

GUIDANCE FOR RECOGNITION AND REPORTING OF OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES (OECMs) UNDER AICHI TARGET 11

OVERVIEW

This document provides members of the Task Force on Other Effective Area-based Conservation Measures (OECMs) the opportunity to provide their views and inputs at a critical stage in the development of practical guidance for the Parties to the Convention on Biological Diversity (CBD), among others. The document draws on inputs from the Cambridge and Vilm workshops, analysis of a range of geographically diverse case studies - with different kinds of governance and management arrangements, and on submissions and discussions with members of the Task Force. It sets out a draft definition of an OECM (**Section 1**), a table with explanation of the definition's core elements and brief descriptions of issues relevant to development of the guidance (**Section 2**) and a draft screening tool to help Parties determine whether areas are OECMs (**Section 3**).

We welcome comments on the draft guidance and invite you to test it against areas with which you are familiar, to see if they *prima facie* pass the tests. We then request you to submit examples of potential OECMs using the table provided in **Section 4**.

Please submit your inputs directly to Kathy MacKinnon and Harry Jonas by **14 October 2016**, advance thanks.

1. DRAFT DEFINITION OF AN OECM AND HOW IT DIFFERS FROM A PROTECTED AREA

OECMs are expected to deliver significant biodiversity outcomes. The following draft definition is proposed for an OECM:

A clearly defined geographical space, beyond the protected areas network, governed and managed in ways that deliver the long-term and effective in-situ conservation of biodiversity and associated ecosystem services and cultural values, regardless of its management objectives.

Comments

2. DRAFT GUIDANCE ON THE CORE ELEMENTS OF THE DEFINITION

The following table provides an explanation of the elements that constitute the definition (**Section 1**), which are referred to in the screening tool (**Section 3**). Participants at the Vilm workshop found it useful to explore the similarities and differences between protected areas and other effective area-based conservation measures (see Vilm meeting report), and for this reason the table below has the following columns:

- **Left-hand column:** The Vilm workshop’s outputs on draft guidance, which have been further developed and reordered.
- **Central column:** IUCN guidance on protected areas (drawn from Dudley, 2008).
- **Right-hand column:** Space for your comments.

Sections within square brackets - [...] - are issues about which we seek particularly focused inputs.

	Draft OECM Guidance	Relevant CBD and IUCN Guidance on Protected Areas	Comments
1. Clearly defined geographical space	<p>OECMs use ‘clearly defined geographical space’ in the same way as the guidance on protected areas.</p> <p>There is no minimum or maximum size: even small areas may promote effective conservation. However, areas should be large enough to achieve the “in-situ conservation of biodiversity”, as defined by the CBD.</p>	<p>Includes land, inland water, marine and coastal areas or a combination of two or more of these. “Space” has three dimensions, e.g., as when the airspace above a protected area is protected from low-flying aircraft or in marine protected areas when a certain water depth is protected or the seabed is protected but water above is not: conversely subsurface areas sometimes are <i>not</i> protected (e.g., are open for mining). “Clearly defined” implies a spatially defined area with agreed and demarcated borders. These borders can sometimes be defined by physical features that move over time (e.g., river banks) or by management actions (e.g., agreed no-take zones).</p> <p>While the size of protected areas varies, they</p>	

		should be large enough to achieve their conservation objectives.	
2. Beyond the protected areas network	<p>Areas that are already designated as protected areas or lie within protected areas should not be counted as OECMs.</p> <p>The guidance should clearly state that protected areas and OECMs are mutually exclusive at any point in time, while noting that both protected areas and OECMs have value for biodiversity conservation, and that some OECMs may be recognised as protected areas over time.</p>	<p>The IUCN definition of a protected area is: A clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.</p> <p>The CBD definition of a protected area is: a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives.</p>	
3. Governed	<p>Like protected areas, OECMs can be governed under a range of governance types, namely: governments, private individuals and organizations, indigenous peoples and/or local communities, or by a combination of the above (shared governance). [The governance authority/ies should have an appreciation of the conservation value of the area, regardless of management objectives.]</p> <p>Governance should strive to be ‘equitable’, and reflect human rights norms.</p>	<p>IUCN envisages four distinct types of governance: governance by governments (at various levels); shared governance (i.e. governance by various rights-holders and stakeholders together); governance by private individuals and organizations; and governance by indigenous peoples and/or local communities.</p>	
4. Managed	<p>The inclusion of the word ‘managed’ specifies that the area is being consciously managed.</p> <p>Unlike protected areas, OECMs do not necessarily require a conservation objective, but there must be a direct causal link between the primary objective(s) of the OECM and a demonstrable</p>	<p>Assumes some active steps to conserve the natural (and possibly other) values for which the protected area was established; note that ‘managed’ can include a decision to leave the area untouched if this is the best conservation strategy.</p>	

