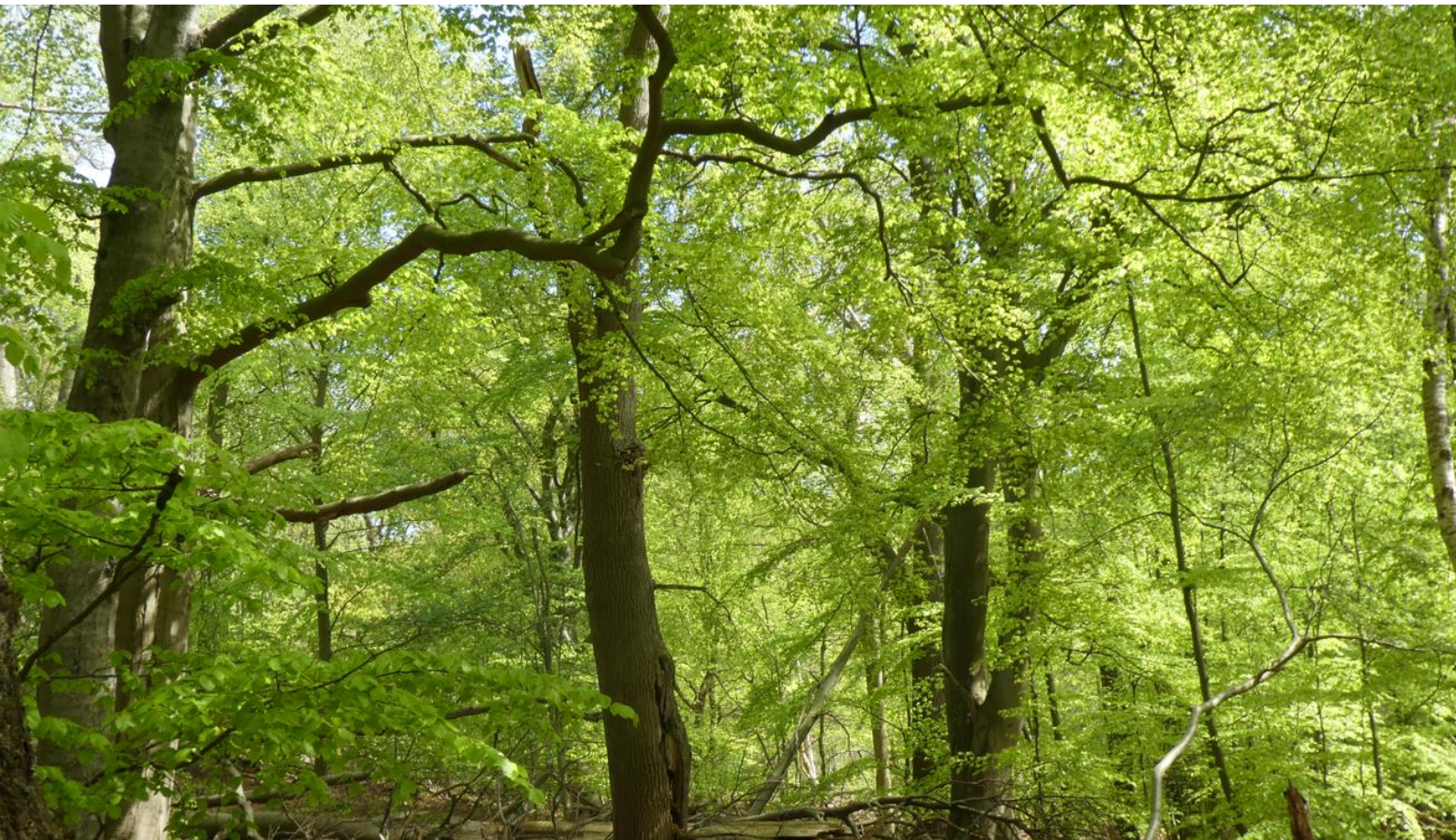




OECCMs in Europe

The way forward for Other Effective Area-based Conservation Measures

Gisela Stolpe, Emily Howland and Jasmin Upton.



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Summary

The following document reports on discussions that took place at a workshop on the role of OECMs in Europe with participants from 24 countries of Europe, the Caucasus and Central Asia in Vilm, Germany in February 2023. The workshop was organised by the Federal Agency for Nature Conservation (BfN), Germany, the European section of the World Commission on Protected Areas (WCPA) and the IUCN Regional Office for Europe with financial support from the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection, Germany (BMUV) and the WCPA.

The meeting reviewed the state of other effective area-based conservation measures (OECMs) in Europe, their potential role within the Kunming-Montreal Global Biodiversity Framework adopted by Parties to the Convention on Biological Diversity, and some of the wider benefits they might offer to European conservation. A range of potential types of OECMs were discussed, with examples, and the opportunities and challenges of marine OECMs were examined in more detail.

A number of strategic recommendations were made, along with guidance on establishing a national process and discussion about the EU approach to OECMs. Some challenges were identified and overall conclusions and recommendations made, including a proposed series of steps for identifying OECMs in Europe.

This is a report on workshop discussions and not a reflection of the authors' views or of their organisations.

The meeting was co-chaired by Kathy MacKinnon, co-chair of the WCPA OECM Specialist Group, and Gisela Stolpe, BfN. Sadly, Kathy passed away suddenly shortly after the meeting leaving behind a vast legacy of practical conservation progress throughout the world.

These proceedings are dedicated to the memory of Kathy MacKinnon.

