

OECS

In marine capture fisheries



Brief for policy-makers and managers



OECMs

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By

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PREPARATION OF THIS DOCUMENT

About the document

This document was prepared by the Fisheries Expert Group of the IUCN Commission on Ecosystem Management (IUCN-CEM-FEG) for policy-makers and managers with interest in the mainstreaming of OECMs in the marine capture fisheries sector. It considers a process for their identification, use and performance assessment, translating the CBD Decision 14/8 (CBD, 2018) into a systematic and logically organised set of actions of relevance to the sector. The document is an extended summary of a more comprehensive one (Garcia et al, 2020) prepared also by FEG as a background document to be used in regional working groups to check, in various fishery contexts, the adequacy of the actions identified.

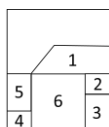
The document is to be considered as “work in progress” and comments may be sent to Serge. M. Garcia (grcsgm@gmail.com).

Acknowledgements

Writing of the document was supported by the Nordic Council of Ministers, by Fisheries and Oceans Canada, and by the European Board of Conservation and Development (EBCD).

The actions described in the document benefitted greatly from discussions in the various meetings on OECMs organized by the CBD, FAO (FAO, 2019) and FEG in 2018 and 2019, and for which FEG prepared background documents on OECMs in the marine capture fisheries sector (Rice et al., 2018; Garcia et al. 2019). The document benefitted also, and more importantly, from valuable contributions and comments received from experts from the Fisheries Expert Group of the IUCN Commission on Ecosystem Management (IUCN-CEM-FEG), and from other institutions, to whom we express our most grateful thanks: Colin Atwood (South Africa); Gunnstein Bakke (Norway); Kim Friedman (FAO); Eskild Kirkegaard (Denmark, FEG); Amber Himes-Cornell (FAO), Alf Hakon Hoel (Norway); Kelvin Passfield (IUCN-CEM); and Kerry Sink (South Africa). We remain entirely responsible for any eventual errors or misinterpretations.

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Suggested citation

Garcia, S.M.; Rice, J.; Charles, A. & Diz, D. 2020. OECMs in Marine Capture Fisheries: Brief for policy-makers and managers. Fisheries Expert Group of the IUCN Commission on Ecosystem Management, Gland, Switzerland. European Bureau of Conservation and Development, Brussels, Belgium: 25 p. Available at www.ebcd.org/feg .

ABSTRACT

Other effective area-based conservation measures (OECMs) have been defined by CBD COP in Decision 14/8 in November 2018. Since 2016, efforts have been made by the IUCN Fisheries Expert Group (FEG), in collaboration with the CBD and FAO Secretariats, to elaborate a specific guidance for their identification and management in the fishery sector. This document identifies a set of actions organized as a systematic approach to identify, and use OECM, integrating them into fisheries management plans, monitoring, evaluating, and reporting on their performance. The approach will be tested and finalised through regional meetings organized in close collaboration with national and international fisheries and biodiversity institutions. The set of actions have been extracted from the guidance provided by the CBD Decision itself and various background documents prepared by FEG in the CBD OECM process as well as reports of meetings on the subject organized by CBD and FAO in the past 4 years, and on the literature. The document : (1) Describes the elements of the enabling policy and legal frameworks needed at national and sector levels to incentivise and support OECMs; (ii) Provides a stepwise approach to identification of OECMs, from early quick-screening to decision making and reporting to WCMC; (iii) Examines the integration of OECMs in the fishery management plan, the fishery sector and surrounding seascape; (iv) Describes an effective Monitoring, Evaluation and Reporting (MER) system to support a recurrent performance assessment, including auditing; and (v) Considers the revision process that might be needed to maintain the OECM performance in the long term.

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ABBREVIATIONS AND ACRONYMS

ABFM	Area-Based Fishery Management
ABMT	Area-Based Management Tool
CBD	Convention on Biological Diversity
EFS	Ecosystem functions and services
FAO	Food and Agriculture Organization of the United Nations
IUCN	International Union for Conservation of Nature
FEG	Fisheries Expert Group of the IUCN Commission on Ecosystem Management
MCS	Monitoring, Control & Surveillance
MER	Monitoring, Evaluation & Reporting
MPA	Marine Protected Area
OECM	Other Effective Area-based Conservation Measure
RFMO/A	Regional Fishery Management Organization/Arrangement
SAI	Significant Adverse Impact
TURF	Territorial Use Rights in Fisheries
UNCLOS	United Nations Convention on the Law of the Sea
UNEP	United Nations Environment Programme
VME	Vulnerable Marine Ecosystem
WCMC	World Conservation Monitoring Centre (UNEP)
WDPA	World Database on Protected Areas

PREAMBLE

This document is intended for policy-makers and managers with interest in the identification and use of OECMs in the marine capture fisheries sector. It contains a brief presentation of a process for their identification, use and performance assessment, translating the CBD Decision 14/8 into a systematic and logically organised set of actions of relevance to the sector, in governance, research and management. Being specifically elaborated for fisheries, the detailed elements of action constituting this document are more detailed than they are in the overarching Decision itself, which applies generally to terrestrial and marine ecosystems, and to all economic sectors operating in these systems.

OECMs –as defined in Decision 14/8– are management instruments bridging sustainable use of biodiversity with biodiversity conservation outcomes. The evidence providing the basis for selection, planning and management of OECMs in marine capture fisheries requires the use of the best science available and the knowledge of fish harvesters, including in Indigenous Peoples and local communities (IPLCs). The identification, management, and performance assessment of OECMs needs to be well understood and credible to all stakeholders, at central or local governance levels, in fisheries and conservation, in large scale fisheries and coastal communities, and by fisheries and conservation advocates.

The document is an extended summary of a more comprehensive one prepared also by FEG as a background document to be used in regional working groups, to check the adequacy of these actions in a fishery context⁴.

The document is to be considered as “work in progress” and comments and suggestions for its improvement may be sent to Serge. M. Garcia (grcsgm@gmail.com).

1. INTRODUCTION

The Other Effective Area-based Conservation Measures (OECMs) are a new kind of hybrid area-based management instrument, to use at sectoral or cross-sectoral level, to contribute both to the sector sustainability and to biodiversity conservation. This dual instrument was referred to, for the first time, in Aichi Target 11: *“by 2020, at least...10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider ... seascapes”* (underlining added) (<https://www.cbd.int/sp/targets/>). However, the OECM was formally defined by the CBD only in 2018 in Decision 14/8 (thereafter “The Decision”) 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”*.

The role of OECMs in fisheries is to acknowledge and possibly increase the positive long-term biodiversity outcomes of area-based management of fishing activities which, if not appropriately

⁴ Garcia, S.M.; Rice, J.; Charles, A. & Diz, D. 2020. OECMs in Marine Capture Fisheries: Systematic approach to identification, use and performance assessment in marine capture fisheries. Fisheries Expert Group of the IUCN Commission on Ecosystem Management, Gland, Switzerland. European Bureau of Conservation and Development, Brussels, Belgium: 87 p. Available at www.ebcd.org/feg.

managed, could have an unsustainable impact on the “biodiversity features of concern⁵” in the area of operation. The Decision provides Guiding Principles, identification Criteria, and guidance on governance of the OECM process (oversight, mainstreaming, integration) (**See Annex I**).

Mainstreaming OECMs in marine capture fisheries requires a “translation” of The Decision into terms and actions that are understandable and practical for the sector with its particular characteristics (technology, types of biodiversity impacts, types of governance, legal framework and different jurisdictions, conventional and innovative management instruments). In each fishery, or group of fisheries operating in the same area or ecosystem, many existing area-based fisheries management measures (ABFMs) may be considered potential OECMs and assessed against OECM standards.

The document is aimed at policy-makers, managers and scientists, but also at those stakeholders, in fisheries and conservation that collaborate in the OECM process. It can be used at national and sub-national levels as well as at bilateral level (for transboundary OECMs) or regional level (e.g. in RFMO/As and for straddling of high seas OECMs).

