A New Tool for Identifying Other Effective Area-Based Conservation Measures (OECMs)

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IUCN Working Group – Marine OECMs

IUCN

WCPA
WORLD COMMISSION ON PROTECTED AREAS

1. The Global Biodiversity Framework
2. OECMs
3. IUCN Tool
4. Areas of Ambiguity
5. Case Studies

The Global Biodiversity Framework

The Global Biodiversity Framework – “The Paris Agreement for Nature”

Nations Adopt Historic New Agreement for Nature

Convention on Biological Diversity framework aims to protect, conserve, and restore ecosystems by 2050

The New York Times

Nearly Every Country Signs On to a Sweeping Deal to Protect Nature

Roughly 190 nations, aiming to halt a dangerous decline in biodiversity, agreed to preserve 30 percent of the planet’s land and seas.

Cop15: historic deal struck to halt biodiversity loss by 2030

Agreement on ’30 by 30’ target forced through by Chinese president, ignoring objections from African states

Cop15: key points of the nature deal at a glance

The mission of the Framework for the period up to 2030, towards the 2050 vision is: To take urgent action to **halt and reverse biodiversity loss** to put nature on a path to **recovery** for the benefit of people and planet by **conserving and sustainably using biodiversity** and by ensuring the **fair and equitable sharing of benefits** from the use of genetic resources, while providing the necessary means of implementation.

Protection/conservation/sustainability -relevant targets in the GBF

Target 3

Ensure and enable that by 2030 at least 30 per ***cent of terrestrial, inland water, and of coastal and marine areas***…are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and ***other effective area-based conservation measures….ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes***

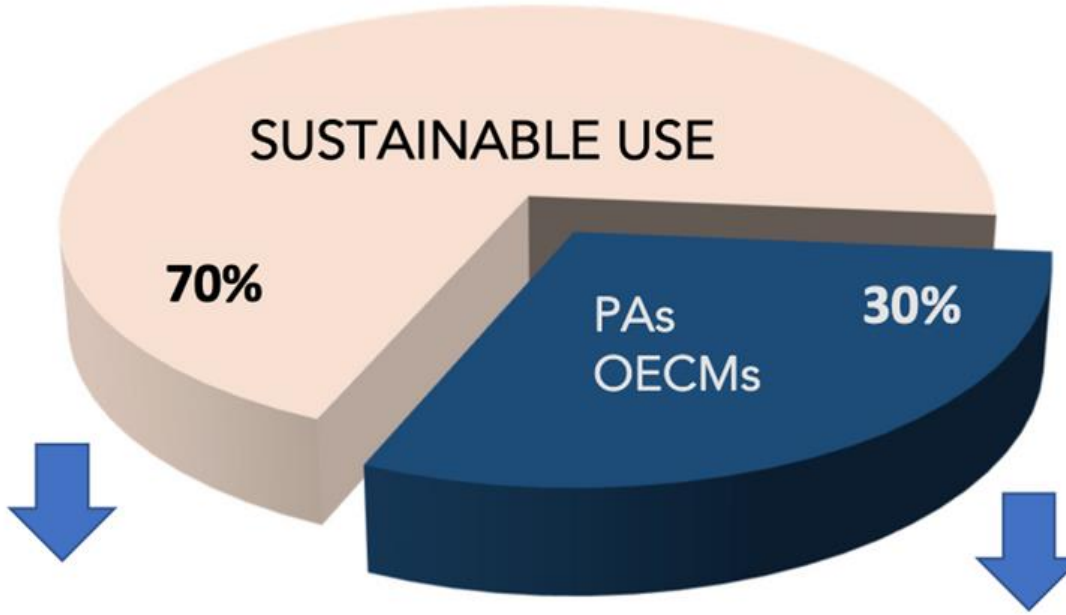
Target 5

Ensure that the ***use, harvesting and trade of wild species is sustainable, safe and legal***, preventing overexploitation, minimizing impacts on non-target species and ecosystems, and reducing the risk of pathogen spill-over, ***applying the ecosystem approach***, while respecting and protecting ***customary sustainable use by indigenous peoples and local communities***.

