A report on the consultation phase of the
Marine Tenure Initiative

Support toward secure tenure and rights recognition

Table of Contents

Executive Summary

Coastal, shoreline and riparian communities, small-scale fishers and fishworkers, and Indigenous Peoples are intrinsically connected to aquatic and shoreline spaces and resources through residence, culture, way of life, food and economy. Small-scale fishers and fishworkers represent the largest group of ocean users, coastal communities are at the front line of climate change, and Indigenous Peoples have enduring histories of custodianship of ocean, lakes, rivers, coasts and shorelines. These communities have traditionally held communal rights to access, use, manage and govern these spaces. However, whilst rights and tenure regimes are acknowledged in international conventions and broader human rights law, these rights and relationships are, in practice, frequently overlooked, undermined, and even, at times, abused.

Despite the critical and vast nature that these communities hold to marine and riparian environments there is a striking lack of funding that flows directly to locally-led efforts in ways that center local rights, agency and self-determination. The deficit in funds reaching local levels *and* under community control is a trend evident in overseas development assistance, climate funding and ocean conservation funding. The funding that *does* make it to frontline communities is laced with top-down influence and shaped by striking power imbalances, with most of the philanthropic and governmental aid funding flowing through international non-governmental organizations or other institutions based in the Global North. These patterns in the governance and distribution of aid and philanthropy have sustained and exacerbated the marginalization and disenfranchisement of local communities, small-scale fishers and fish workers, and Indigenous Peoples.

The Marine Tenure Initiative is a two year project (2022-2024) of four phases - scoping, consultation, design and piloting - aimed to determine the need for, and then (if need and broad approach is confirmed) the development of a dedicated Facility (with possible launch 2024). The proposition that we considered through consultation, was that this Facility could deliver grants and support more directly to the grassroots, to support local communities, small-scale fishers and fish workers and Indigenous Peoples - and their rights and tenure - so that these communities were genuinely centered in the management, conservation, development and governance of oceans and aquatic systems.

It is critical that the Marine Tenure Initiative, and a Facility that may emerge, be guided and governed by rights holders - local communities, small-scale fishers and fisher workers, and Indigenous Peoples - and the groups that work in direct service and solidarity with them. This requires careful and broad consultations in the formative stages (this is the process described in this report). The Marine Tenure Initiative (including but not limited to this consultation phase) also benefited from guidance and direction from a Steering Committee (established in late 2022) composed of advisors to, and leaders of, Indigenous Peoples, local communities, and small-scale fisheries groups and networks.

This report summarizes, synthesizes and provides initial interpretation of the listening and consultations undertaken since the commencement of the Marine Tenure Initiative in mid-2022 and through until late-2023. We acknowledge that consultations and learning with local communities, small-scale fishers and fish workers and Indigenous Peoples - and the groups that work in service them - is necessarily an ongoing, iterative process - to effectively guide institutional design, strategy, sense-checking, transparency, and problem resolution. And as such, this report represents initial learnings and directions from the end of our dedicated consultation *phase* - but is far from the end of our listening, learning and adjustment.

The objectives of the consultation phase were to (1) understand priorities, challenges and proposed actions associated with rights recognition and secure tenure associated with oceans, coasts, shorelines and other aquatic spaces, (2) share, sense check and adjust the proposition of a new, bespoke 'Facility' might do and how it might operate, (3) hear pragmatic insights on processes to effectively and appropriately channel funds and distribute grant decisions, and (4) understand how to fit, respectfully and constructively, into the landscape of other organizations, funding mechanisms, networks and groups working toward tenure security, rights recognition, and grassroots grantmaking.

We used three methods for. First, we used the opportunity to "hear" what has already been stated, by looking carefully into the highly consultative guidelines, calls to action, and statements from local communities, small-scale fishers and fish workers, and Indigenous Peoples. Second, listened to and engaged with nine events from mid-2022 to late 2023 (Appendix 1) where representatives or their close allies communicated experiences, priorities and demands.

Third, we took these understandings into over 100 hours of one-on-one or small group conversations with a diversity of groups (Figure 1A) from around the World (Figure 1B). We intentionally dedicated most time to community, small-scale fisher and fish workers, and Indigenous Peoples representative or in-service groups, networks or local non-government organizations. The coverage of our consultations is an effect of our efforts combined with responsiveness of groups. We consider this coverage of consultations to be extensive but not considered, and despite our efforts some critical conversations had not advanced at the time of this report.
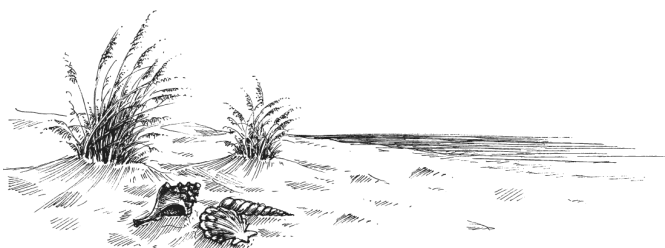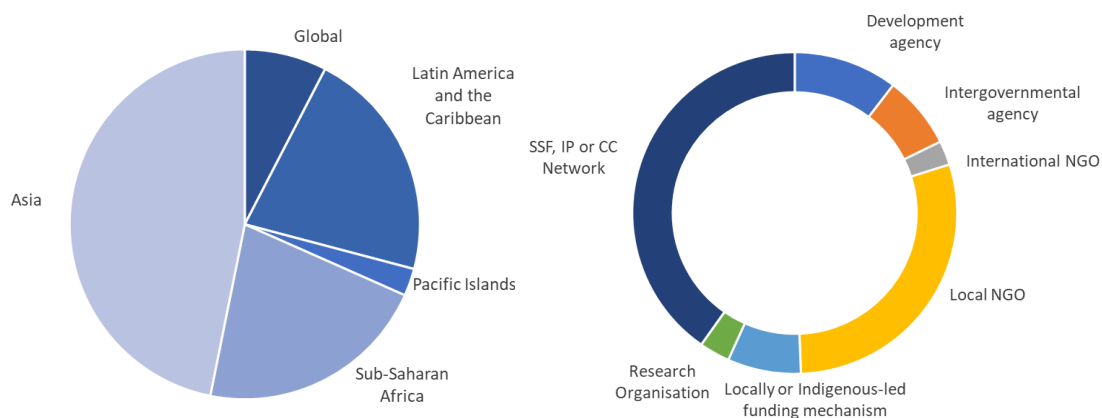
Figure 1 The distribution of time spent (we logged over 100 hours of discussions) in one-on-one or small group consultations **(A)** across geographies, and **(B)** across types of organizations, and groups.

We heard, overwhelmingly, that there is a strong and urgent need for more fiscal resources and services to flow with greater control of, and directly to, local communities, small-scale fishers and fish workers, Indigenous Peoples, and the people or groups that legitimately represent or directly serve them. The proposition of adding a new institution, mechanism or 'Facility' to the landscape was supported by the large majority of those consulted. We also were provided with a lot of sage advice and cautionary notes - that the *way* in which this Facility was formed, *how* it was governed, and *how* it fit into the landscape was as critical as what it might deliver.

We heard from, and saw, an impressive breadth and depth of capacity and historial momentum towards rights recognition and tenure security. In certain geographies capacity was stronger, and history longer in terrestrial and forest rights work. Many articulated that marine and aquatic rights recognition was further behind - in terms of (for example) government understandings, formal recognition and funding support, but increasingly and urgently in need of attention. Groups working on marine and aquatic tenure security sought greater certainty (in terms of funding security in being able to continue their work beyond (for example) short project cycles and grant uncertainty. In other contexts, there was a striking readiness to turn terrestrial capacities 'seaward'.

Work being undertaken and/or proposed to lead to greater rights recognition or tenure security spanned a diversity of entry points and types - from short term to long term, from technical to political - depending (in many instances) on national or local context. Types of actions proposed included (but not limited to);
- participatory mapping of territories
- inter-level and intra-community facilitation and conflict resolution
- Building legal and other support available to women to gain rights
- building/supporting government capacity toward due process, titling or other legal recognition of documented rights
- supporting rights-holder engagement in planning processes
- adjusting (e.g., marine spatial) planning methodologies to include communal tenure/rights
- national to international advocacy, strategic litigation of unjust developments or allocations
- preparation of new national or subnational legislation
- Supporting social movements and critical scholarship relative to national and/or global processes

Insights and directions that were emphasized included;
- Tenure rights are foundational to a range of other issues and strategies i.e., the ability to adapt to climate change, the security of livelihoods, the ability to engage in (and not be marginalized from) local or national economies.
- Long term understanding and engagement with an (dis) enabling political landscape will be critical. The recognition of tenure security and rights is urgent; in many cases, actions to defend rights require rapid response and distortions can escalate quickly.

- Sensitivity to risks of inadvertently widening inequities, inflaming tensions, or igniting conflicts should be ensured.
- There are power imbalances (between large non-government organizations and communities) that need to be addressed
- Caution with terminology and language to ensure effective communications is required: concept and terms associated with tenure may not be in common use or there are different interpretations of different terms
- Historical rights to space and resources need to be recognised (in addition to the more classic concept of territories) e.g., women losing access to land and resources that they relied upon for procurement, processing and selling activities (in particular in Africa)
- Systemic and multifaceted approaches are needed: an approach extending beyond territorial borders and focusing on entire biomes and that spans all different actors involved – rights holders, beneficiaries, regulators and government and market stakeholders.