This paper organizes systematically the actions considering: (i) the enabling frameworks; (ii) the OECM process; (iii) the identification process; (iv) the integrated management of OECMs; (v) their Monitoring, Evaluation, Reporting (MER) and auditing; and (vi) their eventual revision in case of poor performance.

The actions suggested in each section may not be needed everywhere and their logical order may, in practice strongly depend on the present level of development and sophistication of the fishery governance and management systems, justifying the implementation “flexibility” recommended in The Decision.

2. ENABLING FRAMEWORKS

2.1 The overarching national governance framework

The effectiveness of mainstreaming OECMs in marine (and freshwater) capture fisheries sector in any jurisdiction⁶ depends not only on the way the areas are managed and the measures applied within them are implemented, but also, to a large extent, on the higher level enabling policy, legal, and sectoral governance frameworks within which their identification and management will be undertaken.

In The Decision, the concept of “good governance” (cf. **Graham, Amos, Plumptre, 2003**) is addressed in many different places, implicitly in the definition of OECMs, the Guiding principles and the Criteria and, explicitly, in the Annex I (integration of OECMs into wider spatial frameworks) and Annex II on governance models for protected areas. Following The Decision, all the actions referred to below are intended to be taken and implemented in multi-stakeholder processes involving all Legitimate

⁵ In this document, the “biodiversity features of concern” refers to the elements of biodiversity –other than the target species that are: (1) impacted by fishing operations and for which conservation measures are required or (2) identified by a legitimate agency, or widely supported social process, as a conservation priority; and (iii), if known, (3) impacted by other economic sectors potentially active in the fishing grounds. Target species are obviously part of biodiversity and, if poorly managed, could also become “biodiversity features of concern” but are normally dealt with in Aichi Target 6 (and similar international targets) and using conventional area-based fisheries management measures (ABFMs). This functional overlap of OECMs highlights the need for coordination between measures (cf. **Section 5**).

⁶ e.g. in locally managed marine areas (LMMAs), territorial use rights in fisheries (TURFs), Exclusive Economic Zones (EEZs), or areas of competence of RFMOs/As).

Authorities, including Indigenous People and local communities, with due consideration of their rights, responsibilities, institutions, and set of values.

The OECM process might start with an overarching decision at the highest level of national governance to start a process of mainstreaming OECMs in relevant sectors (including fisheries). It might also start, in one sector (e.g. fisheries), as a pilot initiative before being progressively extended to all relevant sectors. From either starting point, the process might start with existing ABFMs now viewed as potential OECMs, or with new areas to be established as OECMs in the fishery sector. The overarching activities needed would include:

- **Developing of a vision** or policy statement for a highly participative OECM initiative;
- **Reviewing and strengthening as necessary the sectoral policy, legal and regulatory frameworks;**
- **Mandating the “Legitimate Authority”⁷ and clarifying responsibilities**, e.g. for decision-making, assessments, management, reporting, etc.;
- **Developing or strengthening as necessary the collaborative processes** among relevant agencies, jurisdictions, sub-sectors, and sectors;
- **Providing oversight and auditing** to check the effective contribution of OECMs (cf. Section 6.7);
- **Diffusing the generic guidelines on OECMs** that are available, in national and local languages, adapting and translating them as needed for local use;
- **Creating or strengthening a national database** of all protected areas producing or likely to produce biodiversity benefits and co-benefits⁸;
- **Establishing accessible sources of funds** and other implementation means, including for capacity-building at local level;
- **Adopting of a strategy and plan** and a reasonable timetable for sectoral submissions of OECMs proposals by the various sectors and jurisdictions to the Government;
- **Communicating/promoting OECMs** as conservation mechanism that are complementary to other conservation measures, compatible with sustainable use.

2.2 The fishery governance framework

Many of the actions considered below “echo” at sector and sub-sector levels the actions listed above in the overarching national governance framework, following the same good governance principles, and translating them for application in the sector.

- **Mainstreaming OECMs in the fishery sector**, revising as necessary the fishery frameworks, providing incentives for buying-in and building-up implementation capacity at appropriate levels;
- **Establishing an auditing authority (and process)** or mandating an existing (national or sectoral) one to audit OECMs;
- **Operationalizing “equitable governance”** as defined in The Decision, in terms of recognition, inclusive access to procedures and distribution of costs and benefits as well as other aspects of equitable governance that may exist in the sector or emerge from applicable CBD Decisions;
- **Facilitating integration of OECMs**, in the fishery, the fishery sector, and the ecosystem, and across other sectors and jurisdiction areas (e.g. for shared or straddling OECMs);
- **Identifying known or likely negative impacts of other sectors** on fisheries and OECM outcomes in these fisheries;

⁷ The “Legitimate authority” is the institution – or collaborative institutions– having the formal governance mandate and powers needed to achieve in situ conservation of biodiversity within the OECM in the marine fishery sector. The stresses the importance of the wide range of governance systems under which OECMs may be identified and used, from highly centralised to highly decentralised e.g. in the case of Indigenous Peoples and local communities (IPLCs).

⁸ Following The Decision (Page 14) “benefits” are *intended* (hence related to explicit objectives) while “co-benefits” are *unintended*, i.e. ie obtained by accident or simply not considered as objectives.

- **Ensuring that effective fishery management systems are in place**, for the fisheries in which the OECM operates or with which it interacts;
- **Adopting or strengthening the Ecosystem Approach to Fisheries (EAF)** as the operational framework for managing fisheries and the OECMs identified in them;
- **Strengthening the monitoring and evaluation capacity** and the related collaboration between fisheries management and biodiversity conservation agencies;
- **Identifying the need for international collaboration** for OECMs beyond national jurisdiction. Regional organizations might be used to promote effective OECMs;
- **Matching implementation capacity to commitments** and vice-versa is fundamental in a sector the management of which is chronically underfunded.

2.3 The fisheries legal framework

The international framework enabling the identification and implementation of OECMs in all ecosystems has been established by The Decision, complementing the overarching framework provided by UNCLOS for the oceans and seas. Under UNCLOS, States, in their EEZs or as members of a RFMO/A may adopt area-based management tools (ABMTs) such as closed areas, for the sustainable use of the resources or the protection of the environment, and hence conduct all the activities necessary to identify and use OECMs. The ongoing United Nations process for the adoption of an international legally binding implementation agreement, under UNCLOS, on the conservation and sustainable use of biodiversity of areas beyond national jurisdiction (BBNJ agreement) will be relevant for the way (ABMTs, which include MPAs and OECMs) may be used in the future by any sector in the High Seas and the Area⁹. Implementing The Decision may require updating of the relevant legal fishery frameworks, at regional, national and sub-national levels national level. Relevant actions may include:

- **Mandating the Legitimate Authority for OECMs in fisheries**, at national, subnational, and local levels. At regional level, e.g. in RFMOs/As, flag States, individually or collectively, already have the required competence.
- **Including OECMs as management instruments in the Fisheries Acts (if needed)**. This action would provide one piece of formal evidence of the intent of the long-term intent of the initiative.
- **Elaborating additional regulation on OECMs** that could protect fishery-OECMs from external negative impacts on biodiversity, or establish rules for elaborating cross-sectoral OECMs.

3. THE OECM PROCESS

The Decision does not describe the process through which OECMs might be identified and used. The processes are likely to differ among jurisdictions, reflecting their individual governance and decision-making processes. The necessary activities might be grouped or subdivided differently in different places, to reflect the applicable existing governance processes, as long as all the activities are conducted in ways consistent with the Decision. **Figure 1** is only indicative of the activities that may be needed and how they logically relate to each other.

