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REPORT OF THE EXPERT MEETING ON OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES IN THE MARINE CAPTURE FISHERY SECTOR, ROME, ITALY, 7-10 MAY 2019



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FISHERY SECTOR**

Rome, Italy, 7–10 May 2019

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PREPARATION OF THIS DOCUMENT

This document provides a summary of the presentations and discussions of the *Expert Meeting on Other Effective Area-Based Conservation Measures in the Marine Capture Fishery Sector* that was held at the Food and Agriculture Organization Headquarters in Rome, Italy, from 7 to 10 May 2019. This meeting focused on various issues related to OECMs in the marine capture fishery sector, on the basis of Decision 14/8 of the Conference of the Parties to the Convention on Biological Diversity. The report was prepared by Amber Himes-Cornell and Bianca Santos in the FAO Fisheries and Aquaculture Department based on notes and rapporteur reports from the meeting discussions and with input from meeting participants. The views expressed in this report and by the meeting participants do not necessarily reflect those of their affiliated institutions.

ABSTRACT

Aichi Biodiversity Target 11, adopted by the Conference of the Parties to the CBD in 2010, aims to improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity through area-based conservation. The Parties to the CBD are now promoting a valuable opportunity to acknowledge the role of “other effective area-based conservation measures” (OECMs) in biodiversity conservation beyond protected areas, and to work towards the common goals of biodiversity conservation and sustainable fisheries management. This includes specific approaches in area-based fisheries management that have tangible benefits for biodiversity conservation. A main value of OECMs is that they are an opportunity for many sectors, whose first priority is not biodiversity conservation to facilitate and recognize efforts to further mainstream biodiversity conservation in delivery of their policies and actions. There is an expectation that the establishment and management of OECMs within these sectors, can offer flexibility in more rapidly establishing and implementing spatial measures in areas where biodiversity conservation is a recognized co-benefit.

Following the CBD COP 14, where the CBD Parties adopted a definition of OECMs as well as criteria and guidance for their identification (Decision 14/8). FAO, the Fisheries Expert Group of the IUCN Commission on Ecosystem Management, and the European Bureau for Conservation and Development (EBCD), in collaboration with the Secretariat of the Convention on Biological Diversity, and with support from the Nordic Council of Ministers, organized an expert meeting from 7–10 May 2019 at FAO Headquarters to begin the process of supporting the fishery sector to engage in identifying OECMs in support of Aichi Target 11.

The purpose of the expert meeting was to compile a broad range of expert advice on the identification and establishment of OECMs in the marine capture fishery sector, on the basis of CBD COP Decision 14/8. Participants came from a range of organizational contexts. This brought extensive knowledge to the meeting with regards to issues related to OECMs and the potential contribution of various spatial measures to the conservation of biodiversity. The expert meeting considered a range of topics, as follows: (1) the rationale for producing guidance for OECMs in the marine capture fishery sector; (2) definition of an OECM; (3) guiding principles and common characteristics; (4) criteria for identification and evaluation; (5) key concepts and cross-cutting issues in a fisheries context; (6) evaluating areas for inclusion in OECM reporting and management; (7) monitoring, evaluation and reporting; (8) re-evaluation of the OECM; and (9) selected governance issues.

Discussions were largely viewed from the context of what needed to be considered in the identification and management of OECMs, on the basis of the OECM definition, criteria and guidance in CBD COP Decision 14/8. Discussions in the meeting benefited from and a broad range of discussion of the group as a whole, and points on which views generally converge or else needed further information and dialogue. The implementation of OECMs is clearly context specific and the advice emerging from this meeting and informed by the full range of perspectives offered by meeting participants can help support that implementation. FAO will take the lessons learned from discussions at this meeting and consult with additional stakeholders to advance its aim of providing consolidated guidance to the marine capture fishery sector on the operationalizing of the OECM definition and criteria outlined by the CBD COP.

CONTENTS

| | <i>Page</i> |
|---|-------------|
| Preparation of this document | iii |
| Abstract | iv |
| Foreword | vii |
| Acknowledgements | ix |
| Abbreviations and acronyms | xi |
| | |
| Introduction | 1 |
| Background to the Meeting | 1 |
| The expert meeting on OECMs in the marine capture fishery sector | 2 |
| Sessions 1 & 2: opening of the expert meeting | 3 |
| Session 3: OECM foundations | 4 |
| The Context for the Definition of OECMs | 4 |
| A Focus on Marine Capture Fisheries | 6 |
| Governance by Legitimate Authorities | 7 |
| Measuring Outcomes | 8 |
| Session 4: Identifying OECMs | 8 |
| Step 1: Information consolidation | 11 |
| Step 2: Establish eligibility to go through the assessment process | 12 |
| Step 3: Document relevant biodiversity features and ecosystem services | 13 |
| Step 4: Identifying the current pressures and threats and plausible future pressures and threats to the biodiversity and ecosystem service features of interest | 14 |
| Step 5: Describe expected benefits to biodiversity and ecosystem services from the potential OECM | 15 |
| Step 6: Assess the additional properties of OECMs described in Aichi Target 11 and Annex III of CBD Decision 14/8 | 18 |
| Step 7: Document and report on the outcomes of the OECM identification process | 18 |
| Additional Considerations brought up in Session 4 | 19 |
| Session 5: monitoring, evaluating, and reporting OECMs | 20 |
| Where is Monitoring, Evaluation and Reporting reflected in the CBD OECM Decision? | 21 |
| Who is responsible for management, including monitoring, evaluation and reporting within an OECM? | 22 |
| Monitoring and evaluation frameworks | 22 |
| What should be monitored? | 23 |
| How, where, when and how often to monitor? | 24 |
| Reporting feedback from monitoring to management | 26 |
| Session 6: revision of OECMs and selected governance issues | 26 |
| Revision of OECMs | 26 |
| Timing of re-evaluation | 26 |
| Triggers of re-evaluation | 27 |
| Against which OECM criteria will a re-evaluation be needed? | 28 |
| Governance Issues | 28 |
| Governance type | 29 |
| Multiple Sectors | 29 |
| Summary of specific issues in need of further discussion | 30 |
| Conclusion | 31 |
| References | 33 |

APPENDIXES

| | |
|--|----|
| A. Meeting Agenda | 35 |
| B. List of Participants | 37 |
| C. Interaction of the Seven Procedural Steps in Identifying oecms and the OECM Criteria | 39 |
| D. CBD COP Decision 14/8 on protected areas and other effective area-based conservation measures | 43 |

FOREWORD

The CBD's Aichi Biodiversity Target 11¹ (Target 11) aims to improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity through “systems of protected areas and other effective area-based conservation measures”. The reference in Target 11 to “other effective area-based conservation measures” (OECMs) reflects the CBD Parties' willingness to acknowledge and understand the role of other well-governed and managed area-based measures that can also contribute to biodiversity conservation in Target 11. This includes working towards the common goals of biodiversity conservation across sectors, including fisheries management through recognition of specific approaches in area-based fisheries management that have tangible benefits for biodiversity conservation. FAO has been consistently engaged in the discussions on OECMs and is actively collaborating with the CBD Secretariat and other partners to assist in the identification of OECMs, including through developing guidance on how to best operationalize the definition of OECMs in the marine capture fishery sector.

OECMs represent a new opportunity for States and international governmental organizations (IGOs) to recognize how the fisheries sector can support biodiversity conservation through appropriate use of a wider range of spatial management measures. Various international efforts have been pursued to define, operationalize, and provide guidance on OECMs across multiple sectors, but none yet have been specific to a sector. Area-based fisheries management measures (ABFMs) that may meet the OECM criteria are widely used in fisheries management plans and processes, making the marine capture fishery sector well-poised to become a leader in identifying OECMs, and showing and strengthening the contribution of such spatial fisheries management to the conservation and sustainable use of, and reduction of the collateral impact on, biodiversity.

The majority of FAO Members are signatory parties to the Convention on Biological Diversity (CBD) and have agreed to global commitments to the sustainable use of fisheries resources (e.g., FAO Committee on Fisheries (COFI) endorsements, Aichi Biodiversity Target 6, Reykjavik Declaration) and biodiversity conservation (i.e., Aichi Biodiversity Targets)). The recognition of OECMs in the fisheries sector is of high relevance to COFI as FAO continues to develop a strategy for mainstreaming biodiversity conservation including in the fisheries sector (and as mandated by a number of statutory bodies including paragraph 102 of the COFI 33 report FAO Committee on Fisheries (2018)). FAO's work on area-based management in the fisheries sector is regularly brought to the attention of COFI, which has encouraged cooperation between FAO and other organizations working on this matter. Similarly, the Parties to the CBD have also encouraged this cooperation and FAO's assistance to Parties in identifying OECMs and in applying the scientific and technical advice and guidance contained in the Annexes of CBD Decision 14/8 (see Decision 14/8, para. 9).

Since its establishment, in 2008, the Fisheries Expert Group of the IUCN Commission on Ecosystem Management (IUCN-CEM-FEG) has been collaborating with the Secretariats of FAO and the CBD on various matters related to fisheries sustainability and biodiversity conservation (e.g., Target 11, MPAs and fisheries; destructive fishing practices; stocks rebuilding; biodiversity mainstreaming; reporting on Target 6 and SDG 14). Since 2016, IUCN-CEM-FEG and FAO have been collaborating with the CBD Secretariat on the OECM concept and its implications for fisheries, contributing to related CBD expert meetings and to the CBD's Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA). The present meeting emerged from an IUCN-CEM-FEG proposal to the Nordic Council of Ministers in 2018 and the background document (Garcia *et al.*, 2019) prepared for it was elaborated in collaboration between IUCN-CEM-FEG and FAO staff.

The meeting summarized in this report was held in Rome, Italy, between 7 and 10 May 2019 and was co-organized by the FAO, the IUCN-CEM-FEG and the European Bureau for Conservation and Development, in collaboration with the CBD Secretariat. The purpose of the expert meeting was to

¹ Decision X/2: “The Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets” from the tenth Conference of the Parties of the Convention on Biological Diversity. www.cbd.int/doc/decisions/cop-10/cop-10-dec-02-en.pdf.

compile a broad range of expert advice on the identification and establishment of OECMs in the marine capture fishery sector, on the basis of CBD COP Decision 14/8. Participants came from a range of organizational contexts. This brought extensive knowledge to the meeting with regards to questions related to OECMs and the potential contribution of various spatial measures to the conservation of biodiversity.

The expert meeting considered a range of topics: (1) the rationale for producing guidance for OECMs in the marine capture fishery sector; (2) definition of an OECM; (3) guiding principles and common characteristics; (4) criteria for identification and evaluation; (5) key concepts and cross-cutting issues in a fisheries context; (6) evaluating areas for inclusion in OECM reporting and management; (7) monitoring, evaluation and reporting; (8) re-evaluation of the OECM; and (9) selected governance issues. Discussions were largely viewed from the context of what needed to be considered in the identification and day to day management of OECMs, on the basis of the OECM definition, criteria and guidance provided by the CBD COP Decision 14/8.

Over a week of discussions, participants shared much important information and a range of views. The meeting rapporteurs assembled the oral and written contributions provided during the meeting in this report, which capture, in as full and balanced way as possible, the range of inputs and perspectives on each agenda item. Consolidating the rich array of input into a single report posed significant challenges; however, this report captures the full scope the range of expert and evidence-based views on OECMs in fisheries without making any endorsements or coming to any “conclusions.” The meeting report aims to consolidate the diverse and extensive knowledge that experts brought to the meeting with regards to OECMs in the marine capture fishery sector. On the contrary, and as recognized by the participants, the report is not exhaustive of all elements in relation to identification and delivery of OECMs in the marine capture fishery sector. The participants also emphasized that further discussions and consideration would be required on several issues addressed during the meeting, as well as issues not addressed during the meeting and still to be discussed. Participants noted that, although the discussion at this meeting was focused on the marine capture fisheries sector, the evolution of use of OECMs in the fishery sector in general would likely be on-going for many years to come.

This report of the meeting provides FAO with a basis for the development of guidance to support the marine capture fishery sector in operationalizing the definition of OECMs in Decision of CBD 14/8. Advice will be sought from the FAO Committee on Fisheries Bureau, and from COFI regarding the further process to develop guidance on OECMs in the marine capture fishery sector.

ACKNOWLEDGEMENTS

The expert meeting was organized by the Food and Agriculture Organization of the United Nations (FAO), the Fisheries Expert Group of the International Union for Conservation of Nature's Commission on Ecosystem Management, and the European Bureau for Conservation and Development (EBCD), in collaboration with the Secretariat of the Convention on Biological Diversity.

FAO greatly appreciates the active participation and constructive input of all participants. We also appreciate the work of Serge Garcia, Jake Rice, Kim Friedman and Amber Himes-Cornell in the preparation of the background document (Garcia *et al.*, 2019) for the meeting, Gunnstein Bakke for chairing the meeting, and staff at EBCD for organizing the travel and logistics of participants. In addition, we appreciate the review of the report for consistency by other FAO staff, namely Joseph Zelasney and Lena Westlund.

Financial support from the FAO Regular Programme with kind extra-budgetary support from the Nordic Council of Ministers; the Government of Norway; the Japanese Ministry of Agriculture, Forestry and Fisheries; and the European Union is gratefully acknowledged. In addition, a number of participants were self-funded by their institutions.

ABBREVIATIONS AND ACRONYMS

| | |
|----------------|---|
| ABFM | Area-based fisheries management measures |
| CBD | Convention on Biological Diversity |
| CCRF | Code of Conduct for Responsible Fisheries |
| COFI | FAO Committee on Fisheries |
| COP | Conference of the Parties |
| EBCD | European Bureau for Conservation and Development |
| EEZ | Exclusive economic zone |
| FAO | Food and Agriculture Organization of the United Nations |
| FMP | Fisheries Management Plan |
| IGO | International governmental organization |
| IPLC | Indigenous peoples and local communities |
| ICCA | Territory or area conserved by indigenous peoples or local communities |
| IUCN | International Union for Conservation of Nature |
| IUCN-CEM-FEG | Fisheries Expert Group of the IUCN Commission on Ecosystem Management |
| MPA | Marine protected area |
| MSP | Marine spatial planning |
| MER | Monitoring, evaluation and reporting |
| OECM | Other effective area-based conservation measure |
| PA | Protected area |
| RFMO | Regional fisheries management organization |
| SBSTTA | Subsidiary Body on Scientific, Technical and Technological Advice |
| SSF Guidelines | FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication |
| UN | United Nations |
| UNEP-WCMC | UN Environment World Conservation Monitoring Centre |
| VME | Vulnerable marine ecosystem |
| WDPA | World Database on Protected Areas |

INTRODUCTION

Background to the meeting

1. In 2010, the tenth Conference of the Parties (COP 10) of the Convention on Biological Diversity (CBD) adopted the Strategic Plan for Biodiversity 2011-2020, containing 20 Aichi Biodiversity Targets to be achieved by 2020. This Strategic Plan provides the CBD Parties with an overarching framework on biodiversity for the entire United Nations (UN) system and all other partners engaged in biodiversity conservation, management, and policy development. Aichi Biodiversity Target 11 (Target 11), under Strategic Goal C of the Plan, aims to improve the status of biodiversity by setting a spatial target for safeguarding ecosystems, species and genetic diversity. The Target states that:

*“By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and **other effective area-based conservation measures** [emphasis added] and integrated into the wider landscapes and seascapes”.*

2. In addition to protected areas (PAs), the reference to “other effective area-based conservation measures” (OECMs) reflects the CBD Parties interest in recognizing areas managed under other well-designed, governed and managed effective area-based instruments that can also achieve *in situ* biodiversity conservation. It was understood at the adoption of Target 11 in 2010 that numerous areas existed where activities under the jurisdiction of sectors whose primary goal was not biodiversity conservation, including sustainable use of renewable resources like fisheries, had area-based measures in place. These measures, where established, delivered, or had the potential to deliver, *in situ* biodiversity conservation benefits. However, there were no standards for how such measures were to be applied or evaluated within or across sectors in the CBD context.

3. At the twentieth meeting of the CBD Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA 20; April 2016) and CBD COP 13 (December 2016), CBD Parties discussed progress on priorities in the Strategic Plan on Biodiversity, including Target 11. In particular, the COP 13:

Recognized the importance of building linkages among existing efforts on various area-based conservation measures within the framework of cross-sectoral and integrated marine spatial planning and implementation in support of achieving the Aichi Biodiversity Targets in marine and coastal areas” (Decision XIII/9).

4. The COP 13 also called for additional work specifically on OECMs, in order to provide advice on their definition, identification, management approaches, and contribution to Target 11. Pursuant to the requests, the CBD Secretariat convened two parallel meetings in February 2018, the *Technical Expert Meeting on OECMs for Achieving Aichi Biodiversity Target 11* and the *Expert Meeting on Marine Protected Areas (MPAs) and OECMs for Achieving Aichi Biodiversity Target 11 in Marine and Coastal Areas*. These two expert meetings considered information from experts, governments, and relevant organizations, including FAO and the International Union for Conservation of Nature (IUCN). The two CBD expert meetings produced joint draft guidance on OECMs, which provided the basis for Decision 14/8, which was later adopted with little change by the fourteenth CBD COP held in Sharm El Sheik, Egypt in November 2018.

5. Decision 14/8 addresses a number of aspects of OECMs, including the definition of OECMs as well as scientific and technical advice on OECM identification, management approaches, and their role in

achieving Target 11. The full text of Decision 14/8 can be found in Appendix D. Decision 14/8 is applicable to both terrestrial and marine areas, as well as to all economic sectors. Annex IV of Decision 14/8 refers specifically to considerations in achieving Target 11 in marine and coastal areas. In Decision 14/8, the COP:

- *Invites* IUCN, the Food and Agriculture Organization of the United Nations (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 [para. 9];
- *Urges* Parties, and invites other Governments, relevant organizations and donors in a position to do so to provide resources for capacity-building, and to support Parties and Indigenous Peoples and local communities to identify OECMs and to apply the scientific and technical advice and guidance [para. 11];
- *Urges* Parties to facilitate mainstreaming of PAs and OECMs into key sectors, such as, *inter alia*, agriculture, fisheries, forestry, mining, energy, tourism and transportation [para. 12].

6. Following the adoption of CBD COP Decision 14/8, the FAO, the Fisheries Expert Group of the IUCN Commission on Ecosystem Management (IUCN-CEM-FEG) and the European Bureau for Conservation and Development co-organized an expert meeting (reported herein) in collaboration with the CBD Secretariat.

The Expert Meeting on OECMs in the Marine Capture Fishery Sector

7. The *Expert Meeting on OECMs in the Marine Capture Fishery Sector* took place at FAO headquarters in Rome, Italy between 7-10 May 2019 (see Appendix A for the meeting agenda). The purpose of the meeting was to facilitate discussion of experts with a wide range of perspectives on specific considerations for the identification, establishment and implementation of OECMs in the marine capture fishery sector. At the outset of the meeting, FAO informed participants that these discussions and subsequent meeting report (in reference to the present document) would be used to inform FAO's development of further guidance on OECMs in the marine capture fishery sector, as requested by CBD COP Decision 14/8. FAO will use this meeting report as the basis for the development of draft guidance on operationalizing the OECM definition in the marine capture fishery sector. FAO will also use this report and its subsequent development of draft guidance informing the operationalizing of the OECM concepts to look for further feedback through the COFI Bureau process and the 34th Session of the Committee on Fisheries in July 2020.

8. The meeting participants included 28 individuals from 15 countries participating in their expert capacity. The participants were selected by meeting organizers to represent a broad range of relevant expertise from both fisheries and biodiversity conservation backgrounds (Appendix B: participants list).

9. Prior to arrival in Rome, meeting organizers supplied participants with a range of information to assist them in preparing for the meeting. This included a background document (herein referred to as Garcia *et al.*, 2019) on the identification, assessment, monitoring, and governance of OECMs in the marine capture fishery sector.² Garcia *et al.* (2019) provided technical analyses and considerations on: (1) the rationale for producing guidance for OECMs in the marine capture fishery sector; (2) definition of an OECM; (3) guiding principles and common characteristics; (4) criteria for identification and evaluation; (5) key concepts and cross-cutting issues in a fishery context; (6) evaluating areas for inclusion in OECM reporting and management; (7) monitoring, evaluation and reporting; (8) re-evaluation of the OECM; and (9) selected governance issues.

² The draft background document as presented to the meeting participants prior to the expert meeting is available online at the following location.

10. Daily sessions of the expert meeting included a mix of plenary presentations, group discussions, and rapporteur drafting sessions. During each session, a brief introductory presentation was given by one of the meeting organizers, and following discussions were held in plenary. The following sections present text drafted by rapporteurs that summarize the discussions heard (or written to the rapporteurs) and cover specific points of convergence and divergence, as well as specific considerations that emerged during the group discussions.

11. The intent of this meeting report is to capture, in as full and balanced a way as possible, the wide range of inputs and perspectives on each agenda item. The meeting was intended to scope the range of expert and evidence-based views on identification, management and evaluation of OECMs in marine capture fisheries. Consequently, the report does not present any form of meeting “conclusions” or measurement of agreement or consensus of meeting participants. The meeting discussions and report were not exhaustive with regards to all elements of the issues with regards to OECMs in the marine capture fishery sector. The participants also noted that further discussions and consideration was required on issues that were addressed during the meeting.