	<p>conservation outcome in the long-term.</p> <p>‘Managed’ can include a decision to leave the area untouched. This means that: a) the fact that an area is currently in a natural or near-natural state does not automatically make it an OECM, and b) an area where there is no governance authority or conscious management is not an OECM.</p>		
5. Legal or Effective Means	<p>The definition of an OECM implies ‘effective means’ of control, whether through legal measures or other means (such as customary use) or a combination of these.</p> <p>The degree of control exerted through legal or effective means is sufficient to exclude harmful activities and can be upheld when challenged.¹</p>	<p>Means that protected areas must either be gazetted (that is, recognised under statutory civil law), recognised through an international convention or agreement, or else managed through other effective but non-gazetted means, such as through recognised traditional rules under which community conserved areas operate or the policies of established non-governmental organizations.</p>	
6. Long-term	<p>OECMs are not a short-term or temporary management strategy. OECMs are expected to be long-term and managed in perpetuity.</p> <p>[Query: Would seasonal arrangements (e.g. sites for migratory bird species) qualify as OECMs if the overall habitat-based conservation management framework is long-term and the area generates measurable conservation outcomes?]</p>	<p>Protected areas should be managed in perpetuity and not as a short-term or temporary management strategy. Temporary measures, such as short-term grant-funded agricultural set-asides, rotations in commercial forest management or temporary fishing protection zones are not protected areas as recognised by IUCN.</p>	
7. Effective	<p>OECMs should be effective at achieving the <i>in-situ</i> conservation of [significant] biodiversity (as referenced below). This may include strict</p>	<p>Implies some level of [conservation] effectiveness. Although the PA category will still be determined by objective, management effectiveness will</p>	

¹ Any conservation area can be, and sometimes is, reversed by governments but this does not invalidate the general point made by the statement.

	<p>protection or certain forms of sustainable management consistent with the CBD definitions of “in-situ conservation” and “biodiversity”.</p> <p>Practical steps need to be in place for assessment, monitoring and reporting on OECMs.</p>	<p>progressively be recorded on the World Database on Protected Areas and over time will become an important contributory criterion in identification and recognition of protected areas.</p>	
8. In-situ conservation	<p>OECMs are referenced in Target 11 of the Strategic Plan on Biodiversity as additional and complementary to protected areas.</p> <p>OECMs are expected to conserve ecosystems and habitats and not just focus on measures to protect a single species.</p>	<p>The CBD defines ‘<i>in-situ</i> conservation’ as: the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.</p> <p>IUCN guidance on ‘conservation’ in the context of protected areas is: the <i>in-situ</i> maintenance of ecosystems and natural and semi-natural habitats and of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species (see definition of agrobiodiversity in the Appendix), in the surroundings where they have developed their distinctive properties.</p>	
9. Biodiversity	<p>Given the link between OECMs and conservation outcomes, it is implicit that OECMs achieve the <i>in-situ</i> conservation of [significant] biodiversity.</p> <p>As OECMs are being recognised for their conservation contribution, these conservation values should be described and the benefits tracked over time.</p> <p>[Query: Discussion is required about ‘significant biodiversity’. There are many ways of determining</p>	<p>‘Biodiversity’ is defined by the CBD as: the variability among living organisms from all sources including, <i>inter alia</i>, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems. The CBD further defines ‘ecosystem’ as: a dynamic complex of plant, animal and micro-organism communities and their non-living</p>	

