

Recalibration of the Sustainable Development Agenda: Insights from the Conflict in Yemen

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Fragility and conflict are responsible for eighty percent of humanitarian need assistance. Many countries amidst conflict and violence have seen erosion to development gains made before and during the Millennium Development Goals (MDGs). Against this distressing reality, we propose a working framework for the implementation of the Sustainable Development Goals (SDGs) – in fragile and conflict-affected states (FCAS) – by illustrating the case of Yemen. United Nations agencies continue to make the inflexible claim that the implementation of the SDG Agenda should be guided by the principles of indivisibility and universality. The principle of indivisibility demands that the Goals be implemented in a holistic, non-selective manner, while the principle of universality demands that they be implemented in full. This article demonstrates why the demands of indivisibility and universality fall short as

a guide for SDG implementation in Yemen and in other FCAS. It then proposes a working framework that steps away from the principle of indivisibility to prioritize Goals that directly address the causes of, or conditions contributing to, fragility and conflict. This working framework also parts ways with the principle of universality by acknowledging that resource constraints and a lack of institutional capacity can deter a country from implementing the Goals in full. Violent conflict in Yemen has eroded all development gains that the country made over the last two decades, and has severely weakened its capacity to implement the SDG Agenda. We argue that achieving peace, justice and good governance through SDG 16 is a cross-cutting requirement and first-order priority for overall SDG success in Yemen, because it is crucial to making lasting progress towards the realization of the other Goals.

La fragilité et les conflits sont responsables de 80 % des besoins humanitaires. Dans de nombreux pays en proie à des conflits et à la violence, les progrès réalisés en matière de développement avant et pendant la réalisation des objectifs du Millénaire pour le développement (OMD) ont été réduits à néant. Face à cette triste réalité, nous proposons un cadre de travail pour la mise en œuvre des objectifs de développement durable (ODD) - dans les États fragiles et touchés par des conflits (FCAS) - en illustrant le cas du Yémen. Les agences des Nations Unies continuent de prétendre avec inflexibilité que la mise en œuvre de l'agenda des ODD doit être guidée par les principes d'indivisibilité et d'universalité. Le principe d'indivisibilité exige que les objectifs soient mis en œuvre de manière globale et non sélective, tandis que le principe d'universalité exige qu'ils soient appliqués dans leur intégralité. Cet article montre pourquoi les exigences d'indivisibilité et d'universalité ne sont pas suffisantes pour guider la mise en œuvre des ODD au Yémen et dans les autres FCAS. Il propose ensuite un

cadre de travail qui s'éloigne du principe d'indivisibilité pour donner la priorité aux objectifs qui s'attaquent directement aux causes de la fragilité et du conflit ou aux conditions qui y contribuent. Ce cadre de travail s'écarte également du principe d'universalité en reconnaissant que les contraintes en matière de ressources et le manque de capacités institutionnelles peuvent dissuader un pays de mettre pleinement en œuvre les objectifs. Le violent conflit au Yémen a érodé tous les acquis du pays en matière de développement au cours des deux dernières décennies, et a gravement affaibli sa capacité à mettre en œuvre le programme de développement durable. Nous soutenons que la réalisation de la paix, de la justice et de la bonne gouvernance par le biais du ODD 16 est une exigence transversale et une priorité de premier ordre pour la réussite globale du ODD au Yémen, car elle est essentielle pour réaliser des progrès durables vers la réalisation des autres objectifs.

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1. INTRODUCTION

Fragility, conflict, and violence¹ have been cited by the World Bank as a principal hinderance to development; at present, fragility and conflict is responsible for eighty percent of humanitarian need worldwide.² The United Nations Secretary-General recently warned the Security Council of the urgent need for collective action to respond to a sixty percent increase in low-intensity conflicts over the last decade.³ This increase in low-intensity conflict is shifting the geography of extreme poverty. While extreme poverty is on the decline in India and China, it is steadily rising in fragile and conflict-affected states (FCAS) such as Afghanistan, Nigeria, Somalia, Syria, Venezuela, and Yemen.⁴ It is expected that by 2030, forty-six percent of people living in extreme poverty will be in FCAS, the majority of which are low- and middle-income countries.⁵

¹ The 2011 World Development Report by the World Bank views fragility and fragile situations as “periods when states or institutions lack the capacity, accountability, or legitimacy to mediate relations between citizen groups and between citizens and the state, making them vulnerable to violence,” see “World Development Report, 2011” (2011) at xvi, online (pdf): World Bank <www.documents1.worldbank.org/curated/en/966731468161352341/pdf/589880PUB0WDR0000public00BOX358355B.pdf>. The 2012 Governance for Peace: Securing the Social Contract report by the United Nations Development Programme defines fragility as “not a fixed state, but rather a continuum. At one end are countries and territories that have collapsed outright, that exhibit few capacities to recover and have fatally ruptured the social contract with citizens. At the other end are countries and territories that feature stability in some institutions and regions, but are nevertheless at risk of regression,” see “Governance for Peace: Securing the Social Contract,” (2012) at 16, online (pdf): UNDP <www.undp.org/governance-for-peace_2011-12-15_web.pdf>; the African Development Bank (AfDB) was the first organization to define fragility as a measure of elevated risk of institutional breakdown due to exogenous shocks such as conflict, economic volatility, natural or human-made disaster, and the effects of climate change “Addressing Fragility and Building Resilience in Africa (Transition Support Department ORTS 2014-2019” (2019) at 7, online (pdf): African Development Bank <www.afdb.org> [perma.cc/2V49-CWWU].

² “Fragility, Conflict & Violence: Overview,” (10 October 2019), online: *World Bank* <www.worldbank.org/en/topic/fragilityconflictviolence/overview>.

³ See “Preventing and resolving conflicts must form ‘backbone’ of collective efforts – UN Chief” *UN News* (6 December 2018), online: <www.news.un.org/en/story/2018/12/1027871>.

⁴ See generally, “World Poverty Clock,” online: *World Data Lab* <www.worldpoverty.io/>.

⁵ See generally, “Fragility, Conflict & Violence: Overview,” *World Bank: Updates* (10 October 2019), online: <www.worldbank.org/en/topic/fragilityconflictviolence/overview>.

The year 2030 is also the deadline set for meeting the 17 Goals of the United Nations Sustainable Development Goals (SDGs) Agenda.⁶ Many countries, amidst conflict and violence, have seen erosion to development gains made before and during the SDG's predecessor, the Millennium Development Goals (MDGs).⁷ Against this distressing reality, we undertake to evaluate the feasibility of realizing the SDGs – particularly in the context of fragility, conflict and violence – by illustrating the case of Yemen. We examine the conflict in Yemen in particular because it is, at the time of writing, the world's worst humanitarian crisis.⁸ Moreover, there is reliable data on the impact of escalating conflict on SDG progress in Yemen and yet there is very little academic literature on SDG implementation in Yemen. We see here an opportunity and need to provide insights that could inform policy making related to SDG implementation in Yemen and other FCAS.

The SDGs platform is frequently described as a plurality agenda with overtly inclusive and integrative Goals that form an “indivisible whole.”⁹ The “integrated, indivisible and universal” nature of the SDGs is mentioned a number of times in the Agenda's foundational document,¹⁰ and UN agencies are unequivocal “that it is crucial that all entities responsible for SDG implementation treat them in their entirety.”¹¹ This conception of the SDG Agenda envisages that each Goal is integral to achieving sustainable development, and it is expected that its implementation will be guided by the interlinkages. However, little attention has been paid to the realization of this indivisible, integrated agenda in FCAS. The paper attempts to bridge this theory-practice gap. Addressing development issues in FCAS calls for the prioritization of certain SDGs that are critical for the security and dignity of people.¹² Development policy must often wrestle with competing claims for scarce resources, the persistence of fragility, and violent conflict, as well as other challenging circumstances. Accordingly, we argue that

⁶ See generally, “About the Sustainable Development Goals,” online: *United Nations* <www.un.org/sustainabledevelopment/sustainable-development-goals/>.

⁷ See Robert Malley, “10 Conflicts to Watch in 2019” *International Crisis Group: Blog* (28 December 2018), online: <www.crisisgroup.org/global/10-conflicts-watch-2019/>.

⁸ In June 2020, the UN Secretary-General reported that four of every five people in Yemen – 24 million in all – require humanitarian aid; see “Yemen: ‘Hanging on by a thread’, UN chief requests funding to meet staggering humanitarian crisis” *UN News* (2 June 2020), online: <www.news.un.org/en/story/2020/06/1065292> [UN News Yemen].

⁹ See “Sustainable Development Goals are indivisible” *UN Environment Programme* (19 June 2018), online: <www.unenvironment.org/news-and-stories/story/sustainable-development-goals-are-indivisible> [UNEP Goals].

¹⁰ See generally, “Transforming our world: the 2030 Agenda for Sustainable Development” (2015), online (pdf): *United Nations General Assembly* <www.unfpa.org/sites/default/files/resource-pdf/Resolution_A_RES_70_1_EN.pdf> [UN Doc A/RES/70/1].

¹¹ *Ibid*; see generally UNEP Goals, *supra* note 9; see “The 2030 Agenda is indivisible, we cannot cherry pick the SDGs,” online: *The Economics of Ecosystems & Biodiversity* <www.teebweb.org/sdg-agrifood/> [TEEB Report]; see also United Nations System Staff College, “The 2030 Agenda for Sustainable Development” (2018), online (pdf): *UNSSC Knowledge Center for Sustainable Development* <www.unssc.org/2030_agenda_for_sustainable_development.pdf>.

¹² See Oscar A Gómez & Des Gasper, “Human Security: A Thematic Guidance Note for Regional and National Human Development Report Teams” (2013) at 3, online (pdf): *UNDP* <www.hdr.undp.org/human_security_guidance_note.pdf>.

particular attention to limits of institutional capacity and resources, and people-centered, prevention-oriented responses to conflict are vital to guide the SDG Agenda in FCAS.¹³

The first part of the paper proposes an analytical framework for the effective implementation of the SDG Agenda that is sensitive to the particularities of FCAS. While Yemen is the case in point, the framework we propose is equally pertinent to all FCAS. The underpinnings of our framework are based on two arguments. The first argument builds on a distinction in the human rights discourse between a ‘hierarchy of human rights’ and a ‘hierarchy of human rights at the level of implementation’. This distinction brings about a framework that prioritizes and sequences human rights without committing to a normative evaluation of these rights. We argue that this distinction, which tracks the difference between human rights theory and practice, can prioritize certain SDGs in the case of Yemen without inviting criticism that some of the Goals are of lesser moral importance than others. The second argument brings into question the indivisibility of the SDG Agenda. The principle of indivisibility posits that the Goals are interlinked and should be implemented in a holistic manner because they are all crucial to achieving the three dimensions of sustainable development: the social, environmental, and economic.¹⁴ However, there has been little guidance from the United Nations on how to implement the SDGs as an indivisible agenda. We argue that prioritizing and sequencing the Goals is not only necessary to properly respond to development challenges in FCAS, but is also necessary to achieve the entire SDG Agenda. When we square the context-specific demands of FCAS with the demands of these principles, we see that the simultaneous and full implementation of the Goals is a somewhat utopic idea. Indiscriminately applying these principles in SDG implementation would completely disregard or sidestep the reality that an agenda for sustainable development must be applicable and respond to the practical demands of development contexts. This argument is informed by a growing scientific literature demonstrating the benefits of prioritizing and sequencing Goals to minimize these trade-offs and maximize synergistic interactions among them.¹⁵

In the second part of the paper, we argue that in FCAS, SDG 16 (peace, justice and strong institutions) should be prioritized as the first Goal in the sequence. It is recognized by the United Nations and its constituent bodies and specialized agencies that the success of the SDG platform depends on durable peace.¹⁶ United Nations Development Programme (UNDP) data projections for Yemen show that violent conflict has brought SDG progress in the country to a screeching halt, and has reversed development gains made during the MDGs period.¹⁷ We

¹³ See Alberto Quintavalla & Klaus Heine, “Priorities and human rights” (2019) 23:4 Int JHR 679 at 683 [Quintavalla]; see also *ibid* at 3.

¹⁴ See generally, UN Doc A/RES/70/1, *supra* note 10.

¹⁵ See “A Guide to SDG Interactions: from Science to Implementation (ICSU)” online: *International Science Council* <www.council.science/publications/a-guide-to-sdg-interactions-from-science-to-implementation/> [ISC Reports]; see also Philip JK McGowan et al, “An imperfect vision of indivisibility in the Sustainable Development Goals” (2019) 2 Nature Sustainability at 43–45 [McGowan]; see Qiong Zhang et al, “More than Target 6.3: A Systems Approach to Rethinking Sustainable Development Goals in a Resource-Scarce World” (2016) 2:4 Engineering at 481–489 [Zhang].