1. Context

Other effective area-based conservation measures (OECMs) were first mentioned in 2010 as part of Aichi Target 11 of the Strategic Plan 2011–2020 of the Convention on Biological Diversity (CBD).¹ Within this target, parties to the CBD agreed to conserve at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas through effectively and equitably managed, ecologically representative and well connected systems of protected areas and *other effective area-based conservation measures*. However, it was not until 2018 at the 14th CBD Conference of the Parties (COP 14) that CBD Parties adopted a definition and criteria for OECMs.² Subsequently, with support of BfN, IUCN/WCPA published guidance in 2019 on “*Recognising and Reporting OECMs*”³ and the WCPA OECM Specialist Group developed an assessment tool to help determine whether potential important areas for biodiversity meet the criteria of OECMs.⁴

OECMs are anticipated to complement protected areas by providing sustained, positive conservation outcomes, even though they may be managed primarily for other reasons. Whereas protected areas are defined by their primary conservation objectives, OECMs are defined as areas that deliver effective conservation without being protected areas. An OECM is defined by the CBD as:

*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.*⁵

Most OECMs will have biodiversity conservation as either a secondary objective or without being a conscious aim of management at all, as an ancillary objective. OECMs with biodiversity conservation as a primary objective may occur, for example, where Indigenous peoples or local communities decide to conserve an area using traditional practices, but do not wish for their territory or area to be defined as a protected area, which may require formal recognition by the regional or national government. OECMs therefore may be governed by any one of a diverse range of authorities and arrangements, from national and tribal governments to local communities and private entities.

In December 2022, at the 15th Conference of Parties of the CBD, Parties adopted the Kunming-Montreal Global Biodiversity Framework (GBF), which contains four goals and twenty-three targets. Within this, Parties agreed to protect at least 30 per cent of terrestrial and inland water, coastal and marine ecosystems by 2030 through effective networks of protected areas and OECMs, recognising Indigenous and traditional territories.

*Target 3: Ensure and enable that by 2030 at least 30 per cent of terrestrial and inland water areas, and of marine and coastal areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories.*⁶

While there will be opportunities for establishing new protected areas, recognizing and maintaining areas that are already effective in protecting important biodiversity as OECMs will be critical to achieving Target 3. This might also catalyse more inclusive and diverse approaches to achieving Target 3: (i) by accounting for local and indigenous efforts which often fall outside the current scope of conventional protected areas, and (ii) through integrating meaningful conservation actions into sectors not typically associated with the protection of biodiversity.

The European Union already has a large set of protected areas conserved through the Natura 2000 network. The EU has set its own ambitious targets within its Biodiversity Strategy for 2030 (adopted in 2020), where it calls for 30 per cent coverage by protected areas and OECMs in each of its biogeographical regions, of which 10 per cent should be strictly protected.⁷ It also calls for the effective management of all protected areas with clear conservation objectives and measures. Furthermore, the EU has developed a Nature Restoration Law⁸ that should enhance the ecosystem condition of degraded and carbon-rich ecosystems and puts a special focus on agricultural ecosystems as well as rivers and marine ecosystems. Member states were asked to submit pledges by 2023 for new areas to be designated in order to reach new quantitative targets. The additional areas should complete any remaining gaps in the Natura 2000 network, provide additional areas needed for species and habitats not yet considered in the Natura 2000 network (also considering synergies with climate adaptation and mitigation, ecosystem services, etc.) and should improve existing sites by extending them.

With regard to OECMs, based on the EU Biodiversity Strategy, the European Commission published a working document in January 2022:⁹ *“the criteria identified in this document to guide Member States in the designation of additional protected areas should also be used to screen which of the existing protected areas, other than Natura 2000 sites, and other spatial conservation measures that could be considered as OECMs can be counted towards the target in the strategy.”* Section 3.3.2. of the document refers to OECMs as seen by the EC.

IUCN and the German Federal Agency for Nature Conservation (BfN) convened a workshop in February 2023 at the International Academy for Nature Conservation Isle of Vilm, Germany, to discuss progress in and needs for identifying OECMs in Europe and to familiarize participants with existing guidance on assessing potential sites. The workshop also aimed to review the EU approach and to discuss the role of OECMs for conservation in Europe and the EU. It aimed to support national authorities and other relevant organizations to make progress in identifying, reporting and supporting OECMs. It was the first workshop in Europe to deal with this topic.

Forty participants took part in the workshop, representing 24 countries from Europe, the Caucasus and Central Asia (including staff of the European Commission, the European Environment Agency and the United Nations Environment Programme World Conservation Monitoring Centre (see Annex)). The key results of the workshop form the foundation for this discussion paper, which aims to bring the findings and open questions to a wider audience.

2. Status of identifying OECMs in Europe

BfN conducted a non-representative survey in November 2022 on the progress of identifying OECMs in Europe. Experts from 18 countries participated. The survey has shown that very few countries have started or established a proper national process for identifying OECMs. Major reasons indicated for the limited progress were:

- lack of understanding of OECMs and their relevance for conservation in Europe
- lack of knowledge on tools and methods
- no national processes in place
- no political will or priority
- lack of resources.

One of the very few countries that have pioneered OECM identification in Europe is Finland. Finland started with a country report to assess the potential of OECMs as a driver for landscape-level conservation and connectivity in the EU in 2021.¹⁰ Subsequently a process for OECM identification has been developed and conducted on state-owned land (2022) and plans have been developed to expand this process into non-state land from 2023 to 2025. Approximately 4.4 per cent of Finnish state-owned land area has now been identified as potential OECMs (which would bring the “area-based conservation” coverage to 19.6 per cent). None of these potential OECMs are yet confirmed and reported to the Database of Nationally Designated Areas of the European Environment Agency for forwarding to the World Database on OECMs (WD-OECM), hosted at the UN Environment Programme World Conservation Monitoring Centre (UNEP-WCMC).

Within the WD-OECM, Guernsey (a British Crown Dependency) has reported 10 OECMs, all designated in 2016. The addition of these areas alongside reported protected areas increases the national coverage of terrestrial and inland waters by 6.61 per cent.¹¹

No other European country has reported any OECMs to the Nationally Designated Areas database or to the WD-OECM at the time of publication of this paper. However, the European Environment Agency is in the process of adjusting the Nationally Designated Areas data collection to facilitate reporting of OECMs in a clearer way for those countries who have identified them at national level.

