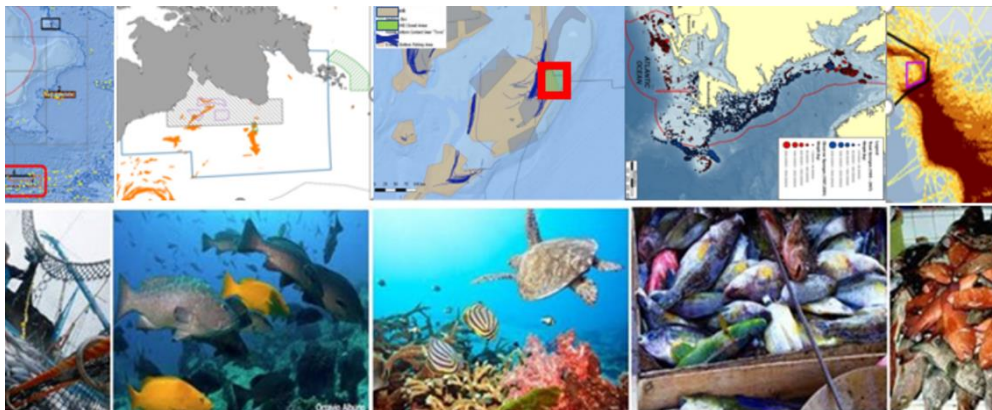




Advancing progress towards the European Green Deal: OECMs' implementation in the fisheries sector



Tuesday 19 October 2021, 16:00 – 18:00 CEST
Online Event

Hosted by MEP Pierre Karleskind (RENEW)

Chair of the Committee on Fisheries (PECH) of the European Parliament

Speakers:

- **MEP Pierre Karleskind (RENEW)**
- **Joe Appiott**, UN Convention on Biological Diversity
- **Serge Garcia**, IUCN Fisheries Expert Group
- **Ellen Kenchington**, Chair, ICES-FEG Workshop
- **Imen Meliane**, FAO consultant, on behalf of Dr. Amber Himes-Cornell, Fishery Officer at FAO
- **Vedran Nikolić**, Policy Coordinator, DG ENV, European Commission
- **Kenneth Patterson**, Senior Expert on CFP and environmental issues, DG MARE, European Commission
- **Ernesto Peñas Lado**, Member, IUCN/CEM/FEG

Welcome Remarks

MEP Pierre Karleskind

“OECMs and Marine Protected Areas can help us to achieve our global biodiversity targets and create a fully sustainable and diverse maritime ecosystem.”

Mr. Karleskind started his intervention by sharing his thoughts about Other Effective area-based Conservation Measures (OECMs) and how they can be implemented. The MEP underscored the importance of the **inclusion and further integration of the fisheries sector in the Green Deal**. There can be no Green Deal without a Blue-Green Deal, he said. He then called for **further integrating ecological considerations in the fisheries sector**. Maritime ecosystems need to be protected, and OECMs can play an important role in this, he urged. According to the MEP, OECMs require a case-by-case approach. Lastly, he reminded the audience that the maritime space is constantly evolving, meaning more challenges will arise over time. Nevertheless, the MEP remained confident that **OECMs and Marine Protected Areas (MPAs) can help us to achieve global biodiversity targets and create a fully sustainable and diverse maritime ecosystem**.

Introduction to OECMs

Joe Appiott, UN Convention on Biological Diversity

“OECMs provide a valuable opportunity to better understand and recognize diverse types of area-based management tools that are tangibly contributing to biodiversity outcomes.”

