



OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES IN THE MARINE CAPTURE FISHERY SECTOR

ORGANIZED BY EBCD-IUCN/CEM/FEG-FAO

19/05/2021 - CBD SBSTTA SIDE EVENT

KEY MESSAGES

- OECMs are a practically functional tool for **mainstreaming biodiversity in fisheries**, through **tangible and already existent measures** with verifiable outcomes.
- OECMs offer a great opportunity to highlight and **improve** already existing measures or adding new measures, as appropriate, while endorsing **cross-sectoral collaborations and an inclusive bottom-up approach**.
- **OECMs involve two levels of efficiency** in fisheries and biodiversity management. Given the right conditions, OECMs allow fisheries management to contribute to biodiversity conservation, while increasing conservation efforts in economic sectors, such as fisheries.
- **A legitimate authority, equity and stakeholder engagement** lie at the center of proper OECMs governance.
- **Cross-sectoral cooperation and multi-level governance** frameworks that engage different national and international authorities across different jurisdictions offer opportunities to overpass **operational and institutional challenges** in OECMs management.
- **Knowledge and data transfers** from highly developed to less developed areas and collaboration within and between regional and global organizations can offer useful assistance in the OECM mainstreaming process.
- The OECM identification requirements, as stated in CBD Decision 14/8, can be perceived to be more **rigorous and complex** than those of many other area-based conservation measures, particularly in the upfront requirements about governance and management effectiveness.

“OECMs offer a tangible area of collaboration between biodiversity and the fisheries sector, with shared goals and where actions are already taking place.”

– Joseph Appiott.

EVENT REPORT

Other Effective area-based Conservation Measures (OECMs), together with MPAs, are an important element under the current Target 2 of the Post-2020 Global Biodiversity Framework. CBD Decision 14/8 calls for OECMs mainstreaming into sectors, including fisheries. Guidance is provided in the Decision and supplementary guidance has been developed by IUCN-WCPA.

Specific guidance for the use of OECMs in the fishery sector has been developed by the IUCN-CEM Fisheries Expert Group (FEG) (Rice et al., 2018; Garcia et al, 2019; Garcia et al, 2020). The available guidance for OECMs identification in that sector has been recently tested in the North Atlantic, in a joint **ICES/IUCN-CEM FEG Workshop on Testing OECM Practices and Strategies (WKTOPS)** (15-24/03/2021). This event presented lessons learned from the workshop, and discussed key implementation issues with panelists and the audience.

- **Panelists:** Joseph Appiott (CBD Secretariat); Andrew Kenny (CEFAS, UK); Harry Jonas (IUCN - WCPA); Amber Himes-Cornell (FAO); Daniela Diz (Heriot-Watt University).
- **Moderator:** Renee Sauvé (Department of Fisheries & Oceans, Canada).
- **Recordings:** [available here](#)

Keynote presentation

Serge M. Garcia (IUCM-CEM-FEG) introduced the results from the OECMs workshop, jointly organized by IUCN-CEM-FEG and the International Council for the Exploration of the Sea (ICES), through five case studies: Rockall Haddock Box -NEAFC, Northeast UK Sand eel closure, Corner Rise seamounts, NAFO Sponge VME Closed Areas – Flemish Cap And Grand Bank – and Lophelia Coral Conservation area.

The aim was to verify **if the guidance available**, including the fisheries specific one, **was easily applicable**. Overall, the majority of the **criteria were fulfilled**, and **the necessary information was available** to easily match the criteria. In fewer cases, information was incomplete or unclear.

It was concluded that despite there existing some difficulties in the initial understanding of the criteria, **all areas meet the criteria enough to warrant consideration as potential OECMs for a fuller assessment, should this approach be considered.** The compilation of information prior of assessments and enabling **scientific and governance conditions** were considered essential. It was highlighted, however, that the case studies were preselected, not random, and that the North Atlantic area benefits from well-developed information. In other areas in the world further capacity building in data collection and monitoring will be needed. Yet, all areas produced **intended and unintended biodiversity benefits.**

Several **needs** were identified, which included: more specific guidance on the interpretation of criteria, the requirement of another level of evidence, further definition of the term “long-term intent”, multidisciplinary assessment that values complementarity and continuity, to combine analytical assessment with experts and local knowledge and to include in benefits, both biodiversity protection and recovery.