SESSIONS 1 & 2: OPENING OF THE EXPERT MEETING

12. The meeting commenced with opening remarks by Ms Vera Agostini (FAO), Mr Joseph Appiott (CBD Secretariat) and Mr Serge Garcia (IUCN-CEM-FEG). It was noted that this expert meeting was intended to be an initial step in a process to prepare FAO technical guidelines on OECMs in the marine capture fishery sector. The structure of the meeting was presented to participants. The meeting agenda was introduced and approved by participants and volunteer rapporteurs were chosen to summarize session discussions. Mr Gunnstein Bakke (Norway) was nominated to chair the meeting.

13. Mr Joseph Appiott (CBD Secretariat), with input from Mr Harry Jonas (IUCN), then gave a background presentation to introduce relevant information regarding Target 11, outcomes of the CBD COP Decision 14/8 on OECMs, and a review of work being done by the IUCN World Commission on Protected Areas (WCPA) Task Force on OECMs to provide general advice on identifying and reporting OECMs in marine, freshwater and terrestrial environments. In addition, Mr Serge Garcia (IUCN-CEM-FEG) gave a presentation to introduce the background document (Garcia *et al.*, 2019) in order to provide participants with background on the potential coherence of spatial management in the marine fisheries with the fundamentals of OECMs, the connections between sections of the background document and the discussions planned during the meeting; the role of the background document; and the rationale for developing OECM guidance in the marine capture fishery sector. Mrs. Amber Himes-Cornell (FAO) presented the objectives and expected outcomes of the expert meeting, and facilitated discussions about how to structure the meeting and what meeting participants considered to be needed in terms of OECM guidance for marine fisheries. Meeting participants agreed to structure the meeting around four key sessions: (1) OECM Foundations, (2) Identifying OECMs, (3) Monitoring, Evaluating, and Reporting OECMs, and (4) Revision of OECMs and Selected Governance Issues.

SESSION 3: OECM FOUNDATIONS

The context for the definition of OECMs

14. Session 3 began with a presentation by Mr Serge Garcia to review the definition, guiding principles and criteria for OECMs (herein referred to as the OECM criteria) as adopted in Decision 14/8. The presentation also reviewed key concepts and cross-cutting issues found in the Decision.

15. The definition, criteria and general guidance on OECMs is contained in CBD COP 14 Decision 14/8. For ease of reference, the definition of OECM adopted by the CBD Parties is:

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.
(Decision 14/8 (2))

16. The OECM criteria (from A to D) as defined in Annex III of Decision 14/8 are provided in 1. 1 assigns a reference number for each of the sub-criteria (column 1) and a low-case letter reference for each of the subsequent considerations (column 3), in the sequence they are presented in Decision 14/8 (e.g., B2a). These numbers are used throughout this report to simplify reference to the OECM criteria in Decision 14/8. Please note that these reference numbers were not included in the adopted text of Decision 14/8, but are included in Table 1 for ease of referencing throughout this report.

Table 1. Criteria included in Section B of Annex III to Decision 14/8 relevant for the identification of OECMs. Note that the Reference column was not originally included in the Decision and was created specifically for the purposes of this report to facilitate referencing of the criteria throughout this document.

| Criteria | | Ref. |
|--|--|--------------------------|
| Criterion A: Area is not currently recognized as a protected area | | |
| Not a protected area | <input type="checkbox"/> The area is not currently recognized or reported as a protected area or part of a protected area; it may have been established for another function. | A |
| Criterion B: Area is governed and managed | | |
| Geographically defined space | <input type="checkbox"/> Size and area are described, including in three dimensions where necessary. <input type="checkbox"/> Boundaries are geographically delineated. | B1a B1b |
| Legitimate governance authorities | <input type="checkbox"/> Governance has legitimate authority and is appropriate for achieving in situ conservation of biodiversity within the area; <input type="checkbox"/> Governance by indigenous peoples and local communities is self-identified in accordance with national legislation and applicable international obligations; <input type="checkbox"/> Governance reflects the equity considerations adopted in the Convention. <input type="checkbox"/> Governance may be by a single authority and/or organization or through collaboration among relevant authorities and provides the ability to address threats collectively. | B2a B2b B2c B2d |

| | | |
|---|---|--------------------------|
| Managed | <input type="checkbox"/> Managed in ways that achieve positive and sustained outcomes for the conservation of biological diversity. <input type="checkbox"/> Relevant authorities and stakeholders are identified and involved in management. <input type="checkbox"/> A management system is in place that contributes to sustaining the in situ conservation of biodiversity. <input type="checkbox"/> Management is consistent with the ecosystem approach with the ability to adapt to achieve expected biodiversity conservation outcomes, including long-term outcomes, and including the ability to manage a new threat. | B3a B3b B3c B3d |
| Criterion C: Achieves sustained and effective contribution to <i>in situ</i> conservation of biodiversity | | |
| Effective | <input type="checkbox"/> The area achieves, or is expected to achieve, positive and sustained outcomes for the in situ conservation of biodiversity. <input type="checkbox"/> Threats, existing or reasonably anticipated ones are addressed effectively by preventing, significantly reducing or eliminating them, and by restoring degraded ecosystems. <input type="checkbox"/> Mechanisms, such as policy frameworks and regulations, are in place to recognize and respond to new threats. <input type="checkbox"/> To the extent relevant and possible, management inside and outside the other effective area-based conservation measure is integrated. | C1a C1b C1c C1d |
| Sustained over long term | <input type="checkbox"/> The other effective area-based conservation measures are in place for the long term or are likely to be. <input type="checkbox"/> “Sustained” pertains to the continuity of governance and management and “long term” pertains to the biodiversity outcome. | C2a C2b |
| <i>In situ</i> conservation of biological diversity | <input type="checkbox"/> Recognition of other effective area-based conservation measures is expected to include the identification of the range of biodiversity attributes for which the site is considered important (e.g. communities of rare, threatened or endangered species, representative natural ecosystems, range restricted species, key biodiversity areas, areas providing critical ecosystem functions and services, areas for ecological connectivity). | C3 |
| Information and monitoring | <input type="checkbox"/> Identification of other effective area-based conservation measures should, to the extent possible, document the known biodiversity attributes, as well as, where relevant, cultural and/or spiritual values, of the area and the governance and management in place as a baseline for assessing effectiveness. <input type="checkbox"/> A monitoring system informs management on the effectiveness of measures with respect to biodiversity, including the health of ecosystems. <input type="checkbox"/> Processes should be in place to evaluate the effectiveness of governance and management, including with respect to equity. <input type="checkbox"/> General data of the area such as boundaries, aim and governance are available information. | C4a C4b C4c C4d |
| Criterion D: Associated ecosystem functions and services and cultural, spiritual, socio-economic and other locally relevant values | | |
| Ecosystem functions and services | <input type="checkbox"/> Ecosystem functions and services are supported, including those of importance to indigenous peoples and local communities, for other effective area-based conservation measures concerning their territories, taking into account interactions and trade-offs among ecosystem functions and services, with a view to ensuring positive biodiversity outcomes and equity. <input type="checkbox"/> Management to enhance one particular ecosystem function or service does not impact negatively on the sites overall biological diversity. | D1a D1b |
| Cultural, spiritual, socio-economic and other locally relevant values | <input type="checkbox"/> Governance and management measures identify, respect and uphold the cultural, spiritual, socioeconomic, and other locally relevant values of the area, where such values exist. <input type="checkbox"/> Governance and management measures respect and uphold the knowledge, practices and institutions that are fundamental for the in situ conservation of biodiversity. | D2a D2b |

17. Meeting participants acknowledged that OECMs are a component of Target 11, which is one of the 20 Aichi Biodiversity Targets in the Strategic Plan for Biodiversity 2011-2020. This Strategic Plan was adopted in 2010 by CBD Parties and applied widely across UN conventions, UN agencies and other organizations. Within Target 11, participants noted that the focus is on conservation of “*coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, through systems of protected areas and other effective area-based conservation measures.*” This implies that both PAs and OECMs should be located in places of particular importance for biodiversity, and be effective in contributing to the objectives of the Strategic Plan. Participants further noted that neither OECMs nor PAs exist in isolation within the wider seascape, and that they are likely to be spatially connected and inter-dependent with other OECMs, protected areas and other areas with various type of use and protection, as part of the wider socio-ecological system.

18. Participants further emphasized paragraphs (g) and (i) in section A of Annex III of Decision 14/8:

(g) The recognition of OECMs should follow appropriate consultation with relevant governance authorities, land owners and rights owners, stakeholders and the public.

(i) The recognition of OECMs in the marine capture fishery sector in areas within the territories of indigenous peoples and local communities (IPLCs) should be on the basis of self-identification and with their free, prior and informed consent, as appropriate, and consistent with national policies, regulations and circumstances, and applicable international obligations.

A focus on marine capture fisheries

19. Following Mr Garcia’s presentation, the participants discussed what the focus of the expert meeting on OECMs should be. Participants noted that the discussions should focus on effective area-based conservation measures applied in the context of **marine capture fisheries at multiple scales, including both coastal areas, exclusive economic zones (EEZs), and marine areas beyond national jurisdiction, and by a variety of actors, including small-scale fisheries**, under a variety of governance and management arrangements. Participants recognized that other sectors and processes, including agriculture, forestry, tourism, marine spatial planning, or land-use planning, also involve suites of area-based measures that deserve consideration in the wider application of OECMs; however, these were not the subject of this workshop, except when considering cross-sectoral issues of importance in these fisheries. Furthermore, area-based fisheries management measures (ABFMs) may also be found in other contexts (e.g. IUCN Category 6 protected areas that are managed for sustainable use) or overlap with marine OECMs that are governed by governance authorities outside of fisheries for other purposes, such as wreck sites, heritage sites or sacred natural sites. OECMs managed by other sectors were not considered by the expert meeting, although reference was made to OECMs being integrated into the wider seascape, consistent with the ecosystem approach and the precautionary approach, providing the ability to adapt to achieve biodiversity outcomes, including long-term outcomes, inter alia, the ability to manage a new threat. Participants also noted that if there is a need for biodiversity conservation, and the only current or anticipated future threat, pressure or impact is from one sector, then a sectoral OECM approach is sufficient. However, if multiple sectors are adding threats, pressures or impacts, then coordination across multiple sectors is needed. Thus, there is first a need for an analysis of current and likely future threats, pressures and impacts, and potential interaction across sectors (see Step 4 of Session 4). Furthermore, it was also noted that it is crucial to include communities and user groups, representing people who are not in individual sectors, because such inclusiveness can promote recognition of OECMs in a more collective way, promote effectiveness, and inspire.

20. Participants suggested a number of existing ABFMs that, in the way that they are applied in particular cases, might be considered for recognition as an OECM.³ Participants emphasized that the names used by many countries and other authorities for area-based measures has not been globally standardized and may mean something different depending on their contexts. Likewise, governance authorities may use different terms to refer to ABFMs that are functionally the same. When determining the applicability of a measure, participants noted that it is first necessary to delineate the area over which the measure is applied, and then to assess whether biodiversity conservation outcomes exist or can be expected to occur as (as either primary or co-benefits for biodiversity, and these co-benefits may be international or unintended outcomes of the measure) as a result of the measure. It was further noted that any sector specific guidance should be applied on a case-by-case basis.

21. Participants also noted that CBD COP Decisions 13/3 and 14/3 have provided guidance on biodiversity mainstreaming that should also be considered in the context of OECMs and fisheries.

Governance by legitimate authorities

22. Participants discussed the need for decisions made by the CBD Parties to recognize an OECM to include an ongoing process of governance, management and monitoring to maintain the fisheries and conservation outcomes over time. In addition, the discussion noted that similar to PAs, OECMs may be governed by a variety of legitimate governance authorities. Participants referenced Decision 14/8 Annex II A, which clearly states:

The Convention on Biological Diversity and the International Union for Conservation of Nature (IUCN) distinguish four broad governance types for protected and conserved areas according to which actors have authority and a responsibility to make and enforce decisions: (a) governance by government; (b) shared governance (by various actors together¹⁵); (c) governance by private individuals or organizations (often land owners and in the form of private protected areas (PPAs)); and (d) governance by indigenous peoples and/or local communities (often referred to as territories and areas conserved by indigenous peoples and local communities (ICCAs) or Indigenous Protected Areas (IPAs)).

23. In all cases, participants emphasized that for an area to be considered as an OECM, the legitimate governance authority (or authorities in the case of shared-governance) that is applying measures to maintain the OECM in the long-term, should be recognized, supported where necessary, and held accountable for delivering both the fishery and biodiversity outcomes. This is in line with paragraph (h) in section A of annex III of Decision 14/8:

Recognition of OECMs should be supported by measures to enhance the governance capacity of their legitimate authorities and secure their positive and sustained outcomes for biodiversity, including, inter alia, policy frameworks and regulations to prevent and respond to threats.

³ A non-exhaustive list of examples of existing spatially defined area-based fisheries measures that might be considered for recognition as an OECM includes, but is not limited to: total gear ban in specific areas; Vulnerable Marine Ecosystem associated area-based conservation measures; reserve; sanctuary; zoning; territorial use right in fisheries; fishery restricted area; benthic protected area; marine managed area; some locally managed marine area; some community conserved area; marine responsible fishing areas; and spatially-defined rotational closures.

24. Further resources for better understanding the diversity and quality of governance as it pertains to OECMs are contained in Annex II of Decision 14/8. Participants also referred to this Annex for information on interpreting the concept of rights, procedures and distributional equity.

Measuring outcomes

25. Participants discussed various items related to measuring outcomes. One of the items discussed was that prior to recognition as an OECM, the delivery (demonstrated or expected) of conservation outcomes for ABFMs may be intentional or unintentional. Once evaluated and recognized as an OECM, the conservation purpose becomes an intentional objective, which is monitored and measured over time alongside other objectives of the area. In the case of IPLC and private governance, protected area designation may not be desired by those who govern the area, and the decision to have an OECM designation or no designation should remain the choice of those IPLCs who govern the area. Any designation should happen only after a prior informed consent process has been conducted and with the agreement of the legitimate authority has been obtained.

26. It was also noted that some desired conservation outcomes may be difficult to identify, measure and monitor over time in the context of marine capture fisheries. Meeting all of the terms of the definition and establishing evidence to demonstrate meeting the OECM criteria may be difficult in data-poor situations, necessitating more deliberative mechanisms for establishing baselines and measurement and monitoring over time, in accordance with selective, clearly stated goals. In line with paragraph (l) in Section A of Annex III of Decision 14/8:

The best available scientific information, and indigenous and local knowledge, should be used in line with international obligations and frameworks, such as the UNDRIP, and instruments, decisions and guidelines of the Convention on Biological Diversity, for recognizing OECMs, delimiting their location and size, informing management approaches and measuring performance.

27. In addition, participants discussed that, when applicable, the involvement of Regional Fisheries Management Organizations (RFMOs) as relevant organizations contributing to the efficient management of fisheries at regional scale will be important in the process of identification and recognition of OECMs. It should be noted that some OECMs may exist both in the EEZs of sovereign countries as well as in marine areas beyond national jurisdiction.

SESSION 4: Identifying OECMs

28. This session began with a presentation by Mr Jake Rice that introduced a potential structure for and elements of the OECM identification process. Discussion at the expert meeting focused on seven steps of OECM identification that Mr Rice proposed. The intent of the proposed steps is to collectively address all the OECM criteria in Annex III of Decision 14/8 in a logical order, such that successful completion of one step would often have consolidated information needed for subsequent steps, and if shortcomings were found in earlier steps, it might possible to save time needed for assembling all the information needed for subsequent steps that demand information more complex or costly to gather and evaluate. The presentation noted that individual steps would only address the subset of OECM criteria relevant for a particular step; however, by the time all seven steps are completed, all of the OECM criteria in Annex III would have been taken into account.

29. Participants had lengthy discussions on the steps that should be followed for the identification of OECMs. These discussions were summarized by rapporteurs for this session and are included here. The rapporteurs also referred to the background document (Garcia *et al.*, 2019) in some cases as a resource in the development of text for this section.

30. The participants of the expert meeting recognized that Annex III of CBD Decision 14/8 provides the basis for the identification of OECMs. However, they also recognized that a) there is a need to translate how each of the OECM criteria translate specifically in the marine capture fishery sector; and b) there may also be a need for further guidance on the application of OECMs in small-scale fisheries, including those managed under IPLC governance. Participants discussed that through the OECM definition and criteria contained in Decision 14/8 Annex III, existing ABFMs can, on a case by case basis:

- Be appropriately recognized as conforming with the OECM definition and criteria as is, leading to the legitimate governance authority reporting it as an OECM; or
- Be enhanced where necessary to meet the OECM definition and criteria over time, leading to their eventual recognition and reporting as OECMs.

31. Some participants noted that in practice, it may be more straightforward to organize consideration of an OECM around a list of the individual criteria, considering the steps in the step-wise process as relevant for each criterion. Other participants noted that the steps were not tailored specifically to fisheries and were too generic. It should be noted there was no consensus on the use of the seven steps presented, nor was there agreement among participants about how these steps should be used, whether the ordering of such steps would change in different circumstances or even if they were relevant. Although the discussions on how to identify OECMs did not follow the proposed seven steps in a linear fashion, for the purposes of this report, participant input has been grouped into these seven steps for ease of reference. However, this does not imply that the participants collectively endorsed this specific step-wise approach.

32. Participants noted that the OECM criteria should be addressed in multiple steps, and that there is a need for iteration among the steps. This may increase the complexity of the assessment and may make reporting on the individual OECM criteria more difficult, but may be the more efficient overall approach to final sound decisions on OECM qualification. Participants suggested that to streamline the approach, the process could address each OECM criterion in a sequence that is aligned to fisheries management processes (**Error! Reference source not found.**). It was noted that there are many ways this could be done. The ultimate process will depend on the needs and the complexity of the range of rights holders and legitimate governance authorities involved in addition to the diversity of stakeholders being engaged in each part of the identification process.

33. The presenter (J. Rice) noted that the overall purpose of having steps is that for each step one would assemble the most suitable mix of experts and governance participants needed so that as full a set of relevant tasks as possible can be covered. It would also mean that one would not need to undergo some of the most complex discussions in subsequent steps of the identification process if it was clear at an early stage in the process that a measure would not meet the OECM criteria. The purpose of the steps is to follow the OECM criteria, one by one, until all of the OECM criteria have been assessed. It was noted that decisions will be needed regarding the weighting to give to each sub-criteria, with decision rules on what to do if a sub-criteria is only partially fulfilled. Decision rules will also be needed at the end of the assessment process, when considering the whole set of assessments for a candidate OECM.

Table 2. Relevance of each OECM criteria in Annex III to the seven step identification process described in Garcia *et al.* (2019) and presented at the meeting.

| | Step in identification of OECMs | Criteria defined in Annex III of CBD decision 14/8, as indicated by reference numbers in Table 1 above |
|--|--|--|
| Strategic Planning & Coordination | 1. Information consolidation | A, B1a, B1b |
| | 2. Establish eligibility to go through the assessment process | A1, B1a, B1b, B2a, B2b, B2c, B2d, B3b, B3c, C1a, C1b, C1c, C1d, and C2b |
| | 3. Document relevant biodiversity features and ecosystem services | C1a, C2a, C3, and all of D |
| | 4. Identifying the current pressures and threats and plausible future threats to the biodiversity and ecosystem service features of interest | B2a, B2b, B2d, B3a, B3d, C1b, C1c, C1d, C3 |
| Monitoring & Evaluation | 5. Describe expected benefits to biodiversity and ecosystem services from the potential OECM | C1a, C1b, C4b |
| | 6. Assess the additional properties of OECMs described in Aichi Target 11 and Annex III of CBD Decision 14/8 | C4c, D1a, D1b |
| Reporting & Auditing | 7. Document and report on the identification outcomes | C4d |

34. The background document (Garcia *et al.*, 2019) provided information relevant to linking each of the proposed seven steps with the OECM criteria in **Error! Reference source not found.** as one example of how a country or other relevant authority could approach the identification of OECMs. This could be modified depending on the availability of information and the ease of assessment. However, many participants voiced concern that the proposed steps might need to be modified or reordered on a case by case basis. Some suggested that it will be necessary to provide examples of the types of information needed to fulfil the OECM criteria for different types of fisheries. Many suggested that any sectoral guidance will benefit from the use of examples to show how an ABFM could meet any individual criterion and examples of what information might be necessary for reporting purposes. Participants were reminded that, regardless of the number and order of steps, any OECM proposal must be assessed against all OECM criteria in Annex III of Decision 14/8 before an OECM can be recognised.

35. Participants noted that deciding what information is “sufficient” to support decisions about the degree to which a proposed ABFM meets the OECM criteria will have to take into account the realities and challenges of different circumstances (i.e., data poor situations). The evaluators must take into account all OECM criteria or topics that could be potentially sensitive, confidential, proprietary and/or contested throughout the evaluation. Participants advised that a strong evidence-based approach should be taken when a decision in the identification process may be contested. Some participants expressed concern due to the fact that some of the OECM criteria are inherently Yes/No choices, and some highlighted the value of qualitatively characterizing a biodiversity feature, management or governance practice, etc., and justifying the extent to which the characterization corresponds to the relevant criterion. Participants expressed different views on the considerations and challenges of meeting criteria on a Yes/No basis. Those supporting a flexible application of the OECM criteria nonetheless noted that strong justifications should be used when any of the OECM criteria are met weakly.

Step 1: Information consolidation

36. The first proposed step focused on consolidating and reviewing, to the extent possible, all relevant available evidence for what is known about biodiversity, ecosystem services (including social and economic considerations), and possible threats and pressures relevant for a specific area or group of areas under consideration for OECM status.