¹⁶ The SDG Agenda declares that “[t]here can be no sustainable development without peace and no peace without sustainable development,” see UN Doc A/RES/70/1, *supra* note 10 at 2.

¹⁷ See Jonathan D Moyer et al, “Assessing the Impact of War on Development in Yemen” (2019) at 42, online (pdf): *UNDP* <www.yemen.un.org/Assessing_the_Impact_of_War.pdf> [Moyer].

conclude that Yemen should be exempt from the 2030 deadline and should follow a modified track for SDG achievement that is more sensitive to the ways fragility and violent conflict can stymie development. We are not suggesting that the SDG Agenda does not or cannot apply to FCAS. Our recommendation to exempt Yemen from the 2030 deadline is meant to recognize that the SDG Agenda is undertheorized and does not speak to the unique challenges faced by FCAS.¹⁸

2. PART I

2.1. THE SDGs AS AN INDIVISIBLE AGENDA: THE IMPLICATIONS IN PRACTICE

On September 25, 2015, the United Nations General Assembly proposed the Sustainable Development Goals (SDGs) Agenda (2015-2030) consisting of 17 SDGs and 169 associated Targets.¹⁹ The SDGs are a successor to the Millennium Development Goals (MDGs) Agenda (2000-2015). The MDGs were originally developed as a solution to the slow progress of human and economic development around the world. The MDG Agenda set achievement targets for the year 2015 that reflect key international development priorities. These included halving income-poverty and hunger; achieving universal primary education; promoting gender equality and empowering women; reducing infant and child mortality by two-thirds; decreasing maternal mortality by three-quarters; combating HIV/AIDS, malaria and other communicable diseases; and ensuring environmental sustainability and a global partnership for development.²⁰

However, the overall success of the MDGs has been greatly debated. Supporters of the MDGs have argued that considerable progress towards the achievement of certain Goals was made, particularly in halving income poverty and child mortality, promoting access to an improved drinking water source for approximately 2.3 billion people, increasing the political participation of women, and achieving near-universal primary education for children.²¹ They credit the time-bound, well-defined, and quantifiable nature of the MDGs as contributing factors in this success.²² Critics have pointed out that other key Goals, such as reducing maternal mortality or reducing the spread of communicable diseases, were not even close to being met, while deep inequality within countries still persists despite achieving the Goal of

¹⁸ This article was accepted for publication and underwent peer-review before the World Health Organization characterized Covid-19 as a pandemic. It is our view that post-pandemic, the UN Sustainable Development Goals Agenda will require a recalibration for all country-contexts, particularly for low- and middle- income countries.

¹⁹ Progress towards the Targets is tracked using indicators. A total of 232 indicators have been established on agreement by the United Nations General Assembly. A total of 244 indicators are included in the SDG Global Indicator Framework because nine of them are repeated under different Targets. For more information, see “SDG Indicators,” online: *UN Sustainable Development Goals: UN Stats* <www.unstats.un.org/sdgs/indicators/indicators-list>.

²⁰ See “Poverty and Shared Prosperity 2018” (2018), online: *World Bank* <www.worldbank.org/en/publication/poverty-and-shared-prosperity>.

²¹ See Jan Servaes, “Introduction: From MDGs to SDGs” in *Sustainable Development Goals in the Asian Context*, vol 2 (Singapore: Springer Nature Communication, Culture and Change in Asia, 2017) at 8–9.

²² *Ibid.*

halving global income-poverty.²³ Jan Vandemoortele, one of the chief architects of the MDGs, attributes these failures to flaws in the design and implementation of the MDG Agenda.²⁴ Vandemoortele criticizes the MDGs for being too limited in scope and lacking integration; these issues, he argues, led to results that have been thematically lopsided as significant strides were made toward some but not all of the Goals.²⁵ This inadvertently led to the exclusion of the most at-risk segments of the population.²⁶

The SDG Agenda seeks to avoid the siloed, piecemeal approach of the MDG framework by making indivisibility a core theoretical principle of the Agenda.²⁷ The SDGs have been developed with a particular consideration for the mutually reinforcing connections between three dimensions of sustainable development: human flourishing, economic prosperity, and environmental sustainability.²⁸ With these considerations in mind, they are theorized as an indivisible agenda to be implemented in a holistic and integrated manner.²⁹ That said, neither the United Nations nor academia has provided a definition of indivisibility that could guide how this theoretical framework is put into practice in conflict-affected contexts.

United Nations experts have, however, put forward official statements that can help explain the indivisibility principle. In a 2018 interview, Nadia Isler, Director of the SDG Lab in Geneva, framed the indivisibility of the Goals in terms of a “non-siloed approach.”³⁰ A 2019 presentation from the Sustainable Development Section of the Office of the High Commissioner on Human Rights (OHCHR) specified that treating the Agenda as indivisible is about taking an “integrated, non-selective approach to the SDGs.”³¹ This use of the terms ‘integrated’, ‘non-siloed’, and ‘non-selective’ make it seem, at face value, that the indivisibility principle is inconsistent with the prioritization of certain Goals over others. If we interpret these qualifying terms in the strong sense, the indivisibility principle seems to require that all the SDGs must be implemented simultaneously with no room to select some Goals over others, even in the face of overriding policy priorities. However, if we consider the fundamental aim of the indivisibility principle, namely how it seeks to overcome the siloed, piecemeal approach that was taken towards the MDGs, indivisibility is ultimately about ensuring that

²³ *Ibid.*

²⁴ See Jan Vandemoortele, “The MDG Story: Intention Denied” (2011) 42:1 *Dev & Change* [available online: <www.onlinelibrary.wiley.com/01678>].

²⁵ See Jan Vandemoortele, “If not the millennium development goals, then what?” (2011) 32:1 *Third World Quarterly* 9–25; see also *ibid*; finally, see Clive Gabay and Suzan Ilcan, “Leaving No-one Behind? The Politics of Destination in the 2030 Sustainable Development Goals Globalizations” (2017) 13:3 *Globalizations* at 337–342.

²⁶ See Inga T Winkler & Carmel Williams, “The Sustainable Development Goals and human rights: A critical early review,” (2017) 21:8 *Int J Hum Rights* at 1023–1028.

²⁷ See UN Doc A/RES/70/1, *supra* note 10 at 6, 10 and 13.

²⁸ See “Social Development for Sustainable Development” online: *Department of Economic and Social Affairs* <www.un.org/development/desa/dspd/2030agenda-sdgs.html>.

²⁹ See TEEB Report, *supra* note 11.

³⁰ See Julia Stanyard, “Q and A with Nadia Isler, director of the SDG Lab” (06 September 2018), online: *Global Initiative Against Transnational Organized Crime* <www.globalinitiative.net/q-and-a-with-nadia-isler/>.

³¹ See Gaynel Curry, “Human Rights, the SDGs and the 2030 Agenda for Sustainable Development” (January 2019), online (pdf): *OHCHR* <www.ohchr.org/Documents/HRBodies/UPR/SDGs_2030_Agenda.pdf>.

the SDGs are seen as interdependent, each integral to achieving sustainable development, and are implemented in full.

In the sections that follow, we will demonstrate why the strong interpretation of the indivisibility principle might face implementation-based difficulties in FCAS. To address these difficulties and to ensure that the SDGs can be implemented in emergency contexts, we focus instead on balancing the indivisible or “non-siloed” and “non-selective” approach with the reality that limits to institutional capacity and resources in FCAS require us to prioritize certain Goals over others in practice. In the following section, we will consider how the prioritization of certain SDGs can be squared with the indivisibility principle. This is a key point to address because there is little guidance for implementing the SDGs as an indivisible agenda, particularly in FCAS. Importantly, there is a lack of clarity regarding how to address the costs (political, social, economic, etc.) and other operationalization challenges that come with the full or simultaneous implementation of the Goals. Full implementation respects the universal nature of the SDG Agenda by recognizing that all the Goals are fundamental to achieving the core dimensions of development.³² Simultaneous implementation respects the interlinked and mutually reinforcing nature of the Goals. Implementation-related problems arise, for example, when resource or capacity constraints force us to choose between pursuing the full or simultaneous implementation of the Goals. The worry here is that if scholars, policy makers, and practitioners do not adequately engage with such implementation-related problems in a context-sensitive manner, they may ultimately fall prey to the same issues that have plagued the indivisible human rights framework.

2.2. THE INDIVISIBLE HUMAN RIGHTS FRAMEWORK: A LEARNING OPPORTUNITY FOR THE SDG AGENDA

This section examines the well-noted issues with the indivisible rights framework as a way to identify similar issues with the indivisibility principle at the core of the SDG Agenda. What we argue is that the SDG Agenda, like the indivisible rights framework, fails to provide adequate guidance on how we should apply the indivisibility principle with respect to FCAS. We will cover the basis for, and conceptual problems with, the invisible human rights framework and diagnose similar problems with the SDG Agenda.

The United Nations urges countries to fully implement the international human rights system. Full implementation of the system ensures that these rights that are fundamental to human dignity are provided equal protection, and are implemented in a way that treats human rights as universal, mutually reinforcing, and *indivisible*:

“All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner . . . While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.”³³

³² See UN Doc A/RES/70/1, *supra* note 10 at 10.

³³ “Vienna Declaration and Programme of Action” (25 June 1993) at 3, online (pdf): *UN World Conference on Human Rights* <www.un.org/en/development/desa/A_CONF.157_24.pdf> [also known as: UN Doc A/ CONF.157/ 24, 1993].

The indivisibility principle establishes that countries should not apply human rights selectively because the protection and equal recognition of all human rights is required for the full enjoyment of human dignity.³⁴ While there is general agreement at the conceptual level that human rights are mutually reinforcing, equal in standing, and therefore should all be treated as core to an indivisible system, there is significant debate on how the indivisibility principle should be implemented in practice.³⁵ An implementation strategy that respects the universal and mutually reinforcing nature of the human rights system would ideally implement all human rights in full and simultaneously. On the face of it, such a strategy ensures that we are not implementing human rights selectively. The problem, however, is that this provides us with little guidance on how to address the myriad costs and governance challenges that confront the realization of full and simultaneous rights on a global scale. Moreover, these costs can vary depending on how far along a country has come in implementing human rights, or on how the economic and political organization of a country might combine more or less favourably with certain rights over others, or with the human rights framework as a whole.³⁶

While the universal and indivisible treatment of human rights or SDGs would ideally call for full and simultaneous implementation, committing to both might be difficult depending on a country's resources and institutional capacity. Unsurprisingly, low- and middle-income countries might not be in a position to pursue the implementation of all rights or SDGs simultaneously.³⁷ These kinds of situations will inevitably lead to a number of potential trade-offs, which may include having to choose between implementing some rights or SDGs in full, or all rights simultaneously, or giving first priority to a set of rights or SDGs when they are connected to a serious unmet need or other overriding factors.³⁸ Establishing a basic set of guidelines for implementing rights or SDGs in FCAS is not taking either of these frameworks beyond the scope of their intended purpose. The indivisible human rights framework, like the SDGs, was intended to address violent conflict, serious rights violations, and barriers to development that undermine respect for human dignity. Gaining a better sense of how we can implement these frameworks in practice in FCAS is important because SDG success will depend on how well these theoretical ideals translate and apply to the real-world circumstances they are meant to address.

One example of the theory-application gap in human rights is the longstanding debate surrounding the full progressive realization of positive rights enshrined in the *International*

³⁴ See Jack Donnelly, *Universal Human Rights in Theory and Practice* (Utica, NY: Cornell University Press, 2013) at 27; see also Jack Donnelly & Daniel J Whelan, *International Human Rights*, 5th ed (London, UK: Routledge, 2017) at 61.

³⁵ See James W Nickel, "Rethinking Indivisibility: Towards a Theory of Supporting Relations Between Human Rights," (2008) 30:4 Hum Rts Q at 984–1001; see Pablo Gilabert, "The Importance of Linkage Arguments for the Theory and Practice of Human Rights: A Response to James Nickel" (2010) 32:2 Hum Rts Q 425–438; see also James W Nickel, "Indivisibility and Linkage Arguments: A Reply to Gilabert," (2010) 32:2 Hum Rts Q at 439–446; finally, see generally, Daniel J Whelan, *Indivisible Human Rights: A History* (Philadelphia: University of Pennsylvania Press, 2010).

³⁶ See Quintavalla, *supra* note 13 at 681–682.

³⁷ See Steven Holmes & Cass R Sunstein, *The Cost of Rights: Why Liberty Depends on Taxes* (New York: WW Norton & Company, 2000) at 15; see also Amitai Etzioni, "Life: The Most Basic Right," (2010) 9:1 J Hum Rights at 100–110.

³⁸ See Quintavalla, *supra* note 13 at 683.