Mr. Appiott introduced the audience to the concept of OECMs. The first notion of OECMs can be found in Aichi Biodiversity Target 11, adopted by CBD Parties in 2010. Mr. Appiott explained that **OECM was defined in CBD COP Decision 14/8**, as *‘a geographical defined area other than a protected area, which is governed and managed in ways that achieve positive and sustainable long-term outcomes for the situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic and*

other locally relevant values.” Mr. Appiott stressed that, despite the Aichi Targets having expired in 2020, the new Post-2020 Global Biodiversity Targets are being negotiated and OECMs are currently included in the First Draft. Thus, he continued, **OECMs provide a valuable opportunity to better understand and recognize diverse types of area-based management tools that are tangibly contributing to biodiversity outcomes.** Moreover, OECMs can provide an opportunity and incentive for sectoral practices to meaningfully contribute to biodiversity conservation. Mr. Appiott concluded that **utilizing OECMs can attract further support to enhance management and improve biodiversity monitoring of area-based measures,** which makes them a powerful tool to achieve future global biodiversity goals.

The use of OECMs in Fisheries

Serge Garcia, IUCN Fisheries Expert Group

“Mainstreaming OECMs in fisheries is a golden opportunity for win-win collaboration between fisheries and biodiversity conservation, which can be done by adding little to existing governance frameworks.”

Building on Mr. Appiott’s presentation, Mr. Serge Garcia specified the criteria for areas to be recognised as OECMs. He explained that, if areas are recognised as OECMs, they should not be considered MPAs and they are expected to produce **long-term outcomes concerning biodiversity, ecosystem services and other locally important values.** Moreover, the area’s governance must be legitimate, diverse, equitable, participative and able to be sustained in the long term. Specifically, the area’s management must have **clear conservation objectives and it should be based on the Ecosystem Approach for Fisheries (EAF).** Mr. Garcia then informed the audience that **the possible locations of fishery-OECMs vary.** OECMs can be vertical (in deep waters), horizontal (covering either the surface, or the ocean floor), or covering the entire water column. Mr. Garcia then moved to the possible benefits of mainstreaming OECMs in fisheries. Firstly, **OECMs can increase the biodiversity conservation co-benefits of Area Based Fisheries Measures (ABFMs) and incentivise biodiversity outcomes.** Secondly, OECMs might **reduce the collateral impacts of fisheries.** Thirdly, the **integration of OECMs in fisheries would strengthen the Ecosystem-based Approach to fisheries** by facilitating eco-certification and labelling. Fourthly, it **could improve the**

connectivity in regional conservation networks. Lastly, he explained that OECMs can be used to repair the public image of fisheries. Mr. Garcia stressed that **the implementation of OECMs will not be that different from conventional fisheries closures,** but some changes need to be made. For example, States need to make sure that **adequate implementation recourses are available** and that **cross-sectoral collaboration** takes place. Reviewing the collaboration between fisheries and conservation is imperative to improve synergy, he flagged. Furthermore, according to Mr. Garcia, **existing management plans need to be revised** to make sure they can integrate OECMs properly. However, mainstreaming OECMs in fisheries can lead to some issues. Determining the priority of biodiversity attributes of concern on which to concentrate conservation efforts might prove difficult. The same applies to assessing the positive biodiversity outcomes achieved in the area, or what is expected to be achieved. States need to consider **the additional costs and the distribution of benefits and costs among stakeholders.** Moreover, in the coastal areas, **improved spatial planning** might be necessary; in regional fishery bodies, States need to **foster the use of OECMs to strengthen the Ecosystem-based Approach to fisheries in areas beyond national jurisdiction.** To conclude, Mr. Garcia stated that mainstreaming OECMs in fisheries is a **golden opportunity for win-win collaboration between fisheries and biodiversity conservation,** at national and regional levels. In many areas, OECMs can be implemented by adding little to existing governance frameworks, processes and measures for fisheries and conservation. Considering how slowly the Aichi Targets have been approached, boosting **the identification of OECMs in fisheries may be the only way for many states to meet the ‘30x30’ commitment** in the ocean at affordable costs, Mr. Garcia argued.

Outcomes of the ICES-FEG workshop

Ellen Kenchington, Chair, ICES-FEG Workshop

“The ICES-FEG workshop prepared some working examples of areas closed through fisheries measures that are consistent with the CBD guidelines and that showed meaningful biodiversity benefits.”