37. Participants noted that during an OECM identification process the importance of ecological, social, economic, technological, legal, institutional and other knowledge will vary among cases. This implies that in each evaluation, evaluators will need to (1) assemble expertise/knowledge covering the range of information that is available or necessary (from whatever source they might be drawn from, including experience), and (2) collect and compile the relevant information in whatever form available. Participants noted that the information needed should cover: (1) the biodiversity in the area; (2) the fishing practices and pressure(s) in or around the area; (3) the management measures already in place in the area being assessed and around it, particularly all ABFMs used in all fisheries in the area; (4) the ABFM's objectives and history, and known rate of compliance with the ABFM; (5) actions or measures implemented by other legitimate governance authorities using the area; and (6) other relevant threats and measures within the area. Some participants reminded the group of the relevant provisions of the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) (FAO, 2015), in particular paragraphs 5.13, 6.7, 11.6 and Guiding Principle 6 (on consultation and participation) and links to human rights that should be considered as relevant information in any OECM evaluations where small-scale fisheries operated. Traditional knowledge should be also considered at the time of gathering existing information.

38. Participants discussed the extent of information gathering extensively; however, the discussion was inconclusive. Some participants noted that this preparatory step is needed as a basis for undertaking the subsequent steps, but it alone does not directly address any of the OECM criteria in Annex III. Rather, the intent of this proposed step is simply to gather information available so that discussions and evaluations in the subsequent steps can be as well-informed as possible. Participants noted that gathering information should be an ongoing process through an extended assessment or evaluation, as needed, as additional information emerges. Nevertheless, the more relevant the information that is available at the start of the evaluation process, the better informed all discussions will be during the evaluation. Many participants supported the view that gathering information is applicable both in this preparatory step as well as across all later steps.

39. Many participants endorsed, and some called for strengthening, the material in the background document (Garcia *et al.*, 2019) related to Annex III Section A para. (1)⁴ of Decision 14/8. All knowledge systems may be relevant for evaluations and should be taken into account as fully as possible, even though they may not be equally available (including scientific knowledge, indigenous knowledge, local knowledge, and traditional knowledge). In cases of data-poor situations, many noted that local knowledge and stakeholder involvement may be even more important. Participants stressed in several oral and written

⁴ Decision 14/8, Annex III, A (1) states: “*The best available scientific information and indigenous and local knowledge should be used in line with international obligations and frameworks, such as the United Nations Declaration on the Rights of Indigenous Peoples, and instruments, decisions and guidelines of the CBD for recognizing OECMs, delimiting their location and size, informing management approaches and measuring performance.*”

interventions that Annex II Section A para. (6)⁵ of Decision 14/8, which is in line with Decisions 7/28⁶ and 10/31,⁷ should be followed in relation to the recognition, support, verification, coordination, tracking, monitoring and reporting of areas voluntarily conserved by IPLCs. Participants gave particular attention to the case of territories and areas under the governance of IPLCs, where such steps should be taken with their free, prior and informed consent or approval and involvement, as appropriate, and consistent with national legislation and circumstances. Several interventions also clarified that “best available” information refers to the data and knowledge that is known to exist by those conducting the evaluation and locally known experts in each knowledge system (including published and unpublished information, facts, trends, and anecdotal opinions).

Step 2: Establish eligibility to go through the assessment process

40. The intent of this proposed step was to decide if the area where the fisheries measure is in place or under consideration for implementation is eligible for full evaluation as an OECM. This step includes: (i) considering what characteristics make it worthwhile to go through a full assessment of an area; (ii) clearly delineating the boundaries of the area under consideration; (iii) specifying what the governance type and attributes of the area are; (iv) determining that the area is not an MPA; and (iv) contextualizing the value of an OECM to local communities and ecosystems.

41. Some participants noted that *Step 1: Information consolidation* and *Step 2: Establish eligibility to go through the assessment process* could be undertaken in an iterative (‘back and forth’) manner given that the screening process for meeting the OECM criteria to be eligible for consideration as an OECM, and the types of information collected/collated in Step 1, can be interdependent.

42. In addition to meeting the OECM criteria contained in Annex III of Decision 14/8, some noted that the elements of Target 11 must be considered in parallel when establishing the eligibility of an ABFM to be considered as an OECM.

43. Participants highlighted that further fisheries-specific elaboration of the general guidance contained in Annex III of Decision 14/8 in relation to eligibility of areas managed with individual fisheries measures for consideration as OECMs would be beneficial. Some participants also highlighted that discussions on how to address specific OECM criteria would likely differ among different governance types and scenarios (e.g., IPLC territories and conserved areas, national context, regional fishery management organization (RFMO) contexts). The discussion identified a number of unique governance types, including: top down governance authority evaluating a measure already in place; top down governance authority evaluating the possibility of a new measure; top down governance of multiple states (adjacent states, RFMOS, etc.); community or Indigenous Peoples governance with (existing) traditional measure(s); IPLC governance with new measure(s). Participants noted that many other examples are possible combining the types of

⁵ Decision 14/8, Annex II A (6) states, “In line with decisions VII/28 and X/31, this voluntary guidance suggests steps that can be followed in relation to the recognition, support, verification and coordination, tracking, monitoring and reporting of areas voluntarily conserved by indigenous peoples and local communities, private landowners and other actors. Particularly in the case of territories and areas under the governance of indigenous peoples and local communities, such steps should be taken with their free, prior and informed consent, consistent with national policies, regulations and circumstances, and applicable international obligations, and based on respect for their rights, knowledge and institutions. In addition, in the case of areas conserved by private landowners, such steps should be taken with their approval and on the basis of respect for the owners’ rights and knowledge.”

⁶ Decision VII/28: “Protected areas (Articles 8 (a) to (e))” from the seventh Conference of the Parties of the Convention on Biological Diversity, www.cbd.int/doc/decisions/cop-07/cop-07-dec-28-en.pdf.

⁷ Decision X/31: “Protected areas” from the tenth Conference of the Parties of the Convention on Biological Diversity, www.cbd.int/doc/decisions/cop-10/cop-10-dec-31-en.pdf.

governance (by States, IPLCs, or RFMOs) and whether the area/measure considered is new or not. Depending upon the context and governance type of a given area, different criteria may be more important or relevant than others. This will need to be assessed in a case by case basis. For all these governance scenarios, participants were reminded that, irrespective of the steps taken and the order in which the criteria are evaluated, all OECM criteria in Annex III of Decision 14/8 must be assessed in considering the prospective OECM. It was noted that more discussion is needed on whether there are any OECM criteria for which a weak assessment implies that further consideration of the area as an OECM cannot proceed. In addition, participants noted that further discussion is needed on how to take governance into account in eligibility for consideration as an OECM.

44. The background document (Garcia *et al.*, 2019) suggested that the OECM criteria in Annex III of Decision 14/8 that are particularly relevant to an initial screening in the context of eligibility would include: A1, B1a, B1b, B2a, B2b, B2c, B2d, B3b, B3c, C1a, C1b, C1c, C1d, and C2b, with other criteria considered at subsequent steps where relevant. The matrix presented in Appendix C (Table C 1) is one way to think about the application of the OECM criteria by steps; however, it could easily be adapted to clearly reflect which types of information can be used to meeting each criterion for given cases.

45. Some participants noted that in evaluating eligibility of IPLC conserved areas and territories for consideration as an OECM, the use of traditional knowledge, fishers' knowledge, existing governance structures and local expertise should be used in each step of the process.

46. In addition to meeting discussions, some participants submitted additional ideas individually towards considerations of the evaluation process, including:

- Recognizing OECMs in a way that is supported by measures to enhance the governance capacity of their legitimate authorities and secure their positive and sustained outcomes for biodiversity and ecosystem services, including policy frameworks and regulations to prevent and respond to threats; and
- Provisions for independent review or an appeals procedure to ensure consistent application of principles and guidance.

Step 3: Document relevant biodiversity features and ecosystem services

47. Participants suggested that step 3 could be done by experts. All OECM criteria should be considered, with possible differences in applicability across governance models. Further, the information available for the discussion will vary greatly within and among governance models. Some participants suggested to thoroughly document biodiversity features that can be directly linked to the implementation of the ABFM.

48. It was also suggested that each case should evaluate OECM criteria C3 (i.e., *in situ* conservation of biological diversity) in this step. Again, it was stressed that, regardless of order evaluated, the assessment must eventually evaluate all the other criteria relevant to this aspect of the overall assessment. Some participants suggested that relevant criteria were as identified in the background document (Garcia *et al.*, 2019), including OECM criteria C1a, C2a, C3, and all of D. Participants did not come to conclusion on whether these evaluations could be “Yes/No” in some cases and/or for some criteria, or whether they must provide a list of biodiversity and ecosystem service features of interest in each case and provide rationale for features identified. Participants noted that the evaluation may also include a description of status and trend (in case of existing measures) for each of the features and ecosystem services described.

49. Various meeting participants raised other elements that could be considered in evaluating biodiversity and ecosystem features in the area under consideration, including:

- Sources of information from processes such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora, IUCN Red List of Threatened Species, Convention on the Conservation of Migratory Species of Wild Animals, etc.;
- Developing a list of the species and habitat feature and ecosystem services that meet Annex III “importance” standard within Decision 14/8. This includes all ecosystem services described by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (Diaz *et al.*, 2015), including social and cultural services and values, with special attention given to factors known or thought to be linked to fisheries. The linkages could be either direct or indirect (e.g., Figure 9 of Staples and Funge-Smith (2009));
- Assessment of the key biodiversity features of importance should use best practices techniques and be appropriate for the amount of data and knowledge available. Possible methods include literature reviews, expert meetings, the Delphi method, spatial mapping, and a number of best practices developed for data poor situations and for collection of Indigenous and local knowledge; and
- Describe biodiversity features likely to be affected (not a complete inventory) by human activities in the area, with priority to for those associated with fishing.

Step 4: Identifying the current pressures and threats⁸ and plausible future pressures and threats to the biodiversity and ecosystem service features of interest

50. This step can be accomplished through conducting a literature review; compiling existing knowledge from scientists, knowledge holders, management authorities and other responsible authorities (e.g. local communities); and engaging with appropriate stakeholder groups. Decision 14/8 refers to the need to consider cross sectoral cooperation in a number of instances.⁹ Ideally, for implementation of this step, the specific biodiversity and ecosystem features that could be threatened are known and have been collated, and the area where relevant potential pressures and threats to the biodiversity and ecosystem service features are found is delineated. There will always be a need for dialogue and consultation with experts knowledgeable of local ecological, economic and social status and, as relevant, planning in the area. A full expert process should only be required if threats are thought to be numerous or complex, and/or the biodiversity features of interest are exposed or vulnerable. Some participants suggested that evaluators conduct the assessment of pressures and threats based on expert knowledge in data-poor situations as well as communities that have specific knowledge about the dangers and risks to biodiversity in an area.

51. Some participants called attention to the Operational Guidance for Identifying ‘Other Effective Area-Based Conservation Measures’ in Canada’s Marine Environment,¹⁰ produced by Fisheries and Oceans Canada, as an example of cross-sectoral cooperation. The guidance includes assurances that an area recognized as an OECM will be protected from all preventable threats, including foreseeable threats, to the

⁸ Although dictionaries clearly distinguish pressures (current forces) from threats (potential forces), the terms have been used somewhat interchangeably as distinctions are not always that transparent. For example, an ongoing fishery is a pressure, by definition. But if it is not conducted responsibly or/and is illegal, unregulated and unreported, then it is a threat to sustainability. Similarly, on-going land-based pollution may be a pressure on coastal OECMs, while tankers wreckage and related oil spills are threats. In addition, pressures and threats can be both natural and anthropogenic in origin. Managers would typically try to minimize negative impacts from anthropogenic pressures to *in situ* biodiversity and the structure and function of ecosystems, while intervening minimally against natural pressures.

⁹ For example, Decision 14/8, Annex I Section II A provides voluntary guidance on steps for enhancing and supporting integration into seascapes, and Section B describes suggested steps for enhancing and supporting the mainstreaming of protected areas and OECMs across sectors, as well as Annex III, Section A (e), (g) and (h).

¹⁰ Fisheries and Ocean Canada, Operational Guidance for Identifying ‘Other Effective Area-Based Conservation Measures’ in Canada’s Marine Environment, www.dfo-mpo.gc.ca/oceans/publications/oeabcm-amcepz/index-eng.html.

extent possible, in reflecting some of the elements contained in Decision 14/8 Annex III, Section A (e), (g) and (h). An example is related to the identification of pressures in the Canadian Guidance, which states:

"No human activities that are incompatible with conservation of the ecological components of interest (the species and habitat(s) identified through criterion #2 and #3 [of the Canadian Guidance]) may occur or be foreseeable within the defined geographic location. Foreseeable activities generally include activities for which a business plan is in place and there is evidence that the proponent is going to conduct the activity (for example applications for leases or permits).

(...)

*The location, management approaches, and size of these future measures will be developed in consultation with provinces, territories, Indigenous groups, stakeholders, and other parties."*¹¹

52. Some participants noted that the OECM criteria relevant to this step include OECM criteria B2a, B2b, B2d, B3a, B3d, C1b, C1c, C1d, C3 (Appendix C). As described in Step 3, it was suggested that OECM criteria C3 must be evaluated for each area being considered and produce clear results, although evaluation of the other criteria may, depending on the specific case, and the details of the evaluation may be highly variable due to availability of information and the magnitude and imminence of the pressure or threat. Some suggested that these evaluations should result in a response of "Yes/No/Partial Yes" (or "incomplete"), and some suggested that a positive evaluation must have a "Yes" for OECM criteria C1b and C1d. The evaluation should provide a description for each threat, either present or imminent/reasonable likely, along with a "Yes" or "Partial Yes" scoring, and a description of the nature of plans to raise a "Partial Yes" to a full "Yes."

Participants discussed the need to enter into co-management or co-governance agreements with other legitimate authorities to ensure activities that are not part of the ABFMs do not undermine the positive biodiversity effects of the measure. When this is not possible, and other activities (other than ABFMs) are pressures or threats, the area cannot be considered an OECM).

53. Other elements proposed by individual participants to be further considered in this step included:

- Specifying measures currently in place to manage the threats and define policy frameworks and regulations in place to prevent and respond to threats;
- Conducting targeted research in areas where there is high uncertainty about the likelihood and/or potential impacts of threats (particularly in data poor areas);
- Considering the threats managed by an ABFM by linking to biodiversity features based on evidence locally, theory, etc.;
- Considering threats not managed by an ABFM, including, other pressures in the biodiversity feature and interaction with fisheries; and
- Providing guidance for submitting data on OECMs.

Step 5: Describe expected benefits to biodiversity and ecosystem services from the potential OECM

54. The initial proposal was for this step to follow Steps 2, 3 and 4 (noting the iterative nature of these, and the possibility of combining these steps as appropriate). The rationale for this was that the area where the biodiversity features and potential pressures and threats to the biodiversity and ecosystem service features would be delineated (Step 2), the specific biodiversity and ecosystem features that are of

¹¹ Ibid.

importance and may be threatened would be known (Step 3), and to the extent possible the threats and pressures that require management in order for the expected biodiversity benefits to be realized would have been identified (Step 4). Mr Rice's presentation at the beginning of Session 4 proposed that this step should typically be done by a diverse and representative expert process, often with multiple iterations as evidence in multiple forms and from diverse knowledge systems is shared and considered. Experts may be added as the understanding of the circumstances change.

55. In order to assess whether an ABFM is playing an important role in conservation of biodiversity and ecosystem functions and services,¹² to safeguard the biodiversity values referred to above, participants discussed how 'compelling' or definitive a case needs to be regarding removal or reduction of identified pressures. How strong a case can be made for a candidate OECM depends on the degree of understanding of the known impact(s) and/or degree of likelihood of future impacts of those pressures on the biodiversity feature(s) (natural assets) of interest, among other things.

56. The baseline for the evaluation of whether an ABFM delivers or could deliver a positive and sustained outcome should be the state of the biological diversity and ecosystem services if the ABFM were not in place (or the 'background' level in the vicinity of the area). In certain cases, a positive biodiversity outcome can be achieved through a careful choice of outcome and indicators; it may be a positive biodiversity outcome for a single species if that species is the one being impacted. In addition, regardless of how many biodiversity and ecosystem service features are intended to benefit from the ABFM, it may not be possible to define an exact baseline based on empirical observations if such observations have not been recorded systematically for an appropriately long time series. Consequently, the baseline for evaluating whether an area meets the OECM criteria may be based on general knowledge about the area under consideration, experience in similar areas elsewhere, scientific meta-analyses, historic data, or information similar case histories. When defining the baseline, the level of compliance (current and expected) with the management measures in question should be taken into account.

57. One proposal discussed was that there do not need to be exact absolute baseline estimates. For example, the performance measures evaluate *relative* status – for example, relative to some starting condition that may be poorly quantified, there is no change or decrease in the condition of the biodiversity feature of interest due to human pressures under control of the management authority within the OECM. As noted above, the key is that the baseline for the OECM evaluation should be the state of the biological diversity and ecosystem services if it were not in place (or the 'background' level in the vicinity of the area).

58. Some meeting participants noted that the OECM criteria should be considered in the context of the quantity and quality of data available, the capacity available to conduct the assessment, the precision of the baseline, and the strength of the evidence across governance models. Further, the information available for an OECM evaluation will vary greatly within and among governance types. Further consideration should be given on how the information that is generated in Step 5 would be integrated with the information on the same criteria that was generated in the other steps.

59. Some participants noted that all relevant OECM criteria require descriptive evaluations. Each description should explain the role of the factor captured by the criterion in making the benefits to biodiversity and ecosystem services "significant" and likely to occur. Interdependencies among the roles

¹² As per CBD Decision 14/8, Annex III, A, (b): *Other effective area-based conservation measures have an important role in the conservation of biodiversity and ecosystem functions and services, complementary to protected areas and contributing to the coherence and connectivity of protected area networks, as well as in mainstreaming biodiversity into other uses in land and sea, and across sectors. Other effective area-based conservation measures should, therefore, strengthen the existing protected area networks, as appropriate.*

captured by different criteria may occur, and should be explained clearly (for example, among OECM criteria B3 and C1). Any shortcomings in the possible effectiveness of any C criteria, which could be strengthened by improvements in a B criteria, should be described.

60. Participants discussed that if the management authority chooses to explore possibilities for improvements in management performance and biodiversity outcomes, the evaluation has to at least revisit Steps 3 and 4 with the revised measure(s) to ensure all answers are still sound, and update those answers where appropriate.

61. Other elements raised by participants to be considered in this step included:

- The evaluation of expected benefits should take into account how key biodiversity and ecosystem service features respond to the ABFM. Possibilities should be explored to fine tune the ABFM to improve the biodiversity and ecosystem service response, if possible. It would also be necessary to explicitly specify what would be necessary for a specific ABFM to achieve sustained biodiversity outcomes in the near future.
- The evaluation should also take into account what consequences the ABFM may have for other ecosystem features and for other sectors, communities, livelihoods and cultures. If consequences for any other properties of the ecosystem and human system are not desired, can the ABFM be tweaked to maintain or improve performance of the ABFM at delivering biodiversity benefits, while reducing the undesirable consequences for other ecosystem or socio-economic features? In such cases, it would be necessary to go at least back to the start of Step 5, and possibly Step 3, to revisit the evaluation steps.
- There is a need to consider how the benefits of the ABFM could be shared by sectors of society (including indigenous peoples and gender considerations). How would the costs and negative outcomes of implementing the ABFM be shared among sectors of society? If any consequences are likely to be inequitable, the ABFM should be revised to improve equity and go back to the start of Step 5.
- The evaluator should investigate what other fisheries management measures (or other sectors) might improve performance of the ABFM in delivering biodiversity benefits. Fisheries managers should work together to improve the performance of multiple ABFMs by increasing the complementarity of measures within and across fisheries.
- The evaluator should investigate what anthropogenic or natural events could disrupt the biodiversity benefits from the ABFM. Depending on exposure and vulnerability to such events, the evaluator should explore which ABFMs are most robust.
- When evaluating direct and indirect benefits to biodiversity and ecosystem services, evaluators should take into consideration a gender approach and cultures and values of all communities, including IPLCs, who could be affected by the ABFM, in accordance with the elements of effective and equitable governance models for protected and conserved areas, which may include:

Appropriate procedures and mechanisms for the full and effective participation of indigenous peoples and local communities, ensuring gender equality in full respect of their rights and recognition of their responsibilities, in accordance with national legislation and in harmonization with their regulatory systems and ensuring legitimate representation, including in the establishment, governance, planning, monitoring and reporting of protected and conserved areas on their traditional territories (lands and waters). (Decision 14/8, Annex II para. 11 (a))

Step 6: Assess the additional properties of OECMs described in Aichi Target 11 and Annex III of CBD Decision 14/8

62. This proposed step builds on the key elements of Target 11, such as connectivity, ecological representativity, and integration into wider seascapes. This step is also in accordance with guidance provided by Decision 14/8 Annex IV C para. 4, which states that “*effective integration of MPAs and OECMs into wider landscapes and seascapes*” could “*accelerate national progress in achieving Aichi Target 11 in marine and coastal areas.*” It, therefore, builds on Annex I of Decision 14/8 on Integration of Protected Areas and Other Effective Area-Based Conservation Measures into Wider Land- and Seascapes and Mainstreaming across Sectors to Contribute, inter alia to the Sustainable Development Goals. These roles are also reinforced in Annex III, A (b), which states that “*OECMs ... play a complementary role to PAs by contributing to the coherence and connectivity of networks as well as in mainstreaming biodiversity into other uses in land and sea, and across sectors.*”

63. Aside from the primary considerations in the paragraph above, participants noted the need to further consider the following in this step:

- Documenting the overall network properties and the role of the ABFM in the overall network of OECMs and MPAs;
- Integrating the ABFM with broader seascape, including fisheries and other sectors; and
- Evaluating the connectivity with networks and representativeness in the context of conservation value, as well as through gender and equity lenses.