We heard different perspectives about how and whether any new entity should directly have a voice about rights recognition and tenure security. The strongest views shared were that those with lived experience should, first and foremost, be empowered and championed as advocates and storytellers in spaces of influence. There were also views that consolidated, global evidence about rights and tenure was also important to shift the narrative, and increase tenure literacy amongst those that currently held power. There were diverse views about the relative importance of shifting narratives and priorities in *global* arenas, relative to local empowerment and change. Neither alone was considered adequate, and that mutual reinforcement (or undermining) of rights and tenure spans all levels. In sum, striking a balance of priority, attention and resourcing across levels will be necessary - but getting that balance "right" in the eyes of all will remain difficult.

Views and insights were also shared about *how* funds should flow. Often, the real challenge does not lie in the availability of funds but in channeling those resources to reach marginalized communities in a manner that respects their autonomy and contributions. Reducing administrative and bureaucratic burdens of the "classic" funding models is critical if funding is genuinely more accessible to communities. This will require fostering more direct relationships between funding sources and local groups - and funding in new ways, more decentralized ways, rather than following the status quo. Caution was shared about funders or intermediaries being overly influential on agendas that should, rightfully, be in the control of local communities, small-scale fishers or fish workers and Indigenous Peoples. The ownership and potential influence of agendas needs to be transparent, and the right to refuse or address that influence be supported.

In sum, we heard widespread support for the proposition of a new, bespoke 'Facility' dedicated to the goal "To develop and champion new approaches to funding that center power with, and provide resources directly to, local communities, small-scale fishers and fish workers, and Indigenous Peoples and the groups that legitimately serve and support them - in their pursuit of the greater recognition of rights and security of tenure". The guidance and direction provided, and the processes of ongoing conversations and relationships - should be central to the design, implementation and governance of such a Facility.
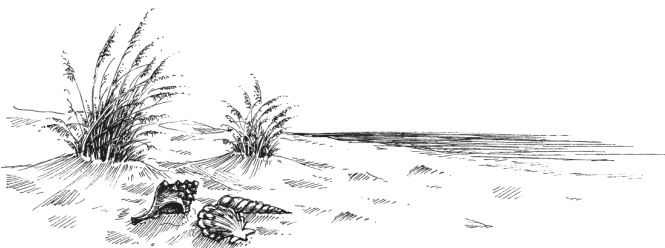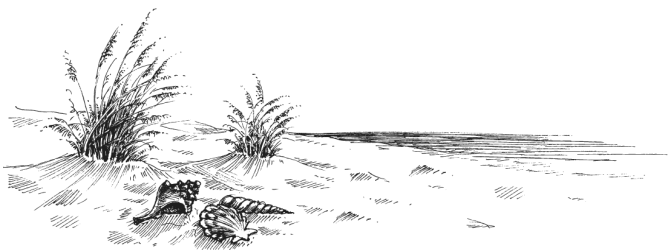
Consultation approach and objectives

Our consultation process was based on three main parts. **First**, we have the opportunity to "**hear**"what has already been stated, by looking carefully into the highly consultative guidelines, calls to action, and statements that legitimately represent the views of local communities, small-scale fishers and Indigenous Peoples. In particular we examine these to understand funding needs and preferences and commitments and actions towards rights recognition. **Second**, we had the opportunity to "**listen**" to multiple live events (held during our consultative phase mid 2022 to late 2023) as representatives from the local community, small-scale fisher and Indigenous Peoples, or their close allies, communicated different experiences, priorities and demands. **Third**, we took these understandings into relatively informal but quite extensive "**consultation**"; conversations and group discussions with a diversity of groups (Figure 1A) from across different regions (Figure 1B), where we could learn more specifics of experiences, challenges and opportunities - and where we could share the emerging ideas around the formation of a dedicated Facility.

Overall, we had four objectives of hearing, listening and consultation, to;
1. Understand priorities, challenges and proposed actions associated with securing tenure and rights of oceans, coasts, shorelines and other aquatic spaces.
2. Share the hypothetical vision and approach of the emerging Facility (referred to as the proposed Facility - although the name will likely change) with potential partner networks, groups, and organizations, and seek their feedback and suggested adjustments to the proposed services, roles, functions and mechanisms of governance and grant administration.
3. Gather pragmatic insights on how services and funds should flow in the future, and how decisions should be made (e.g., for designing appropriate governance structures and grantmaking processes):
   - Identify the service provision organizations, potential partners and intermediaries that are preferred by local communities, small-scale fisheries and Indigenous peoples, and determine how the proposed Facility might best work with them for identifying projects and grants.
   - Identify (a) potential pilot grants, and (b) potential partners for collaboration on future projects and grants.
   - Identify key people (or existing networks or committees) that express an interest in contributing to decentralized advisory groups that have responsibility for grant identification, decision-making, and strategy.
4. Identify other organizations and groups working in tenure security, rights recognition, and grassroot grantmaking, and discuss and determine ways in which to collaborate, and/or amplify and support existing efforts.

Who did we consult with?

The primary focus of the consultation was hearing from and holding discussions with rights holders, our potential partners, particularly the groups and networks that legitimately represent the interests
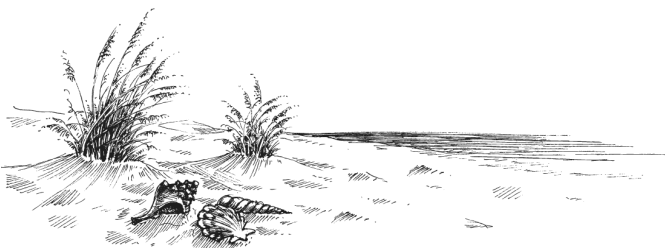
(and are largely membered and led by) Indigenous People, local communities, and small-scale fishers and fish workers. s. We prioritized these groups because for centuries (in some contexts), and in many contexts to the current day, these societies had defined and exercised rights and responsibilities over marine, shoreline and riparian spaces and ecosystems - determining who is allowed to use which resources, in what way, for how long, under what conditions, and how entitlements, responsibilities and cultural values are passed on. These various rights provide the foundation for livelihoods, food security, cultural identity, and environmental stewardship for millions of people worldwide. However, in many cases these rights are being eroded and customary rights are not always recognised and secure.

The **secondary focus** was given to service providers, duty bearers or 'allies' who may be non-government organizations or other civil society groups that work in direct service of rights holders, and particularly those that work upon rights holders request. These included representatives from intergovernmental organizations (e.g., FAO, African Union), applied or on-demand researchers (e.g., Dakshin Foundation, the International Collective in support of Fish Workers), service provision organizations (e.g., those who provide legal, or advocacy support), funders and intermediary funders (e.g., the Nusantara Fund), and other in-country or regional, tenure and rights experts.
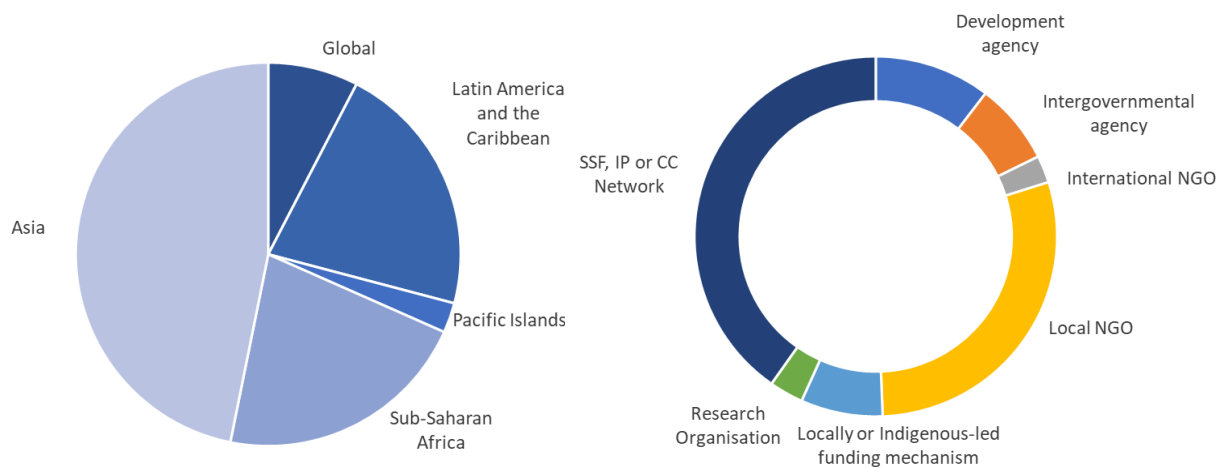
Figure 1 The distribution of time spent (we logged over 100 hours of discussions) in one-on-one or small group consultations with partners **(A)** across geographies, and **(B)** across types of organizations, and groups.

Listen - We attended, remotely or in person, meetings where local communities, small-scale fishers and/or Indigenous Peoples, and their representative groups, were discussing and sharing a range of experience related to rights recognition, fisheries rights, funding and policy environments, legislative and legal responses, and locally led resource management. These included an expert meeting on Indigenous Peoples fishing rights, a dedicated panel on responsible financing, and a panel discussion on fishing rights as property rights (See Appendix 1 for full list).

We continued to draw lessons, best practices and knowledge of existing mechanisms from a range of guides and events on indigenous-led grantmaking, 'participatory grantmaking', 'progressive

philanthropy', or 'liberated philanthropy'. We don't report on these in detail in this report on Consultations, yet further to the practices we drew into our scoping report, our Road Map has been further informed by; 'Follow the Money: 2020 Data on Environmental Health & Justice Grants'; 'Participatory Grantmaking 101'; 'Introduction to social safeguards'; 'TAI Funders Call / Community Philanthropy in Latin America: The case of socio-environmental funds', and 'Edge Funders Alliance: America's Regional Retreat'.