Ms. Ellen Kenchington presented the outcomes of the workshop of the ICES/IUCN-CEM FEG on testing OECM practices and strategies. Her presentation involved a description of six case

studies from the North Atlantic that were evaluated using a standard template developed from the CBD OECM criteria. These cases, diverse in size, features, jurisdiction, and expected biodiversity benefits, showed how the OECM framework can be applied in practice. The case studies included a site that had portions of it already identified as an MPA (which goes against the OECM criteria and so required discussion of how to report), a site that crosses multiple jurisdictions, a data-poor site, a site that was very small and a site where other sectors that fall outside the control of fisheries could harm the area (such as threats from oil and gas exploration and production). In addition each area differed in their conservation objectives. Ms. Kenchington reported that in undertaking these evaluations, the workshop participants found that **clarity was needed about some aspects of the OECM criteria**. For example, guidance is needed concerning what is considered ‘long term’. Moreover, **the nature and magnitude of expected biodiversity benefits need to be specified** as well as the number of criteria and sub-criteria that have to be met. To conclude, Ms. Kenchington explained that **all case studies demonstrated biodiversity conservation co-benefits and they all met subsets of the CBD (sub)criteria for OECMs**. This, she claimed, indicates that **the ICES-FEG workshop prepared some working examples of fisheries closures that are consistent with the CBD guidelines**. To conclude, she stressed that OECMs can have meaningful biodiversity benefits, especially when measures are put in place to protect species and habitats from destructive fishing practices. She recommended that those interested consult the workshop report for more details.

OECMs in FAO and future plans

Imen Meliane, FAO expert, on behalf of Dr. Amber Himes-Cornell, Fishery Officer at FAO

“FAO strives to provide support to FAO members for area-based conservation of coastal and marine areas in the Post-2020 Global Biodiversity Framework by creating guidelines for the identification and implementation of OECMs.”

Ms. Imen Meliane, presenting on behalf of Dr. Amber Himes-Cornell, explained what FAO’s plans are for supporting and promoting fisheries OECMs. FAO strives to provide support to

FAO members for area-based conservation of coastal and marine areas in the Post-2020 Global Biodiversity Framework. Specifically, **FAO is disseminating practical guidance to support members in their identification and implementation of OECMs**; this guidance will be developed through regional workshops, she specified. This guidance will, firstly, provide members with information to perform an OECM assessment. Secondly, the guidance will include a step-by-step approach on how to undertake an OECM assessment, for example in how to interpret the CBD criteria. The objective of this guidance will be to **support countries and fisheries-related bodies at regional and national levels in the application of the CBD criteria** and to understand the challenges and opportunities that arise when identifying new fishery-related OECMs. Currently, Ms. Meliane explained, the FAO is participating in advancing marine OECMs in the Mediterranean and the Baltic Sea. Ms. Meliane also stressed that a national process is important to ensure coherence and coordinate sectors. The inclusion of other sectors in OECM, besides fisheries, can prove to be beneficial. Additionally, she highlighted that in the marine environment, **a regional process is useful to catalyse identification of OECMs** and that sharing experiences and feedback from countries should be promoted. For the identification of OECMs, intersectoral dialogue is important, she stressed. To conclude, Ms. Meliane argued **that biodiversity conversations are inherently linked to fisheries**. Fisheries should be part of the biodiversity debate because this can lead to the achievement of the sustainability objectives of fisheries while also ensuring co-benefits for biodiversity.

OECMs in the context of EU biodiversity and fisheries policies

Vedran Nikolić, Policy Coordinator, DG ENV, European Commission

“By consistently and meaningfully applying the OECMs criteria, we can make sure that we are counting areas which truly make a contribution to the protection of marine biodiversity.”

Mr. Vedran Nikolić presentation revolved around the role of OECMs with regards to the EU Biodiversity Strategy and goals. **OECMs are increasingly recognized as a tool to contribute to the conservation of marine biodiversity** but, unlike MPAs, they have been not widely used.