⁹ The "Area" refers to the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction (UNCLOS Article 1.1)

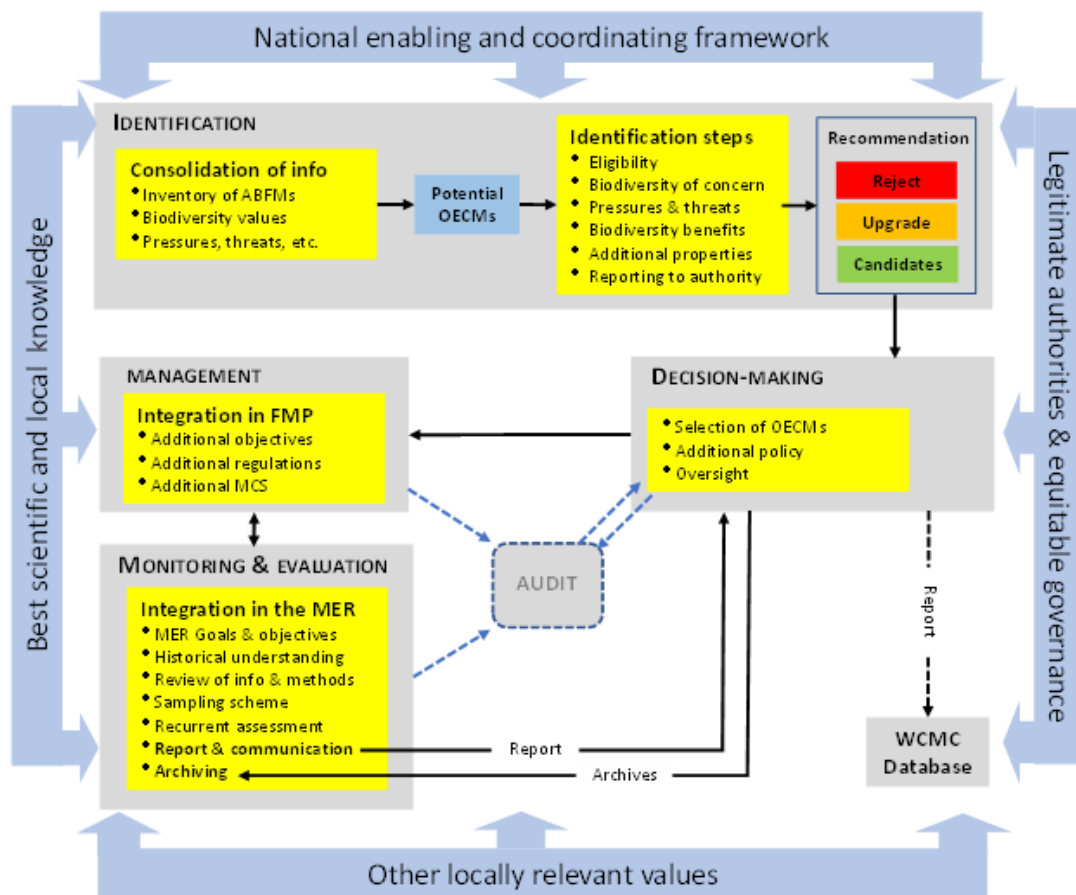


Figure 1: Suggested process for identification and use of OECMs showing the key Steps and enabling factors. values, and a national enabling and coordinating framework. (Modified from Garcia et al., 2019).

All phases of the process and the relations with The Decision are dealt with in some detail in the following sections.

4. IDENTIFICATION OF OECMS

The knowledge-based identification of OECMs among the existing or potential ABFMs is the first important task in the process needed to mainstream them and enhance biodiversity conservation in fisheries. The task is to, first, examine which existing ABFMs (that may be considered as “potential OECMs”) meet the requirements described in The Decision to be considered “candidate-OECMs” and be proposed to the legitimate authority for decision. Whether the approach is comprehensive or incremental (cf. **Section 4.1**), the identification is undertaken case-by-case, and potential ABFMs are examined one-by-one, in the context of the ecosystem and fishery in which they operate.

4.1 Premises

The Decision (§1) provides *voluntary guidance* that may be applied in a *flexible way* (cf. §3), recognizing that States may need to adapt the guidance to their specific circumstances (cf. §4) and to the availability of data and competences. The following actions would facilitate the identification process:

- **Identifying the institution(s) in charge of the assessing OECMs** such as a standing or *ad hoc* task force bringing together the competences needed;
- **Identifying the “ecosystem” within which the OECM operates**, with: (i) its key biodiversity features; (ii) the other area-based management tools (e.g. ABFMs, MPAs, TURFs) operating in the area; (iii) the specific fishery within which the OECM would operate; (iv) the other fisheries and conservation frameworks within which the OECM might be integrated (cf. **Section 5**).
- **Preparing convincing evidence of dedicated governance processes** to do all realistically feasible to keep the OECMs in place for the long-term;
- **Preparing convincing evidence of present outcomes and future ones**, through empirical analyses, simulations, comparisons with strongly similar situations;
- **Selecting an approach to identification**. The identification process may be “comprehensive” (sector-wide) or “incremental” (fishery after fishery), depending on the available capacity;
- **Considering ABFMs case-by-case**. ABFMs should be evaluated individually against the Criteria, and generalizations are to be avoided;
- **Considering all Criteria and Principles** respectively for identification and additional guidance;
- **Establishing a comprehensive and inclusive assessment team** with the necessary knowledge and competencies needed to address all the bio-ecological, socio-economic, cultural, spiritual, and other locally relevant issues;
- **Using the broadest sources of reliable information possible**: including scientific data, expert knowledge, local knowledge, or information from highly “comparable” areas;
- **Accounting for uncertainty inherent to social-ecological systems like fisheries**, taking a risk-based and precautionary approach to decision-making for adaptive management;
- **Using the best available methodology** for the context in which OECMs are identified (availability of data and assessment capacity);
- **Identifying available pre-agreed reference values (baselines or thresholds) of indicators** as well as eventual **priorities and weights for the identification criteria**. If not available, these elements will need to emerge from the assessment and be endorsed by the Legitimate Authority.
- **Considering also cultural, spiritual, socio-economic and other regionally or locally relevant values**, affecting OECM’s performance, in a participatory process;

The Decision contains extensive guidance on the types of governance to be considered, and about the required effectiveness and equity – in recognition of stakeholders, procedures and distribution of costs and benefits.

4.2 Identification Steps

Each identification Step below requires its own mix of information and experts. The Steps are in a logical order: (1) the assessment proceeds to the next Step only once the current Step has been satisfactorily completed; (2) the information collected during the completion of one Step might also be useful for the next one(s); and (3) the Steps are undertaken in growing order of requirement complexity (and assessment costs) in order to discover, as early as possible in the process, shortcomings which would mean a potential OECM clearly fails to meet an important requirement and the assessment may be terminated. Each Step addresses a portion of the total requirements of the Decision, but by the time all seven Steps are completed, all the requirements of The Decision will have been considered.

Step 0: Information consolidation

The process of initial identification, management, and recurrent evaluation of OECMs require the compilation of diverse types of data and information, in part before the start of the multidisciplinary assessment and in part during it. The action needed includes:

- **Identifying the multidisciplinary expertise** and other forms of knowledge needed, in both fisheries and biodiversity matters, as well as the potential collaborations;
- **Identifying the data and information available** on the fisheries operating in and around the potential OECM, the ecosystem around it, and the management systems and processes;
- **Identifying the methodologies** that might be used for the assessments.

Step 1: Determine eligibility for assessment: quick screening

Places where ABFMs¹⁰ are in use may be very numerous (e.g. >1000 in Canada) and may *a priori* all be considered potential OECMs. A quick screening, based on the most “differentiating” Criteria, may identify the ABFMs less likely to be positively assessed to focus available means on better candidates as potential OECMs. For the areas identified as potential OECMs, activities include:

- **Confirming that the area has not been already designated as MPA** (or does not overlap with MPAs) (Criteria A);
- **Confirming that the area is geographically defined** (Criteria B);
- **Confirming that the area is under legitimate governance and managed** (Criteria B), e.g. in the Fisheries Act, local management rules, management plans or equivalent instruments;
- **Identifying the broad biodiversity conservation benefits of relevance**, including ecosystem services, obtained or expected in the area (Criteria C);
- **Checking whether cultural, spiritual, socio-economic, and other locally relevant values** (Criterion D) are taken into consideration in the management of the area.