Key learnings and insights

This section synthesizes some of the key insights that surfaced through the consultation process according to our objectives. The synthesis also draws in learnings and perspectives that were offered as critical considerations or actions, but that may have fallen outside of the pre-defined focus and objectives.

Rather than presenting a full report of consultations, this synthesis focusses on where consultations unearthed further nuance than the general understandings of issues, challenges and opportunities toward tenure security than had been documented in our Scoping Report. The synthesis also presents the perspectives and ideas that led to questioning and adjustment of a draft theory of change and assumptions. Given consultation spanned geographies and diverse perspectives the synthesis attempts to highlight divergents views and perspectives.

This report spends less time presenting the experiences those consulted shared in relation to the particular rights violations that they, and their constituents had experienced - whilst these were many and diverse - our position is that these should be shared directly by those who experienced themselves and/or in a dedicated report. Still, we present some illustrative examples.

In addition to the insights shared here - we also developed (1) a deeper knowledge of diverse groups and their capacities and interests in different geographies (summarized in a simple 'database of potential partners'), (2) an appreciation of the scale of funding that could be mobilized toward rights recognition and tenure security in each geography (summarized in our simple 'portfolios of investment'), and (3) a set of around 20 potential pilot projects - of which seven were selected for implementation in 2024.

Insights on how change is brought about

Post-**rights recognition and capacity is critically important**. Whilst legislative reform, formal rights recognition (e.g., issuing titles or the like) can represent substantive progress toward tenure security, it is wrong to assume that all people will be experiencing their rights in full. It is also important to build capacities (beyond training) throughout the governance systems, including the empowerment of communities in a continuous way that leads to lasting strength in agencies and voice.
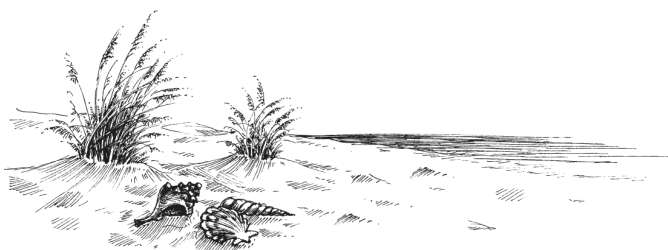
The political landscape can change quickly - including the development of legislation or changes in how policies are implemented does not directly *undo* legislative developments towards rights recognition, but in effect provides incoherence, dilutions or incongruence that;

> "*even if rights are given with the left hand, they can be taken away with the right hand*"

Panel on Forest Rights Act
August 2023, India

The urgency of tenure security and rights recognition: Land and ocean grabbing is experienced by, and a high threat to indigenous groups and communities particularly where groups experience undefined legal territorial rights, conflicting interests with external and foreign investment and changing local government economic priorities. It was expressed that for these contexts, support is immediately and urgently needed. National, provincial, municipal and or village government recognition of rights is critical in these contexts. Emergency support is also necessary to support facilitation or exit when conflict arises.

> "*LMMA* [Locally managed marine area network] *observes rapid land and coastal grabbing threats happening across Indonesia, especially in islands like Bali, Komodo, Sumba, Morotai and others where there are objectives for ecotourism. We looked for other ways to protect groups from land grabbing and found that this should be coming from village regulation. This is where LMMA engages community villages to map their territory, help them set customary regulations, then legalize it at village level.*'

Locally managed marine area network,
Indonesia

Demonstrate shifts in power dynamics. Consider methods to transition control, so that it's not only the organizations (NGOs) receiving resources who wield power. Address imbalanced power relations, as observed in meetings where communities only agree with their respective NGOs. Ensure local decision-making capabilities, empowering communities to engage [in local and higher level dialogue and decision making platforms] without fear, while also creating platforms for broader dialogue and collaboration.

Tenure rights link to a range of other issues and strategies like conservation, stewardship in climate action, resilient livelihoods, nature based solutions for coastal protection, community co-management for biodiversity conservation, pro-poor fisheries development, value chain, and gender equity and womens empowerment. A commonly discussed example was the attention to the conservation initiative "30 by 30", and the attention on "Other Effective Area Based Conservation Measures'' which is driving NGOs and funders to work with fishers, communities and indigenous groups. The proposed Facility and funders need to ensure all these connections and different starting points are related to securing tenure rights in the theory of change. However, there are equal opportunities to engage in tenure issues through different entry points such as etc. Recognition of such diverse political realities will help build narratives on tenure through other rallying strategies that are perceived as more appealing.

Ensure sensitivity to risks of inadvertently widening inequities, inflaming tensions, or igniting conflicts within or between groups and communities (e.g., women and men, Indigenous Peoples and local communities, resident and migratory communities). Ensure processes and partners are sensitive to the different views and ambitions within groups. Caution is needed to understand the rights, and risks of marginalization, of different parts of society, and the trade-offs being navigated.

Caution with terminology and definitions

The term tenure is relatively well understood and broadly applied in the context of land and forests. In marine, coastal, riparian spaces, and in fisheries, it is relatively new (one exception is customary marine tenure which is a well established concept in the Pacific). Concepts and terms associated with tenure - whilst the term tenure, and concepts of tenure insecurity or tenure security may not be in common use, related concepts are frequently discussed. For example, in fisheries, property rights, or user, access or fishing rights, as well as management rights, have been more commonly used but tenure is a useful term because it indicates the broader system of rights[1].

Through consultations government representatives, civil society actors, and applied researchers may not have used the term tenure, but described issues of landlessness, exclusion from marine spatial planning,, displaced fishers, rights legislation, exclusion from space, legal ambiguity of rights, as well as blue justice, ocean defenders, and the clarification and recognition rights to space and resources as (what we interpret) to be toward greater tenure security.

> "*There are different dimensions of fisherfolk rights, basically the main issue of access rights of small scale fishers to resources at coast and sea. Not only definition for marine tenure that we need to define, definition of small scale fishers is urgently needed to protect. The Thailand government is trying to give a definition to small scale fishers as people with subsistence fishers (with limitation of catch), that means small scale fishers only fish for their daily food consumption. Mainly they work with small scale fishers to make them understand about their rights, build capacity to access that rights so that they can become actor for their right own*"

Sustainable Development Foundation, Thailand

Indigenous Peoples in the continent of Africa: the African Commission on Human and Peoples' Rights formed the African working group on Indigenous Populations which considered Indigenous People not as who came first, based on historical and contemporary marginalization. This particularly focuses on (but is not exclusive to) hunters and gatherers and pastoralists which correlates with groups who have collective land ownership systems.

Marine territories: There is a discussion in the Global South about the concepts of territory and maritime domain. In Spanish maritime domain is *maritorio*. Strengthening of *maritorios* would imply

---

[1] FAO. 2013. Implementing improved tenure governance in fisheries – A technical guide to support the implementation of the voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security. Preliminary version, September 2013. Rome (https://www.fao.org/3/i3420e/i3420e.pdf)

recognizing the existence of the maritime domain as a legal category that, like territory, should have specific regulatory norms.

Fishing communities: The discussion should not be framed solely in economic terms (i.e., livelihood type as small-scale fishers) but should consider the broader dynamics present in the marine-coastal or shoreline territory. In the example of Colombia, these are often polyactive communities, reliant on both forest and marine environments.

Mobile communities: Some afro-descendant populations in Central America, and social groups like the Bajo in Indonesia are highly mobile, and the concept of a bound territory fits poorly, and can potentially exclude or limit traditional ways of living and being.

Rights and Tenure beyond local territories

Tenure frequently invokes views of local territories adjacent to communities. Several insights and experiences shared illustrate the importance of a wider view, which may well broaden criteria for consideration in funding and offer opportunities and the need to support cross-boundary initiatives (however those boundaries might be defined spatially, socially etc.)

Diverse historical rights to space and resources; Three groups in Sub-Saharan Africa (CAOPA, AWFishNet, Afrifishnet) independently shared that in a number of coastal and shoreline contexts, that women fish traders and processors were being pushed out of and permanently excluded from physical spaces where they have traditionally (at least for many decades) bought, processed and traded fish. Exclusion was occurring as a result of coastal development, legislative reform, and/or fish meal and fish oil industry developments.

Adopting a systemic approach: A systemic approach that extends beyond any territorial borders to focus on entire biomes is essential for holistic environmental and social governance. For instance, Brazil's coastline, a diverse and complex biome housing 80% of the country's population, serves as an illustrative case . By employing "social acupuncture" interventions, targeted, community-level strategies can be enacted to enhance both conservation and social conditions across varied regions within the biome, without inducing systemic disruptions. This biome-level focus is particularly valuable for funds and organizations navigating the complexities of environmental and social issues.