Target 10

Ensure that areas under agriculture, aquaculture, ***fisheries*** and forestry are managed sustainably, in particular through the ***sustainable use of biodiversity, including through a substantial increase of the application of biodiversity friendly practices***…conserving and restoring biodiversity and maintaining nature's contributions to people, including ecosystem functions and services.

Target 3 in perspective



"while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes"

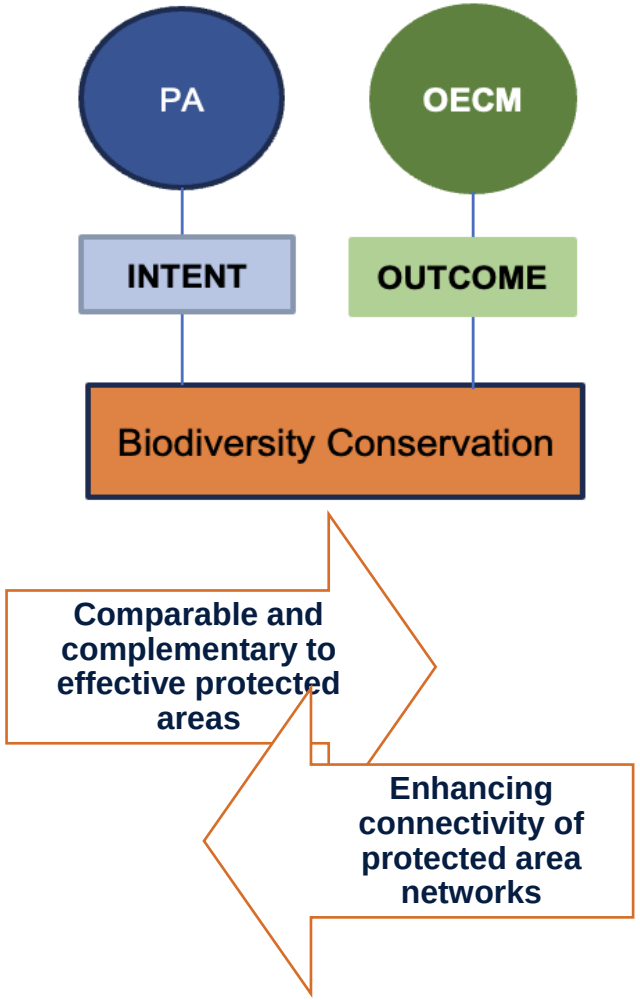
Production landscapes
Commercial Fisheries
Commercial logging areas
Agricultural plantations

Areas important for biodiversity and ecosystem services

What are OECMs?

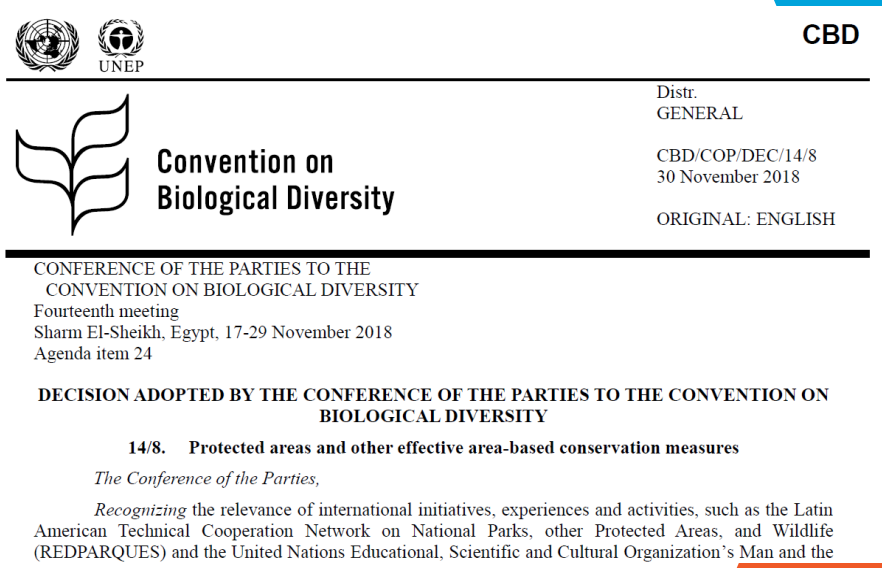
CBD COP Decision 14/8 (2018)