This quick-screening Step is also the occasion to set-up and experiment with the cooperation among scientific and other knowledge system experts, identify key issues to be considered in the full assessment, identify additional useful sources of information and expertise.

Step 2: Identify biodiversity features of concern

In this document, the “biodiversity features of concern” include the elements of biodiversity other than the target species, that are: (1) impacted by fishing operations and for which conservation measures have the potential to eliminate, reduce, mitigate the impact, restore healthy conditions, or compensate the residual impacts (e.g. following the biodiversity Impact Mitigation hierarchy, BIM). Impact on the same features and in the same area by other sectors should be documented as much as possible; or (2) identified by a legitimate agency, or widely supported social process, as a conservation priority, e.g. listed as endangered, threatened or protected in national or international legislation. Activities include:

- **Establishing an inventory of the biodiversity features of concern** in the potential OECM and around it, as appropriate;
- **Identifying the causes of concern**, i.e. the origin of the impact on such features;
- **Identifying the impacts** that the potential OECM would contribute to reducing or eliminating, also considering also, as far as possible, non-fishery impacts on the same features;
- **Establishing an inventory of ecosystem functions and services** (EFSs) in the fishing area and around it that might be impacted by fishing;
- **Establishing an inventory of corrective measures that are already in place in the ABFM and additional measures that may be eventually needed in the OECM;**
- **Providing evidence of effectiveness of the measures in place** and of the significance of their outcomes;

¹⁰ See the definition of ABFM in the Introduction. When referring to ABFMs in this document, depending on context, we may refer to their spatial definition (the area) or to the specific management measures applying within them such as access rules, catch and effort limitations, gear specifications, and special bycatch regulations.

- **Advising on how to reflect the intended outcomes of the OECM in the objectives** adopted in the fishery management plan and specifically for the potential OECM, e.g. as targets/limits for pressures/threats and biodiversity outcomes).

Step 3: Identify pressures and threats on biodiversity

The Decision refers repeatedly to threats with various qualifiers, e.g. *actual; current; existing; new; potential and reasonably anticipated; or pervasive*. It also refers to pressures once, as *emerging pressures* which generate *new threats*. The clear intent of The Decision and of this Step is to identify the forces, either present (called “pressures” in this document) or reasonably anticipated (called “threats”) that affect or might affect biodiversity in the exploited ecosystem and to provide evidence that the potential OECMs have a reasonably documented capacity to reduce or eliminate the related potential impacts on biodiversity. Activities include:

- **Establishing a first inventory of known or reasonably foreseeable pressures and threats** on the potential OECM biodiversity features of concern, their nature, scale, source (including other fisheries), and range of societal and ecological values;
- **Assessing the OECM-specific pressures and threats**, their expected impact on the biodiversity of the area, and related social and economic costs, if any. A range of methods are available for the assessment;
- **Advising on measures available** with potential to contain, reduce, mitigate, or eliminate the specific threats and pressures on the biodiversity of the potential OECM, focusing on the most “significant” of them. Advise on ways to integrate the action across fisheries and within the ecosystem;
- **Designing contingency plans and decision rules**, applying precaution, and balancing risks of misses and false alarms;
- **Updating as needed the MER**, strengthening its capacity to follow and evaluate the performance of the OECM and the measures applied into it, and confirm the long-term intent.

Step 4: Assessment of biodiversity benefits.

Use of ABFMs to ensure sustainable use of target species may also produce intended or unintended positive biodiversity outcomes for the broader biodiversity. Intended positive outcomes usually reflected in the primary or secondary objectives of the ABFM. They are referred to here as “benefits”. Unintended positive outcomes, known or unknown, are additional benefits (e.g. on the broader biodiversity and habitats) generated by the same measures. They are referred to here as “co-benefits”. For the management to be accountable for them, they need to be identified as objectives in the management plan, together with the measures ensuring their delivery in the long term. Benefits include stopping biodiverse loss (no net loss) or increase in biodiversity (net gain) as well as reduction of the likelihood and magnitude of responsible pressures and threats. Evidence of the benefits occurrence, or of the action intended to generate them, must be provided. The biodiversity features of concern on which the assessment should focus having been identified in Step 2, Step 4 focuses on: (i) Determining the nature, likelihood and magnitude of actual or potential biodiversity conservation benefits; (ii) Assessing the effectiveness of the potential OECM in producing the expected benefits and the factors that might affect such effectiveness; and (iii) Assessing the distribution of costs and benefits of the OECM if implemented (equity). Activities include:

- **Assessing the extent, condition, and relative status of these biodiversity features** in the potential OECM area and in the total area of the fishery (background);
- **Assessing the actual (or future) biodiversity benefits or co-benefits** resulting from the measures in place (or planned) in existing (or new) potential OECMs as well as around them (to prepare their integration in broader frameworks);

- **Identifying possible ways to improve the potential OECM outcomes**, e.g. modifying its parameters or through additional measures inside the area, or around it;
- **Elaborating robust and feasible indicators** and determining scientifically justified reference values and benchmarks allowing proper monitoring and evaluation of implementation performance;
- **Demonstrating that the biodiversity benefits are (or intended) sustained in the long-term**, e.g. providing evidence of long-term policy frames, laws, institutions, and stakeholder support;
- **Assessing the direct and major indirect consequences of the measures on “other values”¹¹** in the potential OECM area as well as for the fishery or for the local socio-ecological system;
- **Identifying potential enabling/impeding factors** likely to help maintain/reduce/cancel the expected biodiversity benefits or co-benefits of a potential OECM. Factors may be current or reasonably likely to occur in the future;
- **Assessing the dependence of the OECM benefits on the conditions outside the potential OECM area**, e.g. other fishery management measures; ecological connections; land-based pollution, climate change and related changes in ocean conditions.

Step 5: Assessment of additional OECM properties

The properties or characteristics of areas considered for OECM reporting and referred to here as “additional” are ecological representativeness and connectivity, complementarity with MPAs in the same ecosystem, and integration in conservation networks. These properties may enhance the OECM effectiveness at conserving biodiversity and would strengthen the rationale for their identification. They are also very important for integrating the OECM within the fishery it operates, the other fisheries operating in the surrounding area, and the conservation networks that may exist. Activities include:

- **Describing OECM’s contributions to ecological “representativeness”** based on existing biogeographic classifications, particularly those adopted for assessing representativeness of MPAs in the same ecosystem. This would also facilitate the analysis of “connectivity”;
- **Describing the potential OECM’s contribution to “connectivity”** e.g. the relations between the biodiversity in the potential OECM and the surrounding fishing ground and ecosystem. In particular, describing how the benefits provided by the OECM enhance or augment the benefits provided by other OECMs and MPAs in the surrounding area;
- **Describing the “complementary role” of the potential OECMs**, e.g. in MPAs networks, adding biodiversity benefits and increasing area coverage, filling gaps;
- **Describing how the OECM is integrated in the fishery management plans** and the fishery monitoring, evaluation, and reporting.

Step 6: Synthesis and reporting to the legitimate authority

This Step includes two parts: (i) synthesis of the assessment conclusions; and (ii) reporting to the Legitimate Authority

a) Synthesis

The results obtained at each Step above need to be combined to give a synthetic assessment of the present or likely biodiversity conservation performance of the “potential OECM” and of the extent to which it meets the CBD definition and Criteria. The assessment will be “positive” for those potential OECMs which meet the Criteria, identifying them as “candidate-OECMs”, to be endorsed or otherwise by the Legitimate authority, based on the best available evidence provided by the identification process. The assessment will be negative otherwise and the potential OECM will not be retained as a candidate-OECM. The overall assessment depends on the assessments conducted at every Step.