Using a Multifaceted Approach: Addressing marine tenure requires a nuanced approach that encompasses rights that, in some places, span three distinct levels: Right Holders, who hold legitimate claims to marine resources; Beneficiaries, who reap multiple advantages such as sustainability and food security; and Regulators, who may, in some instances, just be governmental bodies responsible for overseeing resource management. In certain communities, there's a need to re-educate on the complexities of tenure, while in other scenarios, effective management involves rights holders collaborating with both governmental and market stakeholders.
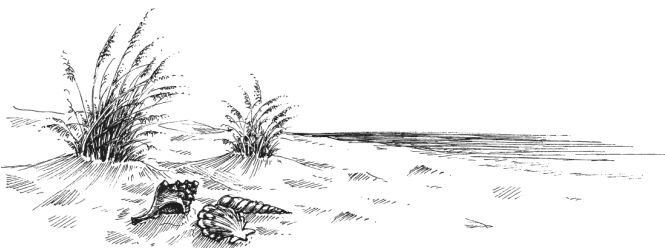
Guardrails on funder ethics and influence

The influence of funders extends beyond the money they contribute. Hence, the bigger task is not only on finance, but for donors to align their funding commitments with support to the promotion and protection of indigenous peoples' rights more generally.

Exercising Rigorous Financial Sources Scrutiny and Avoiding Tokenization: Rigorously vet financial sources (i.e., donors, and their source of funds) for the initiative to prevent unintentional alignment with monopolistic interests. Establish a representative council of stakeholder groups as a safeguard against undue influence. This approach will not only ensure meaningful participation but also mitigate the risk of merely symbolic involvement, a pitfall common in some organizations.

Legitimate intermediary organization for funding initiatives relating to Indigenous Peoples or local communities should demonstrate a deep understanding of the communities they serve, coupled with a robust track record of transparency and accountability. Operations must be designed to prioritize the needs, voices, and self-determination. In addition to strong governance and financial management frameworks, the organization should be committed to the principle of Free, Prior, and Informed Consent (FPIC). This ensures that the communities involved actively participate in decision-making processes affecting their territories, resources, and well-being. Adhering to FPIC respects community autonomy and cultural integrity, thereby making it a cornerstone for ethical and effective funding. By incorporating these elements, the intermediary organization serves as a catalyst for sustainable community empowerment.

Prioritizing Individual Well-being Over Project Outcomes: While donors often seek specific results, this focus can inadvertently risk the well-being of community members. Individuals engage in these efforts not just to achieve project outcomes but also to improve their own lives. Therefore, it's crucial to enable them to address issues autonomously and witness tangible life improvements, all while minimizing exposure to risk.

Clarifying Agenda Ownership: During the consultation, various discussants raised critical questions about the locus of decision-making in community initiatives. They expressed apprehension about external entities potentially dictating agendas, thereby undermining local authority. Alongside this, they noted an increasing focus on high-profile topics, such as Indigenous issues, and the rise of local funds ostensibly for these communities. For example;

> "*The donor supports you with a small piece of the strategy on the ground, but suddenly it seems like that small piece is the strategy.*"
>
> Nuiwari, Mexico (Heidy Orozco)

Despite the establishment of such funds in places like Indonesia and Brazil, the participants voiced concerns that these initiatives are frequently driven by major external donors rather than being genuinely community-led. This situation leads to skepticism about the degree to which local priorities are genuinely represented and valued.
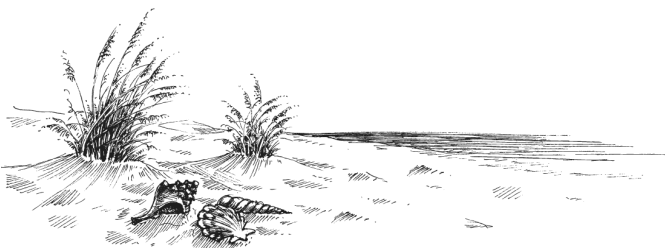
At least one discussant described how they, before receiving funding, apply thorough checks for 'conflict of interest' and 'conflict of values' with the provider of funds (both funder, and intermediary if one is engaged). Whilst they note that there are limitations in traceability and gaining full transparency, they undertake all reasonable efforts through internet searches and interviews to understand where funds come from, what other actors and activities are funded, as well as who is managing the funds e.g., is there a steering committee, who are they, what is their track record, and are they, or have they engaged directly with companies or banks (for example) that have distinctly different values and interest).

Funding/funder influence - Before funds are received or agreements are entered some partners emphasized the efforts they undertaken to understand the way in which funds will work - whether, and the degree of influence, a funder might seek to influence decisions with communities, participate in decision making on the project, and/or the degree of flexibility the funder accepts/encourages and whether that allows approaches to be changes, as needed, during the course of the work.

Relinquishing Control: During discussions, various participants emphasized the multi-faceted issue of power dynamics, specifically regarding funders and intermediary organizations. Questions arose around their genuine willingness of funders and intermediaries to relinquish control in order to empower local communities. This concern dovetails with the proposed Facility's principle of Decision Autonomy, asserting that local communities must retain the right to make their own choices, free from external imposition. Moreover, participants highlighted the importance of Understanding Roles, noting that financial allies must recognize their function within the broader ecosystem. The willingness to cede control and acknowledge these principles is seen as a key indicator of an organization's commitment to meaningful, community-led development.

Adopting a Nuanced Approach to Inclusive Philanthropy: Various discussants pointed out the need for a nuanced approach to inclusive philanthropy, cautioning that a Northern perspective often fails to capture the complexities of local realities. They emphasized that financial resources are only one aspect of community philanthropy; factors like trust, culture, and grassroots engagement are equally pivotal. The real challenge lies not in the availability of funds but in channeling those resources to reach marginalized communities in a manner that respects their autonomy and contributions. Participants also voiced criticism toward foundations or funds that purport to be community-based but lack genuine grassroots involvement. Adding to this, it was noted that local communities frequently contribute far more than the initial investment from the fund, evidencing their deep commitment to the work. Therefore, recognizing the multi-layered aspects of community philanthropy is crucial for any meaningful engagement.

Inclusive Representation: Some social movements evolve into significant and relevant political organizations. However, the influence of these social movements often then shifts towards larger-scale issues, diminishing their focus on local matters. In such cases, it is important not to assume that these social movements can serve as vehicles for channeling economic resources to local territories.
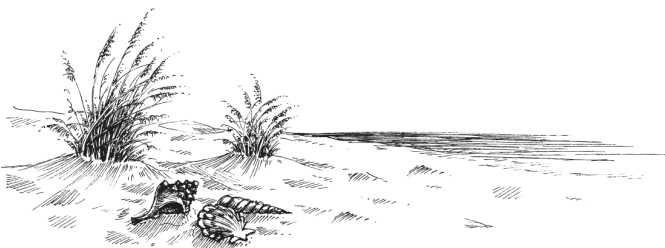
Indigenous led or community-responsive funding mechanisms (intermediary funders) are in place in some countries or regions, and these ensure communities can access funds, but also receive technical or administrative support from a partner they choose. For example;

> *'Nusantara fund has its own management team with the board of AMAN, KPA, WALHI. Proposals can be sent to the Nusantara fund by communities and they can choose which organization they want to work with"*
>
> Aliansi Masyarakat Adat Nusantara - AMAN
> Indigenous People Alliance of the Archipelago), Indonesia

Complementarity and additionality

Any new funding mechanism (specifically the proposed Facility) must recognise and share space with a range of funding mechanisms that are in operation, and in particular those that are determined by Indigenous Peoples and local communities, and meet a suite of principles to ensure agency, voice and decisions lie with those accessing funds. These mechanisms enable open, transparent, and democratic decision making processes, and simultaneously ensure transparency and responsible use of funding. These funding mechanisms considered by Indigenous Peoples and local community representative groups to be Indigenous-led, participatory and otherwise 'emancipated' include Nusantara Fund, Indigenous People of Asia Solidarity Fund [emerging], The Pawanka Fund, The Indigenous Amazonian Fund, The Podaali Foundation, The Mesoamerican Territorial Fund, The Ayni Fund and global platform to facilitate territorial financing developed by Shandia Vision and the Global Alliance of Territorial Communities (Directing Funds to Rights, 2022).

With careful coordination and open communication the Marine Tenure Initiative can play an additive role - potentially drawing and educating new funders about marine and coastal tenure, rights concerns and pathways toward tenure security, and the broader set of potential grantees than they are currently considering. However, there can also potentially be much overlap between funds sought and partners engaged. It would be counter to the proposed Facility's stated aims, values and principles if its operations and relationships got in the way of, or inadvertently competed with, the good work of established mechanisms.

From a subset of consultations, we drafted a set of principles and communication strategies - which we hope to discuss and improve - that might help ensure the proposed Facility plays a role that recognises, coordinates and/or defers to existing Indigenous-led, participatory and otherwise 'emancipated' philanthropy mechanisms, and works in ways that complement and supports their efforts. Under each of the below principals we envision co-developing more detailed and practical actions that meet the overarching intent of each principal.

- **Collaborate in raising funder awareness and changing funding biases -** The proposed Facility has the potential to play an additive role - drawing in and educating new funders about marine and coastal tenure, rights concerns and pathways toward tenure security, as well as emancipated funding practices. However, in doing so the proposed Facility should also
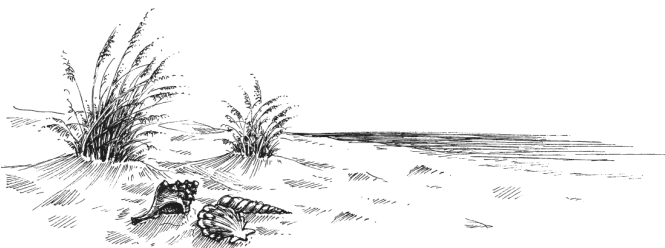
promote, raise awareness and share those knowledge exchange spaces and opportunities with those established mechanisms that service rights holders.