"A geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in-situ conservation of biodiversity, with associated ecosystem functions and services and, where applicable, cultural, spiritual, socio–economic, and other locally relevant values"
(CBD Decision 14/8)



CBD COP Decision 14/8 (2018)

- Inclusive Participation
  - Parties invited to establish clear mechanisms and processes for equitable cost and benefit-sharing and for full and effective participation of indigenous and local communities
- Mainstreaming into Sectors
  - Facilitate mainstreaming of…. OECMs into key sectors, such as, *inter alia*, agriculture, fisheries, forestry, mining, energy, tourism and transportation
- Guidance
  - *Invites* the IUCN and FAO, and other expert bodies to continue to assist Parties in identifying other effective area-based conservation measures and in applying the scientific and technical advice



UNEP

CBD

Convention on Biological Diversity

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CONFERENCE OF THE PARTIES TO THE
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Fourteenth meeting
Sharm El-Sheikh, Egypt, 17-29 November 2018
Agenda item 24

DECISION ADOPTED BY THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY

14/8. Protected areas and other effective area-based conservation measures

The Conference of the Parties,

Recognizing the relevance of international initiatives, experiences and activities, such as the Latin American Technical Cooperation Network on National Parks, other Protected Areas, and Wildlife (REDPARQUES) and the United Nations Educational, Scientific and Cultural Organization's Man and the

Activity: Find the C(*right*)eria – Spotting fake OECM indicators

1. Not currently recognized as a protected area	5. Area has conservation as primary purpose/objective
2. Demonstrates recovery and/or restoration of specific species, habitats or ecosystems	6. Area is ecologically representative and contributes to ecosystem connectivity
3. Management of area is transparent and inclusive of all relevant stakeholders	7. Area is governed and managed
4. Achieves sustained and effective contribution to in situ conservation of biodiversity	8. Associated ecosystem functions and services and cultural, spiritual, socio-economic and other locally relevant values

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Convention on Biological Diversity

HELCOM

Food and Agriculture Organization of the United Nations

IUCN

IUCN

Site-level tool for identifying other effective area-based conservation measures (OECMs)