Covenant of Social, Economic and Cultural Rights (ICESCR).³⁹ Article 2(1) of ICESCR requires state parties “to take steps... to the maximum of their available resources with a view to achieving progressively the full realization of *ICESCR* rights by all appropriate means.”⁴⁰ Initially, state parties with vastly different capacities and resources were left to figure out for themselves how to best achieve the full and progressive realization of economic, social, and cultural rights. ICESCR did not include well-defined, time-bound targets, nor did it provide guidance on how the subsistence obligations of state parties ought to be balanced with the obligations in the treaty.⁴¹

The 1986 Limburg Principles were introduced to clarify the nature and scope of state parties’ obligations under ICESCR.⁴² The Principles were introduced to also ensure that state parties understood that ICESCR rights create binding obligations on them. The indeterminateness of positive rights made ICESCR obligations seem, at least to some state parties, like mere policy commitments.⁴³ Noteworthy for our purposes are principles 3, 17, 18, and 28, which clarify that while human rights are indivisible and that urgent consideration should be given to the implementation of ICESCR, state parties should also be mindful of the need to give everyone “the satisfaction of subsistence requirements” and “the provision of essential services.”⁴⁴ These principles include an explicit recognition that positive rights require administrative, economic, educational, judicial, legislative, policy and social measures for their implementation.⁴⁵ In this way, the Limburg Principles afford greater recognition to the up-front costs, trade-offs, or competing rights and priorities that might complicate the full progressive realization of positive rights.

Similarly, a working framework for SDG implementation must be able to prioritize certain Goals to ensure that essential services are provided and subsistence requirements are met. The next question is how we can establish such a framework without unearthing the principle of indivisibility that is at the core of both the SDG Agenda and the indivisible human rights framework. In “Priorities and Human Rights,” Alberto Quintavalla and Klaus Heine establish a key distinction that aims to prioritize human rights in implementation without disturbing the principle of indivisibility at the conceptual level: the distinction between ‘a hierarchy of human rights’ and ‘a hierarchy of human rights at the implementation level’.⁴⁶ The ‘hierarchy of human rights at the implementation level’ is concerned with establishing the necessary

³⁹ See *International Covenant on Economic, Social and Cultural Rights*, 3 January 1976, 993 UNTS 3 (entered into force 3 January 1976, accession by Canada 19 May 1976).

⁴⁰ *Ibid* at art 2(1).

⁴¹ *Ibid* at art 1(2).

⁴² See “The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights” (8 January 1987), online (pdf): *UN Commission on Human Rights* <www.refworld.org/docid/48abd5790.html> [UN Doc. E/CN.4/1987/17]; see also Fons Coomans, “The Limburg Principles Turned 30,” (15 December 2016), online: *Maastricht University* <www.maastrichtuniversity.nl/blog/2016/12/limburg-principles-turned-30>.

⁴³ *Ibid*.

⁴⁴ See UN Doc. E/CN.4/1987/17, *supra* note 42 at Principles 3 and 28.

⁴⁵ *Ibid* at Principles 17 and 18.

⁴⁶ See Quintavalla, *supra* note 13 at 687–688.

sequence for realizing the full implementation of the human rights system based on policy priorities and objectives, or constraints that arise in the context of FCAS.

Human rights theory aims to capture a set of rights that are integral to a life of human dignity. The implementation challenge is that every right supposedly needs to be fully realized in order to uphold human dignity.⁴⁷ As we have noted, human rights, particularly positive rights, are costly because they require for their implementation myriad measures and continuous efforts, and thus may lead us to make trade-offs between full or simultaneous implementation. The Danish Institute for Human Rights has undertaken an experimental data mining project to map out the connections between international human rights obligations and the SDG Agenda. Their SDG-Human Rights Data Explorer shows how over ninety percent of SDG Targets are connected to specific human rights obligations enshrined in international human rights law instruments.⁴⁸ The financing gap to achieve the SDGs and their corresponding human rights obligations stands at approximately 2.5 trillion USD per year, while the gap across all sectors and industries is between 5 to 7 trillion USD per year.⁴⁹

Another key challenge is that the implementation of some human rights, insofar as they are mutually reinforcing, will depend on the implementation of other rights.⁵⁰ For example, the right to privacy is a well-established precondition for freedom of expression.⁵¹ Without an adequate degree of privacy, people lack the “space” to speak, think, develop their own voice, and attain individual self-fulfillment and human flourishing.⁵² Given that some human rights enable others in the way described, it stands to reason that ‘enabling’ human rights should be implemented first to reinforce, or facilitate the realization of, other rights.⁵³ As such, the full realization of the human rights system requires us to consider aspects tied to the sequencing of rights.⁵⁴ Establishing priorities in the implementation of rights is not only a measure we adopt

⁴⁷ See the first sentence of the Preamble to the United Nations Universal Declaration of Human Rights as well as the following subsection; see *Universal Declaration of Human Rights*, GA Res 217A (III), UNGAOR, 3rd Sess, Supp No 13, UN Doc A/810 (1948) 71.

⁴⁸ The Danish Institute for Human Rights, “Human Rights and The 2030 Agenda for Sustainable Development: Lessons Learned and Next Steps” online: *Jurisdicción Especial para la Paz* <www.jep.gov.co/Sala-de-Prensa/Documents/hr_and_2030_agenda-web_2018.pdf> at 9.

⁴⁹ See Christopher Garroway and Chantal Line Carpentier, “Why are we behind on SDG finance and what can we do about it?” *UNCTAD News* (26 September 2019), online: <www.unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=2204>.

⁵⁰ See Quintavalla, *supra* note 13 at 688.

⁵¹ See “Privacy and Freedom of Expression in the Age of Artificial Intelligence” (2018), online (pdf): *Privacy International and Article 19* <[www.privacyinternational.org/Privacy and Freedom of Expression In the Age of Artificial Intelligence.pdf](http://www.privacyinternational.org/Privacy%20and%20Freedom%20of%20Expression%20in%20the%20Age%20of%20Artificial%20Intelligence.pdf)>; see also John Sopinka, “Freedom of Speech and Privacy in the Information Age” (1997) 2:2 *The Information Society* 171 [online: <www.tandfonline.com/doi/abs/10.1080/>]; finally, see Joseph A Cannataci et al, “Privacy, free expression and transparency: redefining their new boundaries in the digital age” (2016), online: *UNESCO Publishing* <www.unesdoc.unesco.org/6610>.

⁵² *Ibid*; see also *Irwin Toy Ltd v Quebec (Attorney general)* [1989] 1 SCR 927.

⁵³ See Quintavalla, *supra* note 13 at 688. It is also worth noting that the concept of an ‘enabling’ human right is not a static one. A right might be an enabling right in one context and might be enabled or reinforced in another.

⁵⁴ *Ibid*.

to respond to resource scarcity, lack of institutional capacity, or full-blown emergencies. Setting priorities is also crucial to the effective sequencing and implementation of a plural, complex, and integrative system of rights. The concepts of priority and sequencing do not undermine the equal standing of rights, which the indivisibility principle is meant to protect. Instead, prioritizing and sequencing rights is just part of a realistic implementation strategy that is able to respond to real-world circumstances and to anticipate how enabling and enabled rights can be lexically prioritized and ordered. The fact that human rights implementation requires us to make informed and calculated decisions regarding how we prioritize and sequence these rights does not mean that certain rights are less important than others. Rather, it is a recognition that implementation takes place in shifting, real-world circumstances with various costs and constraints. It is also a recognition of the fact that some rights might have lexical priority if they can enable other rights. The prioritization and sequencing of human rights in implementation is necessary for, and contributes to, the end goal of achieving the entire human rights framework.⁵⁵

2.3. APPLYING THE THEORY / PRACTICE DISTINCTION TO THE SDG AGENDA

The distinction that Quintavalla and Heine draw between the theory of human rights and the implementation of the theory is highly relevant to advancing the SDG Agenda. The SDGs are built on the principles of universality, indivisibility and interconnectedness. They reflect a commitment on the part of countries to not “cherry-pick” which Goals to implement because they are all critical to the economic, social, and environmental dimensions of sustainable development. The equal normative standing of each Goal is not undermined when we prioritize the implementation of some Goals over others. Prioritization in this regard does not speak to a difference in moral importance between the Goals. Rather, it is about selecting the SDGs that are the most closely connected to pressing development issues in FCAS. Moreover, like human rights, the SDGs are mutually reinforcing. Therefore prioritizing and sequencing them may be critical for accommodating interlinkages and interactions between enabling and enabled SDG.⁵⁶ The importance of coordinating these interactions is reflected in the ‘policy coherence’ Target (17.14) of Goal 17, which calls on policy makers to identify which SDG interactions and interventions can ultimately hinder or improve progress towards the entire Agenda. For example, SDG 6 (clean water and sanitation) might be considered an enabling SDG because it is critical to fulfilling SDG 3 (good health and well-being): living in good health requires adequate access to clean drinking water and sanitary living conditions. Moreover, creating opportunities for decent work and economic growth (SDG 8) relies on ensuring that people have the requisite tools and skills acquired through quality education (SDG 4) or providing opportunities for everyone to participate in the economy on equal terms (SDG 5). The plural, integrative, and mutually reinforcing nature of the Goals requires us to methodically consider how to prioritize and sequence the many moving pieces of the SDG Agenda in order to develop a better understanding of how they come together as a unified whole.

There is growing scientific literature pointing to the advantages of treating SDGs as an agenda with moving parts that should be methodically prioritized and sequenced. This literature

⁵⁵ *Ibid.*

⁵⁶ See generally, ISC Reports, *supra* note 15.

questions the feasibility of implementing all of the SDGs simultaneously.⁵⁷ The International Council for Science (ICSU) has created a seven-point ordinal scale that measures the potential for trade-offs – scenarios where advancements made on one SDG generates effects detrimental to the advancement of other Goals – and synergies – scenarios where advancements made on one SDG contributes to other Goals – among the SDGs in practice.⁵⁸ The scale and its associated guide evaluate the trade-offs and synergies among four Goals using a plus 3 to minus 3 scale.⁵⁹ Plus 3 means that two Goals or Targets are ‘indivisible’ and entirely dependent on one another, a plus 2 means that one Goal or Target ‘reinforces’ the other, and so forth.⁶⁰ A score of minus 3 for a pair of Goals or Targets means that making progress in one can completely cancel out or even erode progress in the other.⁶¹ While there are no examples in the ICSU study directly relating to FCAS, there is evidence that in-kind humanitarian aid may help alleviate poverty and hunger (SDG 1 & 2) but also inadvertently hinder local markets (SDG 8).⁶² The ICSU’s ordinal scale is part of a growing recognition that policy makers may inadvertently bring about trade-offs among Goals if they simply decide to pursue all SDGs simultaneously without calibrating their approach.⁶³ This scale points to the fact that the SDG Agenda is not optimally calibrated by default – the Goals can severely conflict.⁶⁴ For example, ICSU notes a significant trade-off in the interactions between SDG 2 (zero hunger) and SDG 6 (clean water and sanitation), since food production depends on, and affects the quality and availability of

⁵⁷ See generally, ISC Reports, *supra* note 15; see McGowan, *supra* note 15 at 43–45; see also Zhang, *supra* note 15 at 481–489; Pravin Kurar et al, “Determination of hierarchical relationships among sustainable development goals using interpretive structural modeling” (2018) 20 *Environ Dev Sustain* at 2119–2137 [Kurar]; see Edward B Barbier and Joanne C Burgess, “Sustainable development goal indicators: Analyzing trade-offs and complementarities” (2019) 122:2 *World Dev* at 295–305; see Dries Landuyt et al, “P.L.M. Unit Bayesian belief networks to analyse trade-offs among ecosystem services at the regional scale” (2016) 71 *Ecol Indic* at 327–335; CC Hicks, “Synergies and tradeoffs in how managers, scientists, and fishers value coral reef ecosystem services” (2013) 23 *Glob Env Change* at 1444–1453; see Brijesh Mainali et al, “Evaluating Synergies and Trade-Offs among Sustainable Development Goals (SDGs): Explorative Analyses of Development Paths in South Asia and Sub-Saharan Africa” (2018) 10:3 *Sustainability* 815; see Mats Nilsson et al, “Mapping interactions between the sustainable development goals: lessons learned and ways forward” (2018) 13 *Sustain Sci* at 1489–1503 ; finally, see Katia Vladimirova and David Le Blanc, “Exploring Links Between Education and Sustainable Development Goals Through the Lens of UN Flagship Reports” (2016) 24:4 *Sust Dev*.

⁵⁸ See generally, ISC Reports, *supra* note 15 at 24–25.

⁵⁹ *Ibid.*

⁶⁰ *Ibid* at 24.