- **Foster more direct relationships between funding source and local groups -** If the proposed Facility has secured funding, then re-granting to existing Indigenous People-led mechanisms provides a way supporting existing mechanisms, as long as there are all reasonable efforts by the proposed Facility and the existing mechanism over the medium and long term to create a more direct relationship between funder and the Indigenous People-led mechanism.
- **Regularly and openly communicate to understand synergies and overlap -** The proposed Facility and existing mechanisms should regularly communicate to reflect on funding opportunities and relationships and how they would best be managed to serve rights holders - managing for synergies, differences and overlaps in agreed ways.
- **Work together to ensure the funding landscape is clear, not confusing -** The proposed Facility and existing mechanisms should regularly communicate to reflect on how funding opportunities and options are being communicated to Indigenous People, small-scale fishers and local communities to ensure options and opportunities are clear and open, and ensuring there is minimal confusion generated.
- **Together navigate the use of direct and/or flow through fiscal pathways -** The proposed Facility intends to channel funds directly to "grassroots" groups, and partners who work directly for local communities, small-scale fishers and Indigenous. There is also the opportunity to flow funds through Indigenous Peoples led mechanisms where all parties see this as a value add. In these instances the proposed Facility commits to ensure this happens in ways that support those grantmaking processes and principles.
- **Reproduce, support and contribute to emancipated funding practices -** The proposed Facility commits to learn from, support and utilize best practices in grantmaking, reporting and evaluation as developed and defined by IP-led mechanisms.
- **Influence the global landscape together -** The proposed Facility and other funds could form a powerful collaboration to influence the global funding community, and to improve funding practices and processes.

From a focus on land tenure - turning seaward

Organizations representing Indigenous People, small-scale fishers and fish workers, and local communities, underline that, to date, there is no exact term for marine tenure. There is a longstanding bias and focus toward land and forestry tenure. Whereas, organizations aspire to a holistic (land and sea) and long term vision for securing tenure rights - saying it is crucial also remains connected to rights holder agency and self independency, and sustainable livelihoods for indigenous people and local community towards full recognition and equality.

> *"There is a large bias on marine tenure. With a long history of focusing only in land forest and plantation since Dutch colonization, Indonesia seems to extend land tenure to a newly discussed marine tenure. The country does not have representatives to represent policy and related experts to improve national awareness"*
>
> Atirath Institute (ATINS): Action Research Institute
> for Ecosystem Justice, Indonesia
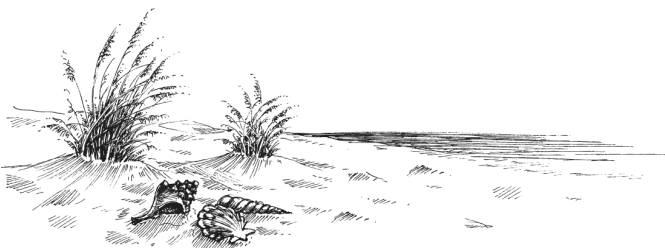
"In Indonesia, the Ministry of Marine Affairs and Fisheries has a mandate to protect and recognize marine [as with land] tenure rights of Indigenous peoples and local communities although their initiative is younger than the Ministry of Environment and Forestry that has been dealing with forest tenure… sufficient support for the Ministry of Marine Affairs and Fisheries to increase their awareness and upscale their work in marine tenure rights is needed. Tenure rights should refer to not only the right to manage, but the right to own and have control over decision-making in their territories. Organizations also need to work with local government to identify, map, and advocate for legal recognition which will be integrated to spatial plan zonation while supporting baseline data to ministry and self strengthening indigenous peoples and local communities"

<div align="right">

Badan Registrasi Wilayah Adat
BRWA (Ancestral Domain Registration Agency), Indonesia

</div>

"Marine Tenure is not a common term. This is new and not also recognized by the community itself. Definition can be very diverse due to extensive Indonesian islands. This also means defining 'Sovereignty'. Research and consultation with other stakeholders in which the definition can include various actors or can be one definition for all of the actors. Not only the organization needs more increased knowledge in marine tenure, same applies to coastal and small islands Indigenous People and Fisherfolks to increase their understanding on their rights'

<div align="right">

KIARA (People's Coalition for Fisheries Justice), Indonesia

</div>

## General Guidance for proposals and grantmaking

General, flexible, and longer term funding; Those with whom we spoke presented a clear preference and need for general operational support versus project based grants. It was mentioned that investments can support various entry points and narratives that aid tenure security and to have a greater political salience. It is important for donor organizations to understand that situations are fluid and organizations and groups must continually interpret the context. This also relates to calls for increasing funding duration - more than three years.

Regarding operational funds *"These funds would enable Pamalakaya to effectively organize events, conduct research, and engage communities, ensuring the success of our advocacy efforts to protect marine tenure rights"*

<div align="center">

Pamalakaya, Philippines

</div>

"It's preferable that grants are for general support, instead of specific projects. For example in Norway NORAD, only AMAN received it as an IG organization. AMAN and NORAD discuss meeting in the middle. Other donors more open to general support and emergency support for disaster and conflict"

<div align="right">

Aliansi Masyarakat Adat Nusantara - AMAN (Indigenous People Alliance of the Archipelago), Indonesia

</div>
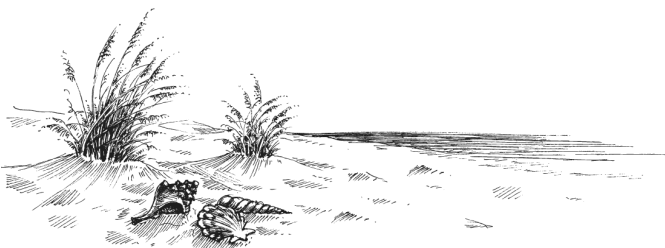
Reduce administration on application and the reporting burden - in particular by using novel and context appropriate ways to communicate about project intent or status. For example; "*Proposals can be [provided by communities to the Nusantara fund] in video and phone, and the management team translates them to [written] proposals.*" Indigenous People Alliance of the Archipelago (AMAN), the organization that manages the Nusantara fund.

> *"This is a very exciting initiative and even more so because we are currently really struggling to get money down to small organizations. In the end there is always a way working through big organizations but the price to pay is too high and it only takes the most motivated people to go through all the hurdles, it should just be more simple"*
>
> LMMA Network International

Prioritizing a territorial focus: Initiatives, whether platforms or funds, should prioritize a territorial focus from the outset (note - that this differs for some groups where rights are associated with stocks, rather than territories). Grasping the appropriate language for direct funding and following community ethical guidelines are vital. Many mainstream funding protocols overlook or diminish local capabilities. To address this, language should be clear and accessible, with information conveyed not only in text but also through audio and visual aids.

Embracing and responding to change: Effective engagement and clear communication between donors and partners (i.e., those groups who are leading and undertaking the work, namely local communities, and Indigenous People and groups that work in service to them) are essential. Such a relationship allows for agile fund allocation in response to evolving local conditions.

Sensitivity to geo-political contexts: Given the flow of international funds into countries, and the potentially political interpretation or nature of grants, it is key that context nuanced and regional funding strategies based on geo-political issues related to grant making. In some countries (e.g., challenge is funding community advocacy and voice on tenure issues as it is sometimes perceived that because funding is coming from international sources, that this signals to a governance that this is an externally driven agenda that seeks to question and challenge the dominant state/government paradigm of coastal land and resource allocation and use. This came through as a strong theme in South Asia (India, Indonesia).

Supporting Local Communities through Community Philanthropy: In Latin America, community philanthropy initiatives are providing local organizations the tools they need for effective resource management. These initiatives build on existing community assets and are anchored in collective responsibility. A consortium of socio-environmental funds offer specialized support, marrying flexibility with accountability to help grassroots organizations proficiently manage finances. Advisory Boards filled with local expertise play a vital role, and a majority of the received funds go directly to the organizations, optimizing resource use. The primary focus remains the promotion and defense of human rights, followed by environmental conservation. These funds serve not only as financial intermediaries but are also recognized as resource providers and essential components of local movements.
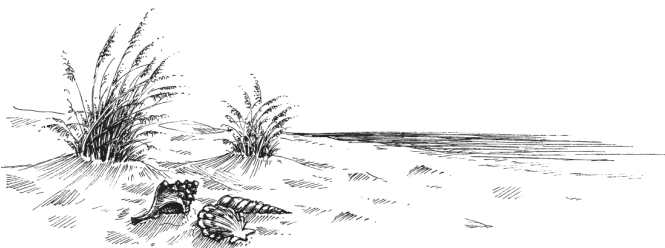
The full project cycle can be adjusted to be more appropriate to those with whom we consulted. Figure 2 summarizes the recommendations we were provided at each point of the full project cycle.
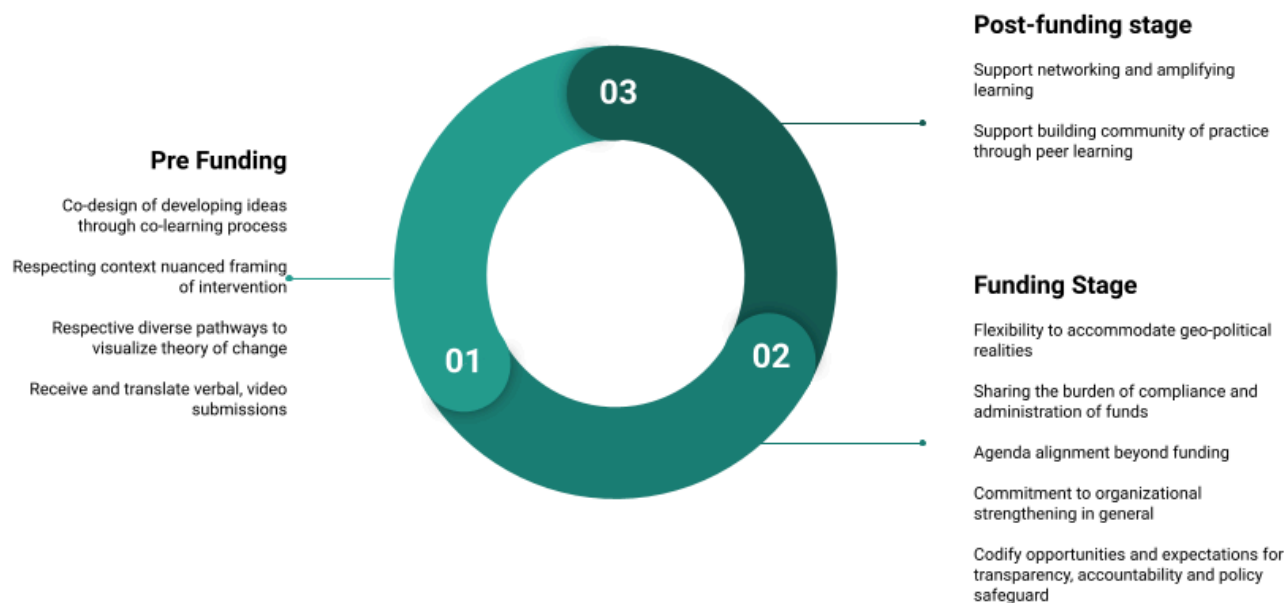
Post-funding stage