First edition

Harry D. Jonas, Kathy MacKinnon, Daniel Marnewick and Pete Wood

IUCN WCPA Technical Report Series No 6

WCPA WORLD COMMISSION ON PROTECTED AREAS

BEZOS EARTH FUND

BfN Federal Agency for Nature Conservation

UN environment programme WCMC

WWF

16.05%

276,847: Protected Areas

Terrestrial and inland waters protected area coverage

8.16%

18,716: Protected Areas

Marine protected area coverage

17.22%

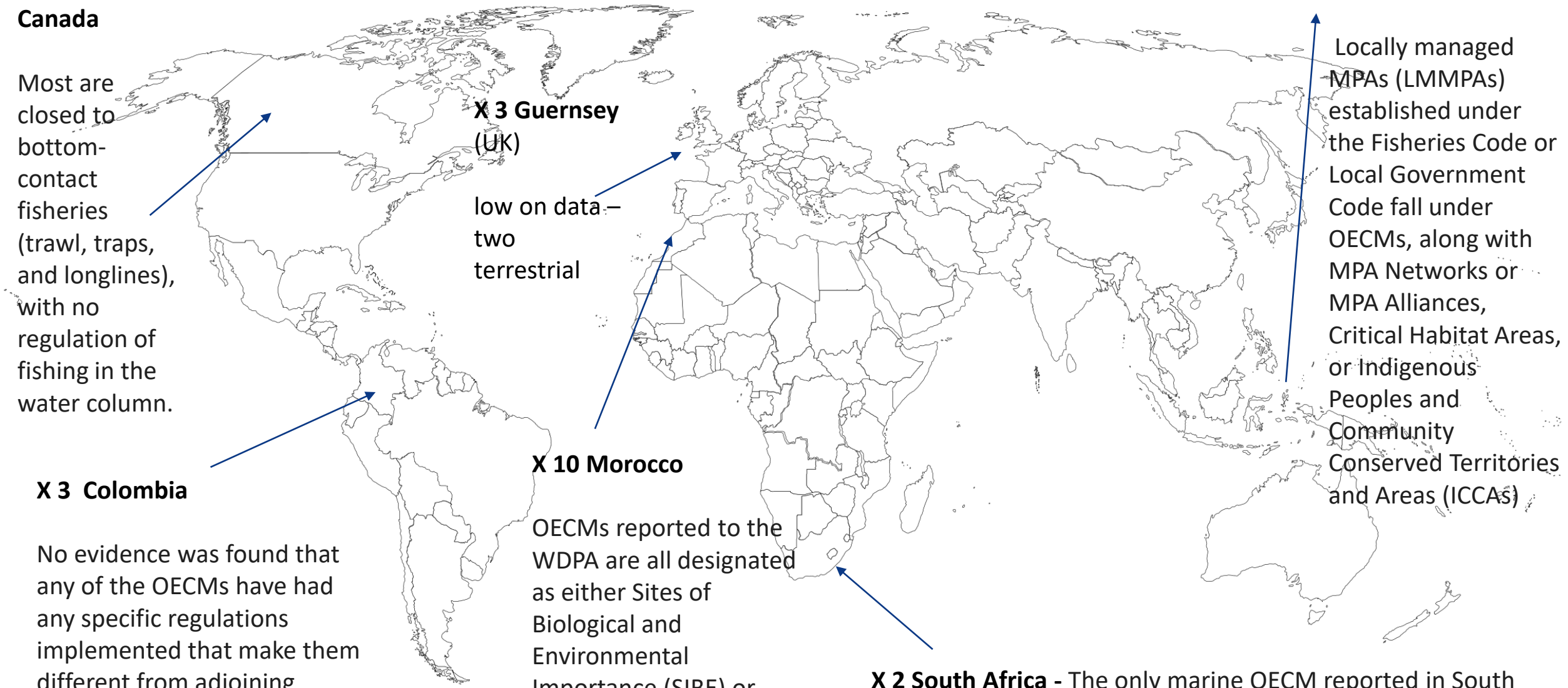
276,847: Protected Areas
675: OECMs

Terrestrial and inland waters protected area & OECM coverage

8.28%

18,716: Protected Areas
197: OECMs

Marine protected area & OECM coverage



X 58 Canada

Most are closed to bottom-contact fisheries (trawl, traps, and longlines), with no regulation of fishing in the water column.

X 3 Guernsey (UK)

low on data – two terrestrial

X 117 Philippines

Locally managed MPAs (LMMPAs) established under the Fisheries Code or Local Government Code fall under OECMs, along with MPA Networks or MPA Alliances, Critical Habitat Areas, or Indigenous Peoples and Community Conserved Territories and Areas (ICCAs)

X 3 Colombia

No evidence was found that any of the OECMs have had any specific regulations implemented that make them different from adjoining waters. Appear to be intended as buffers for existing MPAs.

X 10 Morocco

OECMs reported to the WDPA are all designated as either Sites of Biological and Environmental Importance (SIBE) or Permanent Hunting Reserves.

X 2 South Africa - The only marine OECM reported in South Africa is the Kogelberg Biosphere Reserve, which was designated as an UNESCO-MAB Biosphere Reserve in 1998

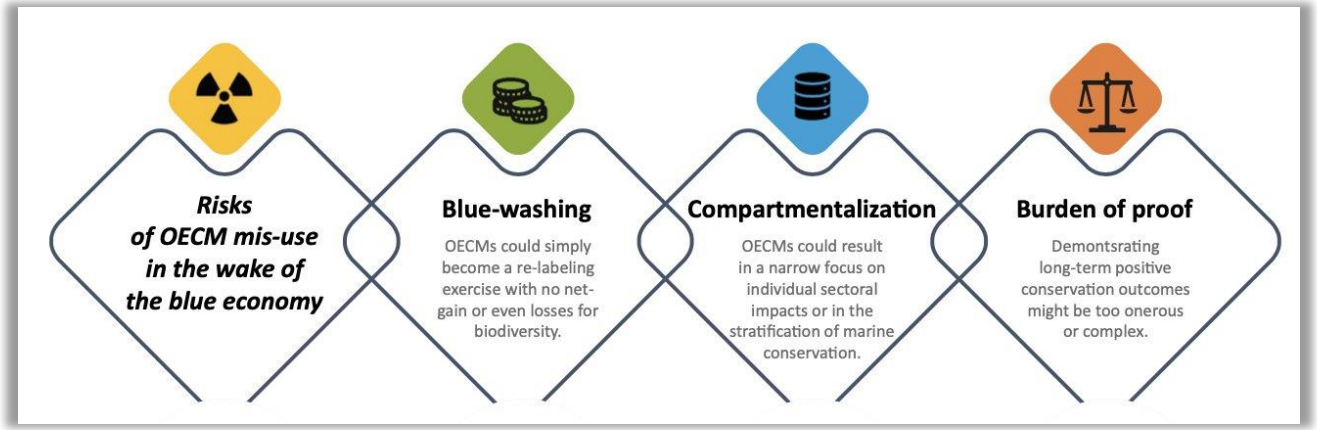
Claudet et al 2022 - Avoiding the misuse of other effective area-based conservation measures in the wake of the blue economy