The **Convention on the Protection of the Marine Environment of the Baltic Sea Area** – also known as the Helsinki Convention (HELCOM) - has developed a common understanding among member states of the OECM concept including criteria for OECMs and a decision tree,¹² which should now be applied by member states to identify marine OECMs in the Baltic by 2025. The criteria are based on CBD and EU guidance. In addition, the OSPAR Commission of the Oslo-Paris Convention for the North East Atlantic has started a process to develop OECM guidance.¹³ Finland has already started a process to identify marine OECMs based on the HELCOM criteria, under the EU-funded Biodiversea LIFE-IP project.¹⁴

In the EU, the European Commission has developed its own understanding and guidance on OECMs and has proposed some additional restrictions on what does and does not count as an OECM. These are examined in greater detail in Chapter 9.

3. Potential role of OECMs in reaching the quantitative area targets in Europe

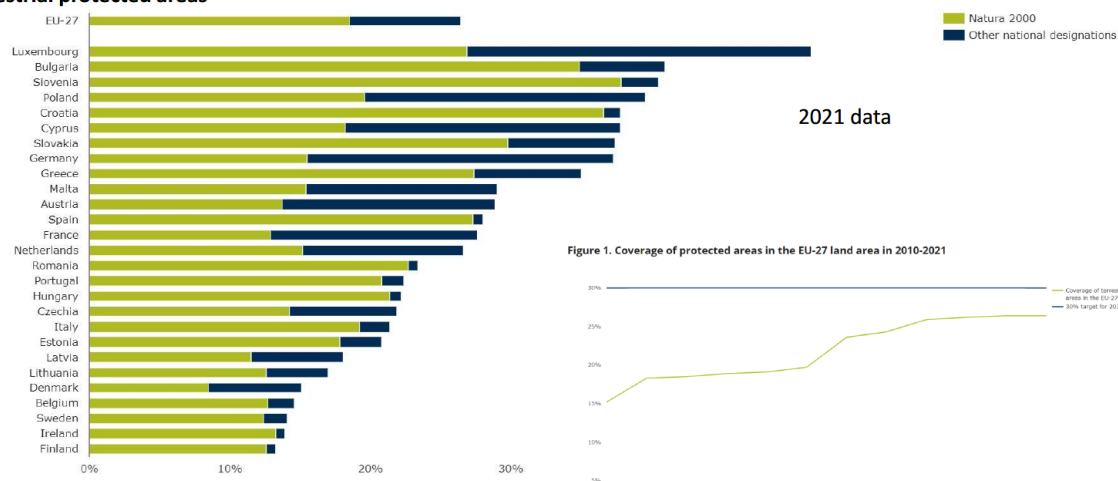
The EU already has its Natura 2000 network, a network of nature protection areas made up of Special Areas of Conservation and Special Protection Areas designated under the Habitats Directive and Birds Directive, respectively. With this and some additional protected areas outside Natura 2000, the EU has an existing ecologically representative and extensive network of protected areas,¹⁵ with some gaps still remaining in marine areas. The 2021 data of the European Environment Agency show that nine countries have already reached the 30 per cent target. For these countries that are already doing well in terms of coverage, OECMs might be less of a priority but still useful in achieving the quality aspects of the Target. However, in the pledge process the EU asks member states to report which protected areas should be counted towards the 30 per cent target, which might result in some areas not being reported in the future. Germany for instance has so far reported only around 16 per cent protected area coverage towards that target (which is far less than what is in the WDPA for Germany). It will report a few more in a second round, but less than what is in the WDPA for Germany.¹⁶

If other countries also critically review their protected area estate and report only those protected areas that align with the protected area definition to the EU, this could enhance the potential role of OECMs for achieving the 30 per cent target in the region as there may be more sites that are important for biodiversity that fall outside of protected areas. Seven EU countries have less than 20 per cent protected area coverage. For them, OECMs might be particularly relevant. However, it should also be noted that the Kunming-Montreal Global Biodiversity Framework considers the 30 per cent target as a global target, and not a national target, though many countries are setting national 30 per cent coverage targets that will contribute to both national and global goals. The EU Biodiversity Strategy for 2030 sets out a 30 per cent coverage target for each biogeographical region. Each country's contribution to the target will therefore vary based on their conservation values. Some countries with high conservation value or biogeographical representation will likely protect much more than 30 per cent to support the achievement of the various elements of Target 3 and of regional and global targets.

OECMs can be key to helping countries to recognise other existing conservation efforts and to ensure the protected and conserved area network is achieving all the quality elements of Target 3 e.g., connectivity, ecological representation, effective management, equitable governance, etc. Therefore, for European countries that are well achieving the coverage element of Target 3, consideration of OECMs might still be relevant. OECMs are an opportunity to recognise existing conservation efforts and could lead to greater support and long-term sustainability of conservation measures that might be otherwise at risk if they are implemented with regard to all required criteria. Increased support and recognition could be a strong incentive for governing bodies of potential OECMs to want to contribute.

Natura 2000 and other nationally designated areas in EU-27

Terrestrial protected areas



Source: EEA, <https://www.eea.europa.eu/ims/nationally-designated-terrestrial-protected-areas>

In the EU, the Natura 2000 network also includes sites with management by other sectors such as agricultural land and military sites. Agricultural lands and military sites are both primarily managed for reasons other than biodiversity. Therefore, these areas might be re-considered as protected areas and may align better with the OECM criteria. Though it's important to note that these types of areas vary significantly, and sites must be assessed as to whether they meet the OECM criteria on a site-by-site basis. Agricultural areas may also be more appropriate to consider under other targets of the GBF, such as Target 10 on sustainable use.