Step 7: Document and report on the outcomes of the OECM identification process

64. Participants highlighted that Paragraph 5 of Decision 14/8 encourages Parties and invited other Governments and relevant organizations, in collaboration with IPLCs, to apply the scientific and technical advice on OECMs contained in Annex III. This process includes identifying OECMs within their jurisdictions and submitting data on OECMs to the World Database on Protected Areas (WDPA) for inclusion in a database.¹³ This is distinct from the process through which countries report on progress in implementing Target 11 to the CBD Secretariat. For reporting spatial and descriptive data on OECMs to the WDPA, countries and other data providers can refer to the guidance available at www.wcmc.io/oecm_guidance. Participants suggested that reporting entities could build national-level databases following the format described in the guidance document, in order to facilitate reporting to the WDPA. This could also support national reporting to the CBD Secretariat.

65. Although reporting was not a focal topic of discussion at this stage of the expert meeting, participants brought up the following points for consideration:

- Reporting should not be made overly burdensome.
- The report that comes out of the OECM identification process should be a comprehensive “scientific” or knowledge-based report.
- It would be helpful to clarify the distinction between the reporting process to the CBD and to the UNEP-WCMC WDPA. Reporting to the WDPA’s global OECM database is done via UNEP-WCMC and enables a process through which Target 11 is monitored at global level (in contrast reports to CBD are conducted at the national-level through the CBD national focal points).
- Reporting should include specifying the details of the final proposed measures and expected consequences for the fishery, the ecosystem and society.

¹³ See WDPA Manual, available at www.wcmc.io/WDPA_Manual

- For archiving purposes and to facilitate future re-evaluations, it is desirable to document both the information considered at each step and the reasons or decisions at each step.
 - Decision 14/8, Annex III should be taken into account specifically in the case of IPLC areas based on self-identification and with free, prior and informed consent.
66. The following points were made in reference to OECM reporting in general:
- Reporting demands should provide a strong case for capacity building and technology transfer.
 - Data providers would benefit from having a consistent methodology to follow when developing the OECM identification reports.
 - Evaluators should include evidence for all of the OECM criteria, including the alternative options and trade-offs that have been examined, as well as the conclusions of an assessment, in a final report.

Additional Considerations brought up in Session 4

67. Throughout Session 4, meeting participants brought up a number of considerations that are relevant across steps. The following provides a summary of these discussions.

68. Gender: Gender approaches to help ensure a participatory and inclusive process as possible should be incorporated throughout the procedural steps for the identification and ongoing management of OECMs, and interpreted as part of OECM criterion C1.

69. Related Work on Assessing OECMs: A participant highlighted an existing operational framework aimed to assess the value of ABFMs for marine conservation (Petza *et al.*, 2019). A tailor-made, multi-criteria decision analysis was designed and applied to 516 potential OECMs. These areas were carefully assessed on a case-by-case basis and categorized according to their effectiveness in terms of contributing to marine biodiversity conservation. The official documentation and guidance provided by Decision 14/8 need to be made operational, providing a paradigm to managers and decision makers for assessing the contribution of ABFMs to marine conservation under the OECM concept. Furthermore, a review of the degree of attainment of Target 11 was performed by considering both officially designated MPAs and OECMs in order to assist marine managers and decision makers in the area in their efforts to achieve spatial conservation targets.

70. Regional Fisheries Management Organizations (RFMOs): Participants highlighted that in the context of RFMOs, and in line with the UN General Assembly 61/105 resolution on Sustainable Fisheries¹⁴ and FAO's International Guidelines for the Management of Deep Sea Fisheries in the High Seas (FAO, 2008), the process of adopting spatial management measures to prevent significant adverse impacts from fisheries (e.g., area closures), in particular in relation to Vulnerable Marine Ecosystems (VMEs), is in many cases well established and based on state-of-the-art scientific advice. In some cases, and when fisheries are considered to be the main threat to these ecosystems, the process for recognizing a VME ABFM as an OECM upon the request of relevant authorities could be straightforward. Furthermore, it should be based primarily on the review of existing documentation (technical supporting documents and measures adopted) supporting the original spatial management measure in place.

71. Compiling examples of potential OECMs that may be evaluated on a case by case basis: Participants discussed the usefulness of having fisheries-specific examples of evidence of options and trade-offs have

¹⁴ United Nations General Assembly Resolution 61/105 on Sustainable Fisheries, adopted in December 2006, www.un.org/ga/search/view_doc.asp?symbol=A/RES/61/105&Lang=E

been examined area-based conservation and management measures that could meet the OECM criteria. In addition, it was noted that IPLCs should be involved in identifying and addressing relevant examples. It was noted that examples should inspire and engage stakeholders (e.g., IPLCs, fishers unions, industry, government, civil society), and reflect the complexity of different situations. Participants encouraged FAO to gather examples to the extent possible in the development of OECM guidance for the marine capture fishery sector.

72. The Collation of Case Studies submitted to the IUCN WCPA Task Force on OECMs¹⁵ (especially the first seven cases, but also throughout) was highlighted as a useful source of information, as they include some cases that address fisheries. However, it's important to note that: a) the case studies were published in September 2017; and b) they have not been fact checked (noted on the front cover). This does not necessarily negate the value of the studies as learning experiences; however, the points about full and inclusive engagement of fisheries participants, fisheries managers and especially IPLCs that were stressed in this meeting report would need to be taken into consideration in the use of information from such case studies.

73. Participants discussed the possibility of any future OECM guidance including examples of fisheries measures that could be OECMs to help orient readers on how to evaluate each of the OECM criteria (in the Decision 14/8 Annex III). However, specific examples were not explored due to time constraints during the meeting.

SESSION 5: MONITORING, EVALUATING, AND REPORTING OECMS

74. Session 5 began with a presentation by Mr Kim Friedman on management considerations related to OECMs in the marine capture fishery sector. The presentation reviewed the requirements for management as described in the OECM criteria of Decision 14/8, the role of the manager of an OECM, the identification of biodiversity assets and threats and pressures that may affect the status of those natural assets, and the key tasks and actions that a manager should take for strategic planning and coordination, monitoring and evaluation, reporting and auditing, information management, and periodic communication of management effectiveness. This section focuses on participant discussion on reporting the results of monitoring and evaluation for the purposes of adaptive management, rather than reporting to UNEP-WCMC and the CBD Secretariat, which is covered in Session 4 above.

75. Participants discussed a diverse range of ecological assets (levels of biodiversity and related ecosystem structure and functions, such as fish and coral communities), social values (e.g., livelihoods, cultural services), economic assets (e.g., vessels, landings, effort, etc.), the pressures and threats that impact these assets, and fisheries-related management responses. Within fisheries contexts, monitoring of the broader range of ecosystem components in fisheries varies. In some cases this ecosystems approach entails extensive, multi-method, multi-seasonal observation programs covering a diversity of ecosystem components from mammals to plankton while in other fisheries context monitoring is minimal to non-existent. Given this, some participants noted that existing monitoring programs might already cover the identified biodiversity components of an ABFM that is identified as an OECM, they might need to be strengthened or even established de novo. Participants emphasized that the relevance and applicability of

¹⁵ IUCN-WCPA Task Force on Other Effective Area-Based Conservation Measures, *Collation of Case Studies Submitted to the Task Force* (2016-2017), www.iucn.org/sites/dev/files/content/documents/collation_of_case_studies_submitted_to_task_force_on_oecms_-_september_2017.pdf.

any OECM guidance produced for the marine capture fishery sector will depend on a number of factors, including the local (OECM level) situation, the jurisdiction's capacity to support monitoring, and others. Any sector-specific guidance will need to be context-specific and tailored to the type of fishery, the local community and stakeholders, the range of biodiversity values in question, as well as the governance system(s) in place (e.g., at regional national and local levels).

76. Participants specifically noted the relevance of Decision 14/8 Annex II Section B para. 10:

Good governance implies that potential negative impacts, particularly on the human well-being of vulnerable and natural resource-dependent peoples, are assessed, monitored and avoided or mitigated, and positive impacts enhanced. The governance type and the arrangements for decision-making and implementation need to be tailored to the specific context in such a way as to ensure that rights holders and stakeholders that are impacted by the protected, or conserved, area can participate effectively.

77. Discussions during the meeting centered on a number of key questions related to monitoring, evaluation and reporting relevant to OECMs in the marine fisheries sector. These discussions are summarized below.

Where is monitoring, evaluation and reporting reflected in the CBD OECM decision?

78. Participants noted that direction on responsibility for management of an OECM, including guidance on care taken to ensure the effectiveness of management actions to conserve *in situ* biodiversity (i.e. through monitoring, evaluation and reporting) are found in the OECM criteria (see table Annex 3 Section B) and in related guidance found in Annexes 3C and 4 of Decision 14/8.

79. As described in the session's introductory presentation, monitoring, evaluation and reporting are actions well described in the requirements for consideration of an area when identifying OECMs, and by their very nature such activities are long-term and would be expected to be ongoing beyond the recognition phase of characterizing an area as an OECM. Of particular relevance among the OECM criteria in Annex III are the following:

- *A management system is in place that contributes to sustaining the in situ conservation of biodiversity.* [Criterion B3c]
- *A monitoring system informs management on the effectiveness of measures with respect to biodiversity, including the health of ecosystems.* [Criterion C4b]
- *Processes should be in place to evaluate the effectiveness of governance and management, including with respect to equity.* [Criterion C4c]

80. The presentation and participants also called attention to the guidance provided in Annex IV of Decision 14/8, which is directly applicable to monitoring, evaluation and reporting. Of particular relevance, Annex IV states management should:

- *Conduct threat assessments and use a mitigation hierarchy* (Annex IV section C para. 5 (e)) in order to understand the threats affecting *in situ* biodiversity and mitigation of anthropogenic pressures;
- *Have systems in place to understand the effectiveness of conservation measures by developing clear, reliable, and measurable indicators for assessing the effectiveness of the marine protected areas and other effective area-based conservation measures in achieving their objectives, and for assessing the status of the wider landscape and seascape* (Annex IV section C para. 4 (h));

- Set objectives with related targets in order to *develop a common understanding of what effectiveness means across stakeholder groups, in line with the objectives of the protected/conserved areas* (Annex IV section C para. 3 subsection 4 *Assessment* (b));
- *Make use of existing standards and indicators, and improve the visibility and uptake of various global and regional standards to facilitate common approaches across different scales* (Annex IV section C para. 3 subsection 3(i); see also Annex IV section C subsection 4(c));
- Not carry out monitoring, evaluation and reporting in isolation of surrounding interests by identifying *the policies and management measures in place, including those outside of the protected/conserved areas* (Annex IV section C subsection 3(a));
- *Improve the frequency and accuracy of reporting, including by maximizing the use of existing reporting mechanisms* (Annex IV section C para. 3 subsection 4 *Reporting* (a)); and
- *Ensure that management is effectively informed by reporting and analysis through appropriate feedback mechanisms in order to facilitate adaptive management* (Annex IV section C para. 3 subsection 4 *Reporting* (c)).

Who is responsible for management, including monitoring, evaluation and reporting within an OECM?

81. Annex III of Decision 14/8 states that the “*legitimate governance authority*” (Criterion B2a) has responsibility for the establishment, governance, implementation and management of an OECM. However, participants noted that managers of an OECM in the marine capture fishery sector will need to take care to interact (and coordinate, as appropriate) with other legitimate governance authorities that govern and manage activities that are contributing to conservation, or that are a threat or exhibit pressures on or threats to *in situ* biodiversity in, or in the vicinity of, an OECM.

Monitoring and evaluation frameworks

82. For effective evaluation of OECM performance, participants noted that biodiversity objectives need to be clearly articulated. These may or may not have been originally captured as explicit goals before establishment of an OECM but are a priority for ongoing management. Monitoring, evaluation and reporting offer managers the opportunity to take informed and adaptive action to mitigate risk to biodiversity in an OECM through time.

83. Management responsibility encompasses limiting or removing undesirable local anthropogenic pressures on biodiversity, and where possible, creating or enhancing incentives for responsible choices by those sectors causing the pressures. However, participants noted the cycle of monitoring and adaptive management, and the responsibility for the effectiveness of spatial pressure control measures for species and ecosystems, can only be fully the responsibility of OECM managers for biodiversity when the pressures are: i) limited to the area under the jurisdiction of the responsible manager, and for ii) pressures that can be controlled at the scale of the OECM. Some suggested that pressures and impacts on species that have a range extending outside the OECM (e.g., on migratory species across an EEZ that are listed as an ecological feature within an OECM), or as a result of cross-jurisdictional threats and pressures operating at a larger scale than the OECM (e.g., warming events that are integral to climate change) cannot be the sole responsibility of the fishery manager of an OECM. In these cases, OECM managers could assist larger scale management approaches through the provision of local information on the impacts of those pressures, and mitigation of those pressures in the OECM, where possible.

84. It was suggested that a pressure-state-response framework provides a useful framework for designing and accounting for threats to biodiversity (Smith *et al.*, 2014; FAO, 1999). This kind of framework could facilitate the development of identification of pressures, and their controls, so that managers can attempt to diminish anthropogenic pressures for the benefit of in situ biodiversity within an OECD.

85. Participants suggested FAO should consider including clear descriptions and explanation of best practice monitoring, evaluation and reporting, including an explanation of the definitions (e.g., ecological assets and social values, management objectives, performance indicators, targets, strategies and performance measures) that would be useful in describing management approaches and expectations for OECDs in management planning documentation. Discussions also noted that for ongoing adaptive management, in situ biodiversity properties potentially directly or indirectly impacted by a fishery (or other threats or pressures in the OECD) will need to be well described and monitored in a management context. Discussions noted that this should include both fishery target species and other species or habitat features likely to be impacted directly or indirectly by the ABFM. In addition, species and communities that have special conservation status (e.g., endangered, endemic or rare species) and structural components of the ecosystem (e.g., macroalgae and seagrass communities) should also be incorporated in the monitoring and assessments.

What should be monitored?

86. The focus of these discussions was on which biodiversity outcomes should be monitored for an OECD in the marine capture fishery sector. Setting appropriate objectives related to the ecological assets and social values was considered a primary task. These need to be clearly stated, preferably in the context of a management planning and documentation process that articulates not just these values and objectives (management targets), but also strategies and time specific performance measures that reflect an outcome-based best practice approach from which the effectiveness of management can be better assessed. In advanced fishery systems, the needed information may be available in formal management plans. In more conventional or traditional fishery systems, this information may not always be explicit and could emerge or be strengthened through dedicated participatory meetings.

87. In the context of considering what to monitor, participants referred to Annex III section C subsection 2 (f) of Decision 14/8, which indicates that monitoring should include:

(i) baseline data, such as documentation of the biodiversity values and elements; (ii) ongoing community-based monitoring, and incorporation of traditional knowledge, where appropriate; (iii) monitoring over the long-term, including how to sustain biodiversity and improve in situ conservation; and (iv) monitoring of governance, stakeholder involvement and management systems that contribute to the biodiversity outcomes.

88. Participants also referenced Decision 14/8 Annex II section B para. 10:

Good governance implies that potential negative impacts, particularly on the human well-being of vulnerable and natural resource-dependent peoples, are assessed, monitored and avoided or mitigated, and positive impacts enhanced. The governance type and the arrangements for decision-making and implementation need to be tailored to the specific context in such a way as to ensure that rights holders and stakeholders that are impacted by the protected [or conserved] area can participate effectively.

89. As presented at the beginning of the session, fisheries management, including management of ABFMs, generally includes monitoring, evaluation and reporting as an integral component of 'learning by doing.' Monitoring, evaluation and reporting requirements related to the evolution of an existing ABFM into an OECD, or when new OECD is established, should as far as possible be integrated into existing

programs of all the fisheries whose performance may affect the outcomes of the OECM, and related governance measures, by amending and enhancing practices in place. Participants noted that coherence of strategies should be considered for all three elements (monitoring, evaluation and reporting) in the development of programs to assess the effectiveness of adapted or new management alongside management of the fishery.

90. In cases where existing ABFM monitoring processes are already sufficient to demonstrate positive biodiversity outcomes, participants noted that these processes should continue to be used and/or built upon after the area is identified as an OECM. In other cases, the managers may need to augment the monitoring, evaluation and reporting that was currently being implemented within ABFM, this should be started if the current strategy is insufficient to produce the biodiversity related evidence required by the OECM criteria.

91. Participants added that in other cases, after an area is identified as an OECM, documentation of anthropogenic pressures and their impacts on biodiversity may not be immediately available and it may take a number of years to show how the OECM has reduced pressures and resulted in biodiversity co-benefits, even if fisheries control measures have been in place for some time. This is because actions to limit anthropogenic pressures will not remove the effects of natural and broad scale pressures – or pressures operating on migratory species – therefore, partitioning and recognition of management effects can be difficult to identify without a long time-series of status and pressure records.

How, where, when and how often to monitor?

92. Participants discussed the many ways by which *in situ* biodiversity conservation can be achieved. First, recognition of an area as an OECM can be used as a tool for incentivizing behavior that maximizes benefits for biodiversity. Second, identifying what anthropogenic pressures are acting on biodiversity elements and their impacts on that will be a necessary (recognized) starting point to developing a management approach to avoid, limit or mitigate such impact(s). This approach would facilitate i) the development of strategies to limit or remove pressures on *in situ* biodiversity, and ii) opportunities to measure the effectiveness or likely effectiveness of *in situ* biodiversity conservation.

93. Periodic monitoring of the state of the biodiversity elements and pressures of interest are necessary. In certain circumstances, where fishery pressures are removed and there is high certainty that other threats are absent, close monitoring of pressure controls in, and in the close vicinity of the OECM, could be used and sufficient to describe effectiveness or likely effectiveness of *in situ* biodiversity conservation.

94. Participants noted that as the likely intensity and range of fishery pressures and threats from other sectors increases, proportionately more evidence of *in situ* biodiversity conservation may be required. This is usually achieved through monitoring of *in situ* biodiversity status in addition to, or complementary to, monitoring of pressures, noting that changes in the status of assets and values and of pressures is likely to occur at different timescales.

95. Discussions also reminded participants that there are a range of useful best practice documentation and tools to assist in the establishment and running of monitoring, evaluation and reporting programs, that could be adopted, adapted and implemented, ‘as appropriate.’

96. Participants emphasized that monitoring, evaluation and reporting objectives, and performance measures are highly case-specific, depending on the area in which the OECM will be recognized or established, the key biodiversity values at risk or to be enhanced, the types of threats to be addressed and the governance model in place. Given this, many participants reinforced that generalizations should not be made based on categories of ABFMs.

97. Collection of long-term information on biodiversity status and pressures usually requires indicators that ‘signal’ ecosystem condition and pressures trends through time. Participants suggested that indicators be selected considering a number of scientific and practical (institutional) criteria such as: their responsiveness and sensitivity to the signal of interest; cost and applicability; clarity in the relation between the indicator and the feature for ease of communication to stakeholders.

98. Advice on the periodicity (timing and frequency) and spatial (positioning) considerations of monitoring of both asset and pressure indicators needs to factor in the inherent nature of local threats. Participants noted that the ability to collect informative time-series information that is useful to adaptive management will require managers to consider a range of factors, including but not limited to, the natural distribution, productivity and behavior of species, and the potential for repeat data collection in order to understand long-term trends that can inform management action.

99. Participants also made a number of other suggestions. Since change in natural systems is likely a result of natural and anthropogenic pressures, participants suggested that monitoring, evaluation and reporting programs should be open to adaptation, allowing for adjustments of the sampling design as information is received and understanding builds up. Such adaptations should be cognizant of the need to avoid introducing distortions in signals that reflect long-term trends, such that the signal in the time-series information collected to that point is weakened or becomes discontinuous. The need to attribute signals from monitoring to impacts of the specific fisheries measure means confronting the challenge of attribution of change in complex systems.

100. Collaboration and standardization of data collection and assessment protocols with the monitoring, evaluation and reporting activity taking place in neighboring MPAs, other fisheries, and sectoral/multi-sectoral OECMs offers the potential to pool data for increased power in understanding trends, and in assessing connectivity and representativity within overall conservation setting. Moreover, it was noted that unless fishing is the only anthropogenic pressure being exerted in the area, any biodiversity monitoring incremental to surveys of target fish stocks should be coordinated with the monitoring of these other sectors, to minimize redundancies and maximize the ability to capture status and trends of the key biodiversity features in the wider area.

101. The length of time series datasets that describe the state of biodiversity and relevant pressures is paramount to their ability to enhance understanding and their use for management. Therefore, cost implications and the efficiency of monitoring, evaluation and reporting needs to be taken into account when designing and operationalizing monitoring. Due to the requirement for monitoring, evaluation and reporting activity, and the usual limitation on financial and human resources, the design of monitoring programs should focus on delivering sufficient information for decision-making rather than for longitudinal research. This means monitoring should be directly related to the objectives in the management plan of the fishery and the OECM (Field et al., 2007; Field, Tyre and Possingham, 2005).

102. Due to the broad variety of likely legitimate governance authorities depending on the different governance model as outlined by the CBD (see input above regarding legitimate authorities), there will be a number of approaches to documenting management plans, collecting and evaluating information, and reporting. Particularly in less-developed economies and countries, the documentation may be limited. Capacity development opportunities may be required for establishing and implementing appropriate management programs, including small-scale fisheries and IPLCs, to enable access and voice for such communities to participate and present evidence to operate under these management criteria.