Support networking and amplifying learning

Support building community of practice through peer learning

Pre Funding

Co-design of developing ideas through co-learning process

Respecting context nuanced framing of intervention

Respective diverse pathways to visualize theory of change

Receive and translate verbal, video submissions

Funding Stage

Flexibility to accommodate geo-political realities

Sharing the burden of compliance and administration of funds

Agenda alignment beyond funding

Commitment to organizational strengthening in general

Codify opportunities and expectations for transparency, accountability and policy safeguard

01 02 03

Figure 2 - recommendations provided by those we consulted with that relate to maximizing the engagement and contribution of rights holders and representative groups through the grant cycle.

- There is a need to carefully consider and understand grantee capacity. It was recommended to look at the organization's sustainability plan, their capacity to do work, and their capacity to manage finances. If they have continued participation in organizations that they help establish. Establish a monitoring plan of activities planned to do in next years, to which this is contributing and how they will manage it. This ensures that activities continue after the project.
- There should be a link between organization and local government agency. Work plans and connections with government agencies are crucial to increase capacity building for organization. It is also critical to build or support the capacity of grantees to manage finances.
- There is a need to establish criteria around transparency, accountability and other criteria for eligibility of grantees (i.e., based on their commitment to democratic process, human rights, gender equity).

We co-designed and facilitated a panel discussion at the "Congress of Small-Scale Artisanal Fisherfolks and Mollusk Gatherers: Intertwining Life, Knowledge, and Culture," in Cahuita, Costa Rica. The panel, integrated SSF representatives, intermediary organizations, and funders, and examined four questions (as per Figure 3); "Where does the money go?", "Who makes the decisions?", "Where is the power?", and "How does the money move?". The panel distilled core principles and suggested approaches (Table 1).
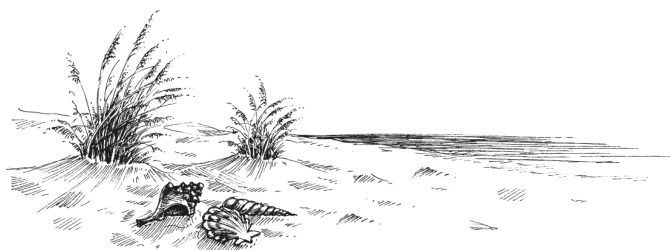
Table 1. Core principles and suggested approaches distilled from interviews and a discussion panel of SSF representatives, intermediary organizations, and funders, held at the "Congress of Small-Scale Artisanal Fisherfolks and Mollusk Gatherers" in Cahuita, Costa Rica.

Where does the money go? Centering SSF needs and demands and supporting self-determination.	– Ensuring that a fair proportion of the funds effectively reaches the intended local implementers and beneficiaries, either by providing SSF groups and communities with direct access to financial resources or by supporting legitimate intermediary organizations and networks. – Following the lead of SSF organizations, fishing communities, and their associations and movements in determining how best to allocate resources in support of their needs and priorities (see Rules of Conduct) – Scaling across rather than scaling up: Traditional philanthropy and, oftentimes, large NGOs focus on scaling up "solutions," rather than on scaling across.[2] – Respecting the individual community's differences and funding SSF groups and communities in their efforts to strengthen their capacities. Concurrently, communities should be encouraged to design projects with a focus on self-sustainability and reduced dependency. In this way, both targeted funding and community accountability converge to create enduring, sustainable outcomes.
Who makes the decisions? Transferring assets and decision-making to SSF/community control.[3]	– Supporting the self-determination of SSF organizations, fishing communities, and their associations and movements and their collective capacity to manage resources for themselves, including how to allocate them, when and how to invest them in ways that meet community needs and advance their goals. – Emphasizing funding for projects that are conceptualized and led by SSF communities themselves, rather than imposing external agendas. – Working with existing SSF and community governance structures to ensure that funds are managed responsibly and in ways that meet community needs and advance their goals. – Ensuring that when an intermediary organization requests funding, it legitimately represents the needs and demands of SSF groups and communities.[4]

How is power centered?
 	
Shifting power to SSF organizations and communities in resource allocation and oversight
	– Providing flexible funding to enable SSF groups and communities to experiment, learn, and implement their full range of strategies and activities.
	– Building long-term relationships with SSF groups and communities, rather than short-term project-based engagement. This provides stability and demonstrates a commitment to sustained partnership.
	– Focusing on building collaborative relationships:
	    ● Supporting the development and nourishment of new relationships, networks, and connections.
	    ● Supporting the development of political capital (influence, access, and connections to political leaders and decision-making platforms and structures).
	    ● Facilitating access to additional resources: Supporting SSF to access other funding sources, market opportunities, or technical assistance, broadening their ability to achieve their objectives without over-dependence on a single funder.
	    ● Being open and transparent about potential incompatible aims (e.g., when other partners receiving funding may have projects that work against SSF and community interests).
	– Recognizing and valuing the information, beliefs, and traditional knowledge of communities in research and communications and supporting SSF groups and communities to ensure that states and authorities also listen.
	– Incorporating representatives of SSF groups and communities into decision-making processes, advisory boards, and governance structures. This ensures that their voices are heard and considered in the allocation of resources.

How does the money move?
 	
Fostering self-sufficiency, collaboration, and responsible stewardship of SSF organizations and communities.
	– Supporting SSF-led and SSF-accountable vehicles.
	– Making direct investments in SSF-led projects, while also supporting legitimate intermediaries.
	– Simplifying processes and requirements to facilitate access to funds for fishing organizations and communities.
	– Prioritizing trust and transparency by:
	    • Establishing clear agreements, detailing the terms and conditions of the financing.
	    • Maintaining open and transparent communication with the groups and communities about the use of the funds and any changes in financing.
	– When requested, providing financial training to empower SSF groups and communities in the management of the funds.

---

[2] "Scaling up" in traditional philanthropy often diverges from grassroots movements' understanding of scale. Community-led solutions emphasize local context and are scaled through replication and aggregation rather than expansion.

[3] Assets are understood as valuable resources or qualities that can be leveraged to foster positive change, including: human, social, cultural, physical, financial, spiritual, etc

[4] See section on legitimate intermediaries
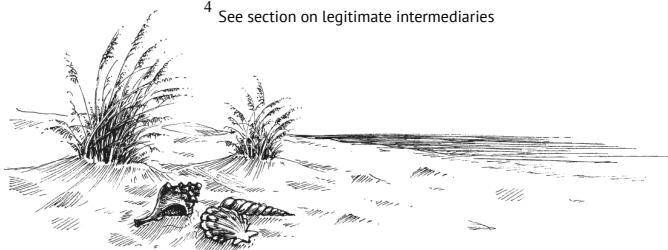
Grantmaking and Governance of the proposed Facility

The Double-Edged Sword of Advisory Boards in Inclusive Decision-Making: To enhance inclusive decision-making, donors commonly establish advisory boards. This approach, while well-intentioned, can inadvertently confine perspectives to a limited circle of individuals. A more effective strategy would be to tap into existing infrastructures in Latin America, which are deeply familiar with regional diversity and have proven expertise at the local level. Such an approach broadens the scope of input, overcoming the constraints of traditional advisory boards and enriching the decision-making process. If these advisory committees are established (as envisioned for the proposed Facility), it would be beneficial to include representatives from existing networks and groups, as they already possess a comprehensive and holistic view.

Existing networks and groups offer opportunities to understand where needs are; Working with established networks could lead to continuous insights and representation across a region. Three examples are provided here. The IPC regional advisory groups assess implementation of SSF Guidelines - including commitments to tenure. PIANGO (Pacific Island Association of NGOs) is an umbrella body of 24 national NGO members that regularly set meetings to discuss strategy, priorities, and support and resource orchestration. LMMA is a regional network with "Coastal Fisheries Working Group" that meet annually to bring community organizations across the regions to discuss issues and convey messages.