⁶¹ *Ibid.*

⁶² See Steven Zyck et al, “Markets in Crises: the 2010 floods in Sindh, Pakistan” (October 2015), online (pdf): *Humanitarian Policy Group Working Papers* <www.odi.org/9951.pdf>; see also Iffat Idris, “Economic impacts of humanitarian aid (GSDRC Helpdesk Research Report 1327)” (January 2016), online (pdf): *GSDRC University of Birmingham* <www.gsdr.org/wp-content/uploads/2016/01/HDR1327.pdf>.

⁶³ The Stockholm Economic Institute has also mapped and analyzed noted synergies and trade-offs among SDG interactions using ICSU’s seven-point ordinal scale; see Måns Nilsson, “Important interactions among the Sustainable Development Goals under review at the High-Level Political Forum 2017” (June 2017), online (pdf): *Stockholm Economic Institute* <www.mediamanager.sei.org/documents/Publications/SEI-WP-2017-06.pdf> [SEI Working Paper No. 2017-06].

⁶⁴ See Lucien Georgeson and Mark Maslin, “First goal of UN sustainability targets should be not to conflict with each other” *The Conversation* (7 October 2014), online: <www.theconversation.com/32577>.

water: agricultural production increases groundwater consumption, which can erode land and degrade water quality.⁶⁵ By contrast, the ICSU study sees SDG 14 (life below water) and 13 (climate action) as highly synergistic. The conservation of coastal ecosystems acting as blue carbon sinks is considered a necessary step in climate action.⁶⁶

Other studies stress the importance of analyzing the interactions among Goals and sequencing them accordingly in order to maximize SDG resources, particularly in developing and least-developed countries. The *Impact Matrix Cross-Reference Multiplication Applied to a Classification* (MICMAC) analysis conducted by Pravin Kurar and his colleagues finds that it is crucial to identify the sequential relationship among the SDGs, because some Goals cannot be achieved before achieving their enabling Goal(s).⁶⁷ Jeff Waage and his colleagues noted that achieving health and well-being (SDG 3) requires making inroads on a host of other Goals, including ending poverty (SDG 1); providing access to education (SDG 4); achieving gender equity (SDG 5); reducing inequality between and within countries (SDG 10); as well as promoting peace (SDG 16).⁶⁸

In this growing academic literature on SDG interlinkages and interactions, there is a broad recognition that SDG 16, along with SDG 17, are prerequisites for every other Goal and underscore the entire Agenda. Jale Tosun and Julia Leininger have gone as far as to say that SDG 16 and 17 “can be conceived as enablers rather than goals by themselves ... [n]one of the SDGs will be achieved in the absence of peace and effective governance.”⁶⁹ Anita Breuer et al, citing Ingeborg Niestroy, point out that SDG 16 and 17 are “depicted outside the model as underlying and enabling goals.”⁷⁰ That said, SDG 16 remains severely undertheorized. The European Commission conducted a review of resources on SDG interlinkages and created a

⁶⁵ See ISC Reports, *supra* note 15 at 14.

⁶⁶ *Ibid* at 16; one point not addressed in the ICSU guide and other scientific literature, but worth mentioning for our purposes, is that it is possible for the same set of Goals to produce positive and negative interactions depending on the circumstances. For example, SDG 2 (zero hunger) and SDG 12 (responsible consumption and production) might produce positive interactions because responsible consumption and production methods mean growing, producing, distributing, and consuming food in ways that can create efficiencies in these processes, limit food waste, and drive down costs. These Goals might also produce negative interactions if a dire need for rapid food production forces farmers to clear natural lands for agriculture, to overwork the soil, or to heavily use fertilizers and pesticides. We know that trade-offs and synergies in SDG interactions are possible. Prioritization and sequencing strategies may go a long way in minimizing trade-offs, and maximizing synergies and positive interactions among the Goals. This is all the more important in resource-scarce contexts, such as conflict zones.

⁶⁷ See Kurar, *supra* note 57.

⁶⁸ See Jeff Waage et al, “Governing the un Sustainable Development Goals: interactions, infrastructures, and institutions” (2015) 3:5 *The Lancet Global Health* at e251–e252; see also ISC Reports, *supra* note 15 at 84.

⁶⁹ See Jale Tosun & Julia Leininger, “Governing the Interlinkages between the Sustainable Development Goals: Approaches to Attain Policy Integration” (13 November 2017) 1:9 *Global Challenges* at 5 [open access link: www.doi.org/10.1002/gch2.201700036].

⁷⁰ See Ingeborg Niestroy, “The 2030 Agenda for Sustainable Development in the EU and Its Member States: Analysis and Action So Far” (September 2016) at 11, online (pdf): *DIE Discussion Paper Series 2016/9* <www.die-gdi.de/uploads/media/DP_9.2016.pdf>; see also Anita Breuer, Hannah Janetschek & Daniele Malerba, “Translating Sustainable Development Goal (SDG) Interdependencies into Policy Advice” (2019) 11 *Sustainability* at 12.

database to record entries on each Goal.⁷¹ SDG 16 had the second lowest number of entries, after SDG 17, appearing in less than three percent of total database entries.⁷² This knowledge gap surrounding SDG 16 signals the importance of contributing to research and analysis on Goal 16's relationship with the rest of the Agenda. To contribute to this end, we will assess the primacy of Goal 16 for SDG success in the context of FCAS, using Yemen as a case study.

3. PART II

3.1. SDG 16 IN FRAGILE AND CONFLICT-AFFECTED STATES: PERSPECTIVES FROM YEMEN

We have just seen the efficiencies and synergistic relationships that can be exploited by meticulously prioritizing and sequencing according to their theorized or observed positive and negative interactions. This is a key consideration for SDG policy making and programming in FCAS, where emergency responses and interventions are often required and state resources and capacity are scarce. In this section, we undertake to evaluate the feasibility of realizing the SDGs – particularly in the context of fragility, conflict and violence – by illustrating the case of Yemen. We examine the conflict in Yemen in particular because it is, at the time of writing, the world's worst humanitarian crisis. In June 2020, the UN Secretary-General reported that four of every five people in Yemen – 24 million in all – require humanitarian aid.⁷³ Moreover, there is reliable data on the impact of escalating conflict on SDG progress and yet there is very little academic literature on SDG implementation in Yemen. We see here an opportunity and need to provide insights that could inform policy making and programming related to SDG implementation in Yemen and other FCAS.

Yemen has been affected by internal conflict for decades, but the country erupted into civil war in March 2015 when a Saudi Arabian-led coalition took military action against Houthi insurgents, who are allied with the country's former leader Ali Abdullah Saleh and supported by Iran.⁷⁴ The political and sectarian divides fueling the current conflict go back centuries.⁷⁵

⁷¹ See Apollonia Miola et al, "Interlinkages and policy coherence for the Sustainable Development Goals implementation" (2019), online (pdf): *European Commission* <www.publications.jrc.ec.europa.eu/jrc115163.pdf> at 13–14. In terms of the methodology, data miners first searched in Scopus for the keyphrase "Sustainable Development Goals" by imposing as a temporal limit the documents published from 2015 and 2019, from the year of the Adoption of the UN 2030 Agenda up to the articles still in press.

⁷² *Ibid* at 15.

⁷³ See UN News Yemen, *supra* note 8.

⁷⁴ See Patrick Wintour, "Yemen civil war: the conflict explained" *The Guardian* (20 June 2019), online: <www.theguardian.com/world/2019/jun/20/yemen-civil-war-the-conflict-explained> [Wintour]; see also Adam Baron, "The Politics Driving Yemen's Rising Sectarianism," *Sana'a Center for Strategic Studies* (May 30, 2016), online: <www.sanaacenter.org/publications/item/40-the-politics-driving-yemen.html>.

⁷⁵ Beginning in the 6th century, Yemen was ruled by a series of caliphs. The Zaidis, a Shia Islamic sect, became dominant in the north by the 9th century and would rule there for the next thousand years. Throughout this period, the south of Yemen was divided and run by different local sultanates. By the 19th century, Yemen's modern contours were becoming shaped by foreign intervention. The Ottoman Empire captured Sana'a and nearby towns, expanding its control over the historical region of South Arabia. The British East India Company had seized the port city of Aden in 1832. In 1904, the Ottomans and the British defined the territories under their control, which divided Yemen into an Ottoman North and a British South. The Ottoman Empire fell after World War I and the North became a Zaidi kingdom.

The Saudi-led intervention in Yemen, supported by the US, UK, and France, was expecting to defeat the Houthis within six weeks. Instead, the war is in its fifth year and has made an already poor, fragile country the stage for the world's worst ongoing humanitarian crisis. The ongoing conflict in Yemen has the same drivers as the Arab spring protests that took place in parts of the Middle East in 2011.⁷⁶ Pro-democracy protestors in Yemen tried to force the country's leader, Ali Abdullah Saleh, to resign after thirty-three years in power. After deadly clashes between the military and protestors in the capital of Sana'a in March 2011, there was a transfer of power to the vice-president, Abd Rabbu Mansour Hadi, who managed to consolidate power in the February 2012 presidential election. However, Hadi's efforts to implement constitutional and economic reforms were met with Houthi violence.⁷⁷ This forced Hadi to flee to the Saudi capital of Riyadh, leaving power in the balance between the Houthis and a strong secessionist movement in the south of Yemen.⁷⁸

In December 2018, the United Nations helped broker a ceasefire between Saudi-backed coalition forces and the Houthis in an effort to demilitarize the city of Hodeida, a lifeline of a large part of the country in terms of food, medical supplies and other crucial provisions.⁷⁹ The Houthis agreed to a two-stage redeployment of its troops from certain parts of the country, and agreed that an "alternative force," which was not well defined in the ceasefire agreement, would assume control of security in these areas. The United Nations and the Yemeni government regard the first phase of redeployment as a sham because the Houthis rebadged their army

Arab nationalists overthrew the kingdom in 1962 with Egyptian intervention, and civil war with Saudi- and Jordan- financed royalists endured for almost a decade in the region. Rebel violence forced Britain to withdraw from the South by 1967. After a group of Marxist rebels took control in 1970, the South became the People's Democratic Republic of Yemen, supported by the Soviet Union and other communist states. In 1990, the North and South formed a unified republic. This transition was accompanied by decades of civil strife, including infighting, assassination attempts, and the looming threat of a military coup. Yemen is still divided among local tribes, which further complicates the path toward a peace agreement between the Iran-backed Houthis and the internationally recognized government backed by Saudi-coalition force; for more information, see "Yemen: The North-South Divide" *Al Jazeera* (08 Dec 2017), online: <www.aljazeera.com/171129152948234.html>; see also Ishaan Tharoor, "A Brief History of Yemen: Rich Past, Impoverished Present" (01 Nov 2010), online: *TIME* <www.content.time.com/time/world/article/0,8599,2028740,00.html>.)

⁷⁶ See Giulio Coppi, "The Humanitarian Crisis in Yemen: Beyond the Man-Made Disaster" (January 2018) at 2, online (pdf): *International Peace Institute* <www.ipinst.org/wp-content/IPI-Rpt-Humanitarian-Crisis-in-Yemen.pdf>.

⁷⁷ See Nadwa al-Dawsari, "We Lived Days in Hell': Civilian Perspectives on the Conflict in Yemen," (2016), online: *Center for Civilians in Conflict* <www.civiliansinconflict.org/publications/research/civilian-perspectives-on-conflict-yemen/>; see also Hakim Almasmari & Martin Chulov, "Yemeni government quits in protest at Houthi rebellion" *The Guardian* (22 January 2015), online: <www.theguardian.com/world/2015/jan/22/yemeni-government-quits-houthi-rebellion>.

⁷⁸ See Wintour, *supra* note 74.

⁷⁹ "Houthi rebels cede control of Yemen's primary port, UN says" *France 24* (29 December 2018), online: <www.france24.com/en/20181229-houthi-rebels-cede-control-yemen-primary-port-officials-say> [France 24].

troops as coastguard personnel.⁸⁰ Moreover, no progress has been made on the second phase of redeployment or the exchange of political prisoners.⁸¹

If peace, justice and strong institutions (SDG 16) must be prioritized and realized in order to achieve other SDGs in the context of Yemen, then it is critical that we directly address the role of state and non-state international actors in further destabilizing the country. The US had been providing in-air refuelling and tactical support to the Saudi-led coalition forces. In November 2018, the US committed to stop providing in-air refuelling to the coalition.⁸² However, the US, UK, France and others have continued to sell weapons and provide tactical training. The sale of weapons and the provision of tactical support to Saudi Arabia, United Arab Emirates, Kuwait, and other coalition forces have been the subject of media scrutiny as well as legal action by lawmakers and public interest groups.⁸³

Non-state actors such as Al-Qaeda in the Arabian Peninsula (AQAP) and multiple Islamic State (ISIS) affiliates based in Yemen have claimed responsibility for numerous bombings in the country.⁸⁴ Poor governance and political instability are part of what led to the 2015 civil war; this has created a power vacuum for extremist groups to exploit and has contributed to fragility and violent conflict in the region. The public's perception of government is increasingly negative due to persistent corruption and an inability to deliver services or ensure safety for its residents.⁸⁵ AQAP in particular has taken advantage of this state of affairs. It now controls roughly thirty-six percent of Yemen's territory and provides essential services in areas

⁸⁰ See "Houthis prepare to pull back from Hodeidah" *The National* (11 May 2019), online: <www.thenational.ae/world/mena/houthis-prepare-to-pull-back-from-hodeidah-1.859860>; see also *ibid.*

⁸¹ See Wintour, *supra* note 74.