103. In particular, participants made reference to Decision 14/8 Annex II Section B para. 11:
Elements of effective and equitable governance models for protected and conserved areas may include:

(a) Appropriate procedures and mechanisms for the full and effective participation of IPLC, ensuring gender equality in full respect of the rights and recognition of their responsibilities, in accordance with national legislation and in harmonization with their regulatory systems and ensuring legitimate representation, including in the establishment, governance, planning, monitoring and reporting of protected and conserved areas on their traditional territories (lands and waters).

(b) Appropriate procedures and mechanisms for the effective participation of and/or coordination with other stakeholders.

104. Due to the potentially broad range of marine resources beyond fisheries target species that may require management attention, OECMs offer an opportunity to foster cooperation diverse management agencies, sectors and communities. States might consider incentivizing cooperation across sectors.

Reporting feedback from monitoring to management

105. Decisions will also be needed on which aspects of an OECM need to be re-evaluated over time. This information could be included in third party audits of the performance of the OECM. Participants noted that it is important to refer back to the intent of the OECMs and their expected outcomes. When the performance of the OECM is evaluated, there may be a need to evaluate the status of a broad array of ecological, economic and social features, and differences in their priority to different stakeholders and rights-holders. This itself can be challenging. Moreover, participants noted a need to decide how strongly to attribute changes in any of those features to the OECM. This attribution of causality of change in a dynamic socio-ecological system can be very complex, often allowing spurious attribution of causes.

SESSION 6: REVISION OF OECMS AND SELECTED GOVERNANCE ISSUES

Revision of OECMs

106. Session 6 began with a presentation by Mr Jake Rice as the basis of a discussion on how OECMs might be re-evaluated and revised in the future. The presentation covered the expectations on this topic from Annex IV of Decision 14/8 as well as potential triggers that might push a country to re-evaluate an OECM. Lastly, the presentation provided some ideas about what could be looked at when undertaking a re-evaluation. Participants then engaged in discussions, as summarized below, regarding the timing of re-evaluations, triggers for re-evaluation, and which of the OECM criteria should be re-evaluated. Overall, participants noted that although re-evaluation of OECMs may be necessary over time, Decision 14/8 does not provide any specifics on this.

Timing of re-evaluation

107. Participants emphasized that the issue of re-evaluation or revision of an OECM will depend on many of the considerations and processes considered elsewhere in this report. Triggering a re-evaluation of an OECM should not automatically result in a change in its status as an OECM. The key issue is ‘when’ a re-evaluation of an OECM is necessary. Timing of a re-evaluation will likely relate to a change in conditions, or the context of the OECM, that then triggers re-evaluation. As discussed in Annex IV Section D, participants noted that the process of re-evaluation will benefit from the opportunity to learn from the experience of implementing other OECMs, informing how OECMs are re-evaluated in the future. The time interval (which is not specified in Decision 14/8) for re-evaluation, or trigger for re-evaluation, might be based on life-history, context parameters (e.g., unforeseen or planned external changes), or undertaken at

fixed time intervals. Nevertheless, if the OECM arose from a system of fisheries management, it is likely that this management system would *a priori* have a pre-determined timescale for re-evaluation of performance of some of the indicators identified in a monitoring, evaluation and reporting framework. This could provide the basis of a framework for re-evaluation of the OECM. In the same context, participants noted that the response of the biodiversity feature of concern will need to be evaluated, setting a minimum frequency for the time-scale of re-evaluation of this feature that will likely be based on features such as known growth rate of specific species or other life-history parameters.

Triggers of re-evaluation

108. Participants noted that re-evaluation might be triggered through the failure to fulfil any of the OECM criteria in Annex III. Participants discussed five possible triggers for re-evaluation.

Trigger 1: The outcomes of the OECM should be considered as the key criteria for the assessment of an OECM. If that were the case, an evaluator would need for indicators to have adequate sensitivity to detect inadequate performance. Therefore, it would be desirable to test indicators for their sensitivity to aspects of performance at the time that the monitoring programs for OECMs was established.

Trigger 2: The performance on fishery sustainability may be inadequate. Fisheries management plans (FMP) often are changed in a responsive manner, hence it is important to consider what level of change in the FMP would require the OECM to be re-evaluated. A failure in the OECM may require a revision of the FMP.

Trigger 3: Some change has occurred in the environmental context of the OECM and hence requires re-assessment to ensure the OECM criteria are still adequately met (e.g. oceanographic conditions might have changes such that the distribution of species of high priority for biodiversity might have changed, possibly requiring a change in spatial conservation measures).

Trigger 4: Interactions with other economic sectors have changed (e.g., a new proposal for deep sea mining within the area) requiring a re-assessment of the OECM.

Trigger 5: Sudden unforeseen events may affect the condition of the OECM (e.g., a catastrophic oil spill) that could result in sufficient change in the condition of the OECM that it no longer fulfils the OECM criteria.

109. However, some participants suggested that a departure from the performance consistent with any of the OECM criteria would indicate the need for a review and possible revision of the OECM status. This would imply that the status of the OECM against each OECM criterion would need to be tracked. The degree to which this occurs will depend on the nature of the information used in the original assessment, as well as the needs and capability of the relevant authorities. In addition, it would be valuable to have performance indicators identified and tested for sensitivity (Trigger 1) for every criterion when the OECM was identified. In this case, Trigger 6 could be added to the above list and represent an OECM where there is a departure from the performance recorded or expected for each original OECM criterion, which may include changes in governance. For this reason, it may be important to consider developing guidance on reevaluation that relates more specifically to community-based approaches for which there may be less capacity and fewer resources.

110. It was noted that the status of all OECM criteria should be considered, especially in cases where the performance of an OECM against one criterion is linked with its performance on other OECM criteria. For example, if a harvest-control rule was set without sufficient information about its sensitivity to environmental changes, it may not perform adequately under a regime of environmental change.

Against which OECM criteria will a re-evaluation be needed?

111. As a general point, participants noted that Decision 14/8 does not provide guidance on the process of re-evaluation for OECMs. Some participants considered that re-evaluation might only need to be focused primarily on performance against the OECM criteria most important for the delivery of the conservation outcome. For example, it could be that the biodiversity potential of the measure was poorly estimated, the effectiveness of the ABFM originally was over-estimated (i.e., only criteria related to effectiveness would need re-evaluation), the impact of other sectors on the feature of concern was misestimated (i.e., only criteria related to other factors influencing outcomes would need to be reevaluated), or the environmental or social context has changed (again affecting only some of the effectiveness considerations, but not for example management or governance).

112. However, some participants disagreed with this and suggested that there was a need for a more comprehensive approach to refer back to each of the OECM criteria (i.e., when an OECM is implemented it needs to be assessed against all criteria, hence they argued this should apply at re-evaluation). For example, there could be an environmental change that triggers a re-evaluation and the biodiversity criterion might still be met but performance on one of the other OECM criteria (e.g., equity, gender or governance) might also be affected in ways that no longer meet the OECM standards. This assessment will depend on the needs or capability of the relevant authorities, including IPLC.

113. Participants suggested that attempts to re-evaluate OECMs should be timed so that managers can learn from the initial OECM assessment process. Many also suggested that test cases should be identified that can then be used to flush out problems with identifying OECMs in the marine capture fishery sector (e.g., in data rich, data poor under shared governance and local communities and indigenous people governance environments).

Governance issues

114. Session 6 also included a presentation by Mr Serge Garcia regarding selected governance issues that are likely to be important for OECMs in the marine capture fishery sector, including equitable governance of fisheries resources, integration of OECMs into existing marine resource management structures, mainstreaming OECMs in the sector as well as across sectors, legal frameworks for managing marine resources, spatial management issues, and the governance process.

115. Governance is relevant to all aspects of the OECM discussion. Participants discussed what needs to be considered in terms of governance throughout the entire OECM process. The concept and models of governance needs to be clearly stated. Clear distinction is needed between governance (who makes decisions and how made) and management (the actions taken). What governance structures need to be put in place to move on with the OECM? It is important to consider three key components relating to governance: (1) governance type (note that the entirety of Annex II of Decision 14/8 is on this topic), (2) governance processes (who reports to whom); and (3) the operational aspects of fishery management. Participants continuously came back to Annex II of Decision 14/8 where language was included on involving rights-holders and stakeholders in governance.

116. Participants noted in particular that all OECM criteria should be considered in the evaluation of an area for OECM recognition, recognizing that there are likely to be possible differences in applicability across governance models. Further, evaluators should recognize that the information available for the discussion will vary greatly within and among governance models.

117. Participants also noted other relevant concepts that should be included throughout the OECM evaluation process:

- Good governance principles (including equitable governance);
- Gender (to be included as a consideration in all stages of OECM discussions);
- Integration of OECMs in FMPs; OECM/PA networks (seascape); poverty, food and development strategies; EAF;
- Mainstreaming biodiversity in fishery and multi-sectoral situations, and in EEZ;
- Communications (must be appropriate for all audiences, and included in all OECM steps);
- ‘Buy-in’ among local communities (putting an OECM on the map can build local pride, or be a reminder of Colonial injustices which could lead to rejection, depending upon the context);
- Legal considerations (e.g. transboundary, RFMO, flag state);
- Marine spatial planning (e.g., jurisdictional/cross-sectoral, problem of timing and capacity); and
- Transparency (make the process as transparent as possible).

Governance type

118. Discussions at the meeting focused in particular on the different governance types that can govern ABFMs that are ultimately recognized as OECMs. Participants noted in particular that it is important to incorporate the various types of governance of protected areas, as discussed in the COP decision, in particular the four types: (1) government, (2) shared, (3) private, (4) IPLC. It was also noted that different governance arrangements may apply to the same potential OECM. For example, performance of the fishery with regard to biodiversity impacts might be primarily governed by IPLCs, whereas regulation of other sectors also placing pressure on those biodiversity components might be under the authority of governments outside the IPLCs.

119. Participants noted the need to further explore private governance needs in a marine setting, including both the role of private entities and of the government.

120. Participants emphasized that each governance type needs its own particular approaches, but no one was certain whether all OECM criteria needed to be approached differently in each governance type, or if there was a degree of commonality in some or all of the OECM criteria, with varying degrees of uniqueness of governance among the various OECM criteria. It was discussed that where relevant, it is important to secure cooperation and buy-in from the legitimate local governance authority. In the case of IPLCs, it is important they are given the rights to govern their own territories according to the United Nations Declaration on the Rights of Indigenous Peoples. For this, appropriate recognition of tenure rights (e.g., through the OECM evaluation process) can be an enabling mechanism for securing and strengthening the recognition of legitimate authorities (in context of biodiversity conservation). Participants highlighted the importance of FAO’s Voluntary Guidelines on the Responsible Governance of Tenure (FAO, 2014) and SSF Guidelines. Gender considerations are also crucial to include in all governance models.

Multiple sectors

121. Participants noted that a key OECM governance issue lies around interaction with other sectors in an area, including: What level of cross-sectoral integration is needed to make an OECM possible? What kind of governance needs to be in place? What level of governance coordination is needed?

122. Participants noted that there is merit in supporting individual sectors, such as fisheries, to operationalize the OECM concept; however, it was also noted that the legitimate authorities in each sector should communicate and collaborate with other sectors on managing if an OECM is to perform well. There

was a question about what happens if another sector proposes something that can negatively affect an OECM. Participants emphasized that there is a clear need for coordination across sectors. For example, if there is mining in an area, there may be interactions with a fishery-managed OECM. Cooperation among different ministries or sectoral governance bodies with different mandates should be encouraged to collaborate on coherent conservation and management measures in the area, so that another activity does not undermine the effectiveness of an OECM. Participants pointed to Annex II of Decision 14/8, which refers to this in more detail.

123. Transparent coordination and broader action can be necessary for resolving interactions across sectors. This may require a governance mechanism at an appropriate scale. Marine spatial planning and similar approaches can provide best practices to bring sectors together for planning. Having sectors work collectively can enhance a focus on cooperation, and OECMs can be recognized in a more collective and inspiring way. Regardless, it is good to avoid exclusion of sectors in a manner that leads to perverse or negative outcomes.

124. Participants noted that if there is a need for biodiversity conservation, and the only threat, pressure or impact is from one sector, then a sectoral OECM approach is sufficient. However, if multiple sectors are adding threats, pressures or impacts, then coordination is needed. Thus, there is first a need for an analysis of threats, pressures and impacts, and potential interaction across sectors (see Step 4 of Session 4). Furthermore, it is crucial to include communities and user groups, representing people who are not in individual sectors, because such inclusiveness can promote recognition of OECMs in a more collective way, promote effectiveness, and inspire.

125. Note that Annex II of the CBD Decision 14/8 and the background document (Garcia *et al.*, 2019) both have relevant information concerning the issue of dealing with multi-stakeholder processes and governance.

SUMMARY OF SPECIFIC ISSUES IN NEED OF FURTHER DISCUSSION

126. The four-day expert meeting covered a broad spectrum of topics related to OECMs in the marine capture fishery sector. However, at the end of the meeting, participants noted the following outstanding issues that require additional discussion and consideration:

- **Perverse incentives:** Participants noted that, in general, we should avoid creating perverse incentives for recognizing OECMs that do not perform well (e.g. creating an OECM to reduce or eliminate other sectors from an area and not to improve biodiversity, resulting in, for example, a feedback loop whereby removal of one activity promotes an increase in another activity).
- **Making OECMs attractive:** Many participants noted that we need to incentivize the development of OECMs in the marine capture fishery sector in order to encourage fisheries managers to mainstream biodiversity in their work. It is useful to develop mechanisms to publicize the possibility of recognizing and/or establishing OECMs as a potentially attractive option. FAO can support this by providing States with information on the potential for OECMs, and States can be invited to provide suitable information to various stakeholders, notably fishers and fishing organizations. In the case of IPLCs, the information discussed in this process has to be presented in a way that will inform them of the process and issues related to OECMs and fisheries, using appropriate language and materials that will facilitate their active governance or involvement, where appropriate, in the process of recognizing or establishing OECMs.
- **Involvement of various stakeholders:** Participants recognized that this meeting was a first review and discussion on OECMs and fisheries, and that there are different actors that will be able to provide constructive input to further the discussions. It will be necessary to involve and consult

with all these actors, including, for example, RFMOs, small-scale fisheries, civil social organizations and other professional organizations.

- **Developing of an OECM global network:** Participants noted that it would be helpful to develop a global network where regional and local practitioners can connect and learn about, including regional, and local representation, many stakeholders, government, CSOs, and fisheries organizations.
- **Time-bound nature of OECMs:** The CBD Decision 14/8 discusses that OECMs should occur over the “long-term,” but concern was expressed during the expert meeting in regards to the lack of clarity of the meaning of “long-term,” as applied specifically to the marine capture fishery sector. Although the concept was not discussed in detail by the experts during the meeting, information on the topic was provided in the background document (Garcia *et al.*, 2019). Participants noted that further consideration on this topic is needed. It was also noted that Canada’s OECM guidance¹⁶ addresses the issue of long-term duration of OECM implementation, and thus can be referenced as a one example of how to define this concept. Similarly, IUCN (2014) published a document on privately protected areas but with potential applicability to OECMs that delves into the definition of long-term, concluding that it applies when measures for an area have been or will be in place for at least 25 years and where there is an intent to conserve the area in perpetuity (Stolton, Redford and Dudley, 2014).
- **Post-2020 Framework:** At the time of the meeting, a process was underway under the CBD to develop the post-2020 global biodiversity framework, to be adopted at CBD COP 15 in 2020. Although it was not clear at the time of this meeting whether OECMs would be a part of this framework, participants noted that the ongoing work on OECMs provides a valuable source of information and experiences to inform the deliberations on the post-2020 framework and potential inclusion of OECMs in this framework. Future FAO work will need to take any developments in the post 2020-framework into account when developing further guidance on OECMs.

CONCLUSION

127. The global decline of biodiversity has led to an increased desire to implement higher levels of biodiversity protection in fisheries management to safeguard ecosystem processes and mitigate anthropogenic impacts. FAO’s long and well-established history of working to eradicate hunger and achieve food security worldwide has consistently included safeguarding of biodiversity. This is well reflected in FAO’s strategic objectives (i.e., that of making agriculture, forestry and fisheries more productive and sustainable) (FAO, 2019). In many regards, the mission of FAO is complementary to that of the CBD; both have largely the same membership, and both seek to enable conservation, sustainable use and access, and benefit sharing of biodiversity.

128. FAO’s work on area-based management in the marine capture fishery sector was brought to the thirty third Session of the Committee on Fisheries (COFI 33) in July 2018 (COFI/2018/8). In particular in the COFI 33 report, the Committee appreciated the increased cooperation of FAO with relevant entities, notably ... CBD... [para. 76]. The Committee welcomed the support of FAO to the CBD towards achieving the Aichi Biodiversity Targets and FAO participation in the post 2020 vision of CBD. It requested FAO to continue the work concerning area-based management tools and its cooperation with other organizations working on this matter [para. 79].”

¹⁶ Fisheries and Ocean Canada (DFO), Operational Guidance for Identifying ‘Other Effective Area-Based Conservation Measures’ in Canada’s Marine Environment, www.dfo-mpo.gc.ca/oceans/publications/oeabcm-amcepz/index-eng.html.

129. In this vein, FAO has worked closely with the CBD Secretariat on Aichi Target 6 and Aichi Target 11 to assist in delivery of the CBDs Strategic Plan for Biodiversity 2011-2020. Within the context of Target 11, in addition to collaboratively working on conventional protected area issues as requested by the CBD Parties (Decision 14/8 para. 9), FAO is playing a role in assisting countries to help identify OECMs and apply the scientific and technical advice in Decision 14/8. The recognition of OECMs in the marine capture fishery sector is of high relevance to COFI as FAO continues to develop a strategy for mainstreaming biodiversity conservation in the marine capture fishery sector (and as mandated by a number of Statutory bodies including COFI para 102 of the COFI 33 report).

130. A main value of OECMs is that they are available to many sectors, whose first priority is not biodiversity conservation, to facilitate and recognize efforts to further mainstream biodiversity conservation in delivery of their policies and actions. There is an expectation that the establishment and management of OECMs within these sectors, can offer flexibility in more rapidly establishing and implementing spatial measures in areas where biodiversity conservation is a recognized co-benefit. Thus, OECMs represent a great opportunity to widen the authorities and stakeholders who can act in support of biodiversity conservation beyond wildlife and environmental ministries.

131. This report describes a meeting that brought together experts on fisheries and biodiversity conservation to discuss how to operationalize the OECM concept in the marine capture fishery sector. Discussions in the meeting benefited from the broad range of voices invited to have input to the meeting. The organizing committee recognized that a diversity of experts and perspectives were needed to inform discussions on how the fisheries management community could best respond to this new opportunity.

132. The meeting summarized in this report was intended to scope the range of expert and evidence-based views on OECMs in fisheries and, as such, the report does not present any form of meeting “conclusions” or items on which consensus was reached. However, this meeting report does not present a formal conclusion or consensus statement. Instead, it documents the broad range of discussion of the group as a whole, and points on which views generally converge or else needed further information and dialogue. As such, the meeting report aims to consolidate the diverse and extensive knowledge that experts brought to the meeting with regards to OECMs in the marine capture fishery sector. The implementation of OECMs is context specific and the advice emerging from this meeting and informed by the full range of perspectives offered by meeting participants can help support that implementation. FAO will take the lessons from the discussions at this meeting, along with proper stakeholder consultation, to advance its aim of providing consolidated guidance to the marine capture fishery sector on the operationalizing of the OECM definition and criteria outlined by the CBD COP.

133. Participants welcomed the opportunity to exchange of views and experiences with colleagues with such diverse perspectives. Many observations were made that discussions should also be downscaled geographically to bring similarly diverse groups together at regional, national, subnational and local scales, in order to facilitate the uptake of the OECM concept and support effective implementation. Participants noted that these discussions should include managers, policy makers and experts working at a variety of scales and with diverse perspectives and institutional context. In addition, at every scale practical, the discussions should include a full range of rights holders, including IPLCs and other stakeholders. Finally, it was suggested that this process launched with FAO for OECMs the marine capture fishery sector could serve as a potential model to promote the establishment of OECMs in other ocean sectors.