Building civic space and capacity

The importance of self-assessment, recognising existing capacities: For more effective resource allocation, a socio-environmental fund suggested partners (i.e., those implementing the work, aka the grantee) to self-assess their challenges and areas requiring capacity strengthening. Instead of taking a hands-on approach in implementation, the proposed Facility could offer consistent but flexible support. This approach would emphasize administrative and leadership development, tuned to community-identified needs, with the goal of nurturing greater autonomy and more constructive relationships.

> *"Most indigenous groups already have existing capacity, Samburu Women Trust then works with them in 'developing and strengthening their capacity' using their existing traditional knowledge or systems in place. SWT helps mentoring indigenous communities through reports writing, field visits and phone calls follow-up conversations."*
>
> Samburu Women Trust, Kenya

Building trust: Strengthening trust and social ties is crucial, particularly for organizations marginalized by systemic constraints. Government limitations not only restrict these organizations' ability to develop but also lack supportive mechanisms for their expansion. For instance, local authorities often can't allocate funds due to outdated records and accounting, exacerbating exclusion. The importance of trust was highlighted by a socio-environmental fund who shared that, out of the 80 projects supported by them thus far, only one has been unable to properly account for its expenses.

Proactively addressing security concerns: Establishing an emergency or rapid response fund is advisable for addressing urgent security concerns, especially in regions with high conflict or vulnerability. Such a fund can facilitate timely interventions, helping community leaders and members to navigate crises effectively. Given that maritime areas often serve as hotspots for illicit activities, this fund could be particularly essential in coastal communities.

Avoiding dependency: Consultations with socio-environmental funds emphasized concerns about dependency and the value of capacity-strengthening. A South American fund aims to support any organization no more than three times, focusing on enabling groups for independence .

Countering the risk of fund monopolization: Some local groups are small entities with no prior project management experience. The Socio-Environmental Funds we consulted aim for long-term capacity-strengthening while also amplifying local voices. Ensuring these groups are recognized and heard - not only within the rights, tenure and governance arenas, but also within the philanthropic arena facilitates a more equitable distribution of power and resources, countering the risk of fund monopolization.

Needs, priorities and proposed actions

Policy reform and creation are priorities in countries where recognition and protection of indigenous people and fisherfolks rights is weak, securing their rights can be done through two main things: policy reform equipped with legal recognition and territorial mapping - these activities must be implemented in parallel helping beneficiaries on the ground.

Territories mapping. The clarity of the extent and governance of territories (i.e., the geographic expanse and boundaries of areas under tenure) aid in full recognition by the government and other parties. Mapping territories was highlighted as a technical need that can be applied to customary territories, fishing areas and other coastal communities areas.

Knowledge generation, research and documentation: there is a huge diversity of traditional and customary practices and tenure regimes globally - and particularly across Asia which has the largest indigenous population globally. Many of those consulted reflected on the importance of research and documentation to gather and share lessons on how the diverse practices are recognised, respected and spread, and how these enabling conditions or actions can be better recognized, valued and duplicated in other areas or for different contexts and peoples.

Increasing protection. For countries with or without clear regulation in place, the government is the largest bottleneck for securing rights. While a new Facility may open opportunities to co-fund and collaborate with government, those we consulted enquired how their work might still get support if it was working counter to government positions or if it was confronting government policy, action or investment.
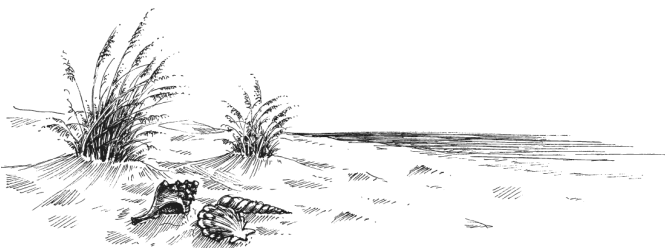
Capacity strengthening. Those consulted emphasize the importance of funds and support that can help increase capacity and strengthen their (frequently small, mission focussed) organizations.

Climate adaptation: Climate strategies and nationally determined contributions often lack a comprehensive view of how tenure over fisheries and blue carbon resources will be considered in line with justice and sustainability issues.

> *"Pamalakaya values the significance of customary tenure in coastal land and sea management. To secure marine tenure for our represented groups, it has taken these steps: (1) Advocacy: It engages with authorities and policymakers to integrate customary tenure into coastal management policies; (2)Capacity Building: It empowers communities with skills for sustainable resource management and to assert their rights; (3) Community Mapping: Through participatory mapping, it establishes boundaries for traditional fishing areas and tenure zones; (4) Collaborative Management: It facilitates cooperation among communities, government, and stakeholders for shared resource management; (4) Awareness: It raises public awareness about the importance of customary tenure in sustaining coastal resources."*
>
> Pamalakaya, Philippines

Strengthening governance at the community level is a priority, as communities frequently face various threats, and NGOs, government and/or private institutions often come with their own agendas. It is considered essential, by some discussants, to bolster internal decision-making processes, to enable informed, collective choices, i.e., empower communities to develop their own organizational structures and capacities to identify and address their needs, including representing their needs and interests with external parties.

> *"Conservation is the result of a community's ability to make decisions and its relationship with the territory. What is important is that governance is not supplanted by figures external to the community."*
>
> Albert Chan, TICCA Consortium Mesoamerica

Broaden view of "good governance" beyond western models of democracy; Working with indigenous groups presents unique challenges that differ from collaborating with mainstream non government organizations. For instance, coordination often involves a community board of many members rather than a single "Executive Director". Moreover, communities are likely to send different representatives for each interaction, contrasting with NGOs that typically designate the same point of contact. In certain indigenous communities, power is distributed in a pyramidal fashion, a reality that must be acknowledged. This variability not only reflects the internal governance of these communities but, if respected, can also contribute to the democratization of knowledge. Therefore, understanding these dynamics is crucial for fostering truly collaborative and equitable partnerships.

Ensuring representation in representative organizations; To understand how the regional or national level organizations or umbrella groups meet their responsibilities (representation, connection, support provision) to their constituents requires a deeper analysis e.g., to determine are there internal procedures to flow funding or sub-grant to local branches of an umbrella group. Funders
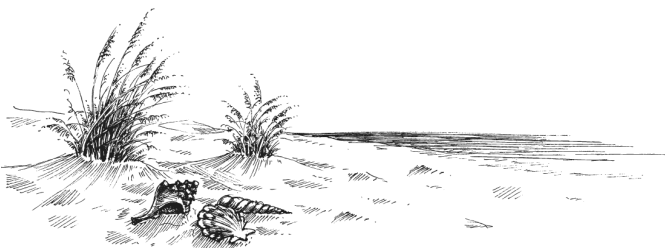
should also see whether these regional or national networks/organizations might play a role as intermediaries for their local members and community groups. Umbrella networks or groups should be able to demonstrate or explain the legitimacy of the work proposed as mandated from members be they communities and indigenous groups. Agreement, statement of partnership and other evidence should be provided to confirm this legitimation.

Advancing self-determination: Nonprofit organizations and International conservation NGOs have spearheaded much of the conservation work in various regions. While their approaches are well-intentioned and despite attempts to incorporate human rights, they often originate from a conservationist or even a Western perspective. A critical issue is empowering communities to self-determination without external entities serving as their representatives. Some Indigenous and fishing communities have fruitful collaborations with NGOs and there is interest in continuing the partnership. However, a key focus within some indigenous Peoples, small-scale fisheries, and local communities is also on self-determination, which takes on unique significance when viewed from a community's own perspective.

> "*I am not saying that indigenous communities are the solution to all problems, but what is stressing is that we have not been given the chance to try. The point is not to replace or discredit existing efforts, but to explore how we can do things differently in practice.*"

> Albert Chan, TICCA Consortium Mesoamerica

Territorial defense: In the Latin America region, there is considerable concern regarding the legal recognition and defense of marine and coastal territories. The complexity of this issue is amplified when these territories are adjacent to state-declared zones such as national parks, often designated without involving the local residents. This complicates matters for communities, particularly in coastal regions, as they find themselves navigating both legal and geographical boundaries. Noncompliance often risks criminalization, highlighting the importance of resolving legal issues as a first step. Numerous regions face territorial disputes, as seen in the Garífuna zone and in the Xinca zone of Guatemala. This is also accompanied by competition for resource usage and availability, such as water.

Strengthen dialogue between knowledge systems: Enhancing spaces for dialogue between technical expertise and ancestral wisdom is crucial, particularly in coastal regions reliant on fishing. This enriched dialogue serves dual purposes: it fosters environmental conservation while preserving cultural heritage.

Recognising the consequences and tradeoffs due to limited resources: Having sufficient and flexible resources available: Resource limitations impact the scope of support of some of the existing Ips, SSF, and ICs coalitions and networks for community-based initiatives. An example provided by a participant illustrates the dilemma: having to choose between investing in a meeting in the capital and securing a three-month fishing permit for a community. Given limited resources, the example illustrates the challenge faced by networks and coalitions of making decisions that balance immediate practical needs, like a fishing permit, with long-term strategic goals, like continued advocacy efforts.