4. Wider benefits of OECMs in Europe

OECMs in Europe have a range of wider benefits in addition to biodiversity conservation, in particular:

- A more inclusive approach to conservation by recognising other governance types and stakeholders (e.g., private, community) and encouraging other sectors to contribute to conservation.
- Reversing the image of conservation from a top-down approach to a more bottom-up approach, which might result in greater public support.
- Promoting areas that deliver biodiversity as secondary or tertiary OECM objectives.
- Providing an opportunity to mainstream other sectors into conservation, especially those with inter-sectorial government relations (e.g., military lands reflecting cooperation between national defence ministry and ministry of environment).
- A greater focus on conservation outcomes can help to reassess and reconsider existing protected areas with regard to their effectiveness in terms of management, quality of governance and biodiversity values.
- OECMs could be aligned with other EU and national policies, particularly the EU nature restoration law, nature-based climate policies, fisheries/marine related policies and water policies and could lead to greater co-benefits and sustained conservation outcomes on land / sea affected by these respective policies.

5. Categories of potential OECMs in Europe

A wide range of potential OECM candidate sites were identified as case studies. These were thoroughly assessed and discussed using the IUCN WCPA *Site-Level Assessment Tool for Identifying OECMs*. Some categories emerged as being particularly promising for meeting the OECM criteria:

Privately managed conservation sites

In many European countries conservation areas managed by private bodies or individuals are neither recognised nor reported as protected areas. Some of these areas might not meet the biodiversity criteria of an OECM. But some do. They would need to be assessed on a case-by-case basis. A convincing example is the case of the Josefov Meadows Bird Park in the Czech Republic:¹⁷

Josefov Meadows Bird Park, Czech Republic

- Description: wet meadows (80 ha)
- Values: regionally/nationally important for threatened nesting birds (waders)
- Governance: private (an NGO buys lands and manages the park)
- Management objective: nature conservation
- Longterm nature of governance: statutes of the NGO (not a designated protected area)
- Enabling conditions: ownership of the land
- Monitoring and management in place (NGO)



Photo: © Czech Society for Ornithology

Military sites

Although a number of Natura 2000 sites are located within military sites, there are many other military sites of high conservation value that have not yet been designated as Natura 2000 sites or that lie in European countries outside the EU. A spatial analysis carried out in Slovakia¹⁸ showed that recognising high conservation value military areas as OECMs in Slovakia would significantly increase the estate of protected and conserved areas in Slovakia. One of the military sites presented is the Military Training Area Lešť.

Military training area Lešť, Slovakia

- Description: complex of well-preserved habitats and species
- Governance: Ministry of Defence
- Important biodiversity values: habitats of European and national importance, rare and threatened species, greatest population of Siberian flag (*Iris sibirica*) in Slovakia
- Management objective: military training
- Monitoring: investigation under the European programme of IUCN



Photo: © Konrad Wothe

Spiritual, cultural or religious sites

Sites with spiritual, cultural or religious meanings have often been conserved for hundreds of years, but most often without any formal recognition or protection.¹⁹ Recognising them as OECMs could help to ensure the protection of these important biodiversity areas for the long-term and could bring appreciation to the efforts of the governing bodies. One example of this kind came from Portugal.

Tapada Nacional de Mafra/Mafra National Forest, Portugal

- Description of site: forest - 833 ha; former Royal Hunting Ground of national cultural importance
- Important biodiversity values: Bechstein's bat (*Myotis bechsteinii*); Bonelli's eagle (*Aquila fasciata*); northern goshawk (*Accipiter gentilis*); lesser horseshoe bat (*Rhinolophus hipposideros*); snub-nosed viper (*Vipera latastei*)
- Governance: government (managed by a Public Interest Limited Liability Cooperative)
- Management objective: Conservation, hunting and rural tourism services
- Not a protected area
- Long term nature of governance: the current management was created in September 1998 by the Council of Ministers Resolution nº 7/98 and is guaranteed for an indefinite period
- Enabling conditions: national legislation; governmental resolution, a World Heritage Site (cultural)
- Monitoring: LIFE LxAquila



Photo: © Miguel Gomes

Forests

Forest legislation often enables the protection of forest sites of high conservation value. These sites usually do not count towards the national protected area estate and several examples were identified. Two are mentioned here, the Virgin Forests of Romania and the Likhi Mountain Range in Georgia.

Pristine Forests in Romania

- Description of site: many sites of pristine forests, with a total strictly protected area of 72,279 ha (non-intervention) as of May 2023, included in the *National Catalogue of Pristine and Quasi-pristine Forests*.²⁰
- Important biodiversity values: more than 10,000 species of animals, from unicellular organisms, fungi, plants, insects and up to familiar animals such as wild boar, deer, chamois (black goat), wolf, lynx, owl, brown bear, all in close natural connection
- Governance mixed: state and private
- Management objective: maintain natural processes
- Long term nature of governance: protection through the law (Forestry Code art. 26 para. 3 gives strict protection to virgin forests and provides for the establishment of the Catalogue as a tool for recording and managing virgin and quasi-virgin forests in Romania (essential provisions to ensure their long-term protection). Ministry of Environment (MoE) order 3397/2016 defined virgin and quasi-virgin forests, providing criteria and indicators for their identification and designation. It conferred the status of strict protection for the forests thus identified and properly included in the forestry arrangements).
- Enabling conditions: forest owners who agree to include their forests in the Catalogue benefit from compensation payments, WWF helped to support this initiative.
- Monitoring: yes