	<p>significance, such as systematic conservation planning, presence of Red List species, and/or Key Biodiversity Areas. Guidelines for when biodiversity has sufficient conservation significance to justify recognition of an OECM still need to be developed.]</p>	<p>environment interacting as a functional unit.</p> <p>IUCN guidance on protected areas references 'nature'. Nature <i>always</i> refers to biodiversity, at genetic, species and ecosystem level, and often <i>also</i> refers to geodiversity, landform and broader natural values.</p> <p>This includes 'associated ecosystem services' which are related to but do not interfere with the aim of nature conservation. These can include provisioning services such as food and water; regulating services such as regulation of floods, drought, land degradation, and disease; supporting services such as soil formation and nutrient cycling; and cultural services such as recreational, spiritual, religious and other non-material benefits.</p>	
10. Ecosystem services	<p>OECMs apply the same definition of 'ecosystem services' as IUCN in relation to protected areas. Management for ecosystem services will be a common driver in the creation of OECMs.</p>	<p>'Ecosystem services' can include provisioning services such as food and water; regulating services such as regulation of floods, drought, land degradation, and disease; supporting services such as soil formation and nutrient cycling; and cultural services such as recreational, spiritual, religious and other non-material benefits.</p>	
11. Associated cultural values	<p>Maintenance of cultural values can be a key mechanism/tool for the delivery of conservation outcomes under OECMs. Management for such values should not interfere with the conservation outcome if the area is recognised as an OECM.</p>	<p>Includes those that do not interfere with the conservation outcome (<i>all</i> cultural values in a protected area should meet this criterion), including in particular: a) those that contribute to conservation outcomes (e.g., traditional management practices on which key species have</p>	

		become reliant); and b) cultural practices that may themselves be under threat.	
12. Regardless of management objectives	<p>For OECMs, the defining criterion is delivery of the effective <i>in-situ</i> conservation of biodiversity, not management objective.</p> <p>If an activity impacts the conservation outcomes of an OECM, the area may cease to be an OECM, regardless of the area's stated objectives.</p>	<p>For IUCN, only those areas where the main objective is conserving nature can be considered protected areas; this can include many areas with other goals as well, at the same level, but in the case of conflict, nature conservation will be the priority.</p> <p>'Dedication' implies specific binding commitment to conservation in the long-term, through e.g.: International conventions and agreements; national, provincial and local law; customary law; covenants of NGOs; private trusts and company policies; and certification schemes.</p>	
13. Recognition and reporting	<p>Potential OECMs will need to be assessed on a site-by-site basis, consistent with their conservation outcome. For example, some areas may potentially qualify as protected areas or OECMs, while other measures may be reported more appropriately against other Aichi targets, such as Target 6.</p> <p>OECMs will be recognised and reported by State governments through national reports.</p> <p>UNEP-WCMC will need to establish a database to record OECMs.</p>	<p>'Recognition' in the definition of a protected area implies that protection can include a range of governance types, including declaration by the state or other parties as well as under traditional ownership or private conservation, but that such sites should be recognised in some way (in particular through reporting to the World Database on Protected Areas – WDPA).</p>	

3. A THREE-STEP APPROACH TO DETERMINING WHETHER AN AREA IS AN OECM

A key challenge for Parties to the CBD and others will be to determine whether areas could be recognised as OECMs under the proposed definition.

To support Parties' decision-making processes, IUCN has developed a simple three-step screening tool, directly linked to the definition in **Section 1** and the explanation of terms in **Section 2**, which is intended as a rapid assessment of whether an area qualifies as a *potential* OECM.

Three key steps:

- **Step 1:** Ensure that the area is not already recorded as a protected area and that Aichi Target 11 is the right focus – other Aichi targets could be more relevant to record area-based efforts to manage biodiversity, such as for example sustainable harvesting.
- **Step 2:** Ensure that the area has the essential conservation characteristics that are associated with an OECM under Target 11. There are four tests in this step and all four must be passed *simultaneously*.
- **Step 3:** Ensure that the conservation outcome can be sustained. This emphasises the difference between current conservation that could disappear overnight if other uses are proposed, and an OECM that can sustain conservation outcomes, over time.

At each step, key tests are posed to help Parties make a determination. The details are provided below and the 'guidance notes' refer to the numbered descriptions in **Section 2**.

Step 1. Ensure that the area is not already recorded as a protected area and that Aichi Target 11 is the right focus

1. The area is neither already recognised as a marine or terrestrial protected area nor does it lie within one ([see guidance note 2](#)).
2. Within the context of reporting to the CBD, ensure Target 11 is the most relevant Aichi biodiversity target, i.e., it achieves the *in-situ* conservation of biodiversity in accordance with the CBD definitions of these terms. There are 20 [Aichi Biodiversity Targets](#), many with area-based approaches. Some site-based approaches will better contribute to the other targets (e.g., Target 6 on sustainable management of fisheries, Target 7 on sustainable agriculture) and are therefore not OECMs.

Step 2. Ensure that the area has the essential conservation characteristics that are associated with an OECM under Target 11

1. **LOCATION:** The area is a clearly defined geographical space. Wider measures for species and/or environment that are not 'area-based', such as species-specific national or regional hunting bans or temporary fishing closures, fail this test ([see guidance note 1](#)).