⁸² See "Yemen: Events of 2018," (2019), online: *Human Rights Watch* <www.hrw.org/world-report/2019/country-chapters/yemen#73fcc>.

⁸³ *Ibid.* The sale of weapons and the provision of tactical support to Saudi Arabia, United Arab Emirates, Kuwait, and other coalition forces have been the subject of media scrutiny as well as legal action by lawmakers and public interest groups. In June 2019, *The Guardian* reported that the Saudi-led coalition forces highly depend on the UK's largest arms producer, BAE Systems, to mount airstrikes in Yemen. For more information, see Arron Merat, "The Saudis couldn't do it without us': the UK's true role in Yemen's deadly war" *The Guardian* (18 June 2019), online: <www.theguardian.com/world/2019/jun/18/the-saudis-couldnt-do-it-without-us-the-uks-true-role-in-yemens-deadly-war>.

Moreover, the sale of these weapons by the UK was deemed unlawful by the UK Court of Appeal in June 2019 after the Campaign Against Arms Trade brought the case against the country's International Trade Secretary, Liam Fox. This legal action prompted the UK to suspend new weapons deals with Saudi Arabia in order to review its processes for providing weapons and military support. The Court found that Liam Fox, former Secretary of State Boris Johnson, and other key ministers had authorized the sale of weapons to the Saudi-led coalition without undertaking a proper assessment of the risk to civilians. See Dan Sabbagh and Bethan McKernan, "UK arms sales to Saudi Arabia unlawful, court of appeal declares" *The Guardian* (20 June 2019), online: <www.theguardian.com/law/2019/jun/20/uk-arms-sales-to-saudi-arabia-for-use-in-yemen-declared-unlawful>.

⁸⁴ See "Yemen: Extremism & Counter-Extremism," online: *Counter Extremism Project* <www.counterextremism.com/countries/yemen>.

⁸⁵ See Dylan O'Driscoll, "Violent Extremism and Terrorism in Yemen- a K4D Report" (July 2017) at 3, 16, 19, 25 and 29, online (pdf): *GSDRC University of Birmingham* <www.gsdr.org/publications/violent-extremism-and-terrorism-in-yemen.pdf> [O'Driscoll].

that are marginalized or neglected by the government.⁸⁶ The Saudi-led intervention and its allies continue to play a role in further weakening state-society relations. Air strikes against the Houthis and extremist groups occupying parts of Yemen have led to civilian casualties and other negative impacts on the general population, which in turn has been used by AQAP as fodder for propaganda and recruitment purposes.⁸⁷ This has further complicated the path to achieving durable peace via strong governance institutions and effective justice mechanisms. In an effort to establish a cohesive government that can counter the Houthis and AQAP, Yemen's internationally recognized government has signed a power-sharing agreement with the Southern Separatist Movement in the south of the country.⁸⁸ The internationally recognized government and the southern separatist forces fought for years on the same side against the Houthis. However, recent fighting between them has raised fears that the country is on the brink of completely breaking apart.⁸⁹

Goal 16's Targets make it clear that achieving durable peace requires a commitment to ending conflict as well as improving governance. While Targets 16.1 and 16.2 call on states to "significantly reduce all forms of violence and related death rates" (16.1) and to "end abuse ... and all forms of violence against ... children" (16.2), the other ten Targets (16.3 through 16.B) touch on particular key facets of good governance. These include promoting the rule of law and equal access to justice (16.3); combating organized crime and illicit financial and arms flows (16.4); significantly reducing corruption (16.5); developing accountable, transparent, and responsive institutions (16.6); ensuring representative and inclusive decision-making processes (16.7); broadening the participation of developing countries in global governance (16.8); securing legal identity for all (16.9); ensuring open access to information and protection of fundamental freedoms and rights (16.10); strengthening institutions of governance through capacity building initiatives (16.A); and promoting and enforcing non-discriminatory laws and policies (16.B).⁹⁰

This list of governance-related Targets helps illustrate the primacy of Goal 16 with respect to the rest of the SDG Agenda. The Targets of Goal 16 directly address the organizational structure and make-up of institutions (e.g. developing accountable, transparency, and responsive institutions (16.6)); the interactions between state institutions and those in civil society (e.g. ensuring open access to information (16.10));⁹¹ and good governance outcomes (e.g. significantly reducing corruption (16.5)).⁹² As we will explore in further detail in section

⁸⁶ *Ibid*; see also Ahmed Alwly, "Despite Arab, US attacks, AQAP still holding out in Yemen" *Al Monitor* (13 May 2016), online: <www.al-monitor.com/pulse/originals/2016/05/yemen-al-qaeda-us-terrorism-hadi-mukalla-drones.html>.

⁸⁷ See O'Driscoll, *supra* note 85 at 10, 16, and 24.

⁸⁸ See Patrick Wintour, "Yemen government signs power-sharing deal with separatists" *The Guardian* (5 November 2019), online: <www.theguardian.com/world/2019/nov/05/yemen-government-signs-power-sharing-deal-with-separatists>.

⁸⁹ *Ibid*.

⁹⁰ See "Goal 16: Promote just, peaceful and inclusive societies," online: *United Nations* <www.un.org/sustainabledevelopment/peace-justice/> [Goal 16].

⁹¹ See Harsh Mander, Mohammed Asif & KP Sasi, *Good governance: Resource book* (Bangalore: Books for Change, 2004) at 11.

⁹² See Francis Fukuyama, "What is governance?" (2013) 26:3 *Governance* at 4 [Fukuyama].

3.2, each of these Targets play a critical role in implementing policies that contribute to ending poverty and hunger, promoting good health, securing education opportunities and decent work, and fostering partnerships for the Goals. Moreover, the demonstrated importance of effective governance in escaping the conflict trap shows us why Goal 16 is critical to the SDGs in the context of FCAS.⁹³ Peace is an essential and non-negotiable component of the Agenda. The section below demonstrates this point through a case study of Yemen. A detailed data comparison of Yemen's SDG performance in a pre- and post-2014 escalation-of-conflict scenario indicates that no SDG progress has been possible in the current conflict. We start with a more general analysis of how the post-2014 conflict in Yemen has reversed MDG gains and has made progress on any of the SDGs virtually impossible. We then assess how the violent conflict has impacted each Goal individually.

3.2. SLIDING BACKWARDS: LOST GAINS

The ongoing civil war in Yemen has eroded development gains across the board and has made SDG progress virtually impossible. A 2019 UNDP-commissioned report estimates that approximately one-quarter of a million people have been killed directly by violent conflict or indirectly due to a lack of access to food, essential services, or basic infrastructure.⁹⁴ The conflict has had the most devastating effect on young children, threatening the development of an entire generation.⁹⁵ Sixty percent of the dead are children under the age of five and over twelve million children are currently in need of humanitarian aid.⁹⁶ If the conflict extends beyond 2019, Yemen will have the greatest depth of poverty of any country, with eighty-eight percent of the population living on less than 3.10 USD a day and seventy-eight percent living on less than 1.90 USD a day.⁹⁷ Moreover, if the conflict continues through to 2022, nearly half of Yemen's population will be malnourished.⁹⁸ This number is projected to sharply rise to ninety-five percent by the 2030 deadline.⁹⁹

There were numerous development challenges plaguing Yemen prior to the escalation of conflict post-2014.¹⁰⁰ The country struggled to address low-intensity internal conflict, terrorism, political instability and corruption, food insecurity, and a very high rate of unemployment.¹⁰¹

⁹³ See Martin S Edwards and Stihelyn Romer, "Governance and the Sustainable Development Goals: Changing the Game or More of the Same?" (2014) 34:2 SAIS Review at 141–150.

⁹⁴ See Moyer, *supra* note 17 at 6.

⁹⁵ See Wintour, *supra* note 74; see also Bethan McKernan, "Yemen: up to 85,000 young children dead from starvation" *The Guardian* (21 November 2018), online: <www.theguardian.com/world/2018/nov/21/yemen-young-children-dead-starvation-disease-save-the-children> [McKernan].

⁹⁶ See Moyer, *supra* note 17 at 6; see also "10 million Yemenis 'one step away from famine', UN food relief agency calls for 'unhindered access' to frontline regions" *UN News* (26 March 2019), online: <www.news.un.org/en/story/2019/03/1035501>; see also McKernan, *supra* note 95.

⁹⁷ *Ibid* at 6 [Moyer]; see also Achim Steiner, "The Case of Yemen" *United Nations Development Programme News Centre* (26 September 2019), online: <www.undp.org/content/undp/en/home/news-centre/speeches/2019/the-case-of-yemen.html>.

⁹⁸ See Moyer, *supra* note 17 at 6.

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

Prior to the escalation of conflict in 2015, Yemen ranked 153rd on the Human Development Index (HDI), 172nd in educational attainment, 147th in life expectancy, and 138th in extreme poverty (currently measured as people living on less than 1.90 USD a day).¹⁰² Data projections indicate that even if conflict did not intensify after 2014, it would have still been a great challenge for Yemen to achieve a single SDG by the 2030 deadline.¹⁰³ The UNDP has projected progress on specific indicators (the percentage of people living in extreme poverty; the percentage of malnourished children; and the rate of infant mortality) in the current conflict scenario and in the ‘no-conflict’ scenario – a scenario where conflict did not escalate after 2014.¹⁰⁴ The projections show the extent to which the civil war has made SDG progress virtually impossible and has completely eroded all progress that the country made before and during the MDG Agenda period. Had the conflict ended in 2019, it would have accounted for 233,000 deaths (0.8 percent of the 2019 population), with 102,000 combat deaths and 131,000 indirect deaths due to lack of food, health services, and infrastructure.¹⁰⁵ It would account for 140,000 deaths of children under the age of five and would set Yemen back an entire generation.¹⁰⁶ If the conflict continues through to 2030, it would account for 1.8 million deaths, with 1.5 million deaths of children under the age of five, and would Yemen back one-and-a-half generations or approximately forty years.¹⁰⁷

The comparison between the conflict and ‘no-conflict’ scenarios depicts two starkly different worlds. In a counterfactual scenario where conflict did not escalate after 2014, Yemen was projected to make some, albeit insufficient, progress towards the SDGs. In the event that the conflict continues through to 2030, extreme poverty would be twelve times, and the child mortality rate would be over six times, what it would have been in 2030 prior to the escalation in 2015.¹⁰⁸ Moreover, HDI data indicates that Yemen’s 2019 human development scores are similar to the levels they were at in 1998.¹⁰⁹ This means that all of the development gains made over the past twenty-one years, including during the MDG period, have been undone. The UNDP data projections seem to indicate that the escalation of conflict will continue to pull Yemen further into a downward spiral. The data also strongly suggests that an end to the conflict and a complete reversal of the conflict’s effects is desperately needed in order to salvage the development agenda and to give Yemen a chance of inching towards the Goals.

Unfortunately, Yemen is not the only FCAS that must alter course in order to improve the prospects of meeting the SDG Agenda. A 2018 joint report by the International Rescue Committee (IRC) and the Overseas Development Institute (ODI) finds that up to eighty-two

¹⁰² *Ibid.*

¹⁰³ *Ibid* at 7–9.

¹⁰⁴ The ‘no-conflict’ scenario is described by the study as “a counterfactual world in which conflict did not escalate after 2014.” “No-conflict” is a misnomer- it does not refer to a counterfactual Yemen where there is no presence of conflict but rather refers to a scenario where there is no intensification of conflict after 2014; see Moyer, *supra* note 17 at 6, 23–32, 35–40.

¹⁰⁵ *Ibid* at 7.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid* at 37–40.