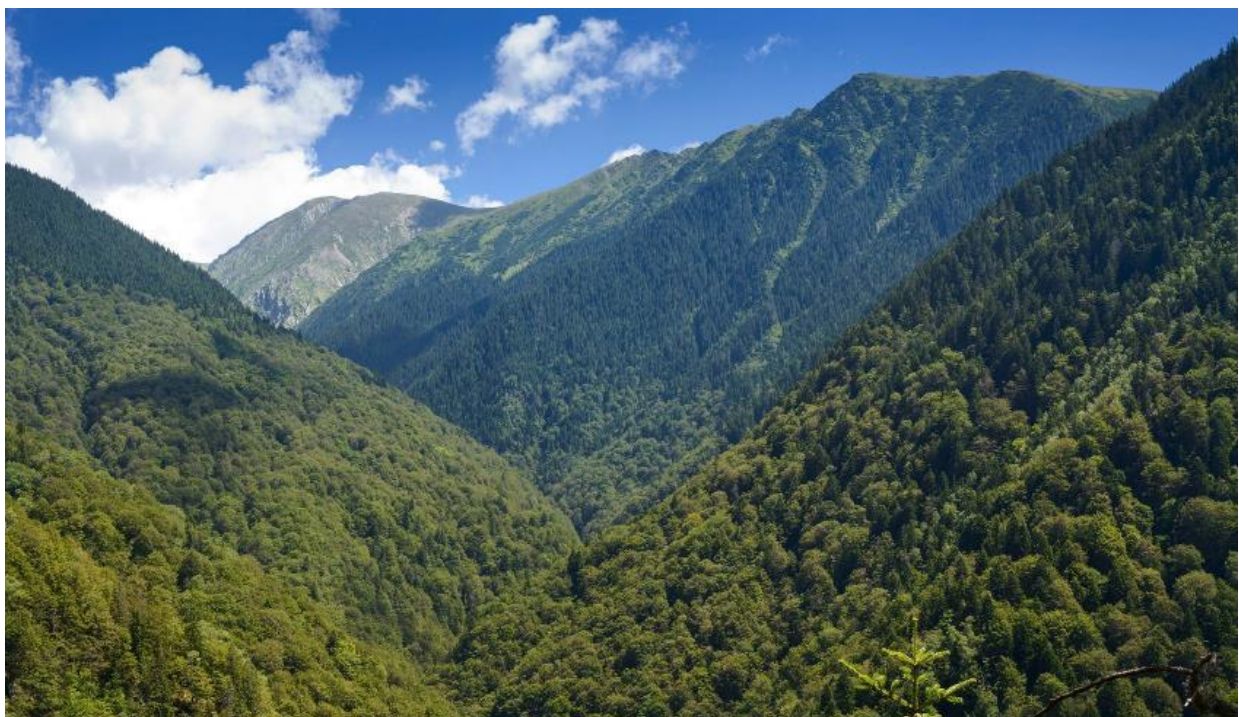


Photo: © Matthias Schickhofer

Likhi Mountain Range, Georgia

- Site description: sites on Likhi (Surami) Mountain Range connecting the Greater Caucasus and the Lesser Caucasus ranges, in total 46,038 ha
- Important biodiversity values: grassland and forest, brown bear, grey wolf, several bat species; bridging landscape
- Governance: government, National Forestry Agency
- Management objective: conservation (no Emerald Site management plan yet); protection and sustainable use
- Not a protected area
- Long term: nature of governance: Emerald Sites, planned forest categorisation, most likely Protected Forest category
- Enabling conditions: Forest Code (2020)
- Monitoring: National Forestry Agency

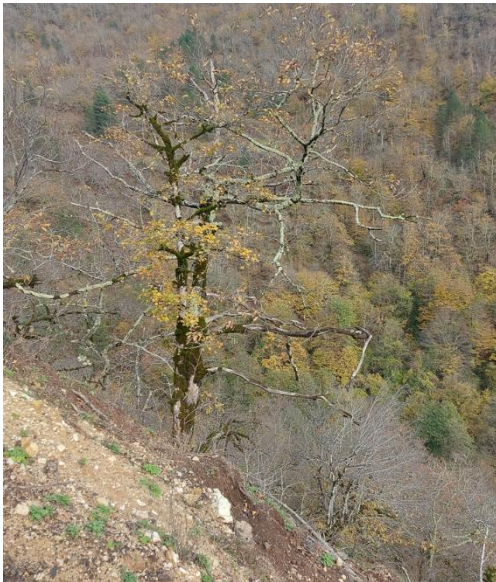


Photo: © Irakli Macharashvili

Riverine ecosystems

Several riverine ecosystems were suggested as potential OECMs. No further assessment was undertaken during the workshop, but concern was voiced that some of the suggested sites are quite small and that this might limit their conservation value and hence their qualification as OECMs (see OECM criteria and the Site-Level Assessment Tool).

Agricultural landscapes

Agricultural areas managed in a way that supports biodiversity were also discussed. Although there was consensus that these measures are vitally important for mainstreaming biodiversity into agriculture and a move towards more sustainable land use, there were severe doubts whether such sites would or should qualify as OECMs as they are often tiny and hence their individual conservation outcome is limited and these measures are usually not long term but depend on time-bound agricultural subsidies and a site-by-site evaluation would simply not be cost-effective.

Marine ecosystems

Several marine examples were discussed in more depth (see separate section below). Particular attention was given to the rather ethical question of whether ecosystems heavily altered by humankind, with negative impacts on biodiversity, should be considered at all as OECMs if the new use also results in some biodiversity benefits. Offshore windfarms are one example for this. Their construction and operation impact particularly birds and marine mammals. Due to the fact that fishing is excluded around windfarms, there might also be some biodiversity benefits. It was argued that recognising OECMs in ecosystems that have been modified in a way that heavily impacts on biodiversity should not be allowed, as this would open the door for greenwashing. Another critically discussed example of this kind was Lyme Bay in the UK, where there were additional concerns about the longevity and impacts of the Mussel Farm.

Lyme Bay, UK

- Not a protected area, but next to a Special Area of Conservation (~ 270 km²). It used to be biodiversity rich before it was heavily impacted by ground-contacting fishing gear.
- UK's first large scale offshore mussel farm. The mussels grow on underwater lines of rope anchored to the seabed 3 to 6 miles off the Devon coast on two sites totalling 15km² over previously heavily trawled seabed.
- The mussel larvae settle on the ropes in the spring and grow without need of fertilisers or artificial food supplies.
- Management by the Lyme Bay Consultative Committee.
- The current commercial venture has a lease of 20 years, but governance and management of the site including management practices could change.
- Exclusion of fishing activities (mobile gear), restoration and habitat recovery of benthic habitats to previous state; acting as a fish aggregating device providing nursery, refuge and shelter; boost biodiversity - spillover effect and biogenic reef development.
- Sustainable sources of protein - Alternative to overfishing.