Regarding possible **challenges**, emphasis was made on the need to assess the situation inside and outside OECMs, determining causal relationships (of threats), assessing effectiveness (of measures or of outcomes), equity, participation, assessment costs, the need of mobile OECMs in the context of climate change and how to address patchiness (either by having numerous OECMs connected as a network or aggregated in a more complex measure).

- **Potential role “fishery-OECMs” in the Post-2020 Global Biodiversity Framework (GBF)**

Lessons can be learned from the non-fulfillment of the Aichi biodiversity targets. In terms of the area-based conservation target to achieve a 10% protection (Aichi Target 11), non-compliance can be explained by the many drivers of biodiversity loss that have not been accurately assessed. This is due to the fact that users are not adequately engaged in conservation, which is often considered to be a one-way discussion from the conservation community and not based on productive relationships.

OECMs acknowledge that fisheries do not only promote a sustainable use of resources but also do conservation. In the context of the post-2020 GBF, OECMs offer the possibility to identify and acknowledge what is **already being implemented by the fisheries sector.**

According to **Joseph Appiott (CBD Secretariat)**, this is an important paradigm to be brought to the post-2020 framework: **there is already conservation action taking place in fisheries that can be built on and enlarged**. OECMs are a great way to promote Archi target 11, not through a whole set of new measures, but through low hanging fruit, tangible measures, which are easier to grasp by developing countries, already struggling with implementation.

In this sense, OECMs may act as a **catalyst or an avenue** for potential **cross-sectoral collaboration** between biodiversity conservation and fisheries sector, and possibly other economic sectors when appropriate, in OECM identification, reporting and implementation.

Building on the experience of the case studies exposed, there already exist fisheries area-based management measures that could qualify as OECMs. **Joseph Appiott** remarked that the achievement of the Post-2020 conservation target could be more easily achieved if the fishery sector would decisively move to identify and improve already existing measures and create additional ones where appropriate.

- **Key institutional challenges**

Regarding OECMs **definition and application criteria**, **Daniela Diz (Heriot-Watt University)** stressed that **identifying the “legitimate authority”** (OECMs criterion B) and synergies between multiple authorities are key institutional challenges that also provide opportunities for improvement:

- **Within national jurisdictions**, high cooperation is needed among multiple ministries, local indigenous communities and other groups affected by the measure considered.
 1. Good opportunities for coordination across sectors and national stakeholders arise.
 2. In particular, closer cooperation in decision-making with the Northwest Atlantic Fisheries Organization (NAFO), which understands the nature of local threats, might offer opportunities for potential collaboration.
- **In areas beyond national jurisdiction (ABNJ)**, where no coordinating authority exists, cooperation becomes more complex. For specific OECMs, a potential legitimate authority might exist, but not to other areas that might affect the OECM in question.

This needs to be decided on a **case-by-case basis**, following CBD Decision 14/8, in collaboration with existing regional and international authorities, treaties and frameworks, and between multiple jurisdictions.

1. **Memorandums of understanding** between different international authorities such as the International Seabed Authority (ISA) or the International Maritime Organization (IMO), may help to assess these concerns.
 2. **Regional Fisheries Management Organizations (RFMOs)** and other regional bodies can also incorporate into their agendas other items or threats to look after, even if they are not in their mandate, and consider them into their decision-making processes.
 3. In terms of **biodiversity beyond national jurisdiction (BBNJ)**, the new implementation agreement under the UN Convention on the Law of the Sea (UNCLOS), may provide another opportunity for coordination at the global level, considering the close relationship between the CBD and UNCLOS. While there is no reference to OECMs, area-based tools are mentioned, and negotiations are still going on.
- **Key operational challenges & differences between data-poor and data-rich fisheries**