¹¹ The expression “other values stands for the “cultural, spiritual, socio-economic, and other locally relevant values” referred to in the OECM definition in Decision 14/8, §2)

Step 1 is inherently a binary assessment. The response is positive or negative and the second is eliminatory. Steps 2 to 4 determine if and how much the potential OECM fit to the required properties. The assessment undertaken on each bullet point and the aggregated assessment on each Step and for the whole identification is unlikely to be wholly “positive or “negative” and highly likely to fall within a continuum between the two extremes. Some parts of the assessment may result as “uncertain”.

In data-rich situations, in which quantitative and probabilistic methods may be used, numerical scores might be obtained and combined for aggregated assessments. Therefore, the composite assessment of each Step and of the final assessment of the potential OECM performance, requires some sort of Multiple Criteria Decision Analysis (MDCA) that might be more or less complex depending on the assessment context.

In data-limited situations, qualitative assessments may dominate the process, leading either *de facto* to a simpler qualitative scoring system (e.g. positive, uncertain, negative, unknown) eventually connected to a color-coding (e.g. green, orange, red, grey). In reality, it is likely that some assessments could only be qualitative while others could be quantitative and rules will therefore be needed for combining these assessments within and across Steps.

Following the Biodiversity Impact Mitigation (BIM) hierarchy, OECMs can be expected to: (i) “avoid” impacts on the biodiversity features of concern within OECM boundaries when possible; (ii) reduce/minimize such impact, otherwise; (iii) mitigate the residual impact or facilitate recovery to reference levels. The end result should be a stabilization or recovery of the biodiversity features of concern in the OECM boundary and, for mobile elements, possibly also in the surrounding fishery and ecosystem. This result would eliminate or reduce the probability of occurrence of Significant Adverse Impacts (SAIs)¹², taking into account the value and vulnerability of the biodiversity feature of concern, their level of degradation, and the current and reasonably foreseeable future risks and threats. If such benefits were already provided in the ABFMs, granting an OECM status should better secure them for the long term.

There is no reference to “scores” in The Decision and no specific guidance on the amount of improvement or security of the biodiversity features of concern that may be required for a potential OECM to be identified as *bona fide* OECM. OECMs used in the fishery sector are intended to promote improved protection of the biodiversity features of concern within the OECM boundaries, and “sustainable use¹³” of biodiversity within the single fisheries and the sector. Some OECMs may generate large benefits for a few biodiversity features considered of high societal relevance while others may produce relatively smaller benefits but for a much larger range of features. The final decision on whether to identify an ABFM as an OECM rests, therefore, with the Legitimate Authority, informed as well as possible by the assessment process.

Figure 2 summarizes graphically the identification process described in Section 4. The process may be used for a Multi-Criteria Decision Analysis or any other method deemed preferable to aggregate the single qualitative or quantitative scores into a final overall assessment.

¹² Significant (or serious) Adverse Impact (SAI) was an impact qualifier used in UNGA resolution 61/105 on deep-sea fisheries. It was defined in the International Guidelines for the Management of Deep-sea Fisheries in the High Seas (FAO, 2009). These guidelines define SAIs as impacts that compromise ecosystem integrity (i.e. ecosystem structure and function) in a manner that: (i) impairs the ability of affected populations to replace themselves; (ii) degrade the long-term natural productivity of habitats; or (iii) cause, on more than a temporary basis, significant loss of species richness, habitat or community types. The CBD Strategic Plan for Biodiversity 2011-2020 adopted the SAI as reference level for recovery plans and measures for threatened species and vulnerable ecosystems (in Target 6).

¹³ As defined in the Convention

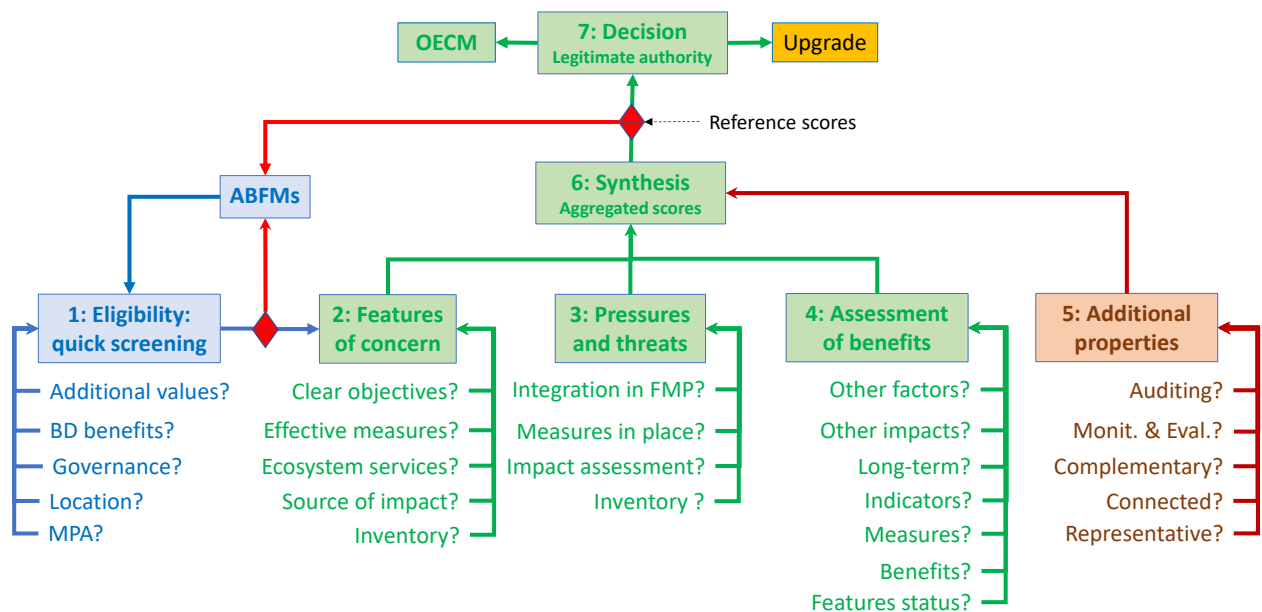


Figure 2: Graphical representation of the identification process, linking the conclusions reached on every element of every Step (numbered 1 to 5) to the synthesis (Step 6) and Decision (Step 7). For each Step, the underlying elements may be qualitatively or quantitatively “scored”, leading to an overall score for each Step and, overall, for the potential OECM cores add qualifications to the determination assessment but do not determine it. The outcome of this process is reported to the legitimate authority for decision.

b) Reporting to the legitimate authority

The potential OECMs which satisfactorily met the Criteria (i.e. the “candidate-OECMs”) as well as the potential OECMs which could be “upgraded” to meet the Criteria, are presented to the legitimate authority for final decision in a coherent “Identification Report” highlighting, for each candidate-OECM the rationale for its inclusion or exclusion with the information available. The Identification Report, elaborated through an inclusive identification process, may include the following:

- **Executive summary** of the comprehensive assessment process and its outcomes, with recommendations if required.
- **General description of the OECM** (Name, localisation, area, jurisdiction zone, physical features, relevant hydrography parameters, relevant ecological processes, major biodiversity features, known disturbances, etc.
- **Brief inventory of the biodiversity features of concerns** impacted by fisheries in/around the OECM, their status and trend in reference to reference values and benchmarks.
- **Type of governance of the OECM:** centralised, devolved, etc.
- **Role/objectives of the OECM** including those directly related the sustainability of the fishery and target species, and those related to protection of the biodiversity features of concern.
- **Description of the fishing fleets and technology** operating in and around the OECM.
- **Description of known additional pressures or threats**, external to fisheries, in the candidate OECM, based on the information provided in the OECM assessment and any other relevant sources
- **Description of collateral impacts on biodiversity features of concern**, observed or expected, within/ around the OECM, from fisheries and, if possible, from other sources.
- **The management and protection regime of the OECM:** e.g. Management authority; supporting legislation; management plan and measures; MCS; integration in the specific fishery, across fisheries and the ecosystem; oversight and auditing.
- **Expected benefits for the biodiversity features of concern in the long term:** e.g. the biodiversity features attaining, maintaining, or increasing healthy status”; reduction in pressures and threats;

other socio-economic outcomes.