He went on by stressing how **effective management is essential to ensure the protection and restoration of marine ecosystems**, through which important socio-economic benefits are delivered. With this rationale, the EU Biodiversity Strategy for 2030 set the goals to **legally protect at least 30% of the EU sea area, to strictly protect at least a third of the MPAs, and to effectively manage those areas**, defining clear conservation objectives and measures, and monitoring them appropriately. In addition, restoration commitments and efforts to reduce bycatch of sensitive species and the impact of fishing on seabed are put forwards. The existing MPAs cover only 12% of EU seas and do not make up a sufficiently large and coherent network to safeguard biodiversity. In this context, **OECMs can play an important role in reaching the 30% target and ensuring connectivity**. Mr. Nikolić informed the audience that the Commission is currently creating a process to facilitate the designation of OECMs. **Their creation is ultimately upon Member States**, following the CBD criteria and existing guidance. According to the draft document, an OECM can be counted towards the EU target if: the area is covered by a national or international legal or administrative act or contractual agreement that achieves long-term conservation outcomes; if conservation objectives and measures are in place; if the biodiversity of the area is effectively managed and monitored. According to the document, **the initial pledges of Member States related to designation of MPAs and OECMs (2022-2023) will be assessed** with the collaboration of relevant stakeholders and then **evaluated by the Commission with regards to the progress towards the 2030 targets**. Mr. Nikolić emphasized how applying meaningfully and continuously the OECMs criteria ensures that those areas actually make a contribution towards the protection of marine biodiversity.

Kenneth Patterson, Senior Expert on CFP and environmental issues, DG MARE, European Commission

“ The recommendations given to the Member States fall under the regionalization chapter of the Common Fisheries Policy and will be used by the Commission to adopt regional technical measures”.

Mr. Kenneth Patterson continued the discourse of OECMs from the fisheries policy perspective. After displaying a tragic list of extinct or threatened EU marine species, Mr. Patterson gave an overview of current marine conservation measures that are in place in the

EU. **The Technical Measures Regulation** prescribes areas where fishing with specified gears is prohibited to protect sensitive habitats, and the **Common Fisheries Policy** sets measures to protect spawning grounds and juvenile habitats. Furthermore, there are **MPAs** established under the Birds and Habitats Directives and the **protection of seabed habitats under the Marine Strategy Framework Directive** is currently being discussed. Other measures that apply to all EU waters include the prohibition to catch, land, tranship and trade sensitive species, the restrictions in fishing over deep-water vulnerable marine ecosystems, and measures for the reduction in fishing mortality towards FMSY (the maximum rate of fishing mortality). Mr. Patterson explained that the **Commission is now working on an Action Plan to conserve fisheries resources and protect marine ecosystems**. A technical measure report was published in September 2021 and a targeted stakeholder consultation will be open soon. The Action Plan will include actions for the Commission, Member States, and stakeholders to take. **Recommendations will then provide a basis for enhancing the implementation of EU legislation at the national level, as well as for preparing technical measures at the regional level**. Mr. Patterson specified that these measures had not been created with the OECMs label or criteria in mind, but from the work presented, it is clear that some common concepts can be applied.

Q&A Session with the audience

In clarifying the terminology, Mr. Garcia explained that the term OECMs gathers all areas that meet the OECMs' criteria, and the conservation connotation distinguishes them from protected areas. **An OECM cannot be established if it is not proven that the area is actually being conserved**. Ms. Meliane intervened by specifying that, however, there is not an established position on the use of the term "conserved areas". Mr. Patterson added his perspective on the **challenges of including restoration** (rather than conservation), whose extent and scope are proven to be often problematic to define. Mr. Appiott put emphasis on the usefulness of OECMs in addressing specific threats and pressures on the areas, which is the rationale behind the **application of a sectoral approach**.