Photo: <https://sheehanresearchgroup.com/offshore-mussels/>

6. Strategic approach to OECMs in Europe

It was noted that if consistently and effectively applied, OECMs could play a critical role in enhancing biodiversity in Europe. On the other hand, recognising and reporting OECMs could be a time consuming and complex process, which could be exploited to reach area-based conservation targets with minimum biodiversity benefit. Hence, the following strategic recommendations emerged:

1. Countries should evaluate their progress towards 30 by 30 – ensuring any existing areas counted against the target meet international protected area and OECM criteria/standards published by the CBD and IUCN. EU member states should also critically evaluate their protected areas and particularly their Natura 2000 sites to see whether they truly meet EU criteria. In the light of OECMs having to demonstrate effectiveness, some countries might feel inclined to revisit their protected areas for checking their effectiveness in biodiversity conservation and acting accordingly.
2. Next, it is important to analyse whether protected areas or OECMs are the most appropriate tool in a given situation, with regards to conservation objectives, governance arrangements, political, cultural, economic context, etc. Critical considerations include the benefits of any OECM recognition perceived and felt by the governing bodies.
3. There might be a great potential for OECM recognition of newly restored sites under the EU restoration law or in areas conserved for their climate mitigation or adaptation potential or as areas important for drinking water extraction.
4. Countries already with more than 30 per cent protected area coverage should consider putting more priority on increasing the effectiveness of their protected area system.
5. Where feasible countries should conserve the areas richest in biodiversity. Highly and fully protected areas have been shown to deliver the highest biodiversity benefit, but it is important to uphold the rights of relevant rightsholders and stakeholders and appropriately engage local people in governance to achieve the effective management and equitable governance elements of Target 3.
6. Where nature conservation is not a primary objective, but nonetheless occurs as a result of management activity, consider whether such an area has robust enough management to provide long term conservation and thus be considered as an OECM.
7. OECMs can help to achieve integrity and coherence in conservation and can help provide connectivity for existing protected areas. When planning conservation systems, countries should identify gaps in terms of ecosystems and connectivity, and check whether some of these gaps can be filled by OECMs.
8. When identifying OECMs go first for the most obvious. Some potential OECMs seem to be very clear-cut, such as large sites run by NGOs or large military sites. This is cost-effective and avoids frustration.
9. Similarly, it is cost effective to avoid a focus on many small OECMs in most cases, as the effort is too large compared to the benefits.
10. Sometimes, OECMs that have biodiversity conservation as a primary management objective but cannot currently be recognised as a protected area at national level, might offer a bridging instrument towards later designation of protected areas.
11. If OECMs are identified, it is important to think from the beginning of support needed (if any) to sustain the OECMs in the long run. This might also act as an important incentive for the governing body to embrace the recognition of an OECM.

7. OECMs in Europe's marine ecosystems

Over the past decade, marine protected areas (MPAs) have provided the foundation of national strategies to deliver against global marine protection targets. Achieving Target 3 will require recognising approximately 10 million km² of marine waters under protection per year until the end of the decade – an area the size of China.

Since 2018, several guides to marine OECM identification have emerged. In addition to the IUCN guidelines mentioned above;²¹ FAO's *Handbook for Identifying, Evaluating and Reporting Other Effective Area-Based Conservation Measures in Marine Fisheries*²² is aimed particularly at fisheries managers, and there has also been some national guidance for recognizing marine OECMs – e.g., in Canada in 2022.²³

The workshop identified unique marine considerations that represent areas of ambiguity within existing guidance, which if applied inconsistently, could undermine the biological outcomes of marine OECMs. Specific examples were given in the context of fisheries OECMs, as this is the sector most advanced in developing guidance and evaluating candidate sites. These included:

Vertical Zoning: Any governance or management regime for a two-dimensional area (such as a benthic closure) must also account for the third (vertical) dimension. Most fisheries OECM candidate sites identified thus far have limits in the third dimension (e.g., only apply to the seabed or a portion of the water column). Such an approach has already proven controversial in MPAs. In an OECM context, whether benthic closures provide effective conservation must be considered on a case-by-case basis. For example, if a vulnerable marine ecosystem is impacted by oil and gas drilling, or environmentally damaging intensive fisheries operate in the water column above, then such benthic closures should not qualify as OECMs because the vertical connectivity is demonstrated to have a fundamental role in the ecosystem functioning.

Single Species Protection: Similarly, whether management aimed at maintaining or enhancing single stocks, populations or species adequately contributes to biodiversity conservation and thus qualifies as an OECM needs to be answered on a case by-case basis. This will depend on whether that stock, population or species plays a particularly important ecological role. A fisheries measure that merely maintains a target species abundance or increases the catch per unit effort should not qualify as an OECM, unless an ecosystem approach and ecosystem-based management are fully implemented so that all ecosystem components are equally taken in consideration by the management measure.

Single Sector Protection: Management of OECMs should be consistent with the ecosystem approach, with the ability to adapt to achieve expected long-term biodiversity conservation outcomes and to manage emerging new threats. In a fisheries context, it is crucial that no other significant manageable threats are impacting the biodiversity which a proposed OECM is conserving. Mitigating multiple threats requires the harmonization of sector controls in an area (e.g., multiple fisheries, oil and gas, shipping), such that all risks to biodiversity are effectively managed in a coherent and mutually reinforcing way, even if via different legal authorities. An area where there is no multisectoral management regime in place, e.g. areas in the high seas where only sectoral management is currently possible, is not an OECM, even if its biodiversity may remain intact for now.