The nature of operational challenges is area- and rational-specific. **Andrew Kenny (CEFAS, UK)** highlighted three key areas to be considered:

- The identification of the **legitimate authority**, associated with adequate **management and the source of governance of OECMs**. It is possible to identify hierarchical challenges regarding the legitimate authority and OECMs criteria themselves:
 1. Is the biodiversity threat under control of legitimate authority in question and well understood?
 2. Are OECMs located spatially in time of the jurisdiction of the legitimate authority?
 3. Are there suitable management and governance processes to ensure a sustainable type of benefits?
 4. Is the set benefits well understood? (i.e. causalities, links, wider ecosystems benefits...)

The solution is linked with solving institutional challenges through a **cross-sectoral framework** that engages **different authorities across different jurisdictions**.

- Appropriate **monitoring and surveillance** of fisheries with compliance mechanisms: Satellite information, verification of catches, port control and remote sensory technologies help to assess fisheries compliance.
- How to assess **biodiversity benefits and performance of the measurement** itself: Assessment of a target feature requires coordination, access to proper funding and expertise to assess and report data gathered, and independently conducted fisheries surveys.

The linkage between these key areas – authority, monitoring and performance assessment – is enshrined in the experience of RFMOs in the high seas. Nevertheless, in less resourced fisheries management organizations, tracking and monitoring will be the greatest challenge of the organization, due to data limited circumstances. Hence, **knowledge and data transfers** from developed countries and regional organizations can be useful to data-limited areas.

- **Key scientific challenges**

Amber Himes-Cornell (FAO) emphasized that OECMs are meant to be **inclusive**, where sectors and countries work together. Efforts should be made so that no country is left behind and that relevant sectors are not left out of the process. OECMs offer an opportunity to help biodiversity, through a **bottom-up approach**, different from the top-down framework of the Archi targets and other measures such as MPAs. Some major areas of improvement were identified:

- **Interpretation and thresholds of the OECMs criteria.**
- Fear of being first and **set a low precedent** for the future.
- **Case by case application of OECMs.** Discussion of what is best for each region is essential.
- **Data limited situations that limit monitoring and tracking biodiversity** values and outcomes, not only just for just fisheries and targeted species, but also for byproduct protection for other species.
- **Collaboration between sectors** to provide a holistic assessment of OECMs (i.e. fisheries, oil and gas, mining sectors), as oceans are three-dimensional (surface, water column and bottom).

- The newly adopted OECM definition and criteria will also likely **stimulate the development of new measures** that align with these criteria.
- **Effectiveness, efficiency and equity**

Serge, M. Garcia noted that **efficiency** of OECMs in fisheries might be addressed at **two levels**: i) **fisheries** management and ii) **biodiversity** impacts. If an OECM is not effective enough in terms of biodiversity, it should lose its status as an OECM. He stressed that the case studies presented evidence that to measure the **effectiveness** in producing biodiversity benefits is often costly and fisheries institutions and operators may not always have the means to do it. The debate spined around how to measure it cost-effectively, as two possibilities exist: it can be decided to (1) focus on the **implementation of the protection measures**, ensuring effective enforcement, and assuming that the expected biodiversity outcome will materialize; or (2) set-up a recurrent **ecological monitoring program** to ensure that the biodiversity outcomes materialize. The first approach may only require some adjustments to existing Monitoring Control and Surveillance systems. The second requires substantial investments in research budgets, but may be facilitated through programmatic collaborations with conservation science institutions.

Equity, which lies at the center of the CBD, is key for proper governance and the solution to it is to be found in **active participation in decision-making** by all those impacted by the measure. Serge M. Garcia reminded that, as in the CBD Decision 14/8, three components of equitable governance remain crucial: (1) **Recognition of all important stakeholders** (and right holders), particularly those directly impacted by the measures; (2) **Inclusive and transparent procedures** for active participation of key stakeholders into the assessment and decision processes; (3) **Equitable distribution of cost and benefits** of an OECM.

For more information:

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