A second question from the audience inquired whether the borders – upon which the OECMs are constructed – should be more **flexible to accommodate migratory fish stocks** and adapt to climate change-related fish movements. Ms. Kenchington replied that the problem can be addressed by **creating OECMs networks** and, in this context, she believed that **the fact that OECMs can be updated and modified very regularly is an advantage over MPAs**. Mr. Garcia agreed that the marine environment is more mobile than the terrestrial one and hence requires a more adaptable approach in conservation. He illustrated the complexity of the issue through the Haddock Box. Since the utility of this closure area is now being questioned, he pointed out that if this area had been an OECM, the fisheries would have had to move it to follow and protect the haddock. However, the original area would still need to be protected. Therefore, he concluded by defining how **the solutions are to be found on case-by-case basis**.

Another inquiry provided the occasion to discuss **co-management with fisheries and coastal communities as part of the OECM management**. Ms. Kenchington informed this is in line with one of the criteria set out by a relevant CBD Decision, which involves management measures that identify, respect, and uphold the cultural, spiritual, socioeconomic, and other locally relevant values of the area. Ms. Meliane added that “management *systems*” rather than “plan” was chosen at the CBD negotiations to **include indigenous systems of management**, which might not fit under the description of a plan.

The following question inquired whether OECMs are better targeted at well-used areas or pristine areas. According to Ms. Kenchington, **OECMs are valuable also in areas with a lack of fishing activity**: identifying and assessing such areas using fisheries measures might prevent future threats from the fishery sector. Mr. Appiott added that there is no one-fit-all answer: **it depends on the number of sectors involved, the pressure present, the feature of the area and the specific conservation goals**. In this discourse, OECMs can be among the preventive measures to keep some areas pristine. Mr. Patterson emphasized that, given the ecological characteristics of a sensitive area, the **most cost-efficient option is to reduce fishing in likely-fished areas**. On the contrary, in heavily fished areas, the costs of reducing or stopping fishing are high and the environmental benefits uncertain. The discussion went forward with Mr. Garcia's intervention. He pointed out that pristine habitats, being untouched by fishing, are normally out of the usual footprint and therefore cannot be listed as fisheries OECMs.

Fisheries OECMs can be created, he stressed, **as long as there is a commitment to protect such areas.**

The final part of the Q&A focused on the **challenges of the Mediterranean Sea and the synergy with the EU Biodiversity Strategy.** Ms. Meliane flagged among those challenges the small use of area-based fisheries measures, the lack of data and monitoring plans. Mr. Garcia took the occasion to highlight that **OECMs do not work if the governance is weak.** However, although the government might not be functional in managing them, **OECMs have a high chance of being successful if they are seen as an opportunity for the fisheries sector to increase community-based management.** Still on the topic of the Mediterranean Sea, Ms. Meliane specified that, in a synergetic effort, the EU Biodiversity Strategy was taken in consideration when the **regional post-2020 targets on MPAs and OECMs under the Barcelona Convention** were developed. Currently, she explained, FAO is engaged in collaborative action with the Mediterranean States and is assessing what are the needs, in terms of capacity, knowledge and support, of the countries involved. Mr. Nikolić reiterated how **the Biodiversity Strategy ultimately calls upon contribution by the Member States** and at the same time is the EU contribution to global efforts, which implies regional cooperation.

Closing remarks

Ernesto Peñas Lado, Member, IUCN/CEM/FEG)

“This is not just about conservation; it is also about sustainable use.”

Among the take-home messages, Mr. Peñas Lado highlighted how **OECMs are not only about conservation, but are also important for sustainable use.** He acknowledged that there is plenty of **case studies and guidance** on OECMs. These provide an important basis for future discussion regarding the role of OECMs as an instrument to implement global and the EU biodiversity objectives. Considering the still infrequent use of OECMs in the EU, Mr. Peñas Lado underscored the potential for discussion. This opportunity comes at a good timing, in a context of looking for **solutions that should ideally protect marine biodiversity** and, at the same time, **enhance healthy fisheries management.**