A Conservation Risk or an Opportunity?

OECMs: Equitably bridging the conservation-fisheries divide?

OR

OECMs: Enabling "creative accounting" and minimal conservation gains?



The Tool

Why OECMs and why the tool?

- Why OECMs? recognition of areas delivering long-term in situ conservation of biodiversity, outside PAs
- Why now? GBF and 30 x 30
- Why this tool? To support decision makers with clear guidance, and contribute to standardising the identification of OECMs
- https://portals.iucn.org/library/sites/library/files/documents/PATRS-006-En.pdf

Some Key Ideas

- The tool is not judgement-free
  - More accurate and legitimate judgements are likely to come from involvement of relevant experts and consultation with stakeholders
- OECM identification is voluntary and consent-based
  - Does not *require* change of ownership or rights
  - Respect for indigenous and local rights (including FPIC) is central
- The governing authority of the site is central to the process
  - Identifying the governing authority should consider formal and informal rights
  - OECM identification and reporting requires the consent of the governing authority

Overview of the tool: 3 steps, 8 criteria

Step 1: screening of proposed OECM (2 criteria)

Output: *potential OECM*

C1: not a PA

C2: likely to have biodiversity

Step 2: consent for full assessment from governing authority, Indigenous peoples and local communities, and (as appropriate) other rights-holders

Output: *candidate OECM*

Step 3: full assessment (6 criteria)

Output: *confirmed OECM*.

Agenda for further data/change/capacity for sites that do not meet all criteria

C3: geographic space

C4: confirmed biodiversity

C5: gov and management exist

C6: in situ conservation

C7: long-term impact

C8: equitability

Overview of the tool: criterion, question, responses and guidance

3.1.3. ASSESSMENT

TESTS	QUESTIONS	RESPONSE	JUSTIFICATION
CRITERION 3: The site is a geographically defined area	Does the site have clear boundaries?	☐ YES ☐ UNCERTAIN OR PARTIALLY ☐ NO	*Briefly summarise the information that supports the response given.*

GUIDANCE ON CRITERION 3:

The boundaries of an OECM should be determined by the assessor in consultation with the governing authority, Indigenous peoples and local communities, where present, and other relevant stakeholders. Existing limits of land use and rights will often be the basis for determining boundaries.

In defining boundaries, assessors and stakeholders may want to consider the following:

- *'Clear' boundaries means that the boundaries of the site can be mapped and have been agreed upon by the governing authority, Indigenous peoples and local communities, where present.*
- *A site can be defined by the limits of ecosystem types, geographic features, customary boundaries or administrative*

Step 1: Screening

- Purpose:
  - avoid waste of time and resources by assessing the two most fundamental criteria and excluding sites that are clearly not OECM
- Process:
  - e.g. desk study, rapid consultation with informants
- Criteria applied:
  - C1: Not a PA
  - C2: Reasonable likelihood of important biodiversity values

Criterion 2: ‘Reasonable likelihood’ of biodiversity value

(a) Rare, threatened or endangered species and ecosystems
(b) Natural ecosystems that are under-represented in protected area networks
(c) High level of ecological integrity or intactness
(d) Significant populations/extent of endemic or range-restricted species or ecosystems
(e) Important species aggregations, such as spawning, breeding or feeding areas
(f) Importance for ecological connectivity, as part of a network of sites in a larger area