¹⁰⁹ *Ibid* at 37–40; see also Goal 16, *supra* note 90.

percent of FCAS are not on track to meet the SDG Agenda by 2030.¹¹⁰ As it stands, only 4 of 58 FCAS are on track to end hunger (SDG 2.1) and significant changes are required in approximately one-third of FCAS to end extreme poverty (SDG 1.1).¹¹¹ In the case of the Central African Republic, Comoros, Côte d'Ivoire, Guatemala, Malawi, and Nigeria, where extreme poverty is on the rise,¹¹² a complete reversal is required.¹¹³

3.3. THE PRIMACY OF GOAL 16 FOR SDG SUCCESS

The UN Sustainable Development Agenda requires that SDG implementation be guided by the principles of *indivisibility* and *universality*. The principle of indivisibility demands that the Goals be implemented in a holistic, non-selective manner, while the principle of universality demands that they be implemented in full. However, the scientific literature on SDG interaction and the real resource constraints in humanitarian contexts show us why indivisibility and universality fall short as a guide for SDG implementation in Yemen and in other FCAS. When we square the context-specific demands of FCAS with the demands of these principles, we see that the simultaneous and full implementation of the Goals is a somewhat utopic idea. In FCAS, policy makers are faced with trade-off considerations based on resource and capacity constraints and the presence and unpredictability of fragility and violence affects their ability to pursue a long-term plan-of-action for SDG success. In such contexts, policy makers might be forced to identify and pursue a limited number of Goals as a first-order priority before they can turn their mind to the Agenda as a whole. For the remainder of the paper, we will argue that SDG 16 (peace, justice and strong institutions) should be the first-order priority in Yemen and other FCAS. This is immediately required to slow down and reverse the erosion of development gains made in these countries. Goal 16 is also a prerequisite for achieving the entire Agenda. We will demonstrate this through a detailed analysis of the devastating impact that the absence of peace and effective governance has had on SDG 1 (no poverty), SDG 2 (zero hunger), SDG 3 (good health and well-being), SDG 4 (quality education), SDG 8 (decent work and economic growth), and SDG 17 (partnerships for the Goals). We will begin with reviewing the status of these Goals in Yemen to underscore the key point that no progression on these fronts is possible without securing SDG 16.¹¹⁴

¹¹⁰ See “SDG progress: Fragility, crisis and leaving no one behind” (September 2018) at 8–9, online (pdf): *Overseas Development Institute and Rescue* <www.rescue.org/sites/default/files/document/3260/odireport.pdf> [ODIR].

¹¹¹ *Ibid* at 18–19.

¹¹² See “World Poverty Clock,” online: *World Data Lab* <worldpoverty.io/>.

¹¹³ See ODIR, *supra* note 110 at 18–19.

¹¹⁴ It is worth noting that SDG 16 is by no means a new development priority. Rather, it is a repackaging of what academics in the law and development stream has been saying for a long time: that inclusive institutions and good governance is a necessary condition for equitable development. See Daniel Kaufmann *Rethinking Governance: Empirical Lessons Challenge Orthodoxy* (Washington, DC: World Bank, 2003); see Daniel Kaufmann & Aart Kraay, “Growth without Governance” (2002), online (pdf): *The World Bank Policy Research Papers* <www.documents1.worldbank.org/curated/en/811781468.pdf> [also known as: World Bank Policy Research Working Paper No. 2928]; see Fukuyama, *supra* note 92; see Merilee Grindle, “Good Enough Governance: Poverty Reduction and Reform in Developing Countries” (2004) 17:4 *Governance* at 525–548; see also Merilee Grindle, “Good Governance: The Inflation of an Idea” (2010), online (pdf): *HKS Faculty Research Working Paper Series* <www.dash.harvard.edu/29348.pdf> [also known as: RWP10-023]; finally, see Mushtaq H Khan, “Governance, Economic Growth and

3.3.1. SDG 1 (NO POVERTY)

The escalation of conflict over the last five years has caused a dramatic increase in the percentage of Yemeni living in poverty and extreme poverty, exacerbating both the pervasiveness and depth of poverty in the country. In 2019, over half of the population lived on less than 1.90 USD per day, and nearly eighty percent required some form of humanitarian aid and protection.¹¹⁵ A very high unemployment rate of over thirteen percent (five percent was the worldwide average in 2018) has made getting by extremely difficult for most Yemenis.¹¹⁶ The percentage of people living in extreme poverty at the time of writing is approximately 58.3 percent and is projected to rise to 64.8 percent in 2022, and 77.6 percent in 2030 if the conflict continues. The percentage of people living in extreme poverty would have been 18.7 percent in 2019, 15.4 percent in 2022, and 6.6 percent in 2030 had the post-2014 conflict not escalated.¹¹⁷ If the conflict extends beyond 2019, Yemen will have the greatest depth of poverty with eighty-eight percent of the population living on less than 3.10 USD a day and seventy-eight percent living on less than 1.90 USD.¹¹⁸ This puts Yemen further away from meeting Target 1.1 to eradicate extreme poverty or Target 1.2 to reduce overall poverty by at least fifty percent. The stark difference in poverty projections for conflict and “no-conflict” scenarios indicates that the cessation of violent conflict under SDG 16.1 could have a tremendous impact in stabilizing the economic environment, reducing unemployment, and bringing a greater share of the population above the poverty threshold.

3.3.2. SDG 2 (ZERO HUNGER)

The effects of the conflict, including the inability to access and work on agricultural land, and the displacement of agricultural households to less conflict-affected areas, has led to a fifty percent decline in agricultural productivity.¹¹⁹ This decline, combined with inflated prices for basic provisions, has made it very difficult for the great majority of Yemeni households to feed their families. Tens of thousands of people are already in the advanced stages of extreme food deprivation¹²⁰ and approximately 238,000 people are at risk of deprivation if the distribution of food aid is interrupted for even a few days.¹²¹ Aerial bombardments by the Saudi-coalition have contributed to the food shortage as they have decimated crops and agricultural

Development since the 1960s” (August 2007), online: *Economic & Social Affairs* <www.un.org/esa/desa/wp54_2007.pdf>.

¹¹⁵ See “Goal 1: No Poverty,” online: *UNDP Yemen* <www.ye.undp.org/content/yemen/en/home/sustainable-development-goals/goal-1-no-poverty.html> [Goal 1].

¹¹⁶ See “Goal 8: Decent work and economic growth,” online: *UNDP Yemen* <www.ye.undp.org/content/yemen/en/home/sustainable-development-goals/goal-8-decent-work-and-economic-growth.html> [Goal 8].

¹¹⁷ See Moyer, *supra* note 17 at 9.

¹¹⁸ *Ibid* at 6; see also Achim Steiner, “The Case of Yemen” *UNDP* (26 September 2019), online: <www.undp.org/content/undp/en/home/news-centre/speeches/2019/the-case-of-yemen.html> [Steiner].

¹¹⁹ See “Goal 2: Zero hunger,” online: *UNDP Yemen* <www.ye.undp.org/content/yemen/en/home/sustainable-development-goals/goal-2-zero-hunger.html> [Goal 2].

¹²⁰ See “Integrated Food Security Phase Classification: Yemen” online: *IPC* <www.ipcinfo.org/ipc-country-analysis/en/?country_iso3=YE>.

¹²¹ See Goal 2, *supra* note 119.

infrastructure. Some journalists have reported that there is an intentional targeting of food supplies.¹²² Moreover, economic embargo tied to the ongoing conflict have led to the closure of the Port of Hodeida, the life-line of a large part of the country in terms of food, medical supplies, and other crucial provisions.¹²³ UNDP projections show that if the conflict continues through to 2022, nearly half of Yemen's population will be malnourished.¹²⁴ Target 2.1 of providing universal access to safe and nutritious food is likely beyond reach as the effects of conflict could lead this number to rise to ninety-five percent by the 2030 deadline.¹²⁵ Children are among the worst affected. Approximately two million children under 5 years of age are suffering from acute malnutrition and require treatment.¹²⁶ Conflict not only exacerbates the prevalence of child malnutrition (Target 2.2), but it also deepens the impact that child wasting and stunting will have on the development of subsequent generations.¹²⁷ Reducing violent conflict under SDG 16.1 is essential to allow relevant actors to effectively deliver in-kind aid needed to combat hunger. Developing effective institutions of governance under SDG 16.6 is also critical to ensuring a stable, uninterrupted access to food in the long term.

3.3.3. SDG 3 (GOOD HEALTH AND WELL-BEING)

It is extremely difficult for Yemen to deliver on SDG 3 because more than half of the country's health facilities are out of operation due to aerial bombardment or shelling. The hospitals that are functioning often lack medical specialists, equipment, and medications due in part to conflict-driven closures of the Port of Hodeida, where crucial medical supplies pass through. These closures delay the passage of these supplies and are linked to the rise in communicable diseases.¹²⁸ Immunization coverage has decreased by thirty percent since the conflict started. Moreover, the damage caused by aerial bombardments to water and sanitation infrastructure is directly linked to the rise in waterborne illness.¹²⁹ More than half of all districts in 2019 were in acute need of clean water and sanitation, which is four times more than in 2018, and diseases such as malaria and cholera are rife in many parts of the country.¹³⁰ Medical personnel continue to work tirelessly despite the fact that most have not been paid for two or more years.¹³¹ Conflict in Yemen is projected to continue to reduce life expectancy in the country, hitting newborns and children under the age of five particularly hard. Target 3.2

¹²² See Iona Craig, "Bombed into famine: how Saudi air campaign targets Yemen's food supplies" *The Guardian* (12 December 2017), online: <www.theguardian.com/world/2017/dec/12/bombed-into-famine-how-saudi-air-campaign-targets-yemens-food-supplies>; see also Jane Ferguson, "Is Intentional Starvation The Future of War?" *The New Yorker* (11 July 2018), online: <www.newyorker.com/news/news-desk/is-yemen-intentional-starvation-the-future-of-war>.

¹²³ See Goal 2, *supra* note 119.

¹²⁴ See Moyer, *supra* note 17 at 6; see also Steiner, *supra* note 118.

¹²⁵ *Ibid.*

¹²⁶ *Ibid.*

¹²⁷ See "Yemen crisis" (March 2020), online: *UNICEF* <www.unicef.org/emergencies/yemen-crisis>.

¹²⁸ See "Goal 9: Industry, innovation and infrastructure," online: *UNDP Yemen* <www.ye.undp.org/content/yemen/en/home/sustainable-development-goals/goal-9-industry-innovation-and-infrastructure.html>.

¹²⁹ *Ibid.*

¹³⁰ See "Goal 3: Good health and well-being," online: *UNDP Yemen* <www.ye.undp.org/content/yemen/en/home/sustainable-development-goals/goal-3-good-health-and-well-being.html>.

¹³¹ *Ibid.*

aims to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-five mortality to at least as low as 25 per 1000 live births. UNDP projections on this target shows us that the conflict has increased the rate of infant mortality per 1000 births to 69.6 in 2019, and is projected to increase to 81.5 in 2022, and 136.6 in 2030. The rate in a ‘no-conflict’ scenario would have been 36.7 in 2019, 32.2 in 2022, and 21.3 in 2030.¹³² Achieving SDG 16.1 is critical to restoring an adequate and stable stock of healthcare supply. Moreover, the significant reduction of violent conflict would improve outcomes under SDG 3 by reducing the number of injuries and deaths attributed directly to the conflict and due to a lack of basic infrastructure for water and sanitation.

3.3.4. SDG 4 (QUALITY EDUCATION)

The ongoing conflict in Yemen has completely destroyed hundreds of schools and more than 1,500 schools have been badly damaged by aerial bombardment or shelling. Half of the country’s teachers have not been paid since 2016. In 2018, twenty-four percent of school-age boys and thirty-six percent of school-age girls were not in school, meaning that approximately two million children are not receiving a formal education.¹³³ In 2019, nearly four million children in Yemen were at risk of dropping out of school and over twenty percent of all children in Yemen were engaged in child labour.¹³⁴ This is detrimental to Targets 4.1 and 4.2, which seek to ensure that all children and youth have access to, are prepared for, and complete, primary and secondary school. This situation is likely to continue to deteriorate unless measures are taken to end violent conflict under SDG 16.1.

3.3.5. SDG 8 (DECENT WORK AND ECONOMIC GROWTH)

The conflict has devastated Yemen’s economy, leading many to lose their source of income. In the first year of escalating conflict roughly one-quarter of all businesses had closed, and in 2018 over one-third of businesses were closed and over fifty percent of operating businesses have scaled down their operations.¹³⁵ Yemen’s GDP has declined almost twenty-eight percent in 2015, 9.8 percent in 2016, and 7.5 percent in 2017.¹³⁶ If the conflict continues through to 2030, it would account for 657 billion USD in lost economic output and a 4,600 USD reduction in GDP per capita.¹³⁷ The World Bank estimates that since the post-2014 escalation of conflict, Yemen’s economic output has decreased by approximately fifty percent.¹³⁸ In

¹³² *Ibid.*

¹³³ See “Goal 4: Quality education,” online: *UNDP Yemen* <www.ye.undp.org/content/yemen/en/home/sustainable-development-goals/goal-4-quality-education.html>; see also “As school year starts in Yemen, 2 million children are out of school and another 3.7 million are at risk of dropping out,” online: *UNICEF* <www.unicef.org/press-releases/school-year-starts-yemen-2-million-children-are-out-school-and-another-37-million>.