Long-term: The governance and management of OECMs is expected to be sustained and deliver the long-term effective in-situ conservation of biodiversity. Fisheries management measures are rarely in place in perpetuity, so the question of what constitutes “long-term” in a marine OECM context has proven subjective. For example, a commercial fishing closure that stays in place only until an overfished area recovers, is not an OECM. Ultimately, OECMs should not easily be reversed or eliminated. As per FAO guidance: *“Short-term regulatory instruments are expected to be renewed regularly, thus providing continuous conservation Seasonal measures can be considered when they are perennial and where they are part of a long-term overall management regime that results in the year-round in-situ conservation ...”*. In aquaculture, the public domain use authorisation is usually time-bound (20 to 30 years). Therefore, although the aquaculture zone may have positive outcomes for biodiversity conservation, they cannot be considered as OECM, unless some measures are taken, from the beginning, for keeping the conservation values after the potential end of the aquaculture operations.

Alignment with the CBD Criteria over Large Areas: Regional fisheries management organisations (RFMOs) are also able to recognize and report OECMs on behalf of their Member States, where the Secretariats have been instructed to do so. Due to the fact that RFMOs operate over huge areas, it is crucial to ensure that any measure slated to qualify as an OECM strictly meets the CBD criteria – otherwise, such proposals risk completely undermining the integrity and impact of the 30 by 30 goal. At the workshop, there was consensus that in defining the boundaries of an OECM quality is the key determinant, based on an example from the Mediterranean Sea. If a cluster of valuable sites exist in a larger marine environment that contain significant areas not fulfilling OECM criteria, individual areas should be identified as OECMs rather than recognising the whole area. It’s important to note that marine OECMs can be recognised and reported from a range of actors, including RFMOs, fisheries, scientific bodies, heritage bodies, Indigenous Peoples and local communities.

Expected Biological Outcomes: Although stated biological outcomes/attributes that a proposed OECM is required to offer differs between guidelines from IUCN and the FAO, it is clear that OECMs must achieve positive conservation outcomes for a range of naturally occurring biodiversity attributes in the area. The "burden of proof" regarding expected biodiversity outcomes is also a key consideration. The demonstration of effective long-term biodiversity outcomes in an OECM should be achieved either through scientific monitoring or by demonstrating that the prohibition of certain practices would be expected to have a positive impact on biodiversity with a high level of certainty (theory of change).

8. Establishing national processes for identifying OECMs

Most European countries have not yet established any systematic processes for identifying OECMs (see Chapter 2). Three national processes were presented from Finland, Spain and Canada. From their presentations the following recommendations emerged:

- a. A participatory process is needed with all relevant actors, including authorities, NGOs, academics and other non-state actors, including Indigenous Peoples and local communities, for establishing science-based national criteria and methods for OECM identification and recognition that ensure quality, consistency and ownership. Finland and Canada adapted the existing IUCN guidance to the national context and found this useful.
- b. A Decision Support Tool²⁴ has proven useful for site identification. In Canada, the tool allowed a quick check of (i) whether an area would clearly meet the OECM standard, (ii) whether an area may meet the standard but would require further investigation for a final decision and (iii) whether an area would clearly fail to meet the OECM standard.
- c. Of particular relevance here, HELCOM, the Baltic Marine Environment Protection Commission, has produced guidance for a regional understanding of OECMs, including detailed guidance on HELCOM understanding of the OECM criteria.²⁵
- d. The process of establishing guidance and identifying OECMs should be accompanied by strong communication efforts as awareness and understanding of OECMs is still very limited in Europe. Finland has developed a vision and a national strategy for an ecological network in which OECMs are an important part.
- e. A two-tier approach might be efficient where categories of areas with potential for OECMs are identified first, followed by assessment of single sites.
- f. With regard to assessing whether a site is effectively managed, Canada²⁶ applies a two-level criterion: 1 - Mechanism has ability to prevent incompatible activities and to manage all other activities; 2 -- Mechanism compels all governing authorities to prohibit incompatible activities. Such a high standard is useful in ensuring that OECMs meet the effectiveness criterion, the central OECM definer.
- g. The role of NGOs and Academia in reviewing recognised and reported OECMs has been important in Canada as misunderstandings and weak applications are still paramount.

9. The EU guidance for OECM

The European Commission's DG ENV has developed some guidance on OECMs for EU member states. In the respective Commission document,²⁷ it is stated:

"OECMs can be counted towards the 30% target only if:

- *the area is covered by a national or international legislative or administrative act or a contractual arrangement aiming to achieve long-term conservation outcomes;*
- *conservation objectives and measures are in place; and*
- *effective management and monitoring of the biodiversity in the area is in place."*

In the EU Biodiversity Strategy, member states are asked to designate "strictly protected areas". These are defined as follows:

"Strictly protected areas are fully and legally protected areas designated to conserve and/or restore the integrity of biodiversity-rich natural areas with their underlying ecological structure and supporting natural environmental processes".²⁸

This definition can be understood as excluding OECMs by default from contributing to the 10% target.

Concerns were raised that neither definition is in line with IUCN and CBD definitions of OECMs and the EU definition limits the application of OECMs considerably. The concern was threefold:

1. The obligation of having conservation objectives clearly deviates from the IUCN and CBD definition. This could exclude all potential OECMs where conservation is only a secondary objective such as watershed protection areas or where conservation is just an unintended by-product (ancillary conservation objective) such as military sites or sacred sites. (This means, for instance, that such sites would have to draw up management plans defining conservation objectives before being considered as OECMs.)
2. The obligation that the area needs to have a national or international legislative or administrative act or a contractual arrangement in place might also limit the application of OECMs, as sacred sites managed through customary law or private sites might not be considered as OECMs in the EU.
3. The idea that strict protection cannot be found in OECMs was also discussed as to whether it limited the potential of OECMs. The Romanian Virgin Forests as well as privately owned and managed conservation areas can provide strict protection despite not being protected areas.

One conclusion from the workshop was a strong recommendation to the EU DG ENV to reconsider these definitions to allow for a more inclusive application of the OECM concept in the EU, that is in line with global guidance (IUCN, CBD).