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APPENDIX A

Meeting Agenda

| <u>DAY 1: TUESDAY, MAY 7, 2019</u> | |
|--------------------------------------|---|
| 9:00 – 10:30 am | SESSION 1: OPENING |
| | <ul style="list-style-type: none"> • Welcome addresses: FAO (V. Agostini), CBD (J. Appiott) and IUCN-FEG (S. Garcia) • Self-introduction by participants • Responsibilities: (V. Agostini): co-chairs (FAO, CBD and FEG); Meeting rapporteur: EBCD; Guideline drafters to be nominated, by session. Moderator (G. Bakke); Experts acting on their personal capacity. Decisions by the Expert Group based on consensus. • Organization of the work. (A. Himes-Cornell) Plenary and drafting sessions; Nomination of Rapporteurs; Opening presentations followed by discussions |
| 10:30 – 11:00 am | <i>Coffee break and group photo</i> |
| 11:00 – 12:30 pm | SESSION 2: INTRODUCTION TO THE EXPERTS MEETING |
| | <ul style="list-style-type: none"> • FAO needs and expectations: (V. Agostini): Objectives of the meeting; expected outcomes • The CBD COP Decision 14/8: (J. Appiott): Introduction to the Decision. Expectations from economic sectors and from fisheries; Update on IUCN OECM Task Force Guidelines and other parallel efforts • Implications of OECMs for the marine fishery sector: (S. Garcia). Introduction of the Background Document • Open discussion/feedback (moderated by G. Bakke) |
| 12:30 – 1:30 pm | <i>Lunch</i> |
| 1:30 – 3:00 pm | SESSION 3: OECMS FOUNDATIONS |
| | <ul style="list-style-type: none"> • Reviewing implications for fisheries of the definition, principles and criteria adopted by the CBD COP (S. M. Garcia) • Open discussion |
| 3:00 – 3:30 pm | <i>Coffee break</i> |
| 3:30 – 5:00 pm | OECMs foundations (continued) |
| 5:00 pm | Closing announcements |
| 5:00 – 6:00 pm | Rapporteurs drafting session |
| 7:00 pm | <i>Group drink</i> (optional, Location: TBD) |
| <u>DAY 2: WEDNESDAY, MAY 8, 2019</u> | |
| 9:00 – 9:30 am | Day 1 Review of Session 3 (Rapporteurs) |
| 9:30 – 10:30 am | SESSION 4: IDENTIFYING OECMs |
| | <ul style="list-style-type: none"> • Evaluation of areas for OECM reporting and management (J. Rice) • Open discussion |
| 10:30 – 11:00 am | <i>Coffee break</i> |
| 11:00 – 12:30 pm | Identifying OECMs (continued; Open discussion) |
| 12:30 – 1:30 pm | <i>Lunch</i> |
| 1:30 – 3:00 pm | Identifying OECMs (continued; Open discussion) |

| | |
|-------------------------------------|---|
| 3:00 – 3:30 pm | <i>Coffee break</i> |
| 3:30 – 5:00 pm | Identifying OECMs (continued; Open discussion) |
| 5:00 pm | Closing announcements |
| 5:00 – 6:00 pm | Rapporteurs drafting session |
| DAY 3: THURSDAY, MAY 9, 2019 | |
| 9:00 – 9:30 am | Day 2 Review of Session 4 (Rapporteurs) |
| 9:30 – 10:30 am | SESSION 5: MONITORING, EVALUATION AND REPORTING OECMs <ul style="list-style-type: none"> • Monitoring, evaluation and reporting OECMs (K. Friedman) • Open discussion |
| 10:30 – 11:00 am | <i>Coffee break</i> |
| 11:30 – 12:30 pm | Monitoring, evaluation and reporting OECMs (cont.; Open discussion) |
| 12:30 – 1:30 pm | <i>Lunch break</i> |
| 1:30 – 3:00 pm | Monitoring, evaluation and reporting OECMs (cont.; Open discussion) |
| 3:00 – 3:30 pm | <i>Coffee break</i> |
| 3:30 – 5:00 pm | SESSION 6: REVISION OF OECMS AND SELECTED GOVERNANCE ISSUES <ul style="list-style-type: none"> • Revision of OECMs (J. Rice) • Selected governance issues (S. Garcia) • Open discussion |
| 5:00 pm | Closing announcements and adjourn |
| 5:00 – 6:00 pm | Rapporteurs session organization session |
| 7:00 pm | <i>Group Dinner</i> (optional, Location: TBD) |
| DAY 4: FRIDAY, MAY 10, 2019 | |
| 9:00 – 9:30 am | Day 3 Review of Sessions 5 and 6 (Rapporteurs) |
| 9:30 – 10:00 am | Open discussion on remaining issues |
| 10:00 – 12:30 pm | Final drafting session (Rapporteurs) and submission of reports to the Secretariat |
| 12:30 – 1:30 pm | <i>Lunch</i> |
| 1:30 – 3:00 pm | Review of draft guidance |
| 3:00 – 3:30 pm | COFFEE BREAK |
| 3:30 – 5:00 pm | Review of draft guidance (continued) <ul style="list-style-type: none"> • Adoption of the meeting report |
| 5:00 pm | Closing announcements and adjourn |

APPENDIX B

List of participants

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APPENDIX C**Interaction of the seven procedural steps in identifying OECMs
and the OECM criteria**

134. The meeting participants discussed the complex interaction between the set of seven procedural steps described in Session 4: Identifying OECMs and the OECM criteria described in Decision 14/8 Annex III Section B. Some participants found that it would be useful to fisheries managers to further elaborate on what specifically, in the fisheries context, can be provided to clarify each OECM criterion. For example, what does a fishery manager need to consider to verify that “Management is consistent with the ecosystem approach with the ability to adapt to achieve expected biodiversity conservation outcomes, including long-term outcomes, and including the ability to manage a new threat”? Other participants focused on the procedural steps and which criteria could be assessed at each step. Applicable to both cases, a subset of participants developed the following matrix to help an appropriate authority justify the rationale behind their assessment on how the potential OECM meets each specific criterion. Note that this table is only indicative; in particular, participants emphasized that the items marked in the matrix may not be correct or complete and will in any case depend on the specific context.

135. Some participants suggested a traffic light system for the matrix described here to reflect nuances. This would allow for more than ‘yes’ or ‘no’ answers in certain instances. It was suggested that a traffic light approach could incentivise enhanced conservation and management measures for the recognition of an area as an OECM in cases where an evaluation found individual “Pass/Fail” criteria were only partially or weakly met.

Table C 1. Matrix proposed by a subset of participants linking each criterion in Decision14/8 Appendix III B to the seven procedural steps described in session 4 of this report.

| Criterion A: Area is not currently recognized as a protected area | | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 |
|--|---|-----------------------------------|--------------------|-------------------------------|------------------|------------------------------|-----------------------------|---------------|
| | | Compilation of information | Eligibility | Biodiversity/ecosystem | Threats | Biodiversity benefits | Ancillary properties | Report |
| 1. Not a protected area | (a) The area is not currently recognized or reported as a protected area or part of a protected area; it may have been established for another function. | | ✓ | | | | | |
| Criterion B: Area is governed and managed | | | | | | | | |
| 1. Geographically defined space | (a) Size and area are described, including in three dimensions where necessary. (b) Boundaries are geographically delineated. | | ✓ ✓ | | | ✓ ✓ | | |
| 2. Legitimate governance authorities | (a) Governance has legitimate authority - and is appropriate for achieving <i>in situ</i> conservation of biodiversity within the area; (b) Governance by indigenous peoples and local communities is self-identified in accordance with national legislation and applicable international obligations; (c) Governance reflects the equity considerations adopted in the Convention. (d) Governance may be by a single authority and/or organization or through collaboration among relevant authorities and provides the ability to address threats collectively. | | ✓ ✓ ✓ ✓ | | ✓ ✓ ✓ ✓ | ✓ ✓ ✓ ✓ | | |
| 3. Managed | (a) Managed in ways that achieve positive and sustained outcomes for the conservation of biological diversity. | | | | ✓ | ✓ | | |
| | (b) Relevant authorities and stakeholders are identified and involved in management. (c) A management system is in place that contributes to sustaining the <i>in situ</i> conservation of biodiversity. (d) Management is consistent with the ecosystem approach with the ability to adapt to achieve expected biodiversity conservation outcomes, including long-term outcomes, and including the ability to manage a new threat. | | ✓ ✓ | | | ✓ ✓ ✓ | ✓ | |

| Criterion C: Achieves sustained and effective contribution to <i>in situ</i> conservation of biodiversity | | | | | | | |
|--|--|---|---|---|---|---|---|
| 1. Effective | <p>(a) The area achieves, or is expected to achieve, positive and sustained outcomes for the <i>in situ</i> conservation of biodiversity.</p> <p>(b) Threats, existing or reasonably anticipated ones are addressed effectively by preventing, significantly reducing or eliminating them, and by restoring degraded ecosystems.</p> <p>(c) Mechanisms, such as policy frameworks and regulations, are in place to recognize and respond to new threats.</p> <p>(d) To the extent relevant and possible, management inside and outside the other effective area-based conservation measure is integrated.</p> | ✓ | ✓ | ✓ | ✓ | | |
| 2. Sustained over long term | <p>(a) The other effective area-based conservation measures are in place for the long term or are likely to be.</p> <p>(b) “Sustained” pertains to the continuity of governance and management and “long term” pertains to the biodiversity outcome.</p> | | ✓ | | ✓ | | |
| 3. <i>In situ</i> conservation of biological diversity | <p>(a) Recognition of other effective area-based conservation measures is expected to include the identification of the range of biodiversity attributes for which the site is considered important (e.g. communities of rare, threatened or endangered species, representative natural ecosystems, range restricted species, key biodiversity areas, areas providing critical ecosystem functions and services, areas for ecological connectivity).</p> | | | ✓ | ✓ | ✓ | |
| 4. Information and monitoring | <p>(a) Identification of other effective area-based conservation measures should, to the extent possible, document the known biodiversity attributes, as well as, where relevant, cultural and/or spiritual values, of the area and the governance and management in place as a baseline for assessing effectiveness.</p> <p>(b) A monitoring system informs management on the effectiveness of measures with respect to biodiversity, including the health of ecosystems.</p> <p>(c) Processes should be in place to evaluate the effectiveness of governance and management, including with respect to equity.</p> <p>(d) General data of the area such as boundaries, aim and governance are available information.</p> | ✓ | | | | | ✓ |

| Criterion D: Associated ecosystem functions and services and cultural, spiritual, socio-economic and other locally relevant values | | | | | | | |
|---|--|--|--|---|--|--|--|
| 1. Ecosystem functions and services | (a) Ecosystem functions and services are supported, including those of importance to indigenous peoples and local communities, for other effective area-based conservation measures concerning their territories, taking into account interactions and trade-offs among ecosystem functions and services, with a view to ensuring positive biodiversity outcomes and equity. | | | ✓ | | | |
| | (b) Management to enhance one particular ecosystem function or service does not impact negatively on the sites overall biological diversity. | | | ✓ | | | |
| 2. Cultural, spiritual, socio-economic and other locally relevant values | (a) Governance and management measures identify, respect and uphold the cultural, spiritual, socioeconomic, and other locally relevant values of the area, where such values exist. | | | ✓ | | | |
| | (b) Governance and management measures respect and uphold the knowledge, practices and institutions that are fundamental for the <i>in situ</i> conservation of biodiversity. | | | ✓ | | | |

APPENDIX D

**CBD COP Decision 14/8 on protected areas and other effective
area-based conservation measures**

CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY
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. [Title]

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 Biosphere Programme and its World Network of Biosphere Reserves, for their contribution of protected areas and other effective area-based conservation measures,

Welcoming the upcoming third Latin American and Caribbean Congress of Protected Areas (Lima, March 2019);

Recognizing the work related to socio-ecological production landscapes under the Satoyama Initiative,

1. *Welcomes* the voluntary guidance on integration of protected areas and other effective area-based conservation measures into the wider land- and seascapes and on mainstreaming these into sectors, as well as the voluntary guidance on governance and equity, contained in annexes I and II, respectively, to the present decision;
2. *Adopts* the following definition of "other effective area-based conservation measures":
"Other effective area-based conservation measure" means "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,¹⁷ with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values";
3. *Welcomes* the scientific and technical advice on other effective area-based conservation measures, contained in annex III to the present decision, to be applied in a flexible way and on a case-by-case basis;
4. *Encourages* Parties and *invites* other Governments, relevant organizations, in collaboration with indigenous peoples and local communities, to apply the voluntary guidance contained in annexes I and II, on integration and mainstreaming, and governance and equity of protected areas and other effective area-based conservation measures, as appropriate, in accordance with national circumstances and legislation, and consistent and in harmony with the Convention and other international obligations;
5. *Encourages* Parties and *invites* other Governments, relevant organizations, in collaboration with indigenous peoples and local communities, to apply the scientific and technical advice on other effective area-based conservation measures contained in annex III, also taking into account, where appropriate, the 2016 report of the United Nations Special Rapporteur on the rights of indigenous peoples on the theme "indigenous peoples and conservation"¹⁸ and the 2017 report of the United Nations Special Rapporteur on human rights and the environment,¹⁹ including by:

¹⁷ As defined by Article 2 of the Convention on Biological Diversity and in line with the provisions of the Convention.

¹⁸ Report of the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples, Victoria Tauli-Corpuz ([A/71/229](#)).

¹⁹ Report of the Special Rapporteur of the Human Rights Council on the issues of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John Knox ([A/HRC/34/49](#)).

- (a) Identifying other effective area-based conservation measures and their diverse options within their jurisdiction;
 - (b) Submitting data on other effective area-based conservation measures to the United Nations Environment Programme's World Conservation Monitoring Centre for inclusion in the World Database on Protected Areas;
6. *Encourages* Parties and *invites* other Governments, relevant organizations and indigenous peoples and local communities to take into account the considerations in achieving Aichi Biodiversity Target 11 in marine and coastal areas, as contained in annex IV to the present decision, in their efforts to achieve all elements of Aichi Biodiversity Target 11 in marine and coastal areas;
 7. *Also encourages* Parties and *invites* other Governments, relevant organizations, and indigenous peoples and local communities to share case studies/best practices and examples of management approaches, governance types and effectiveness related to other effective area-based conservation measures, including experiences with the application of the guidance, through the clearing-house mechanism of the Convention and other means;
 8. *Invites* the International Union for Conservation of Nature and the United Nations Environment Programme's World Conservation Monitoring Centre to expand the World Database on Protected Areas by providing a section on other effective area-based conservation measures;
 9. *Invites* the International Union for Conservation of Nature, the Food and Agriculture Organization of the United Nations, 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;
 10. *Requests* the Executive Secretary, subject to available resources, and in collaboration with partners, Parties, other Governments, relevant organizations and indigenous peoples and local communities, to provide capacity-building, including training workshops, to enable the application of the scientific and technical advice and guidance contained in the annexes to the present decision;
 11. *Urges* Parties, and *invites* other Governments, relevant organizations and donors in a position to do so to provide resources for capacity-building and technology transfer, and to support Parties and indigenous peoples and local communities to identify other effective area-based conservation measures and to apply the scientific and technical advice and guidance;
 12. *Urges* Parties to facilitate mainstreaming of protected areas and other effective area-based conservation measures into key sectors, such as, *inter alia*, agriculture, fisheries, forestry, mining, energy, tourism and transportation, and in line with annex I.

Annex I

VOLUNTARY GUIDANCE ON THE INTEGRATION OF PROTECTED AREAS AND OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES INTO WIDER LAND- AND SEASCAPES AND MAINSTREAMING ACROSS SECTORS TO CONTRIBUTE, INTER ALIA, TO THE SUSTAINABLE DEVELOPMENT GOALS

I. CONTEXT

1. The integration of protected areas into wider landscapes, seascapes and sectors is made up of several components. Habitat fragmentation can have profound impacts on the functioning and integrity of complex ecological systems. The rate and extent of fragmentation, especially of forests, is immense. A 2015 study found that 70 per cent of the global forest cover is only within 1 kilometre of a forest edge (such as a road, or converted land use, such as agriculture), reducing biodiversity by as much as 75 per cent and imperilling ecosystem functioning.²⁰ Intact habitat is increasingly recognized as essential for

²⁰ Haddad N.M., Brudvig L.A., Clobert J., Davies K.F., Gonzalez A., Holt R.D., Lovejoy T.E., Sexton J.O., Austin M.P., Collins C.D., Cook W.M., Damschen E.I., Ewers R.M., Foster B.L., Jenkins C.N., King A.J., Laurance

the functioning of larger ecological systems, as well as for ecosystem functions and services, including the cycling of water and carbon, and human health.²¹

2. In the programme of work on protected areas, Goal 1.2 states that “By 2015, all protected areas and protected area systems are integrated into the wider land- and seascape, and relevant sectors, by applying the ecosystem approach and taking into account ecological connectivity and the concept, where appropriate, of ecological networks.” In decision [X/6](#), the Conference of the Parties, among other things, highlighted for Parties the importance of integrating biodiversity into poverty eradication and development, and in decision [XIII/3](#), among other things, stressed the importance of mainstreaming and integrating biodiversity within and across sectors. In decision [X/31](#), the Conference of the Parties, among other things, invited Parties to facilitate the integration of protected areas in national and economic development plans, where they exist.

3. Protected area integration can be defined as: “the process of ensuring that the design and management of protected areas, corridors and the surrounding matrix fosters a connected, functional ecological network.”²² Protected area mainstreaming can be defined as the integration of the values, impacts and dependencies of the biodiversity and ecosystem functions and services provided by protected areas into key sectors, such as agriculture, fisheries, forestry, mining, energy, tourism, transportation, education and health.

4. Protected areas safeguard the biodiversity and ecosystems that underpin the Sustainable Development Goals.²³ Protected areas are especially important in achieving goals related to poverty alleviation, water security, carbon sequestration, climate change adaptation, economic development and disaster risk reduction. Protected areas are an essential strategy for the emerging field of nature-based solutions to various global challenges, such as water security.²⁴ They are particularly important as a nature-based solution for climate mitigation²⁵ and climate adaptation.²⁶ Nature could provide at least a third of climate solutions if the planet is to stay under 1.5° C, and protected areas are an essential strategy for achieving this goal.

5. Despite this, the progress of protected area integration and mainstreaming remains slow, due to the lack of adequate human, financial and administrative resources, among other things, with very few countries identifying specific strategies within their national biodiversity strategies and action plans.²⁷ Urgent action is required by Parties to make progress on both of these aims.

W.F., Levey D.J., Margules C.R., Melbourne B.A., Nicholls A.O., Orrock J.L., Song D-X. and Townshend J.R. 2015. Habitat fragmentation and its lasting impact on Earth’s ecosystems. *Science Advances*: 1(2): e1500052, Mar 2015. www.ncbi.nlm.nih.gov/pmc/articles/PMC4643828/

²¹ Watson, J.E.M., Evans T.D., Venter O. and Williams B. 2018. The exceptional value of intact forest ecosystems. *Nature Ecology and Evolution* 2, 599-610.

²² Ervin, J., K.J. Mulongoy, K. Lawrence, E. Game, D. Sheppard, P. Bridgewater, G. Bennett, S.B. Gidda and P. Bos. 2010. Making Protected Areas Relevant: A guide to integrating protected areas into wider landscapes, seascapes and sectoral plans and strategies. CBD Technical Series No. 44. Montreal, Canada: Convention on Biological Diversity, 94 pp.

²³ See for example CBD. 2016. Biodiversity and the 2030 Agenda. Montreal: Secretariat of the Convention on Biological Diversity. Available at www.cbd.int/development/doc/biodiversity-2030-agenda-policy-brief-en.pdf

²⁴ See for example: United Nations Development Programme. 2018. Nature for water, Nature for life: Nature-based solutions for achieving the Global Goals. New York, UNDP; available at www.natureforlife.world.

²⁵ See Bronson *et al.*, 2017. Natural Climate Solutions. PNAS: 114(44): 11645-11650 available at: www.pnas.org/content/114/44/11645.

²⁶ Dudley, N. *et al.*, 2009. Natural Solutions – Protected Areas: Helping People Cope with Climate Change. Switzerland: IUCN. Available at: www.iucn.org/content/natural-solutions-protected-areas-helping-people-cope-climate-change.

²⁷ See UNDP. 2016. National Biodiversity Strategies and Action Plans: Natural Catalysts for Accelerating Action on Sustainable Development Goals. Interim Report. United Nations Development Programme. December 2016. UNDP: New York, United States of America. 10017, available at: www.cbd.int/doc/nbsap/NBSAPs-catalysts-SDGs.pdf

II. VOLUNTARY GUIDANCE

A. Suggested steps for enhancing and supporting integration into landscapes, seascapes and sectors

- (a) *Review national visions, goals and targets* to ensure that they include elements of integration of protected areas and other effective area-based conservation measures for increasing habitat connectivity and decreasing habitat fragmentation at the landscape and seascape scale;
- (b) *Identify key species, ecosystems and ecological processes* for which fragmentation is a key issue and which can benefit from improved connectivity, including those species, ecosystems and ecological processes that are vulnerable to the impacts of climate change and those species that may shift their range in response to climate change impact;
- (c) *Identify and prioritize important areas to improve connectivity* and to mitigate the impacts of fragmentation of landscapes and seascapes, including areas that create barriers and bottlenecks for annual and seasonal species movement, for various life stages, and for climate adaptation, and areas that are important for maintaining ecosystem functioning (e.g., riverine flood plains);
- (d) *Conduct a national review* of the status and trends of landscape and seascape habitat fragmentation and connectivity for key species, ecosystems and ecological processes, including a review of the role of protected areas and other effective area-based conservation measures, in maintaining landscape and seascape connectivity, and any key gaps;
- (e) *Identify and prioritize the sectors* most responsible for habitat fragmentation, including transportation, agriculture, fisheries, forestry, mining, tourism, energy, infrastructure and urban development, and develop strategies to engage them in developing strategies for mitigating the impacts on protected areas and protected area networks including other effective area-based conservation measures, and areas under active restoration programmes;
- (f) *Review and adapt landscape and seascape plans and frameworks (both within and across sectors), including, for example, land-use and marine spatial plans, and sectoral plans*, such as subnational land-use plans, integrated watershed plans, integrated marine and coastal area management plans, transportation plans, and water-related plans, in order to improve connectivity and complementarity and reduce fragmentation and impacts;
- (g) *Prioritize and implement measures* to decrease habitat fragmentation within landscapes and seascapes and to increase connectivity, including the creation of new protected areas and the identification of other effective area-based conservation measures, as well as indigenous and community conserved areas, that can serve as stepping stones between habitats, the creation of conservation corridors to connect key habitats, the creation of buffer zones to mitigate the impacts of various sectors, to enhance the protected and conserved areas estate, and the promotion of sectoral practices that reduce and mitigate their impacts on biodiversity, such as organic agriculture and long-rotation forestry.