¹³⁴ *Ibid.*

¹³⁵ See Goal 8, *supra* note 116; see also Sami Sofan, “Yemen’s private sector teaming up to support humanitarian and recovery efforts” *World Bank Blogs* (3 January 2019), online: <www.blogs.worldbank.org/arabvoices/yemen-s-private-sector-teaming-support-humanitarian-and-recovery-efforts>.

¹³⁶ *Ibid.*

¹³⁷ See Moyer, *supra* note 17 at 8.

¹³⁸ See Goal 1, *supra* note 115.

2019, the conflict accounted for roughly 89 billion USD in lost economic output and Gross Domestic Product (GDP) per capita has nearly halved, dropping from 3,577 USD to 1,950 USD.¹³⁹ If these projections are accurate, there is no chance that Yemen will sustain positive per capita growth, let alone at least seven percent GDP per annum growth as per Target 8.1.

A substantial reduction in the production of oil and gas, the country's principal commodity for export, has caused a sharp decrease in the country's revenues, leaving the government unable to pay salaries or provide basic services such as education, water, sanitation, and healthcare.¹⁴⁰ The loss of essential services and the deterioration of vital infrastructure, in turn, has led many others to lose their source of income.¹⁴¹ This stands in the way of achieving full employment and decent work with equal pay for all (Target 8.5) and has led some Yemeni to resort to extreme measures such as removing their children from school, recruiting children to take part in combat, or forcing girls under eighteen to marry.¹⁴² This is likely to lead to huge gaps in Yemen's workforce in the future and to create major hurdles to future economic growth and development. This will also likely continue to severely worsen Yemen's rate of youth employment, education and training in the long run (Target 8.6), and exacerbate the problem of forced labour and child labour (Target 8.7). Achieving SDG 8 will require a particular focus on (re) building effective institutions under SDG 16.6 so that they are capable of providing services and infrastructure that are vital to job creation and economic growth.

3.3.6. SDG 17 (PARTNERSHIPS FOR THE GOALS)

Partnerships is one of the five cross-cutting priorities of the SDG Agenda. SDG 17 calls for a global mobilization between the public and private sector, civil society, the United Nations system, and other non-state actors in order to achieve the Goals.¹⁴³ SDG 17 has four specific targets which advance the importance of multi-stakeholder participation and partnership for SDG achievement. One is on sharing knowledge, expertise, technology and financial resources through North-South, South-South, and triangular cooperation (Targets 17.6 and 17.16).¹⁴⁴ A second is on encouraging public-private and civil society partnerships, and advancing capacity-building support through international cooperation (Targets 17.17 and 17.18).¹⁴⁵

Humanitarian aid, financial resources, and specialized expertise and technology from international partners has been critical at a time when government operations are stalled because of the conflict.¹⁴⁶ That said, the Houthi movement has made it difficult for international

¹³⁹ "Prolonged conflict would make Yemen the poorest country in the world, UNDP study says" (2019), online: *UNDP* <www.undp.org/2019/Prolonged_conflict.html>; see also Moyer, *supra* note 17 at 7.

¹⁴⁰ See Goal 8, *supra* note 116; see also Goal 1, *supra* note 115.

¹⁴¹ See Goal 8, *supra* note 116.

¹⁴² *Ibid.*

¹⁴³ See "SDG 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development," online: *SDG Compass* <www.sdgcompass.org/sdgs/sdg-17/>.

¹⁴⁴ See "SDG Target 17.6" online: *United Nations* <www.sdg.un.org/goals/goal17/>.

¹⁴⁵ See "Sustainable Development Goal 17: Progress & Info (2019)" (2019), online: *UN Sustainable Development Goals Knowledge Platform* <www.sustainabledevelopment.un.org/sdg17/>.

¹⁴⁶ See "Heading Off a Renewed Struggle for Yemen's South" *International Crisis Group* (29 April 2020), online: <www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/heading-renewed-struggle-yemens-south/>.

organizations and other non-state partners to work in areas that are under their control. Aid workers have voiced concern to the media that the Houthis have imposed increased restrictions on their activities. To enter Houthi-controlled areas, workers need to seek special visas from Houthi officials, which are becoming increasingly difficult to obtain.¹⁴⁷ Once development workers arrive in Yemen, they need permission to leave the capital of Sana'a to travel to other parts of the country to provide aid to internally displaced persons often living in refugee camps.¹⁴⁸

Aid agencies have also voiced serious concerns about how the Houthis have been controlling the distribution of humanitarian aid. Between June to August 2019, crucial provisions for hundreds of thousands of Yemenis in need were held up in a standoff between the World Food Programme (WFP) and the Houthis.¹⁴⁹ The WFP and the Houthis disagreed about who would be responsible for monitoring the food routing system.¹⁵⁰ The WFP accused the Houthis of diverting food and other aid provisions for their own profit.¹⁵¹ In response, the WFP suspended its operation in Yemen on June 20 after the Houthis refused to introduce a biometric registration system as a way to ensure that those in need receive aid.¹⁵² Reports from the WFP in August 2019 confirmed that the Houthis have agreed to implement a biometric registration system to prevent the pilfering of food aid, and that shipments will resume for 850,000 in the capital who have not received provisions for months.¹⁵³ The Saudi-led coalition has also diverted fuel tankers, stopping goods from entering (Houthi-controlled) ports.¹⁵⁴ This has led to a serious shortage of fuel needed to power generators of hospitals or to pump water to homes.¹⁵⁵ Moreover, aid workers on the front lines in Yemen have been arbitrarily detained, kidnapped, and even killed.¹⁵⁶ Establishing a functioning, working relationship between the warring sides and non-state actors is crucial so that international agencies on the ground can continue to provide critical assistance and capacity to Yemenis and the government of Yemen

¹⁴⁷ Jane Ferguson, "Is Intentional Starvation The Future of War?" *The New Yorker* (11 July 2018), online: <www.newyorker.com/news/news-desk/is-yemen-intentional-starvation-the-future-of-war>.

¹⁴⁸ *Ibid.*

¹⁴⁹ Mark Latonero, "Stop Surveillance Humanitarianism," (11 July 2019), online: *The New York Times* <www.nytimes.com/2019/07/11/opinion/data-humanitarian-aid.html>; "UN food aid to Yemen will fully resume after two-month break, as Houthis 'guarantee' delivery" *UN News* (9 August 2019), online: <www.news.un.org/en/story/2019/08/1044011>.

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

¹⁵² *Ibid.*

¹⁵³ Gabrielle Resnick, "Yemen's Famine: Not Enough Food – and Plenty of Blame to Go Around" *VOA News* (9 August 2019), online: <www.voanews.com/middle-east/yemens-famine-not-enough-food-and-plenty-blame-go-around>; Lisa Schlein, "WFP to Resume Food Aid to Yemenis in Houthi-Controlled Area" *VOA News* (09 August 2019), online: <www.voanews.com/middle-east/wfp-resume-food-aid-yemenis-houthi-controlled-area>; Aziz El Yaakoubi and Lisa Barrington, "Yemen's Houthis and WFP dispute aid control as millions starve" *Reuters* (4 June 2019), online: <www.reuters.com/article/us-yemen-security-wfp/yemens-houthis-and-wfp-dispute-aid-control-as-millions-starve-idUSKCN1T51YO>.

¹⁵⁴ See "Yemen: Events of 2018" online: *Human Rights Watch*, <www.hrw.org/world-report/2019/country-chapters/yemen#73fcc>.

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*

during the ongoing conflict.¹⁵⁷ Unfortunately, the situation has been touch and go. Twelve non-government organizations were forced to suspend aid programs in the Al Dhale'e Governorate in the south of Yemen after a series of attacks on December 21 and 22, 2019.¹⁵⁸

While Goal 17 is also regarded as an enabling, cross-cutting requirement for SDG success, one could argue that its achievement depends on the good governance targets of Goal 16.¹⁵⁹ There looms the risk that major donors may dictate financing priorities based on their 'preferred' SDGs, or that implementation strategies for particular Goals will be developed in policy silos.¹⁶⁰ The accountability, inclusivity, and participation targets of 16.6, 16.7 and 16.8 may contribute to policy coordination and coherence under Target 17.14, and may also foster the greater financial inclusion needed to close the most severe development gaps around the world. Accountability, inclusivity and equitable representation in partnerships for the Goals can be an immense challenge in FCAS. Institutions in these contexts may be severely weakened by the impact of conflict and institutional actors might be involved in the perpetuation of violence, civil society and the media might be co-opted by government, and the people most affected by violent conflict might be excluded or missing in policy- and decision-making processes.

We have covered the devastating impact that the absence of peace and effective governance has had on development outcomes, and we have shown why progress on the SDG Agenda is not possible without first securing SDG 16. Where data projections are available, they convincingly show that violent conflict in Yemen has led to the erosion of the country's development gains under the MDGs and has made meeting the SDG Agenda by 2030 virtually impossible.

3.4. SDG 2030 AGENDA: A WORKING FRAMEWORK FOR IMPLEMENTING SUSTAINABLE DEVELOPMENT

Having established Goal 16 as a first-order development priority for Yemen and other FCAS, we now turn our minds to how SDG 16 factors into a working framework for the implementation of the entire Agenda in such contexts. We argue that this framework should include three commitments: 1) stopping the clock on the SDG timeline to give FCAS the time

¹⁵⁷ Jane Ferguson, "Is Intentional Starvation The Future of War?" *The New Yorker* (11 July 2018), online: <www.newyorker.com/news/news-desk/is-yemen-intentional-starvation-the-future-of-war>; Guilio Coppi, "The Humanitarian Crisis in Yemen: Beyond the Man-Made Disaster" (January 2018) at 2, online (pdf): *International Peace Institute* <www.ipinst.org/wp-content/uploads/2018/01/IPI-Rpt-Humanitarian-Crisis-in-Yemen.pdf>.

¹⁵⁸ See "UN relief chief condemns attacks against humanitarian premises in Yemen" *UN News* (23 December 2019), online: <www.news.un.org/en/story/2019/12/1054211>.

¹⁵⁹ See Nikhil Seth, "Goal 17—Enabling a Sustainable Future through the Joint Action of Countries and Communities: A Revitalized Global Partnership for Sustainable Development" *UN Chronicle*, online <www.un.org/en/chronicle/article/goal-17-enabling-sustainable-future-through-joint-action-countries-and-communities-revitalized>; see also "Goal 17. Strengthen the means of implementation and revitalize the global partnership for sustainable development" online: *European Commission* <www.ec.europa.eu/sustainable-development/goal17_en>.

¹⁶⁰ See Cat Tully, "The critical role of effective, accountable and inclusive institutions in implementing the Sustainable Development Goals" (2015), online (pdf): *Foundation for Democracy and Sustainable Development* <www.fdsd.org/wp-content/uploads/2015/10/The-critical-role-of-effective-accountable-and-inclusive-institutions.pdf>.

to meet SDG 16 and an opportunity to perform a re-evaluation of the country's track towards the 2030 deadline; 2) accelerating SDG progress in FCAS by identifying key areas for policy intervention and prioritizing and sequencing Goals to more effectively execute those policies; and 3) employing transitional justice mechanisms to address the drivers of violent conflict and (re) build trust in institutions of governance, as these are all vital to establishing durable peace.

3.4.1. STOPPING THE CLOCK ON THE SDGs IN YEMEN

The preamble of the SDG 2030 Agenda affirms that “[t]here can be no sustainable development without peace, and no peace without sustainable development.”¹⁶¹ And as we saw, achieving durable peace is as much about security interventions in the region as it is about strengthening institutional capacity and promoting good governance. Achieving peace, justice and good governance is clearly a cross-cutting requirement for SDG success. As such, one cannot reasonably expect Yemen to make a credible commitment to the progressive and full realization of the Agenda in the midst of a war and one of worst ongoing humanitarian crises. For these reasons, we see a need to stop the clock on the SDG timeline for Yemen. This would give policy makers and others responsible for implementing the Goals the time to first focus on efforts to end the conflict and fulfill subsistence obligations to residents in need of humanitarian aid and support. Putting Yemen through the motions of working towards all of the Goals simultaneously is to treat the SDG Agenda like an empty, technocratic exercise. We have seen how violent conflict in Yemen has reeled back development gains over the last two decades and has severely weakened the country's capacity to implement the Agenda. This confirms that peace, justice and strong institutions via SDG 16 must be a top priority for Yemen and other FCAS, because its achievement is crucial to making lasting progress towards the realization of the other Goals.

3.4.2. A FRAMEWORK FOR ACCELERATED PROGRESS THAT IS PARTICULAR TO FCAS

The UNDP has elaborated a framework, guided by ‘MAPS’, for implementing the SDG Agenda in FCAS.¹⁶² This framework is intended to assist countries in establishing best practices for monitoring and reporting (mainstreaming – the ‘M’ of MAPS); identifying context-specific actions that will contribute to SDG progress (acceleration – the ‘A’ of MAPS); and providing issue-specific policy support (the ‘PS’ of MAPS).¹⁶³

Mainstreaming the SDGs in FCAS requires measuring and supporting progress on key targets for peace, including: identifying the root causes of, or conditions contributing to, fragility and conflict; prioritizing SDGs that can help address these causes or conditions; all the while understanding how fragility and conflict evolve through the interactions, dynamics, and interests of state and non-state actors.¹⁶⁴

¹⁶¹ See UN Doc A/RES/70/1, *supra* note 10 at 2.