- **Additional properties:** representativeness, connectivity, complementarity, and integration with wider conservation networks. Presence and nature of cultural and spiritual values.
- **Enabling factors:** e.g. sustained efforts, favourable cost/benefit ratio, economic and social incentives; pressure management; deterrent enforcement; and equitable governance.
- **Impeding factors:** the mirror image of enabling factors, e.g. no evidence that efforts will be sustained; unfavourable cost/benefit analysis; no incentives; and poor enforcement.
- **Synthesis:** Conclusions regarding the OECM properties and their rationale including recommendations if explicitly requested by the authority.

Step 7: Decisions by the legitimate authority

The Legitimate Authority receives the assessment report and has the prerogative to decide on the fate of the candidate-OECMs, based on the information received, and considering in addition any social, economic, and political dimensions of the decision. Depending on the degree of inclusive participation and the extent of pre-agreed interpretations of results of each previous Step, the decision process could be guided and constrained of scores awarded (Step 4), the way scores were aggregated (Step 6), and the use of scoring benchmarks and reference point (Step 6), leading to:

- **Decision on OECM identification** considering the identification report, costs/benefits and political issues, the candidate-OECMs, are considered confirmed, upgradable, or not considered further.
- **Consideration of the eventual need to update the FMP**, its objectives, measures, etc. to account for the new OECMs;
- **Decision regarding the report to stakeholders and the public at large** on the decisions regarding OECM status of the candidate area, providing rationales for decisions and feedback on the value of the assessment in informing the decision-making process;
- **Decision about reporting to the WCMC OECM database.** The Decision *encourages* State Parties to do so but it is not an obligation (see **Section 6.5**). Such decision should rather apply to all OECMs.

These decisions ought to be recorded a national registry¹⁴ together with the supporting evidence, for future reference. If not available, such a registry should be created, at the appropriate levels, signalling the long-term intent of the initiative.

5. INTEGRATION OF OECM MANAGEMENT

To be fully effective, OECMs need to be explicitly integrated: (1) In the management plan of the fishery within which they operate; (2) With all OECMs used within the fishery sector and other economic sectors, at EEZ level; and (3) Within the protected areas networks, seascapes, etc. These three levels of integration call for different governance arrangements and levels of capacity, with growing degrees of complexity.

5.1 Integration of OECMs within the fishery management plan

Abundant guidance is available for the management of responsible fisheries, e.g. in the FAO Code of Conduct for Responsible Fisheries (CCRF) and related guidelines. Consequently, the following sections focus on the management issues related to the OECM and its integration in the fishery management plan (FMP), assuming that FMP already takes the CCRF guidance into account. Such integration is an

¹⁴ The WPDA may in any case serve as an integrated online, graphic national repository of protected areas and OECMs

evidence of the long-term intent of the OECM. In traditional small-scale fisheries, the means available may be limited but the spirit of integration ought to be present. Actions include:

- **Noting formally the OECM(s) and upgradable ABFMs to be covered by the FMP**
- **Updating the FMP objectives and targets** to better reflect the specific biodiversity conservation objectives and expected outcomes of the OECM(s).
- **Specifying the indicators and reference values or trends** and other performance benchmarks or standards related to the above objectives, and assigning responsibility for monitoring the indicators and assessing their status and trends.
- **Specifying the measures taken in the OECMs** (both area based and non-area-based measures) to reach the objectives.
- **Strengthening participation of environmental stakeholders** (in addition to that of fisheries stakeholders) in the elaboration of the FMP.
- **Broadening the target audience of communication campaigns** to inform interested parties about the presence of OECMs and their implications.
- **Addressing new equity issues** that might have been created by the conversion of the former ABFM into an OECM, e.g.: on livelihoods, food security, and cultural or spiritual values;
- **Evaluating risk of non-compliance** with OECM measures and **strengthen (MCS)** around and in the OECM and identify opportunities for improvement.
- **Addressing internal and external threats to OECMs**, clarifying contingency measures, monitoring activities and benchmarks adopted to improve foresight, resilience, and responsiveness.
- **Ensuring that the fishery management plan is adaptive** to changes occurring in the OECM. Pre-agreed thresholds of change and decision rules would help avoiding chaotic policy changes or precluding appropriate responses to changes in environmental conditions.
- **Archiving and maintain information on FMP provisions and implementation**, e.g. in a monitoring, evaluation, and reporting system.

5.2 Integrating OECMs within the fishery sector

As one of the intents of OECMs is contribute to biodiversity conservation in addition to fisheries viability, their identification, management, and performance assessment should be coordinated and harmonized among fisheries that exploit the same ecosystem and food chain, contributing to integration of biodiversity concerns and measures into the sector and to strengthening of the Ecosystem Approach. In theory, integration of the fishery-specific OECMs within the entire fishery sector should be institutionally simple and less expensive than integration in broader frameworks (next Section). However, limited progress has been made in the effective integration of single fisheries' management at whole sector (or ecosystem) level despite the rising awareness of the systemic nature of fisheries in the last 50 years and some valuable efforts in leading countries. Activities would include:

- **Mapping all fisheries footprints** (spatial distribution of fishing effort) **and OECMs**.
- **Looking for potential synergies among the OECMs** used in various fisheries (connectivity, geographical and functional overlap).
- **Harmonizing or, where feasible, merging management plans** and measures of strongly overlapping or complementary OECMs, to facilitate their integrated management.

5.3 Mainstreaming OECMs across economic sectors

The Decision (Annex I, Section IIB) provides guidance about the integration of OECMs across sectors *by applying the ecosystem approach and taking into account ecological connectivity and the concept, where appropriate, of ecological networks*. Actions, based on suggestions in The Decision (Annex 1,B), include:

- **Identifying, mapping and prioritizing areas** important for biodiversity features of concern and essential ecosystem functions and services.

- **Considering merging of strongly overlapping areas** (pros and cons) and harmonizing sectoral legislation to enhance complementarity
- **Reviewing and updating sectoral plans as necessary** to ensure that they recognize and incorporate the many values provided by protected areas and OECMs in a synergetic manner.
- **Developing targeted communications campaigns** aimed at the public and private sectors that lay out the biodiversity and ecosystem functions and services provided by OECMs.
- **Reviewing and revising existing policy and finance frameworks** to identify opportunities to improve the enabling policy and financial environment for sectoral mainstreaming.
- **Assessing and updating the capacities required** to improve the synergetic mainstreaming of protected areas and OECMs.

In addition, **coordinating the monitoring, evaluation, and reporting (MER) systems** across sectors would facilitate operational synergies, common databases, joint assessments, etc.

5.4 Integrating OECMs in seascapes

The Decision Annex (I) refers to integration of OECMs into seascapes¹⁵. These spatial frameworks may be sub-national (within an EEZ) or international around a large-scale ecosystem. Seascapes intend to build/strengthen coalitions among governments, corporations, and civil society to improve ocean governance across sectors and conservation, from local (sub-national) to regional (international) levels. National seascapes may be under the authority in charge of biodiversity conservation, in collaboration with other sectors' authorities, potentially facilitating the integration. International seascapes are international partnerships operating under various arrangements, often involving large environmental NGOs and integration must be done through the national authority. The integration of OECMs in seascapes is addressed in The Decision (Annex 1, A) and suggested action includes:

- **Reviewing national visions, goals, and targets** to ensure that they include elements of integration of protected areas and OECMs in seascapes.
- **Identifying key species, ecosystems, and ecological processes**, including those vulnerable to climate change, for which fragmentation is a key issue.
- **Identifying and prioritize important areas** (including OECMs and MPAs) to improve connectivity and to mitigate the impacts of fragmentation of seascapes.
- **Conducting a national review of the status and trends** of seascape habitat fragmentation and connectivity for key species, ecosystems, and ecological processes.
- **Identifying and prioritizing the sectors responsible for habitat fragmentation** and develop strategies to engage them in mitigating their impacts on protected areas networks.
- **Reviewing and adapt seascape plans and frameworks** including marine spatial plans, and sectoral plans, integrated marine and coastal area management plans.
- **Prioritizing and implementing measures** to decrease habitat fragmentation and increase connectivity, area-based measures.