2. **GOVERNED AND MANAGED:** The area is governed and managed. Areas where there is no governance authority or conscious management are not OECMs (see [guidance notes 3 and 4](#)). Accordingly, an area currently in a natural or near-natural state is not automatically an OECM.
3. **EFFECTIVE, LONG-TERM CONSERVATION:** The area delivers the long-term and effective conservation of nature and associated ecosystem services and cultural values. Areas that deliver conservation outcomes only over the short-term or areas that are *intended* or offer *potential* to conserve nature but do not yet deliver conservation outcomes do not qualify as OECMs (see [guidance notes 6, 7, 8, 9, 10 and 11](#)).
4. **RECOGNITION OF CONSERVATION:** The area need not be dedicated to nature but there must be [recognition of the conservation significance by those managing the area and] a direct causal link between the primary objective(s) of the OECM and a demonstrable conservation outcome in the long-term (see [guidance note 12](#)).

Step 3. Ensure that the conservation outcome can be sustained when challenged

5. **DEGREE OF CONTROL:** The area is managed through legal or other effective means (such as customary use), or a combination of these. The degree of control exerted through legal or effective means is: (i) sufficient to exclude harmful activities, and (ii) can be upheld when (directly or indirectly) challenged (see [guidance note 5](#)).

Areas that pass ALL three steps can be considered to be potential OECMs, subject to empirical evidence/data to support the preliminary assessment. For the avoidance of misinterpretation, the following are major examples of areas that meet neither the above tests nor the intended spirit and nature of OECMs as set out in Aichi Target 11's overarching context and wording:

- Temporary measures focused ultimately on exploitation, such as forest reserves that are intended to be logged at an industrial scale at a later stage, and other similar 'grow/recover and crop/exploit' approaches in other ecosystem types on land and in the ocean,
- Fishery closures with a single species or species group focus, that may be subject to periodic exploitation and/or be defined for stock management purposes, and that do not deliver *in-situ* conservation of biodiversity including the associated ecosystems, habitats and species - such areas should be considered under Aichi Target 6 sustainable fisheries,
- Small, semi-natural areas within an intensively managed landscape, such as field margins or hedgerows, and firebreaks,

- Generally small areas containing limited biodiversity, such as domestic gardens and most municipal parks, recreational beaches, marinas and golf courses,
- Management approaches identified for a single species or group of species of conservation interest, that apply to vast areas of the landscape and seascape; these are better considered as being part of wider species measures (Target 12),
- [Please add]

Comments

4. POTENTIAL OECM CASE STUDY

Please choose an area about which you are knowledgeable that might qualify as an OECM. Then fill in the following form, including testing the area against the draft definition and guidance.

1. Overview	
Name and location of the area	
Brief description, including natural, cultural and social values, and reasons for considering the area as an OECM	
2. Boundaries & Geographical Space	
What size is the area?	
How is the area and its boundaries defined?	
3. Governance Type	
What is the area's governance type, as per the IUCN guidance: i.e. government,	

shared, private or Indigenous peoples/local communities?	
Please describe the governance arrangement in greater detail	
How does the governance of the area promote conservation outcomes?	
4. Permanence	
Is there a legal or other instrument/decision that sets out the area's governance and conservation management arrangements, as well as other factors (below)	
How easily can the instrument/decision be overturned?	
Over what time-frame is the measure in place: long-/medium-/short-term	
Is the measure in place year round or only part of the year? If the latter, which management practices are applied when the measure is not in effect?	
5. Management Objectives	
What are the area's management objectives?	
Is biodiversity conservation an explicit or implicit management objective? Or is there another way of describing the way this issue arises in the area's management?	
If there is an explicit/implicit biodiversity conservation objective, does it take primacy over other objectives in case of conflict?	
Does the measure cover all or most elements of biodiversity in the area or only certain species?	
Is management effectiveness measured? If so, how and what are the results?	
6. Conservation Effectiveness	
Is the area effectively conserving biodiversity and how is conservation effectiveness measured and monitored?	
Irrespective of whether or not the area has conservation objectives, do conservation outcomes take primacy in cases of conflict among objectives, management approaches or activities?	
Is the current effectiveness due to the area's governance and management, or due	

to the fact that damaging activities have not yet taken place?	
7. Assessment	
In relation to the draft guidance (Section 3) and the draft screening tool (Section 4), do you think the area is an OECM? If not, is it a protected area or a measure that contributes to another Aichi target?	
Please add any further comments here. Many thanks.	