B. Suggested steps for enhancing and supporting the mainstreaming of protected areas and other effective area-based conservation measures across sectors

- (a) *Identify, map and prioritize areas important for essential ecosystem functions and services*, including ecosystems that are important for food (e.g., mangroves for fisheries), for climate mitigation (e.g., carbon-dense ecosystems, such as forests, peatlands, mangroves), for water security (e.g., mountains, forests, wetlands and grasses that provide both surface and groundwater), for poverty alleviation (e.g.,

- ecosystems that provide subsistence, livelihoods and employment), and for disaster risk reduction (e.g., ecosystems that buffer impacts from coastal storms, such as reefs, seagrass beds, floodplains);
- (b) *Review and update sectoral plans* to ensure that the many values provided by protected areas and other effective area-based conservation measures, are recognized and incorporated into sectoral plans;
 - (c) *Develop targeted communications campaigns* aimed at the various sectors, both government and private, that depend upon the biodiversity and ecosystem functions and services provided by protected areas and other effective area-based conservation measures, including agriculture, fisheries, forestry, water, tourism, national and subnational security, development, and climate change, with the objective of increasing awareness of the value of nature for their sectors;
 - (d) *Review and revise existing policy and finance frameworks* to identify opportunities to improve the enabling policy and finance environment for sectoral mainstreaming;
 - (e) *Encourage innovative finance*, including investors, insurance companies and others, to identify and finance new and existing protected areas, and other effective area-based measures and restoration of key degraded protected areas to deliver on essential ecosystem functions and services and promote financial models that promote the sustainability of long-term protected area systems;
 - (f) *Assess and update the capacities required* to improve the mainstreaming of protected areas and other effective area-based conservation measures, including capacities related to creating enabling policy environments, to spatial mapping of essential ecosystem functions and services, and to assessing the multiple values of ecosystem functions and services.

Annex II

VOLUNTARY GUIDANCE ON EFFECTIVE GOVERNANCE MODELS FOR MANAGEMENT OF PROTECTED AREAS, INCLUDING EQUITY, TAKING INTO ACCOUNT WORK BEING UNDERTAKEN UNDER ARTICLE 8(J) AND RELATED PROVISIONS

I. CONTEXT

1. Governance is a key factor for protected areas to succeed in conserving biodiversity and supporting sustainable livelihoods. Enhancing protected area governance in terms of diversity, quality, effectiveness and equity can facilitate the achievement of Aichi Biodiversity Target 11 and help face ongoing local and global challenges.²⁸ The achievement of the coverage, representativeness, connectivity and qualitative elements of Target 11 can be facilitated by recognizing the role and contributions of a diversity of actors and approaches for area-based conservation. Such diversity broadens ownership, potentially promoting collaboration and reducing conflict as well as facilitating resilience in the face of change.

2. Governance arrangements for protected and conserved areas that are tailored to their specific context, socially inclusive, respectful of rights, and effective in delivering conservation and livelihood outcomes tend to increase the legitimacy of protected and conserved areas for indigenous peoples and local communities, and society at large.

²⁸ Several studies, including a recent analysis of 165 protected areas from around the world, have found that those sites where *local people* are directly engaged and benefit from the conservation efforts are more effective with respect to both biodiversity conservation and socio-economic development. Oldekop, J.A., *et al.* (2015). A global assessment of the social and conservation outcomes of protected areas – *Conservation Biology*, 30(1): 133-141.

3. In decision [X/31](#), the Conference of the Parties, among other things, identified Element 2 on governance, participation, equity and benefit-sharing of the programme of work on protected areas as a priority issue in need of greater attention.²⁹ Since then, Parties have gained experience, and methodologies and tools have been developed to assess governance and design action plans. These have led to an increased understanding of essential concepts, particularly equity.³⁰

A. Voluntary guidance on governance diversity

4. The Convention on Biological Diversity and the International Union for Conservation of Nature (IUCN) distinguish four broad governance types for protected and conserved areas according to which actors have authority and a responsibility to make and enforce decisions: (a) governance by government; (b) shared governance (by various actors together³¹); (c) governance by private individuals or organizations (often land owners and in the form of private protected areas (PPAs)); and (d) governance by indigenous peoples and/or local communities (often referred to as territories and areas conserved by indigenous peoples and local communities (ICCAs) or Indigenous Protected Areas (IPAs)).

5. Diversity of governance pertains primarily to the existence of a range of different governance types and sub-types, in terms of both legal provisions and practices, and their complementarity in achieving *in situ* conservation. The concept of governance type is also relevant for the question whether a given type is appropriate to a specific context.³²

6. In line with decisions [VII/28](#) and [X/31](#), this voluntary guidance suggests steps that can be followed in relation to the recognition, support, verification and coordination, tracking, monitoring and reporting of areas voluntarily conserved by indigenous peoples and local communities, private landowners and other actors. Particularly in the case of territories and areas under the governance of indigenous peoples and local communities, such steps should be taken with their free, prior and informed consent, consistent with national policies, regulations and circumstances, and applicable international obligations, and based on respect for their rights, knowledge and institutions. In addition, in the case of areas conserved by private landowners, such steps should be taken with their approval and on the basis of respect for the owners' rights and knowledge.³³

7. Suggested steps for enhancing and supporting governance diversity in national or subnational systems of protected and conserved areas include:

- (a) *Develop a high-level policy or vision statement in consultation with stakeholders that acknowledges a diversity of conservation actors and their contributions to national or subnational systems of protected and conserved areas. Such a statement would help to create the framework for subsequent legislative adaptations. It may also provide encouragement for *in situ* conservation initiatives of actors;*³⁴

²⁹ In this same decision, Parties were invited to establish clear mechanisms and processes for equitable cost and benefit-sharing and for full and effective participation of indigenous and local communities, related to protected areas, in accordance with national laws and applicable international obligations; as well as to recognize the role of indigenous and local community conserved areas (ICCAs) and conserved areas of other stakeholders in biodiversity conservation, collaborative management and diversification of governance types.

³⁰ CBD/SBSTTA/22/INF/8.

³¹ Such as between indigenous peoples and local communities and Governments or between private individuals and Governments.

³² This is because governance type is about which actor or actors are in the lead for initiating the establishment of, and holding of authority and responsibility for, protected or conserved areas and varies with different contexts of tenure and stakeholder aspirations.

³³ Useful guidance includes: [CBD Technical Series No. 64](#), the [United Nations Declaration on the Rights of Indigenous Peoples](#); Sue Stolton, Kent H. Redford and Nigel Dudley (2014). [The Futures of Privately Protected Areas](#). Gland, Switzerland, IUCN.

³⁴ Actors such as subnational governments, local governments, landowners, small farmers, non-governmental organizations and other private entities, and indigenous peoples and local communities.

- (b) *Facilitate the coordinated management of multiple sites* of different governance types to achieve conservation objectives at larger landscape and seascape scales by appropriate means;
- (c) *Clarify and determine the institutional mandates, roles and responsibilities* of all relevant State and non-State actors recognized in the national or subnational protected and conserved areas system, in coordination with other (subnational, sectoral) jurisdictions where applicable;
- (d) *Conduct a system-level governance assessment as a collaborative multi-stakeholder process*. In large part, such an assessment serves as a gap analysis between an existing national or subnational protected area network and the potentially achievable area-based conservation, if areas presently protected or conserved *de facto* by various actors and approaches were recognized, encouraged and supported to take or share responsibility;^{35,36}
- (e) *Facilitate the coordinated monitoring and reporting*, on protected and conserved areas under different governance types by appropriate means and in accordance with national legislation, including to the World Database on Protected Areas, and taking appropriate account of their contributions to the elements of Target 11;
- (f) *Review and adapt the policy, legal and regulatory framework for protected and conserved areas* on the basis of the opportunities identified in the assessment and in line with decision X/31 to incentivize and legally recognize different governance types;³⁷
- (g) *Support and secure the protection status* of the protected and conserved areas under all governance types through appropriate means and strengthen the management of those types of governance;
- (h) *Support national associations or alliances* of protected and conserved areas according to governance types (e.g., ICCA alliance, PPA association) to provide peer support mechanisms;
- (i) *Verify the contribution of such areas* to the overall achievement of the country's system of protected areas in terms of coverage and conservation status by mapping and other appropriate means.

B. Voluntary guidance on effective and equitable governance models

8. Effective and equitable governance models for protected and conserved areas are arrangements for decision-making and implementation of decisions in which “good governance” principles are adopted and applied. Good governance principles should be applied irrespective of governance type. Based on the good governance principles developed by United Nations agencies and other organizations, IUCN has suggested governance principles and considerations for the context of protected and conserved areas as guidance for decisions to be taken and implemented legitimately, competently, inclusively, fairly, with a sense of vision, accountably and while respecting rights.³⁸

9. The concept of equity is one element of good governance. Equity can be broken down into three dimensions: recognition, procedure and distribution: “Recognition” is the acknowledgement of and respect for the rights and the diversity of identities, values, knowledge systems and institutions of rights

³⁵ Useful guidance includes: [IUCN Best Practice Guidelines No. 20](#): Governance of Protected Areas: from Understanding to Action (2013).

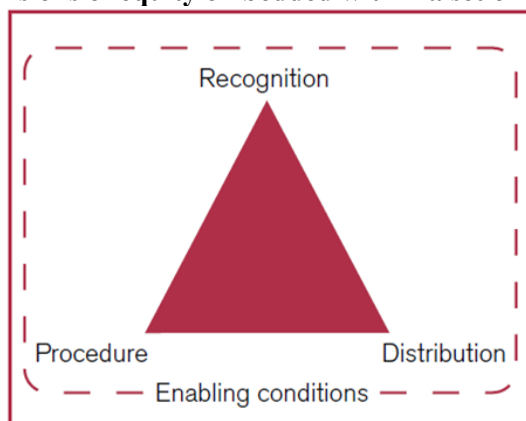
³⁶ Such an assessment also helps identify areas of particular importance for biodiversity, their conservation and protection status, and how and by whom they are governed, indicating opportunities for potential contributions to existing networks. Considerations of economic, social and cultural costs and benefits should be taken into account.

³⁷ A substantial body of guidance as well as experiences from a number of Parties are available for interested Governments and other stakeholders. Useful guidance includes: [CBD Technical Series No. 64](#), Sue Stolton, Kent H. Redford and Nigel Dudley (2014). *The Futures of Privately Protected Areas*. Gland, Switzerland, IUCN; and information document CBD/SBSTTA/22/INF/8.

³⁸ [IUCN Best Practice Guidelines No. 20](#).

holders³⁹ and stakeholders; “Procedure” refers to inclusiveness of rule- and decision-making; “Distribution” implies that costs and benefits resulting from the management of protected areas must be equitably shared among different actors. The figure below shows the three dimensions. A recently developed framework for advancing equity in the context of protected areas^{40,41} proposes a set of principles against which the three dimensions can be assessed.

Figure. The three dimensions of equity embedded within a set of enabling conditions



Source: Adapted from McDermott *et al.* (2013). Examining equity: A multidimensional framework for assessing equity in payments for ecosystem service. *Environmental Science and Policy* 33: 416-427, and Pascual *et al.* (2014). Social equity matters in payments for ecosystem services. *Bioscience* 64(11) 1027-1036.

10. Good governance implies that potential negative impacts, particularly on the human well-being of vulnerable and natural resource-dependent peoples, are assessed, monitored and avoided or mitigated, and positive impacts enhanced. The governance type and the arrangements for decision-making and implementation need to be tailored to the specific context in such a way as to ensure that rights holders and stakeholders that are impacted by the protected area can participate effectively.

11. Elements of effective and equitable governance models for protected and conserved areas may include:

- (a) Appropriate procedures and mechanisms for the full and effective participation of indigenous peoples and local communities,⁴² ensuring gender equality in full respect of their rights and recognition of their responsibilities, in accordance with national legislation and in harmonization with their regulatory systems and ensuring legitimate representation, including in the establishment, governance, planning, monitoring and reporting of protected and conserved areas on their traditional territories (lands and waters);⁴³
- (b) Appropriate procedures and mechanisms for the effective participation of and/or coordination with other stakeholders;

³⁹ In the context of protected areas, “rights holders” are actors with legal or customary rights to natural resources and land, in accordance with national legislation. “Stakeholders” are actors with interest and concerns over natural resources and land.

⁴⁰ Schreckenber, K., *et.al.* (2016): [Unpacking Equity for Protected Area Conservation](#), *PARKS Journal*.

⁴¹ “Protected areas: facilitating the achievement of Aichi Biodiversity Target 11” ([UNEP/CBD/COP/13/INF/17](#)).

⁴² Effective participation of other stakeholders applies to public entities, governing the protected area, whereas coordination with other stakeholders applies to non-state actors, governing the protected area.

⁴³ See also decision [VII/28](#): “notes that the establishment, management and monitoring of protected areas should take place with the full and effective participation of, and full respect for the rights of, indigenous and local communities consistent with national law and applicable international obligations”.

- (c) Appropriate procedures and mechanisms to recognize and accommodate customary tenure and governance systems in protected areas,⁴⁴ including customary practices and customary sustainable use, in line with the Plan of Action on Customary Sustainable Use;⁴⁵
 - (d) Appropriate mechanisms for transparency and accountability, taking into consideration internationally agreed standards and best practices;⁴⁶
 - (e) Appropriate procedures and mechanisms for fair dispute or conflict resolution;
 - (f) Provisions for equitable sharing of benefits and costs, including through:
 - (i) Assessing the economic and sociocultural costs and benefits associated with the establishment and management of protected areas;
 - (ii) Reducing, avoiding or compensating for costs;
 - (iii) Equitably sharing benefits⁴⁷ based on criteria agreed among rights holders and stakeholders;⁴⁸
 - (g) Safeguards that ensure the impartial and effective implementation of the rule of law;
 - (h) A monitoring system that covers governance issues, including impacts on the well-being of indigenous peoples and local communities;
 - (i) Consistency with Articles 8(j) and 10(c) and related provisions, principles and guidelines, including free, prior and informed consent, consistent with national policies, regulations and circumstances, through respecting, preserving, and maintaining the traditional knowledge of indigenous peoples and local communities,⁴⁹ and with due respect for customary sustainable use of biodiversity.
12. Suggested actions that could be taken by Parties to enable and support effective and equitable governance models tailored to their context for protected areas under their mandate include:
- (a) Conduct, in consultation with relevant rights holders and stakeholders, a review of protected area policy and legislation against good governance principles, including equity, and taking into consideration relevant internationally agreed standards and guidance.⁵⁰ Such a review can be conducted as part of a system-level governance assessment;
 - (b) Facilitate and engage in site-level governance assessments in participatory multi-stakeholder processes, take actions for improvement at the site level and draw lessons for the policy level;⁵¹
 - (c) Adapt protected area policy and legislation for their establishment, governance, planning, management and reporting as appropriate on the basis of the review and its results and taking into consideration elements indicated under paragraph 11 above;

⁴⁴ Useful guidance includes: [FAO Voluntary Guidelines on the Responsible Governance of Tenure](#) (2012); [CBD Technical Series No. 64](#).

⁴⁵ Decision [XII/12](#), [annex](#), particularly task III related to protected areas.

⁴⁶ Useful guidance includes: United Nations Economic Commission for Europe, [Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters](#) ("Aarhus Convention").

⁴⁷ Decision [VII/28](#), Suggested Activity 2.1.1; Decision [IX/18](#) A, paragraph 6(e); Decision [X/31](#), paras. 31(a) and 32(d).

⁴⁸ Franks P. *et al.* (2018) Understanding and assessing equity in protected area conservation: a matter of governance, rights, social impacts and human wellbeing. IIED Issue Paper. IIED, London.

⁴⁹ Decision [VII/28](#), Suggested activity 1.1.7 of Goal 1 of the [Programme of Work on Protected Areas](#).

⁵⁰ Useful guidance includes: United Nations Economic Commission for Europe (UNECE) [Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters](#) ("Aarhus Convention"); [FAO Voluntary Guidelines on the Responsible Governance of Tenure](#) (2012); CBD Plan of Action on Customary Sustainable Use (Decision [XII/12](#), [annex](#)); Akwé Kon Guidelines; [United Nations Declaration on the Rights of Indigenous Peoples](#); FAO Voluntary Guidelines on Small-scale Fisheries.

⁵¹ Useful guidance includes: Site-level governance assessment methodology (IIED, forthcoming) – Site-level assessments help to understand governance in practice and to identify options for improvement and/or for better tailoring governance type and decision-making arrangements to the local context.

- (d) Facilitate assessment and monitoring of economic and sociocultural costs and benefits associated with the establishment and management of protected areas, and avoid, mitigate or compensate for costs while enhancing and equitably distributing benefits;⁵²
 - (e) Establish or strengthen national policies for access to genetic resources within protected areas and the fair and equitable sharing of benefits arising from their utilization;⁵³
 - (f) Facilitate and engage in capacity-building initiatives on governance and equity for protected and conserved areas;
 - (g) Facilitate appropriate funding to secure effective participation of all rights holders and stakeholders.
13. Suggested actions that could be taken by other actors governing protected areas to enhance the effectiveness and equity of governance include:
- (a) Conduct site-level governance and equity assessments in ways that are inclusive of rights holders and stakeholders, and take action aimed at improvement;
 - (b) Assess, monitor and mitigate any negative impacts arising from the establishment and/or maintenance of a protected or conserved area and enhance positive ones;⁵⁴
 - (c) Engage in capacity-building initiatives on governance and equity for protected and conserved areas.

Annex III

SCIENTIFIC AND TECHNICAL ADVICE ON OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES

The guiding principles and common characteristics and criteria for identification of other effective area-based conservation measures are applicable across all ecosystems currently or potentially important for biodiversity, and should be applied in a flexible way and on a case-by-case basis.

A. GUIDING PRINCIPLES AND COMMON CHARACTERISTICS

- (a) Other effective area-based conservation measures have a significant biodiversity value, or have objectives to achieve this, which is the basis for their consideration to achieve Target 11 of Strategic Goal C of the Strategic Plan for Biodiversity 2011–2020;
- (b) Other effective area-based conservation measures have an important role in the conservation of biodiversity and ecosystem functions and services, complementary to protected areas and contributing to the coherence and connectivity of protected area networks, as well as in mainstreaming biodiversity into other uses in land and sea, and across sectors. Other effective area-based conservation measures should, therefore, strengthen the existing protected area networks, as appropriate;
- (c) Other effective area-based conservation measures reflect an opportunity to provide *in situ* conservation of biodiversity over the long-term in marine, terrestrial and freshwater ecosystems. They may allow for sustainable human activities while offering a clear benefit to biodiversity conservation. By recognizing an area, there is an incentive for sustaining existing biodiversity values and improving biodiversity conservation outcomes;
- (d) Other effective area-based conservation measures deliver biodiversity outcomes of comparable importance to and complementary with those of protected areas; this includes their contribution to representativeness, the coverage of areas important for biodiversity and associated ecosystem functions and services, connectivity and integration in wider landscapes and seascapes, as well as management effectiveness and equity requirements;
- (e) Other effective area-based conservation measures, with relevant scientific and technical information and knowledge, have the potential to demonstrate positive biodiversity outcomes

⁵² Useful guidance includes: Franks, P and Small, R (2016) Social Assessment for Protected Areas (SAPA). Methodology Manual for SAPA Facilitators. IIED, London.

⁵³ Decision VII/28, Suggested Activity 2.1.6.

⁵⁴ Useful guidance includes: Social Assessment for Protected Areas (SAPA).

by successfully conserving *in situ* species, habitat and ecosystems and associated ecosystem functions and services and by preventing, reducing or eliminating existing, or potential threats, and increasing resilience. Management of other effective area-based conservation measures is consistent with the ecosystem approach and the precautionary approach, providing the ability to adapt to achieve biodiversity outcomes, including long-term outcomes, inter alia, the ability to manage a new threat;

- (f) Other effective area-based conservation measures can help deliver greater representativeness and connectivity in protected area systems and thus may help address larger and pervasive threats to the components of biodiversity and ecosystem functions and services, and enhance resilience, including with regard to climate change;
- (g) Recognition of other effective area-based conservation measures should follow appropriate consultation with relevant governance authorities, land owners and rights owners, stakeholders and the public;
- (h) Recognition of other effective area-based conservation measures should be supported by measures to enhance the governance capacity of their legitimate authorities and secure their positive and sustained outcomes for biodiversity, including, inter alia, policy frameworks and regulations to prevent and respond to threats;
- (i) Recognition of other effective area-based conservation measures in areas within the territories of indigenous peoples and local communities should be on the basis of self-identification and with their free, prior and informed consent, as appropriate, and consistent with national policies, regulations and circumstances, and applicable international obligations;
- (j) Areas conserved for cultural and spiritual values, and governance and management that respect and are informed by cultural and spiritual values, often result in positive biodiversity outcomes;
- (k) Other effective area-based conservation measures recognize, promote and make visible the roles of different governance systems and actors in biodiversity conservation; Incentives to ensure effectiveness can include a range of social and ecological benefits, including empowerment of indigenous peoples and local communities;
- (l) The best available scientific information, and indigenous and local knowledge, should be used in line with international obligations and frameworks, such as the United Nations Declaration on the Rights of Indigenous Peoples, and instruments, decisions and guidelines of the Convention on Biological Diversity, for recognizing other effective area-based conservation measures, delimiting their location and size, informing management approaches and measuring performance;
- (m) It is important that other effective area-based conservation measures be documented in a transparent manner to provide for a relevant evaluation of the effectiveness, functionality and relevance in the context of Target 11.