¹⁵ IUCN Type V MPAs are referred to as “seascapes” i.e. “areas where the interaction of people and nature over time has produced ... distinct characters with significant ecological, biological, cultural and scenic value, and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.

6. MONITORING, EVALUATION & REPORTING

6.1 Premises

All fisheries ought to be monitored and assessed to provide advice for adaptive management but this is not always the case and, in any case, ABFMs are very rarely assessed individually and recurrently (with the possible recent exception of VMEs). In contrast, OECMs need to be monitored for performance to ensure they continue to deliver the intended outcomes for both biodiversity conservation and fisheries management[. The MER process of an OECM (the OECM-MER) is likely to be a subset of the general MER established for the fisheries (The Fishery MER) on which it may largely depend for means (depending on how the OECM is integrated with other sectors and conservation measures). Their integration is logical and necessary because (i) of their operational and ecological interactions; (ii) they share significant portions of the same data, methodology, and support services; (iii) the OECMs objectives cover both the narrow fisheries sustainability and the broader biodiversity conservation; (iv) the measures applied inside and outside the OECM are intended to be complementary; (v) the fishery and of the OECM biodiversity are likely to share several common drivers; and (vi) the two systems report to the same authority, and in some cases to additional authorities as well. In the OECM-MER, however, attention is given to those tasks and elements of biodiversity that are additional to those that would have been expected from the original ABFM. The actions required are considered in some detail below:

6.2 Strategic planning of the OECM-MER

Many elements needed for strategic planning of an OECM-MER –such as governance, goals, objectives, targets, and means of implementation– would usually be “inherited” from the strategic planning of the fishery-MER itself, the fishery management plan (FMP) and higher-level planning processes, including conservation strategies for the biodiversity features important for the OECM conservation objectives. The specific upstream activities needed to plan the work of an OECM-MER include:

- **Describing the types of outputs expected from the OECM MER on biodiversity conservation;**
- **Describing the specific types of tasks assigned to the OECM-MER for these outputs;**
- **Identifying and documenting the additional biodiversity elements to monitor and evaluate;**
- **Identifying the additional biodiversity conservation objectives and targets;**
- **Identifying the related indicators, baselines, and reference values and their priority;**
- **Listing the additional management measures applying in the OECM;**
- **Listing the elements to monitor to assess the OECM-MER performance;**
- **Selecting monitoring and assessment methods specific to the OECM-MER, if any;**
- **Identifying and strengthening the competences and collaborations available;**
- **Describing the types of outputs expected in the OECM-MER report.**

6.3 Ongoing assessment of the OECM performance

Two aspects of performance need to be considered: (i) The performance of the OECM and its specific measures in delivering the expected biodiversity outcomes required by The Decision); and (ii) The performance of the OECM-MER process in discharging its monitoring, evaluation and reporting tasks.

Performance is usually assessed in terms of its effectiveness (in reaching the objectives) and efficiency, (in doing so at a reasonable cost). Following the Biodiversity Impact Mitigation (BIM) Hierarchy, the performance might be appreciated by the degree to which the use of the OECM succeeded to: (i) avoid collateral impact of fishing on the biodiversity features of concern; (ii) if not possible, to reduce the impact of fishing to at least the level at which it would not be Significant Adverse Impact (SAI); (iii) if

the impact is above the SAI level, to rebuild the biodiversity features accordingly; or else (iv) compensate for the impact, usually elsewhere (off site)¹⁶. The result is to maintain the biodiversity values of concern (No Net Loss) when they are considered healthy, or to increase such values if the biodiversity features have been depleted, are experiencing Significant Adverse Impacts (SAIs) and require rebuilding. The rebuilding, performance may also relate to the speed at which the OECM benefits are improved compared to expectations.

A comprehensive OECM performance also requires a check on the “additional properties” of the OECM, i.e. their representativeness, connectivity, complementarity with other protected areas, their integration in broader networks, and their equitable governance. Performance with regard to these properties would not threaten the OECM status but could affect its performance on biodiversity conservation and hence its contribution to the intent of the decision.

The necessary tasks rely on the information collected during monitoring and include:

- **Selecting indicators** for each OECM objective and target.
- **Analysing trends in:** (i) fishing operations; (ii) external drivers; (iii) impending threats and related risks; and (iv) status of biodiversity and other values of concern, including ecosystem services.
- **Assessing the OECM biodiversity conservation performance** in relation to objectives and targets, and the correction measures eventually needed.
- **Assessing the “additional” properties of the OECM:** representativeness, connectivity, complementarity, integration, and governance.
- **Elaborating options for new or improved measures** in the OECM area or around it.

The MER system used to measure the OECM performance may also be assessed for its performance in effectively and efficiently conducting the tasks foreseen in its operational plan. The performance of both the OECM and the OECM MER will affect the performance of the fishery management plan and fishery-MER in which they are integrated.

6.4 Reporting through the Legitimate Authority

6.4.1 Recurrent reporting

The Decision, in its Annex IV (Section 4) stresses the need for: (i) timely and accurate reporting to the Legitimate Authority and stakeholders, for informed adaptive management; (ii) high visibility and multidisciplinary analyses of the reports; (iii) capacity-building in assessments and reporting; (iv) strong political demand and support for adequate reporting; (v) engagement of IPLCs in assessment and reporting; and (vi) development of communities of practice. Decisions may be required for:

- **The structure of the recurrent report**, likely similar to that of the “identification report (cf. Section 4, Step 6), with a focus on positive and negative changes, their drivers, and mitigation measures.
- **The frequency of the recurrent report** based on the rate of change of biodiversity features of concern and their drivers, or connected to the revisions of the FMP.
- **The reports distribution** should include authorities, collaborators, stakeholders, civil society, and the public at large, with due considerations of confidentiality issues.
- **The performance of the OECM-MER itself** in meeting its MER operational plans and the interaction (synergies, conflicts) between the OECM-MER and the Fishery-MER.

6.4.2 Reporting to UNEP-WCMC

The Decision (§5) *encourages the relevant authorities to... (i) submit data on OECMs to UNEP-WCMC for inclusion in the World Database on Protected Areas on OECMs (WDPA-OECM (§5b)) so that they*

¹⁶ This option is controversial and not foreseen in UNCLOS, for target, dependent and associated species which all need to be maintained respectively at or above the MSY and SAI levels.

can be taken into consideration when reporting on Aichi Target 11 and, presumably, in the Post-2020 Global Biodiversity framework as well as the 2030 Sustainable Development Goals.

Reporting to WCMC about the initial identification of an OECM has been examined in **Section 4, Step 7**. It can be assumed that CBD Party that has reported to WCMC on OECMs identification will also update the information on performance as requested. The updates will be based on the MER “recurrent Report”, follow the WCMC Manual, and focus on any change in the biodiversity of concern, the fishery(es) or the pressures and threats that would negatively affect the performance and hence the status of the OECM.

This report can be updated as often as decided by the Legitimate Authority and, in any case, every 5 years, following reminders from WCMC. Quality checks of the mandatory information are conducted by WCMC to ensure that uploaded data meet the database standards. All records are intended to have been verified by an authoritative source. Data submitted by States are assumed to have been “State verified”. If IPLCs choose to provide data directly, they can decide whether their data will be verified by experts or by the national government. Data submitted by non-government sources will be verified by international experts.

The specific issue of the possible reporting of RFMO/As on their OECMs has been addressed in **Section 4, Step 7**.