- Broad range of values accommodated: local decision on criteria needed?
- Wide range of evidence possible

Step 2: consent

- Purpose: to ensure that necessary permission is given, and to encourage involvement of other stakeholders

- Process: identification of governing authority, IP&LCs and other stakeholders; secure and document the consent of the governing authority and IP&LCs
- Key points:
  - **Judgement** required in selection of stakeholders
  - **Adapt** the process to local conditions
  - BUT: **minimum standards** from CBD and WD-OECM

Step 3: Full assessment

- Purpose: to determine if a site meets the CBD criteria to be recognised as an OECM
- Process: Compile all relevant data and assess the site against six criteria, in discussion with relevant informants and stakeholders
- Criteria applied (abbreviated):

· C3: Geographically defined area
· C4: Confirmed to support important biodiversity values
· C5: Institutions or mechanisms exist to govern and manage the site
· C6: Governance and management achieves *in situ* conservation
· C7: *In situ* conservation is for the long term
· C8: Equity considerations

Criterion 3: ‘The site is a geographically defined area’

- Question: Does the site have clear boundaries?
- Guidance:
  - Mapped and agreed, even if not marked
  - Avoiding vertical zoning
  - Effective size (big enough, not too big..)
  - Mosaic and complementary sites possible

Criterion 4: ‘The site is confirmed to support important biodiversity values’

- Question: Does information confirm that the site supports at least one of the following important biodiversity values? *[list as for C2]*
- Guidance:
  - Current, reliable data, including indigenous/local knowledge
  - Restoration: OK if impact already demonstrated
  - Ecosystem services and cultural/spiritual/recreational values *do not define* an OECM

Criterion 5: ‘Institutions or mechanisms exist to govern and manage the site’

- Question: Is there one or more institution(s) or mechanism(s) that govern(s) and manage(s) the site?
- Guidance:
  - government, private or IP&LC groups, or any combination of these
  - Passive management OK
  - No governance and management = not an OECM

Criterion 6: ‘Governance and management of the site achieve or are expected to achieve the in situ conservation of important biodiversity values’

- Question: Do the governance and management of the site prevent and mitigate threats, and conserve the site’s important biodiversity values, or are they expected to do so?
- Guidance:
  - Potentially difficult criterion to apply! – requires discussion
  - Focus on the impact, not the objective, of management
  - Focus on how pressures and threats are mitigated
  - ‘Expected…’ no current pressure?

Criterion 6: examples

- Likely to be OECM:
  - permanent set-aside (as long as other criteria are met)
  - restoration/reintroduction has shown results
  - lacking data, but modelling/experience supports a positive outcome
  - management measures have both negative and positive impacts on biodiversity, net impact is positive

Criterion 6: examples

- Not likely to be OECM:
  - conflict and insecurity make management unfeasible
  - pressures not controlled by management
  - industrial scale activity
  - management is for the conservation of a single species or group

Criterion 7: ‘In situ conservation of important biodiversity values is expected to be for the long term’

- Question: Is there a reasonable likelihood that the important biodiversity values for which the site is identified will be conserved *in situ* in the long-term?
- Guidance:
  - Prediction of future – subjective, requires discussion
  - Examples of ‘reasonable likelihood’:
    - formal/legal basis for management arrangements
    - capacity to respond to future threats
  - Unlikely to be OECM:
    - Severe threat
    - Status easily changed/removed

Criterion 8: ‘Governance and management arrangement address equity issues’

- Question: Do the governance and management arrangements include efforts to address the three aspects of equity (recognition, procedure, distribution), where applicable?

- Guidance:
  - No universal standard: key is *potential for positive progress*
  - Refers to stakeholders and rightsholders identified for consent

The final result

- Process:
  - All ‘yes’ responses: qualifies as OECM, subject to consent
  - Some ‘partial/unknown’: NOT CURRENTLY an OECM – but agenda for data gathering? Capacity? Management improvement? – then re-assess
  - Some ‘no’: NOT CURRENTLY an OECM – re-assess if the situation changes?

Areas of Ambiguity

Are OECMs recognised or created?