B. CRITERIA FOR IDENTIFICATION

| Criterion A: Area is not currently recognized as a protected area | |
|--|---|
| Not a protected area | <input type="checkbox"/> The area is not currently recognized or reported as a protected area or part of a protected area; it may have been established for another function. |
| Criterion B: Area is governed and managed | |
| Geographically defined space | <input type="checkbox"/> Size and area are described, including in three dimensions where necessary. <input type="checkbox"/> Boundaries are geographically delineated. |
| Legitimate governance authorities | <input type="checkbox"/> Governance has legitimate authority – and is appropriate for achieving <i>in situ</i> conservation of biodiversity within the area; <input type="checkbox"/> Governance by indigenous peoples and local communities is self-identified in accordance with national legislation and applicable international obligations; <input type="checkbox"/> Governance reflects the equity considerations adopted in the Convention. <input type="checkbox"/> Governance may be by a single authority and/or organization or through collaboration among relevant authorities and provides the ability to address threats collectively. |

| | |
|---|---|
| Managed | <ul style="list-style-type: none"> <input type="checkbox"/> Managed in ways that achieve positive and sustained outcomes for the conservation of biological diversity. <input type="checkbox"/> Relevant authorities and stakeholders are identified and involved in management. <input type="checkbox"/> A management system is in place that contributes to sustaining the <i>in situ</i> conservation of biodiversity. <input type="checkbox"/> Management is consistent with the ecosystem approach with the ability to adapt to achieve expected biodiversity conservation outcomes, including long-term outcomes, and including the ability to manage a new threat. |
| Criterion C: Achieves sustained and effective contribution to <i>in situ</i> conservation of biodiversity | |
| Effective | <ul style="list-style-type: none"> <input type="checkbox"/> The area achieves, or is expected to achieve, positive and sustained outcomes for the <i>in situ</i> conservation of biodiversity. <input type="checkbox"/> Threats, existing or reasonably anticipated ones are addressed effectively by preventing, significantly reducing or eliminating them, and by restoring degraded ecosystems. <input type="checkbox"/> Mechanisms, such as policy frameworks and regulations, are in place to recognize and respond to new threats. <input type="checkbox"/> To the extent relevant and possible, management inside and outside the other effective area-based conservation measure is integrated. |
| Sustained over long term | <ul style="list-style-type: none"> <input type="checkbox"/> The other effective area-based conservation measures are in place for the long term or are likely to be. <input type="checkbox"/> “Sustained” pertains to the continuity of governance and management and “long term” pertains to the biodiversity outcome. |
| <i>In situ</i> conservation of biological diversity | <ul style="list-style-type: none"> <input type="checkbox"/> Recognition of other effective area-based conservation measures is expected to include the identification of the range of biodiversity attributes for which the site is considered important (e.g. communities of rare, threatened or endangered species, representative natural ecosystems, range restricted species, key biodiversity areas, areas providing critical ecosystem functions and services, areas for ecological connectivity). |
| Information and monitoring | <ul style="list-style-type: none"> <input type="checkbox"/> Identification of other effective area-based conservation measures should, to the extent possible, document the known biodiversity attributes, as well as, where relevant, cultural and/or spiritual values, of the area and the governance and management in place as a baseline for assessing effectiveness. <input type="checkbox"/> A monitoring system informs management on the effectiveness of measures with respect to biodiversity, including the health of ecosystems. <input type="checkbox"/> Processes should be in place to evaluate the effectiveness of governance and management, including with respect to equity. <input type="checkbox"/> General data of the area such as boundaries, aim and governance are available information. |
| Criterion D: Associated ecosystem functions and services and cultural, spiritual, socio-economic and other locally relevant values | |
| Ecosystem functions and services | <ul style="list-style-type: none"> <input type="checkbox"/> Ecosystem functions and services are supported, including those of importance to indigenous peoples and local communities, for other effective area-based conservation measures concerning their territories, taking into account interactions and trade-offs among ecosystem functions and services, with a view to ensuring positive biodiversity outcomes and equity. <input type="checkbox"/> Management to enhance one particular ecosystem function or service does not impact negatively on the sites overall biological diversity. |
| Cultural, spiritual, socio-economic and other locally relevant values | <ul style="list-style-type: none"> <input type="checkbox"/> Governance and management measures identify, respect and uphold the cultural, spiritual, socioeconomic, and other locally relevant values of the area, where such values exist. <input type="checkbox"/> Governance and management measures respect and uphold the knowledge, practices and institutions that are fundamental for the <i>in situ</i> conservation of biodiversity. |

C. FURTHER CONSIDERATIONS

1. Management approaches

- (a) Other effective area-based conservation measures are diverse in terms of purpose, design, governance, stakeholders and management, especially as they may consider associated cultural, spiritual, socio-economic, and other locally relevant values. Accordingly, management approaches for other effective area-based conservation measures are and will be diverse;
- (b) In accordance with national legislation and circumstances, and consistent with national policy and regulation, management approaches should consider:
 - (i) Any destabilization of the relationship between indigenous peoples and local communities and wildlife that reside in the protected areas;
 - (ii) The existing governance and equity systems of indigenous peoples and local communities with respect to transboundary protected areas and conservation corridors;
 - (iii) Any conflict of overlap between other effective area-based conservation measures and already existing territories and areas conserved by indigenous peoples and local communities, including their governance systems, with due account being taken of free, prior and informed consent;
- (c) Some other effective area-based conservation measures may be established, recognized or managed to intentionally sustain *in situ* conservation of biodiversity. This purpose is either the primary management objective, or part of a set of intended management objectives;
- (d) Other effective area-based conservation measures may be established, recognized or managed primarily for purposes other than *in situ* conservation of biodiversity. Thus their contribution to *in situ* conservation of biodiversity is a co-benefit to their primary intended management objective or purpose. It is desirable that this contribution become a recognized objective of the management of the other effective area-based conservation measures;
- (e) In all cases where *in situ* conservation of biodiversity is recognized as a management objective, specific management measures should be defined and enabled;
- (f) Monitoring the effectiveness of other effective area-based conservation measures is needed. This could include: (i) baseline data, such as documentation of the biodiversity values and elements; (ii) ongoing community-based monitoring, and incorporation of traditional knowledge, where appropriate; (iii) monitoring over the long-term, including how to sustain biodiversity and improve *in situ* conservation; and (iv) monitoring of governance, stakeholder involvement and management systems that contribute to the biodiversity outcomes.

2. Role in achieving Aichi Biodiversity Target 11

- (a) By definition, other effective area-based conservation measures that fulfil the criteria in Section B, contribute to both quantitative (i.e. the 17% and 10% coverage elements) and qualitative elements (i.e. representativity, coverage of areas important for biodiversity, connectivity and integration in wider landscapes and seascapes, management effectiveness and equity) of Aichi Biodiversity Target 11;
- (b) Since other effective area-based conservation measures are diverse in terms of purpose, design, governance, stakeholders and management, they will often also contribute to other Aichi Biodiversity Targets, targets of the 2030 Agenda for Sustainable Development, and the objectives or targets of other multilateral environmental agreements.⁵⁵

Annex IV

CONSIDERATIONS IN ACHIEVING AICHI BIODIVERSITY TARGET 11 IN MARINE AND COASTAL AREAS

⁵⁵ CBD/PA/EM/2018/1/INF/4 provides many examples of these contributions.

These considerations are based upon discussions at the Expert Workshop on Marine Protected Areas and Other Effective Area-based Conservation Measures for achieving Aichi Biodiversity Target 11 in Marine and Coastal Areas as well as background materials prepared for the workshop (see CBD/MCB/EM/2018/1/3).

A. Unique aspects of the marine environment with relevance to area-based conservation/management measures

1. While there are similar tools and approaches for area-based conservation/management in marine and terrestrial areas, there exist a number of inherent differences between the marine and terrestrial environments that affect the application of area-based conservation measures. These unique aspects include the following:
 - (a) The three-dimensional nature of the marine environment (with maximum depth of almost 11 km in the deep ocean), which is heavily influenced by changes in physicochemical properties, including pressure, salinity and light;
 - (b) The dynamic nature of the marine environment, which is influenced by, for example, currents and tides, and facilitates connectivity among ecosystems and habitats;
 - (c) Nature of habitat fragmentation and connectivity in the marine environment;
 - (d) Lack of visibility and/or remoteness of the features being conserved;
 - (e) Primary production in the marine environment is often limited to the coastal zone for habitat forming species with phytoplankton distributed through the pelagic photic zone, while the standing stock in terrestrial environments is widespread and structural. There is also a higher turnover in the primary production of the marine environment, which varies with annual cycles, tied to temperature and currents;
 - (f) In terrestrial environments, the atmosphere is well mixed at a much broader scale, whereas mixing in marine environments can change within significantly smaller scales;
 - (g) Climate change impacts will affect marine and terrestrial areas very differently, as coastal areas are subject to erosion and storm surge, and protection efforts can be lost as a result of one large weather event. The pervasive impact of ocean acidification can impact the entire standing stock of primary productivity in a marine area, having knock-on effects throughout the food web;
 - (h) Differences in resilience and recovery rates of biodiversity and ecosystems;
 - (i) Differences in approaches and challenges in monitoring and data collection;
 - (j) Potentially different legal regimes for different portions of the same marine areas (e.g., seabed and water column in marine areas beyond national jurisdiction);
 - (k) Frequent lack of clear ownership of specific areas in the marine environment, with multiple users and stakeholders, often with overlapping and sometimes competing interests;
 - (l) Frequent occurrence of multiple regulatory authorities with competence in a given area;
 - (m) Expectation of resource-based “outcomes”: from an economic perspective, area-based conservation measures in the marine environment are expected, in many cases, to improve fishery resources and restore productivity. In terrestrial environments, the focus is largely on protecting animals without the expectation that they can be harvested once populations increase.

B. Main types of area-based conservation measures in marine and coastal areas

2. There exist a number of different types of area-based conservation/management measures that are applied in marine and coastal areas. Such measures can be categorized in different ways and are not necessarily mutually exclusive. These area-based conservation/management measures can be generally categorized as:
 - (a) *Marine and coastal protected areas*: Article 2 of the Convention defines a “protected area” as a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives;

- (b) *Territories and areas governed and managed by indigenous peoples and local communities*: in these types of approaches, some or all of the governance and/or management authority is often ceded to the indigenous peoples and local communities, and conservation objectives are often tied to food security, and access to resources for indigenous peoples and local communities;
- (c) *Area-based fisheries management measures*: these are formally established, spatially defined fishery management and/or conservation measures, implemented to achieve one or more intended fishery outcomes. The outcomes of these measures are commonly related to sustainable use of the fishery. However, they can also often include protection of, or reduction of impact on, biodiversity, habitats, or ecosystem structure and function;
- (d) *Other sectoral area-based management approaches*: there are a range of area-based measures applied in other sectors at different scales and for different purposes. These include, for example, Particularly Sensitive Sea Areas (areas designated by the International Maritime Organization for protection from damage by international maritime activities because of ecological, socioeconomic or scientific significance), Areas of Particular Environmental Interest (areas of the seafloor designated by the International Seabed Authority for protection from damage by deep-seabed mining because of biodiversity and ecosystem structure and function), approaches within national work on marine spatial planning, as well as conservation measures in other sectors.

C. Approaches for accelerating progress towards Aichi Biodiversity Target 11 in marine and coastal areas

3. The following approaches could accelerate national progress in achieving Aichi Biodiversity Target 11 in marine and coastal areas, recognizing that these are not exhaustive and that there are other sources of guidance on these issues:

1. Providing an adequate base of information

- (a) Identify the information that is needed to address qualitative elements, including information on biodiversity, ecosystems and biogeography as well as information on current threats to biodiversity and potential threats from new and emerging pressures;
- (b) Synthesize and harmonize various types of information, with free, prior and informed consent, when this applies to the knowledge of indigenous peoples as appropriate and consistent with national policies, regulations and circumstances, and applicable international obligations, including information on ecologically or biologically significant marine areas (EBSAs), Key Biodiversity Areas (KBAs), vulnerable marine ecosystems (VMEs), Particularly Sensitive Sea Areas (PSSAs), Important Marine Mammal Areas (IMMAs);
- (c) Develop and/or improve mechanism(s) for standardizing, exchanging and integrating information (e.g., clearing-house mechanisms, the Global Ocean Observing System and other monitoring systems).

2. Engagement of rights-holders and stakeholders

- (a) Identify relevant rights-holders and stakeholders, considering livelihoods, cultural and spiritual specificities at various scales;
- (b) Develop and foster communities of practice and rights-holder and stakeholder networks that will facilitate mutual learning and exchange and also support governance, monitoring, enforcement, reporting and assessment;
- (c) Build a common understanding across rights-holders and stakeholders of the objectives and expected outcomes;
- (d) Foster and support strong social and communication skills in managers and practitioners of marine protected areas and other effective area-based conservation measures.

3. *Governance, monitoring and enforcement*

- (a) Identify the policies and management measures in place, including those outside of the protected/conserved areas;
 - (b) Make better use of new developments in open source data (e.g., satellite information) in accordance with national legislation;
 - (c) Build and/or strengthen global monitoring mechanisms and partnerships to reduce the overall costs of monitoring;
 - (d) Engage indigenous peoples and local communities, as well as respected local leaders, in monitoring and enforcement, and enhance the capacity of local communities to conduct monitoring, in accordance with national legislation;
 - (e) Enhance the capacity of scientists to use indigenous and local knowledge, respecting the appropriate cultural contexts;
 - (f) Build the capacities of managers and practitioners;
 - (g) Facilitate collaboration, communication and exchange of best practices among managers and practitioners;
 - (h) Identify gaps and barriers to effective governance and compliance;
 - (i) Make use of existing standards and indicators, and improve the visibility and uptake of various global and regional standards to facilitate common approaches across different scales;
 - (j) Recognize and support the role of indigenous peoples and local communities in governance, monitoring and enforcement, in accordance with national legislation.
4. *Assessing and reporting progress in achieving the qualitative aspects of Aichi Biodiversity*

Target 11

Assessment

- (a) Ensure the appropriate conditions are in place to facilitate assessment and analysis (e.g., legal basis, policies, conservation objectives and expertise);
- (b) Develop a common understanding of what effectiveness means across stakeholder groups, in line with the objectives of the protected/conserved areas;
- (c) Develop clear, reliable and measurable indicators for assessing the effectiveness of the protected/conserved areas in achieving their objectives;
- (d) Develop standardized approaches for assessment across mechanisms/processes;
- (e) Assess protected/conserved areas at the network scale and at the level of individual areas;
- (f) Develop and foster communities of practice to support assessment;

Reporting

- (a) Improve the frequency and accuracy of reporting, including by maximizing the use of existing reporting mechanisms;
 - (b) Enhance the visibility of reporting to encourage analysis by a range of experts across disciplines;
 - (c) Ensure that management is effectively informed by reporting and analysis through appropriate feedback mechanisms in order to facilitate adaptive management;
 - (d) Build the capacity of developing countries to undertake reporting and management effectiveness analyses;
 - (e) Build the political will to support timely and effective reporting, including through specific government commitments for regular and adequate reporting;
 - (f) Engage indigenous peoples and local communities in reporting and assessment;
 - (g) Develop standardized approaches to reporting across mechanisms/processes;
 - (h) Develop and foster communities of practice to support reporting.
4. The following approaches could accelerate national progress in achieving Aichi Target 11 in marine and coastal areas, in particular with regard to ensuring the effective integration of marine protected areas and other effective area-based conservation measures into wider landscapes and seascapes, recognizing that these are not exhaustive and that there are other sources of guidance on these issues:
- (a) Identify how marine protected areas and other effective area-based conservation measures fit into and enhance landscape and seascape planning frameworks, including

marine spatial planning, integrated coastal management, and systematic conservation planning;

- (b) Assess what information is needed and identify the best scale(s) for collecting information, including on: existing legal and policy frameworks; ecological and biological features, and areas of specific conservation interest; uses and activities in the wider landscape and seascape and in specific areas of conservation interest, relevant stakeholders active in or with interest in the wider landscape and seascape, and potential interactions among human uses; cumulative impacts across a range of spatial scales, and responses and resilience/vulnerability of systems to increasing human use and natural forces; and connectivity within and outside the landscape and seascape;
 - (c) Identify available sources of data and information (including traditional and local knowledge), identify information gaps and compile available data, models and other relevant information, and develop and/or improve user-friendly, open-source, efficient and transparent tools for data visualization and integration;
 - (d) Recognize and understand diverse value systems;
 - (e) Ensure the full and effective engagement of indigenous peoples and local communities;
 - (f) Develop a common understanding among stakeholders regarding the objectives of integrating marine protected areas and other effective area-based conservation measures into the wider landscape and seascape;
 - (g) Ensure that all activities are accountable for their impacts, both within and outside marine protected areas and other effective area-based conservation measures;
 - (h) Develop clear, reliable, and measurable indicators for assessing the effectiveness of the marine protected areas and other effective area-based conservation measures in achieving their objectives, and for assessing the status of the wider landscape and seascape;
5. The following are approaches for managing the wider landscape and seascape in order to ensure that marine protected areas and other effective area-based conservation measures are effective, recognizing that these are not exhaustive and that there are other sources of guidance on these issues:
- (a) Develop and/or enhance integrated governance and management to support landscape and seascape planning, and coordinate planning, objective-setting, and governance across geographic scales;
 - (b) Develop and/or refine decision-support tools for landscape and seascape planning;
 - (c) Ensure that relevant legislation is in place and enforced;
 - (d) Understand and assess the status of use and management of the wider landscape and seascape and identify areas in need of enhanced protection;
 - (e) Conduct threat assessments, and use a mitigation hierarchy;
 - (f) Evaluate the relative compatibility and/or incompatibility of existing and proposed uses, as well as the interactions and impacts of broader environmental change (e.g., climate change);
 - (g) Understand conflicts and displacement of livelihoods and identify relevant approaches to provide alternative livelihoods and compensation;
 - (h) Communicate with and involve relevant stakeholders across the wider landscape and seascape in an accessible, effective and appropriate manner;
 - (i) Ensure that planning and management is in line with the range of cultures and value systems in the wider landscape and seascape;
 - (j) Identify and engage local/national leaders and champions;
 - (k) Build and/or enhance capacity to support wider landscape and seascape planning.

D. Lessons from experiences in the use of various types of area-based conservation/management measures in marine and coastal areas

6. The following lessons from experiences in various types of area-based conservation/-management measures in marine and coastal areas were highlighted:

- (a) For various types of area-based conservation/management measures (with differences in area, duration and degree of restriction), performance in terms of protecting biodiversity can be highly variable and is often due to the ecological, socioeconomic, and governance context of the area, and the nature of implementation of the measure;
- (b) Although increases in the area, duration and degree of restriction will generally increase the protection of many biodiversity components, the ecosystem impacts of the human activities displaced by the exclusions may also increase in the areas where those activities continue. Effective overall conservation planning needs to include all these considerations;
- (c) Well-designed and implemented measures can be effective even if the areas are not large and with permanent restrictions, and poorly designed or implemented measures can be ineffective, regardless of their scale;
- (d) Evaluation of the effectiveness of area-based conservation measures should be done on a case-by-case basis, taking into account the characteristics of the measure(s) being implemented and the context in which it is implemented, with shared responsibility;
- (e) The key features of the area to consider in the evaluation of specific applications of an area-based conservation/management measure include:
 - (i) The ecological components of special conservation concern in both the specific area and the larger region, in relation to adjacent ecosystems and how the measure could contribute to their conservation;
 - (ii) The size, duration, extent of restrictions and placement of the area;
 - (iii) The ability of the management authority to implement the measure if adopted, and monitor and provide enforcement in the area while the measure is in place;
 - (iv) The potential contributions the measure could make to benefit local populations and sustainable use, in addition to conservation;
- (f) Important attributes of the context in which the measure would be applied that also should be taken into account in the case-by-case evaluations include:
 - (i) The extent to which the measure was developed within the ecosystem approach, and is well integrated with the other measures being used;
 - (ii) The extent to which the measure was developed using the best scientific information and indigenous and local knowledge available, and an appropriate application of precaution;
 - (iii) The degree of protection that the measure offers to the biodiversity components of high priority, taking into account other actual or potential threats in the same area, and, when relevant, outside the area;
 - (iv) The governance processes leading to development and adoption of the measure, and their implications for compliance and cooperation with the measure;
- (g) It is important that flexibility is provided in order to enable the design of context-specific measures that address more than one outcome objective, rather than relying on prescriptive input requirements;
- (h) It is important that conservation outcomes are supported by strong scientific evidence, and therefore that adequate monitoring and evaluation frameworks are built into the design of area-based conservation/management measures, in order to build reliable evidence that they are achieving conservation outcomes.

The purpose of the expert meeting was to compile a broad range of expert advice on the identification and establishment of OECMs in the marine capture fishery sector, on the basis of CBD COP Decision 14/8. Participants came from a range of organizational contexts. This brought extensive knowledge to the meeting with regards to issues related to OECMs and the potential contribution of various spatial measures to the conservation of biodiversity. The expert meeting considered a range of topics, as follows: (1) the rationale for producing guidance for OECMs in the marine capture fishery sector; (2) definition of an OECM; (3) guiding principles and common characteristics; (4) criteria for identification and evaluation; (5) key concepts and cross-cutting issues in a fisheries context; (6) evaluating areas for inclusion in OECM reporting and management; (7) monitoring, evaluation and reporting; (8) re-evaluation of the OECM; and (9) selected governance issues.

Discussions in the meeting benefited from a broad range of discussion of the group as a whole, and points on which views generally converge or else needed further information and dialogue. The implementation of OECMs is clearly context specific and the advice emerging from this meeting can help support that implementation. FAO will take the lessons learned from discussions at this meeting and consult with additional stakeholders to advance its aim of providing consolidated guidance to the marine capture fishery sector on the operationalizing of the OECM definition and criteria outlined by the CBD COP.

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