6.5 Archiving and communication

The data collected and information generated by the assessments represent a significant cost as well as an asset of significant economic value for the adaptive management system. The practice to communicate broadly on governance decisions and performance is part of equitable governance good practices, and should include open access to the information on which conservation measures are justified. The results of the OECMs identification process, should obviously and officially be communicated to the fishery managers, the fishers and other stakeholders, the auditors, as well as conservation advocacy groups, using adequate communication means (governmental channels, social media, radio and TV news, etc.). The related actions would include:

- **Establishing a national or sectoral archive** in which the full documentation on OECMs, their initial and recurrent assessments, the decisions made, with their rationale, are saved and maintained.
- **Develop an adequate communication policy and process**, mindful of the need for inclusiveness, equity, transparency, and accountability, in fisheries and OECMs governance.

6.6 Auditing

Auditing is part of the general task of evaluating performance of any programme, particularly when using public funding. Auditing is not explicitly addressed in Decision 14/8 and is therefore not formally required for OECM identification and management. However, auditing would be important to reassure the fisheries and conservation stakeholders of the quality of the OECM management and of its alleged outcomes and it could be undertaken at national level if so decided by the legitimate authority or the State, for oversight and accountability. Auditing may also be undertaken by an accredited third party. The action needed would include:

- **Defining the auditing protocol** by the Legitimate Authority with the auditing office/company and in collaboration with the MER authority.
- **Audit the performance of the OECM(s)** against OECM Principles and Criteria, possibly in connection with the audit of the FMP itself.
- **Audit the functioning of the OECM MER itself** to certify the wise use of funds and resources.
- **Communicate the non-confidential conclusions of the audit**, through all available communication means, to all fishery and conservation managers and to the public.

7. REVISION OF THE OECM STATUS

If a periodic OECM-MER Report indicated significant and sustained reductions in the effectiveness or outcomes of an OECM, requiring more than a simple tweaking of the management regime, the Legitimate Authority could logically consider (i) a major revisions of the OECM, its characteristics and the measures applied into it, to improve the performance and outcomes, or (ii) dropping the area from reporting under Target 11 or its successors, delisting it from the WCMC or other archiving sites. The exact processes for delisting have not been spelled out yet anywhere but it can be assumed that the same bodies and processes described in **Section 4, Step 7** may be activated to review the new information and its implications with the thoroughness applied in the Identification stage.

It should also be noted that UNEP-WCMC operates a 'take-down' policy, allowing a withdrawal of all or a portion of the data from the database under various circumstances (breach of copyright, confidentiality, defamation, or libel). A similar and simpler procedure may be used for States to revise their OECMs records, if required following a MER performance assessment.

Actions needed prior to and for revisions are described below.

Prior to revisions

- **Determine the periodicity for considering revisions**, based on scientific and other evidence
- **Determine the type of triggers and threshold values** that would justify a major
- revision or deletion from reporting, and could be integrated in decision rules.

To undertake a revision

- **Follow the process of identification (Section 4)**, revising information and conclusions.
- **Avoid “over-reaction”** and take into account expected “natural” variations in system components
- **If needed and possible, suspend temporarily** the OECM from the WCMC database while a robust decision is elaborated.
- **Report as appropriate about the revision to WPDA.**

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ANNEX I - CRITERIA AND PRINCIPLES FOR IDENTIFICATION LISTED IN THE CBD DECISION 14/8

1. LIST OF CRITERIA

The following text is extracted from Decision 14/8. The numbering of sub-elements –e.g. B1a or C2b– is added for easier cross referencing.

Criterion A: Area is not currently recognized as a protected area	
A-Not a protected area	A The area is not currently recognized or reported as a protected area or part of a protected area; it may have been established for another function.
Criterion B: Area is governed and managed	
B1-Geog. defined space	B1a Size and area are described, including in three dimensions where necessary. B1b Boundaries are geographically delineated.
B2-Legitimate governance authorities	B2a Governance has Legitimate Authority – and is appropriate for achieving in situ conservation of biodiversity within the area. B2b Governance by indigenous peoples and local communities is self-identified in accordance with national legislation and applicable international obligations. B2c Governance reflects the equity considerations adopted in the Convention. B2d Governance may be by a single authority and/or organization or through collaboration among relevant authorities and provides the ability to address threats collectively.
B3-Managed	B3a Managed in ways that achieve positive and sustained outcomes for the conservation of biological diversity. B3b Relevant authorities and stakeholders are identified and involved in management. B3c A management system is in place that contributes to sustaining the <i>in-situ</i> conservation of biodiversity. B3d Management is consistent with the ecosystem approach with the ability to adapt to achieve expected biodiversity conservation outcomes, including long-term outcomes, and including the ability to manage a new threat.
Criterion C: Achieves sustained and effective contribution to <i>in situ</i> conservation of biodiversity	
C1-Effective	C1a The area achieves, or is expected to achieve, positive and sustained outcomes for the <i>in-situ</i> conservation of biodiversity. C1b Threats, existing or reasonably anticipated ones are addressed effectively by preventing, significantly reducing, or eliminating them, and by restoring degraded ecosystems. C1c Mechanisms, such as policy frameworks and regulations, are in place to recognize and respond to new threats. C1d To the extent relevant and possible, management inside and outside the other effective area-based conservation measure is integrated.
C2-Sustained over long term	C2a The other effective area-based conservation measures are in place for the long term or are likely to be. C2b “Sustained” pertains to the continuity of governance and management and “long term” pertains to the biodiversity outcome.

C3-In situ conservation of biological diversity	C3 Recognition of other effective area-based conservation measures is expected to include the identification of the range of biodiversity attributes for which the site is considered important (e.g. communities of rare, threatened or endangered species, representative natural ecosystems, range restricted species, key biodiversity areas, areas providing critical ecosystem functions and services, areas for ecological connectivity).
C4-Information and monitoring	<p>C4a Identification of other effective area-based conservation measures should, to the extent possible, document the known biodiversity attributes, as well as, where relevant, cultural and/or spiritual values, of the area and the governance and management in place as a baseline for assessing effectiveness.</p> <p>C4b A monitoring system informs management on the effectiveness of measures with respect to biodiversity, including the health of ecosystems.</p> <p>C4c Processes should be in place to evaluate the effectiveness of governance and management, including with respect to equity.</p> <p>C4d General data of the area such as boundaries, aim and governance are available information.</p>
Criterion D: Associated ecosystem functions and services and cultural, spiritual, socio-economic and other locally relevant values	
D1-Ecosystem functions and services	<p>D1a Ecosystem functions and services are supported, including those of importance to indigenous peoples and local communities, for other effective area-based conservation measures concerning their territories, taking into account interactions and trade-offs among ecosystem functions and services, with a view to ensuring positive biodiversity outcomes and equity.</p> <p>D1b Management to enhance one particular ecosystem function or service does not impact negatively on the sites overall biological diversity.</p>
D2-Cultural, spiritual, socio-economic and other locally relevant values	<p>D2a Governance and management measures identify, respect, and uphold the cultural, spiritual, socioeconomic, and other locally relevant values of the area, where such values exist.</p> <p>D2b Governance and management measures respect and uphold the knowledge, practices and institutions that are fundamental for the in-situ conservation of biodiversity.</p>

2. LIST OF PRINCIPLES

In decision 14/8, the Principles were not given titles. The Principles have been grouped below in two groups, with a short title referring to their main subject and a reference letter, all taken from **Garcia et al, 2019**). For a complete text, the reader is referred to the Decision itself.

Roles and expected outcomes of OECMs	OECMs and governance
a: Biodiversity value or related objectives	g: Broad consultation
b: Conservation role (biodiversity and ES)	h: Legitimate governance capacity
c: Dual role : sustainability & Conservation	i: Indigenous people & local communities (FPIC)
d: Complementary to MPAs /networks	j: Respect/inform cultural & spiritual values
e: Demonstrated positive outcomes	k : Governance diversity - Empowerment
f: Representative & connected (MPAs)	l: Best available science & local knowledge
	m: Transparency and evaluation