Strengthening key skills in fishing organizations; Organizations, including fishing associations, should have the autonomy to direct their work and build their own capacity. This is crucial for their long-term sustainability. An informant commented on an example in Colombia, where a fishing association found itself grappling with dwindling membership. Initially established through fishing development programs implemented by the government, their regulations were disrupted by the impact of the country's armed conflict. This altered the control over fishing seasons and effort, causing a crisis in sustainability. Such challenges are not unique to this association but are prevalent in various other fishing organizations around the country. The lack of foundational work in community strengthening has been a significant weakness, making these organizations vulnerable to crises, including the impacts of war. Therefore, there's a pressing need for interventions that focus on transferring key skills to these groups, such as budgeting and exploring alternative economic activities. This skill transfer is crucial for not only maintaining existing membership but also for attracting new members by offering tangible benefits like healthcare, market access, or protection against armed conflict.

Diversifying economies and ensuring community involvement in broader economic dialogues: Establishing the groundwork for businesses that positively impact the climate is crucial, as it is to safeguard community territories from corporate exploitation. Sustained community involvement in key dialogues, such as the Blue Economy, is imperative. Communities must also have the authority to regulate access to their lands. Nonetheless, substantial cultural differences can occasionally hinder progress.

> *"When communities have rights over extensive marine areas, external groups often seek various ways to access the exploitation of existing resources." Translated from original Spanish: "Cuando las comunidades tienen derechos sobre extensas áreas marinas, a menudo, grupos externos buscan diversas formas para tener acceso a la explotación de los recursos existentes"*

> Luciano Hiriart-Bertrand
> Costa Humboldt, Chile

Address women's unique challenges: Consultation feedback underscored the critical need to engage safely with local women to grasp their specific struggles. A priority is providing focused assistance to female leaders facing legal and social obstacles due to their activism.

Understanding of Property Value: Acknowledge property as not just economic value, but also as a means for collective actions and dignity.

Cultural Sensitivity: Consider unique community needs, such as those of the Garifonas in the Caribbean, whose tenure rights were restricted, limiting their adaptability.

Access Rights for Small-Scale Fisheries: Address the complexity of moving resources and lack of tenure or access rights among most SSF.
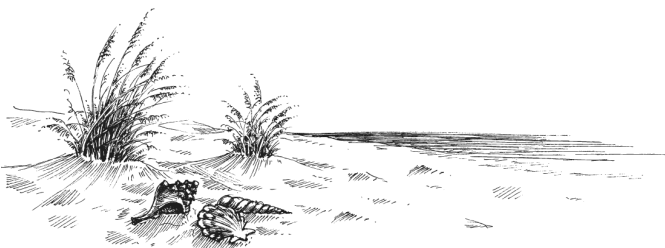
Government Role and Commodity Transformation: Scrutinize government actions that transform fishing rights into commodities, restricting access through licenses.

Legal Framework: Ensure that existing laws acknowledge the link between communities, sea, and culture; and build capacity for law implementation, possibly through information sharing on successful cases.

Market Strategies: Promote and incentivize products from small-scale communities, and strengthen collective action for market access.

Future Alternatives: Recognize the potential role of fishing as a future alternative for food security, under equitable tenure rights.

Roles of a Tenure-Focussed Facility

In addition to discussions about the channeling funding, several groups raised other roles a new Facility might play;

Brokering/Neutral convener. To bridging relationship between funded groups, governments (including different government agencies with tenure-related mandates), networks and other stakeholders

Facilitator/orchestrator. In case of project given to consortium or networks where several organizations given different tasks, the Facility can play role or appoint person as facilitator/orchestrator

Collaborations between civil society and government. Civil society groups (India, Indonesia) noted the existence and necessity (in their circumstances) to have requests for services from, or agreements in place with, government which ensures enabling conditions for work, increased chance of impacts, and enhances the likelihood of government institutional funding/in kind support.

Global expert in marine tenure. We heard that beneficiaries, government and themselves also still have a lack of understanding various models of aquatic tenure, and how these translate into programs and policies. They saw that a new Facility could play the role of expert and/or provide access to networks of partners with which to seek advice or collaborate to address tenure issues.

Other adjustments or refinements to the Facility proposition

- To reduce the burden on administration in grant application a reporting (1) Prioritize flexibility to meet donor requirements while minimizing administrative complexity, (2) Foster two-way communication to align donor expectations with on-the-ground realities, (3) Simplify budget tracking processes and offer targeted support during key moments, including tax-related issues.
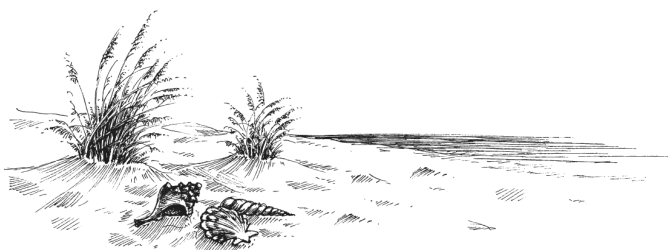
- Co-design and embrace a set of principles and communication strategies to help ensure the proposed Facility recognises, coordinates and/or defers to existing Indigenous-led, participatory and otherwise 'emancipated' philanthropy mechanisms, and works in ways that complement and supports their efforts
- Extend the theory of change beyond recognition of rights to include post-rights-recognition actions, which will also broaden the scope of potential grants.
- Further determine and articulate the principles, processes and communication toward that support transparency of who provides funding to, and via, the Initiative/Facility, and design principles and guardrails in consultation to determine agreed 'go' and 'no go' boundaries
- Increase sensitivity and recognition of political economy in the theory of change, and represent and communicate this, to funders and others, as a reality check to expectations, outcomes and timeframes
- Make explicit, and mitigate, risks in the theory of change - for example ensure sensitivity to risks of inadvertently widening inequities, inflaming tensions, or igniting conflicts via the process of rights clarification or tenure recognition.
- Review the theory of change with regards to gender and in-group dynamics.
- Create a policy to ensure legitimacy of intermediaries and prioritize or exclusively work with intermediaries that facilitate, rather than dictate, the project's approach. This ensures that initiatives stay true to community goals.

Conclusions and Next Steps

This report synthesizes and reflects the consultation phase of The Marine Tenure Initiative - a two year project (2022-2024) aimed to explore the proposition of a dedicated Facility to deliver grants and support more directly to the grassroots. The vision is to support local communities, small-scale fishers and fish workers and Indigenous Peoples in their efforts toward rights recognition and secure tenure - so that they are genuinely centered in the management, conservation, development and governance of oceans and aquatic systems.

In sum, we heard widespread support for the proposition of a new, bespoke Facility. The experiences, insights, recommendations and cautions shared with us through the consultation phase will directly influence and guide the strategy, priorities and processes of the emerging Facility. Benefiting from the consultations these elements of institutional design have been progressed, adjusted and refined.

The relationships developed, and the conversations started will ideally continue as the Facility takes shape - with a proposed launch in June 2024, with a careful trajectory of growth in scale and reach thereafter. Open conversation, critical reflection and careful adjustment with a diversity of voices is central to the success of the Facility in meeting its values, principles and aims. We welcome further reflections and conversation - with those groups consulted, but also with those we were not able to reach effectively. Our sincere and heartfelt thanks to all those who shared their precious time, wisdom and passion through this process, and beyond.

Annexes

Appendix 1 - summary of events in which the Marine Tenure Initiative attended, engaged directly and/or actively listened for direction. At each of these events local communities, small-scale fishers and Indigenous Peoples were speaking about experiences and conditions that enable or disable the realization of tenure rights.

- The Expert Meeting on Indigenous Peoples Fishing Rights, New York (co-hosted by FAO and the Danish Institute of Human Rights): Meeting 1 New York, April 2023.
- The Expert Meeting on Indigenous Peoples Fishing Rights, Danish Institute of Human Rights, Denmark, September 2023.
- The "Expert Mechanism on the Rights of Indigenous Peoples' Panel discussion on 'the rights of Indigenous Peoples to engage freely in all their traditional and other economic activities'
- Dedicated (i.e., Marine Tenure Initiative co-designed) Panel on Responsible and Equitable Financing, at the "Congress of Small-Scale Artisanal Fisherfolks and Mollusk Gatherers: Intertwining Life, Knowledge, and Culture," in Cahuita, Costa Rica
- 'Advantages and Disadvantages of Strong User Rights in Fisheries', University of Copenhagen, Denmark 16-18 October 2023
- ICCA session at the IASC conference, June 2023, Kenya.
- Panel discussion of the "Forest Rights Act and its implementation: status, challenges and opportunities" World Anthropology Conference, August 2023, India.
- The "Vulnerability to Viability" Partnership Meeting, August 2023, India
- India Ocean Dialogue, discussing rights and accountability issues in Ocean space involving representatives from NGOs, Advocacy groups, Fisher's Federations and Academics.
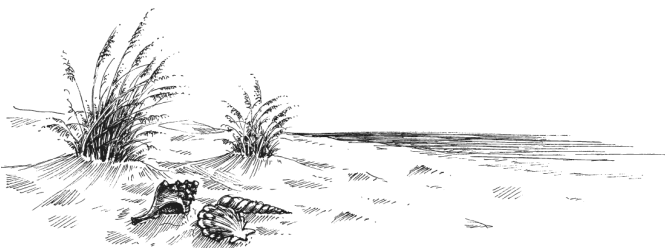
For more information, or,

to continue or open a discussion please contact:

marine.tenure.initiative@gmail.com

MERIDIAN INSTITUTE®

OAK FOUNDATION

the David & Lucile Packard FOUNDATION

oceankind

WALTON FAMILY FOUNDATION

SYNCHRONICITY EARTH