Furthermore, the categorisation of area data in the Common Database on Nationally Designated Areas (CDDA) of the European Environment Agency does not allow an easy distinction between OECMs and protected areas. However, the format is currently being adjusted to allow for a clearer reporting of OECMs and the subsequent submission of this information to the World Database on OECMs (WD-OECM). The WDPA and the WD-OECM provide the official indicators used to measure global progress towards Target 3.

10. Issues and challenges to be addressed

A number of open issues and challenges were identified as needing to be addressed if OECMs are to be used as an effective conservation instrument.

Reassessment and degazetting

As OECMs are defined by their effectiveness, reassessment after a certain number of years should be obligatory. Otherwise, the credibility is undermined. If reassessment shows that the OECM criteria are no longer met, an OECM should no longer be recognised or listed on the WD-OECM.

Definition of “long term”

Clearer guidance is needed on the minimum period of what constitutes “long term” in this context; workshop participants felt this mean in perpetuity.

Legal designation of OECMs

There was uncertainty if a legal designation of OECMs could be useful to strengthen the level of protection and to raise interest in OECMs or whether this could deter countries from engaging. Only recognising OECMs under legal designations would exclude many areas under non-state governance.

Benefits of OECM recognition

Without a clear benefit to the governing body, it might be difficult to get consent for OECM recognition. A system of support (including incentives) may be needed for OECMs. It was suggested that empirical research on whether OECM recognition has led to more sustained protection should be carried out. It is important to ensure that the recognition process (including site-level assessment) is as efficient as possible and does not consume too many resources from the governing authority.

Alignment with policies

OECMs might play an important role in conserving newly restored sites under the restoration and climate policies of the EU and the European countries. Such alignment could help to boost the application of OECMs and create more political will.

Overcoming misconceptions

The lack of understanding hinders uptake of the OECM concept. Misunderstandings that OECMs are a weaker or easier tool for area-based conservation than protected areas are a major impediment. Hence, any work with OECMs requires intense communication work. Finding a proper name for OECMs in the national language could be an important first step. A distinction between greening of land use and protected and conserved areas could also support the proper application of OECMs.

Political risks

It was feared that OECMs could divert focus and resources from creating new protected areas, because they are perceived to be easier pathways to 30x30 but deliver few additional conservation benefits. As capacities and resources for conservation are always tight and OECM identification and recognition takes up considerable efforts, too much focus on OECMs could lead to neglect of the existing protected area system. Production sectors such as fisheries, agriculture, mining etc. might be inclined to use OECMs to green their image without delivering net conservation gain.

11. Conclusions

OECMs offer new opportunities for area-based conservation in Europe but need to be integrated into existing protected area systems with care. They offer a more inclusive and bottom-up approach, with a greater focus on biodiversity outcomes and also provide important links with the new EU nature restoration law and policies for nature-based solutions to climate change.

The assessment of case studies has shown that there are definitely areas in Europe that could qualify as OECMs and could contribute to reaching Target 3 of the Global Biodiversity Framework and the respective targets in the EU Biodiversity Strategy.

Integrating OECMs into Europe's existing conservation system, in the context of the 30x30 target, would benefit from following a set of steps:

1. **Set a baseline:** through a critical examination of existing protected areas, Natura 2000 sites and any OECMs to see if they meet the requirements of GBF Target 3 and adjust national targets accordingly.
2. **Decide if OECMs are needed:** if protected areas already cover 30% or more, the main focus will probably be on improving effectiveness.
3. **Decide if OECMs offer potential:** check if any particular gap in the system could be filled by an OECM.
4. **Select the best tool:** assess if an OECM or a protected area is the best option in a particular case.
5. **If selecting OECMs:** take note of the following:
 - Focus on the areas of highest biodiversity
 - Include OECMs linked to the nature restoration law
 - Select the most obvious (and easiest to agree) OECMs first
 - Avoid spending time on numerous small OECMs
 - Work out likely future funding support needed.

OECMs in marine systems face particular issues that need to be addressed including:

- The question of vertical zoning
- Single species protection – which needs to be addressed on a case-by-case basis
- Single sector protection
- Maintaining long-term OECM management
- The role of regional fishery management organisations on the high seas

National processes for OECMs need to consider the following

- The need for and organisation of participatory processes
- Planning – where a decision support tool can be useful
- Communication strategy

- The potential for a two-tier approach, where different categories of potential OECMs are identified first and then individual sites are assessed within the categories
- Assessment of potential effectiveness based on two stages: (i) the ability to provide conservation through the management system and (ii) the political power and economic resources to ensure this is carried through

EU definitions of an OECM: differs from the CBD definition in three ways:

1. Insistence on a conservation objective
2. Insistence on a legal framework for OECMs
3. Assumption that strict protection cannot be found in OECMs

These additional restrictions are problematic because the first is at odds with the CBD definition and the last two will restrict conservation opportunities and are unnecessary. The EU is urged to look at these definitions again.

Remaining issues and challenges: OECMs are still a new conservation tool and there are still many questions to be answered, including:

- **Reassessment:** OECMs will need to be reassessed to ensure they are meeting the effectiveness criterion; if they are not they should be “unrecognised” by governments although it is unclear if and how that will happen.
- **Long-term:** a clearer definition of long-term is needed.
- **Legal designation:** the need for and usefulness of legal designation remains unclear.
- **Benefits of OECM recognition:** clear evidence of benefits is needed if OECMs are to survive in the long term; long-term support may also be required.
- **Alignment with other policies:** is needed to help secure OECM recognition and permanence, including the EU nature restoration law, Sustainable Development Goals, etc.
- **Overcoming misconceptions:** including particularly the assumption that OECMs will be a weaker conservation instrument than protected areas.
- **Political risks:** need to be recognised and countered, including risks of greenwashing and diverting attention from protected areas in places where the latter are really needed.

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ANNEX: Participants

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