OECMs can be both recognised (existing management that was resulting in effective biodiversity conservation) and created (development of new management mechanisms)

Created OECMs result from intentionally developing a management system that is expected, based on the best available science, to result in effective long-term conservation.

In both cases, the OECM must meet the defined criteria.

In the ocean we are often lacking data about important biodiversity values. What is the standard of proof?

Marine ecosystems might be less well studied and understood than terrestrial or even freshwater biomes. However, many sites with important biodiversity values have already been identified and are available from global data sets.

Act on the best information available in identifying marine OECMs. The CBD is international law. The standard of proof in international law is that the claim must be proven on the “balance of probabilities” or on the preponderance of evidence (i.e. applying a theory of change)

Wherever possible a monitoring system should be established on the condition of the important ecological values of the OECM to inform management.

What is meant by the term “effective conservation” in marine ecosystems?

Effective conservation management of marine OECM should demonstrate that:

A. all threats or pressures are known

B. all threats or pressures that can be addressed by place-based management are being mitigated, and

C. the result is the maintenance or enhancement of biodiversity, particularly of the important feature(s).

In the CBD Decision, OECMs are meant to have conservation outcomes equivalent to protected areas.

Can areas that include artificial features such as offshore wind farms and created reefs count as OECMs?

There is nothing inherent about the human origins of these structures and associated activities (e.g. fishing ban) that would disallow their inclusion as OECMs.

As with other sites they would need to meet the defined OECM criteria including a defined boundary, be long-term, have a management system that results in effective conservation, and the biodiversity at the site should be sufficiently important to be an OECM.

Can fishing be permitted in OECMs?

Marine areas managed for large-scale sustainable fishing should be reported under Target 10 of the GFB.

Areas in which unsustainable fishing is occurring cannot qualify as OECMs or Target 10 areas.

If fishing or other extractive activities are at a low level and compatible with the ecological values for which the OECM is recognized, they can be considered as OECMs.

What about measures to protect a single species?

For OECMs, conservation measures targeting single species or subsets of biodiversity should not allow the broader ecosystem to be compromised.

If a fishery closure is on a single species and the closure results in effective conservation of the whole ecosystem, it can be an OECM, assuming it meets the rest of the criteria.

On the other hand, if there is a single species measure on a specific species (i.e. a requirement to not harass whales or to use turtle excluders in a given area), while still continuing industrial fishing on other species, the presence of the single species measure would not result in the areas counting as an OECM.

Can OECMs be zoned vertically, protecting benthic communities while allowing fishing in the pelagic areas?

Ecological connections between benthic zones and pelagic zones certainly exist but are not often well studied or understood. So, the question arises on whether it is possible to protect or conserve one marine zone (almost always the benthic zone) while allowing sustainable fishing in another zone (almost always the pelagic zone).

The CBD Decision 14/8 does not cover this issue specifically. IUCNs view is that protecting only one zone as an MPA or an OECM should be avoided, especially in instances where other commercial threats exist in the water column. This is because of the difficulty of administering a spatial conservation that is vertically zoned and the potential impact from harvest on the protected zone.

Case Studies

Canada: Disko Fan Conservation Area - A marine refuge in the southern Baffin Bay in Canada's Eastern Arctic. It was identified as an Ecologically and Biologically Significant Area (EBSA) in 2011 based on oceanographic characteristics and its ability to provide overwintering habitat for narwhals and support other marine species.

Canada: Strait of Georgia Glass Sponge Reef Fishing Closures - Fishing closures were enacted to protect nine glass sponge reefs in the Strait of Georgia, off the southern coast of British Columbia. The fishing closures prohibit all bottom contact fishing activities, including bottom trawling, bottom long line, and trap fisheries within 150m of the reefs. Only a few living glass sponge reefs have been found in British Columbia.

Colombia: Traditional Fishing Exclusive Zones - In these areas, only traditional and sport fishing are allowed, whereas all high-impact fishing gear is excluded. The objectives of this measure are to promote the recovery of fishing along the coast and improve the livelihoods of fishers and their families.

Mexico: Fishing Refuge Areas in Akumal, Quintana Roo - In 2015, an agreement establishing a fishing refuge area in marine waters under federal jurisdiction was issued for the conservation of several species.

Thank You & Questions

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