated by the State to allow women to become fishers (SDG 5)

# Tenure Rights and Competing Fishing Stakeholders

- Restoring access to traditional fishing grounds to small-scale fishing communities that have been displaced by armed conflict (e.g. Sri Lanka) (SDG 1, 2, 5,14)
- Instability in a neighbouring country leading to disorderly migration of cheap labour into fishing (e.g. Lake Albert, Uganda) (not helping the SDGs!)
- Issues with dual jurisdiction of customary law and western law (e.g. Fiji) over marine resources (implications for SDGs?)
- Improved harmonised tenure systems for shared stocks (Northwest Africa, Eastern Pacific) (to benefit SDG 14, in particular)
- Fish as a commodity vs. fish used for its genetic properties—BBNJ negotiations (implications for SDGs?)

# Social Aspects of Tenure and User Rights, and SDGs

- Formalized fishing rights acting as a hindrance to protecting larger community interests (e.g. Okinawa, Japan on building an airport) (implications for SDGs?)
- Lack of formalization of customary rights leading to conflicts (e.g. Marshall Islands)
- Conservation-driven tenure reforms (e.g. Indonesia) (SDG 12, 14?--in conflict with SDG 1 and 2?)
- Codification of traditional knowledge (e.g. Indonesia) (SDG 14)

# Conclusion

- SDGs provide an important normative framework to make tenure rights and user rights consistent with human rights principles and standards
- Securing tenure and user rights through formalization might help in providing a stable legal and policy environment
- Maintaining greater coherence across tenure rights and SDGs so that no one is left behind
- Need for more studies on tenure systems and practices to identify the most optimal arrangements to balance the economic, social and environmental dimensions of sustainable development