¹⁶² See “SDG-Ready: UNDP Offer on SDG Implementation in Fragile Situations” (2016) at 23–24, online (pdf): [UNDP <www.undp.org/content/dam/undp/library/SDGs/English/SDG_Implementation_in_Fragile_States.pdf>](http://www.undp.org/content/dam/undp/library/SDGs/English/SDG_Implementation_in_Fragile_States.pdf) [Fragile Situations]; see also Catharina Klingspor & Nicole Iglío, “How will we navigate towards 2030? We’ll be using MAPS!” *UNDP Blogs* (31 January 2018), online: www.undp.org/content/undp/en/home/blog/2018/how-will-we-navigate-towards-2030--well-be-using-maps-.html.

¹⁶³ *Ibid.*

¹⁶⁴ See Fragile Situations, *supra* note 162 at 28–33.

Accelerating progress on the Goals in FCAS involves finding achievable solutions to development barriers or impediments. UNDP has identified ‘accelerators’ for “protecting sustainable development gains” made by fragile countries, such as promoting the growth and diversification of financing resources for development; improving mechanisms for delivering and coordinating development efforts; and developing systems to monitor the progress of these efforts.¹⁶⁵ However, one development impediment that has not been directly addressed in this discussion is the absence of peace. The accelerators identified are important but premature considerations, since they involve technical, resource-intensive, and long-term strategies for SDG acceleration that would be better planned and carried out once violence has ceased. As the UNDP report suggests, these accelerators help *protect* sustainable development gains in FCAS; but they do not address the root causes or conditions in FCAS that *impede* sustainable development.

The need to end conflict and achieve durable peace are also noticeably missing from MAPS’ policy support component. It focuses heavily on mobilizing public and private financing as well as leveraging strategic partnerships between United Nations agencies and countries.¹⁶⁶ These policy priorities may contribute to building country capacity and improving governance outcomes. However, without first addressing the root of violent conflict and its destabilizing, rippling effects, these investments and partnerships might generate little impact.

The targets of SDG 16 make it clear that achieving peace requires taking concrete steps to end violent conflict, in part by (re) building institutions of governance and improving capacity at all levels.¹⁶⁷ As noted in the mainstreaming component of MAPS, decision makers implementing SDGs in FCAS should prioritize Goals that address the causes and conditions of fragility and conflict. Accordingly, Goal 16 should be prioritized to reflect the fact that significant progress on other SDGs in FCAS is likely not possible in situations involving escalating or perpetual conflict. The implementation of other SDGs apart from Goal 16 should also involve sequencing, based on possible factors such as the extent to which they are a critical policy priority for the country, or whether they enable, or rely on, other SDGs.

3.4.3. TRANSITIONAL JUSTICE FOR ADDRESSING THE DRIVERS OF CONFLICT AND (RE) BUILDING TRUST IN INSTITUTIONS OF GOVERNANCE

This prioritization and sequencing of SDGs is further complicated in FCAS where there is a legacy of serious human rights violations. Other measures, such as transitional justice, may play a necessary role in forging durable peace for sustainable development. David Tolbert, former President of the International Committee for Transitional Justice, writes:

“The essential premise of transitional justice is that for a society to move from a condition where rights were massively violated to one where rights are generally respected, the crimes of the past and their consequences must be addressed. Through a series of measures—including but not limited to reforms, criminal justice,

¹⁶⁵ *Ibid* at 33–38.

¹⁶⁶ *Ibid* at 36–40.

¹⁶⁷ For example, target 16.1 calls on country to “significantly reduce all forms of violence and related death rates,” while target 16.6 demands countries develop accountable, transparent, and responsive institutions.

reparations, truth and memorialization—societies aim to build trust and ensure that such violations do not happen again.”¹⁶⁸

There are a number of SDG 16 targets that are connected to the aims and measures of transitional justice, including: reducing all forms of violence (16.1); promoting the rule of law and ensuring equal access to justice (16.3); developing effective, accountable, and transparent institutions (16.6) and responsive, participatory, and representative decision-making process (16.7); and promoting and enforcing non-discriminatory laws (16.B).

Transitional justice is an important measure to tackle the drivers of violent conflict as it is a means to address historical revisionism and change false narratives about past violence, repair social relationships in fractured societies, and build bonds of trust and promoting a social contract between state and society. Rule of law is critical to ending impunity by prosecuting serious crimes, and may also contribute to (re) building institutions and vetting institutional actors that may have committed or facilitated rights violations. Truth and reconciliation commissions examine past wrongdoings committed by government or non-state actors, engage with affected groups and individuals, and thus may be well-positioned to support the (re) building process. Transitional justice represents a set of legal and non-legal measures that may contribute to the greater likelihood of durable peace by helping societies come to terms with the violence and rights violations of the past.¹⁶⁹

A working framework for SDG implementation should also operate on the basis that the Agenda is instrumentally, not intrinsically, valuable. The Agenda is worth pursuing because it is highly pluralist, integrative and inclusive; it commits to “leaving no one behind” and spans social, economic, and environmental dimensions of development.¹⁷⁰ It would be absurd to compromise on any of these dimensions of development in order to adhere to the formal requirements that are prescribed by the guiding principles of the Agenda (e.g. the principles of indivisibility and universality demand simultaneous and full implementation of the Goals). If this were the case, the pursuit of the SDG Agenda would be reduced to a rigid, technocratic exercise, as the ever-expanding human rights framework has become.

4. CONCLUSION

In a highly critical piece, “The case against human rights,” Eric Posner points to the major and persisting problem of ambiguity within the human rights system:

The sheer quantity and variety of rights, which protect virtually all human interests, can provide no guidance to governments. Given that all governments have limited budgets, protecting one human right might prevent a government from protecting another.¹⁷¹

¹⁶⁸ David Tolbert, “The Role of Transitional Justice in Countries Emerging From Conflict” *IMPAKTER* (18 May 2018), online: <www.impakter.com/role-transitional-justice-countries-emerging-conflict/>.

¹⁶⁹ See “What is Transitional Justice” online: *International Center for Transitional Justice* <www.ictj.org/about/transitional-justice>; see also “Sustainable Peace After Mass Atrocities: The Case for Transitional Justice” (31 January 2019), online: *International Center for Transitional Justice*, <www.ictj.org/news/sustainable-peace-after-mass-atrocities-case-transitional-justice>; see also *ibid.*

¹⁷⁰ See UN Doc A/RES/70/1, *supra* note 10 at 1–2.

¹⁷¹ Eric Posner, “The case against human rights” *The Guardian* (4 December 2014), online: <www.theguardian.com/news/2014/dec/04/-sp-case-against-human-rights>.

Our paper questions the workability of the principles of indivisibility and universality found in the SDG Agenda, by focusing on similar concerns. We have seen why the 17 Goals and their 169 Targets need to be meticulously prioritized and sequenced according to established priorities, resource constraints, and noted positive and negative interactions between Goals- among other considerations. These are key considerations in FCAS, where emergency responses and interventions are often required and state resources and capacity are scarce. The principles of indivisibility and universality fall short as a guide for SDG implementation in these circumstances. The principle of indivisibility demands that the Goals be implemented in a holistic, non-selective manner, while the principle of universality demands that they be implemented in full. When we square the context-specific demands of FCAS with the demands of these principles, we see that the simultaneous and full implementation of the Goals is a somewhat utopic idea. Indiscriminately applying these principles in SDG implementation would completely disregard or sidestep the reality that an agenda for sustainable development must be applicable and responsive to the practical demands of development contexts. In the context of Yemen, we have shown that progress toward the SDGs will be virtually impossible without undermining the principle of indivisibility, at least in principle, to establish durable peace by prioritizing SDG 16. In response to this issue with the Agenda, we have proposed a working framework for implementation that breaks with the principle of indivisibility in order to prioritize Goals that directly address the causes of, or conditions contributing to, fragility and conflict. This working framework also parts ways with the principle of universality by acknowledging that resource constraints and a lack of institutional capacity can deter a country from implementing the Goals in full.

In *The Idea of Justice*, Amartya Sen argues that the “kind of lives that people can actually lead” is the point of departure for promoting justice in the imperfect, real-world circumstances that we live in. Sen writes:

“When people across the world agitate to get more global justice... they are not... agitating for a ‘perfectly just’ world society, but merely for the elimination of some outrageously unjust arrangements.”¹⁷²

This passage was a response to the deeply influential Rawlsian and Nozickian view that ascertaining justice is a matter of identifying the ideal principles and institutional characteristics that make up a perfectly just society.¹⁷³ Similarly, the SDG’s emphasis on and adavance towards indivisibility and universality is meant to promote a manner of implementing the SDGs that corresponds with an ideal scenario. However, it pushes us away from pressing, context-driven questions of how to advance sustainable development in challenging contexts such as in FCAS.

Rather than push us away from context-driven development issues, the pursuit of the SDGs should instead be driven by rigorous data collection and analysis, and encouraged by the successes achieved from smaller-scale, practice-based approaches to development. Such approaches might prioritize one or a set of Goals based on concrete factors such as the most pressing needs on the ground, the limits to resources and institutional capacity, among other demands and constraints. Of course, institutional- and resource-based constraints are not the

¹⁷² Amartya Sen, *The Idea of Justice* (Cambridge: Harvard University Press, 2009) at 26.

¹⁷³ See John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971); see also Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).

only reasons why we might opt to prioritize certain Goals in practice or implement them on a smaller scale. We saw earlier that approaches to SDG implementation might need to be carefully calibrated to make the most of scarce resources and obtain successful or optimal results. Scientific research and guidance on SDG interactions, such as the International Council for Science's (ICSU) guide, demonstrates how a supposedly invisible and holistic set of Goals can interact in ways that produce trade-offs or outcomes that are detrimental to SDG progress overall. This again points to the fact that the Goals do not form a perfectly calibrated agenda by default. The SDG Agenda sets out a universal political commitment to the full implementation of "a comprehensive, far-reaching and people-centred set of ... Goals and Targets."¹⁷⁴ While the Agenda contemplates broad dimensions of human development, it is nevertheless a product of global policy making that is built on negotiation and compromise amongst countries. Considering this opens us up to think about the Agenda's potential gaps in coverage, its tensions with the best scientific approaches and technological developments, or how its foundational principles might fail to adequately address some pressing real-world development challenges. The Covid-19 pandemic presents another opportunity for the feasibility of pursuing the SDG Agenda as an indivisible whole while responding to a global emergency. While this is a pre-pandemic article that contemplates the recalibration of the 2030 Agenda for Sustainable Development in FCAS, a similar discussion on low- and middle-income countries post-pandemic is in order as countries are beginning to reset priorities to focus their limited resources and capacity on the present crisis.¹⁷⁵

Over the course of this paper, we have worked to address the theoretical shortcomings of the SDG Agenda that are apparent where the Agenda is put in practice in FCAS. The principles of indivisibility and universality have their place in the Agenda as they are meant to emphasize the way in which all of the Goals hang together and are crucial to the social, environmental, and economic dimensions of sustainable development. That said, these principles face implementation-based difficulties in FCAS. Achieving the entire SDG Agenda in Yemen and other FCAS will require decision makers to break with the principle of indivisibility by making the cessation of conflict a first-order development priority, given that there can be no lasting SDG progress to build on without concrete steps towards peace.

5. POSTSCRIPT

This article was accepted for publication and underwent peer-review before the World Health Organization characterized Covid-19 as a pandemic. In light of this developing situation, we argue that the refocusing of development priorities during the pandemic is a necessary measure to prevent (further) reel-back of development gains. The SDG timeline must take into account the immediate shocks of the pandemic as well as the inevitable slowdown of progress towards the 2030 Agenda for Sustainable Development. While this article was written before Covid-19, the current global emergency situation reinforces our argument regarding the need to stop the clock on the SDGs in exceptional circumstances. This is so that states can focus on addressing immense development challenges that arise from conflict, pandemics and

¹⁷⁴ See UN Doc A/RES/70/1, *supra* note 10 at 3.

¹⁷⁵ See Erna Solberg & Nana Addo Dankwa Akufo-Addo, "Why we cannot lose sight of the Sustainable Development Goals during coronavirus" *World Economic Forum* (23 April 2020), online: <www.weforum.org/agenda/2020/04/coronavirus-pandemic-effect-sdg-un-progress/>.

other *force majeure* events. Stopping the clock can also help ensure that the deadline for the SDGs remains a realistic target.