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**Agenda item 6: Conservation of sites of particular ecological interest**

**Considerations on identifying and reporting other effective area-based conservation measures (OECMs) in the Mediterranean marine and coastal environment**

## **Note by the Secretariat**

Decision IG.24/6 “Identification and Conservation of Sites of Particular Ecological Interest in the Mediterranean, including Specially Protected Areas of Mediterranean Importance”, adopted by the 21st ordinary meeting of the Contracting Parties to the Barcelona Convention and its Protocols (COP 21; Naples, Italy, 2-5 December 2019), strongly encouraged the Contracting Parties to take significant action towards achieving in the Mediterranean Aichi Target 11, including through setting up an effective and equitable management, enhancing ecological representativeness, connectivity and integration of their marine and coastal protected areas and other effective area-based conservation measures into the wider landscape and seascape.

Decision IG.24/6 further decided to set up the Ad hoc Group of Experts for Marine Protected Areas in the Mediterranean (AGEM) to support the Secretariat and the Contracting Parties to progress with the 2020 and post-2020 marine protected areas agenda in the Mediterranean and to work on related issues such as preparing guidelines, setting up definitions and measurable indicators, and tailoring global concepts and approaches to the Mediterranean context.

AGEM was set up by SPA/RAC in consultation with the SPA/BD Focal Points during 2020.

The first meeting of AGEM (Teleconference, 8 December 2020) agreed on the programme of work of AGEM for 2021, that includes, among other priority activities, the reflection on the other effective area-based conservation measures (OECMs) for the marine environment, in the Mediterranean region, based on the definition of the Convention on Biological Diversity (CBD).

The present document containing considerations on identifying and reporting other effective area-based conservation measures (OECMs) in the Mediterranean marine and coastal environment was prepared by SPA/RAC with the full expertise and support of AGEM.

A specific working group on Specially Protected Areas (SPAs) and other effective area-based conservation measures (OECMs) was formed (WG-SPA/OECM) under AGEM.

WG-SPA/OECM organized dedicated working sessions, in February and March 2021, to develop the present considerations on identifying and reporting other effective area-based conservation measures (OECMs) in the Mediterranean marine and coastal environment, that were eventually discussed and endorsed by the second meeting of AGEM held on 3 and 4 May 2021, by teleconference.

For further details about the elaboration process and background discussion and documentation, please refer to the Report by the Chair and Vice-Chair of the Ad hoc Group of Experts for Marine Protected Areas in the Mediterranean (AGEM) on the group’s works during the period 2020-2021 presented under the reference UNEP/MED WG.502/9 to the present meeting.

## **Considerations on identifying and reporting other effective area-based conservation measures (OECMs) in the Mediterranean marine and coastal environment**

### **I. Introduction**

1. Decision IG.24/6<sup>1</sup> “Identification and Conservation of Sites of Particular Ecological Interest in the Mediterranean, including Specially Protected Areas of Mediterranean Importance”, adopted by the 21<sup>st</sup> ordinary meeting of the Contracting Parties to the Barcelona Convention and its Protocols (COP 21; Naples, Italy, 2-5 December 2019), strongly encouraged the Contracting Parties to take significant action towards achieving in the Mediterranean Aichi Target 11, including through setting up an effective and equitable management, enhancing ecological representativeness, connectivity and integration of their marine and coastal protected areas and other effective area-based conservation measures into the wider landscape and seascape.
2. Decision IG.24/6 further decided to set up the Ad hoc Group of Experts for Marine Protected Areas in the Mediterranean (AGEM) to support the Secretariat and the Contracting Parties to progress with the 2020 and post-2020 marine protected areas agenda in the Mediterranean and to work on related issues such as preparing guidelines, setting up definitions and measurable indicators, and tailoring global concepts and approaches to the Mediterranean context.
3. AGEM was set up by SPA/RAC in consultation with the SPA/BD Focal Points during 2020.
4. The first meeting of AGEM (Teleconference, 8 December 2020) agreed on the programme of work of AGEM for 2021, that includes, among other priority activities, the reflection on the other effective area-based conservation measures (OECMs) for the marine environment, in the Mediterranean region, based on the definition of the Convention on Biological Diversity (CBD).
5. The present document containing considerations on identifying and reporting other effective area-based conservation measures (OECMs) in the Mediterranean marine and coastal environment was prepared by SPA/RAC with the full expertise and support of AGEM.

### **II. Development of considerations on identifying and reporting other effective area-based conservation measures (OECMs) in the Mediterranean marine and coastal environment**

6. In view of the development of considerations on identifying and reporting other effective area-based conservation measures (OECMs) in the Mediterranean marine and coastal environment, AGEM has had an initial general discussion on OECMs to better understand the context and highlight some key issues from the global discussions on OECMs of relevance to the Mediterranean. The discussion covered the following main points:
  - (a) Few experiences exist of countries that have reported OECMs at global level. By the time of the AGEM discussion, only Algeria and Canada reported OECMs to the World Database on Protected Areas (WDPA).
  - (b) The workshop on OECMs in North Africa organized by the Centre for Mediterranean Cooperation of the International Union for Conservation of Nature (IUCN-Med) in collaboration with the CBD Secretariat and the Food and Agriculture Organization (FAO), that was held on 10-11 February 2020 in Tunis, raised important issues and questions, particularly on OECM criteria and the process for recognizing and reporting OECMs that should be taken into account. With regard to this latter point,

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<sup>1</sup> Decision IG.24/6 “Identification and Conservation of Sites of Particular Ecological Interest in the Mediterranean, including Specially Protected Areas of Mediterranean Importance”: [http://www.rac-spa.org/sites/default/files/doc\\_cop/cop21/decision\\_24\\_6\\_eng.pdf](http://www.rac-spa.org/sites/default/files/doc_cop/cop21/decision_24_6_eng.pdf)

it would be important to have a certain level of coordination in recognizing marine OECMs in the Mediterranean.

- (c) There's a clear need for developing guidance on the application of the criteria in the Mediterranean marine context. Such guidance should include species and habitat types included in the Annexes II and III of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean<sup>2</sup> (SPA/BD Protocol), the Reference List of Habitat Types in the Mediterranean, the Species/Habitats regional Action Plans and other relevant priority species and ecosystems identified by other regional bodies in the Mediterranean (e.g. GFCM), given that OECMs should contribute to conserving the key biodiversity of the Mediterranean.
- (d) Some of the Mediterranean fisheries reserves (particularly the Fisheries Restricted Areas (FRAs)) may be potential OECMs. However, it is important to evaluate on a case-by-case basis if they have been successful in contributing to conservation of biodiversity.
- (e) The Barcelona Convention can play an important role in assisting the Contracting Parties to identify OECMs and apply the CBD criteria (as per paras 5 and 9 of CBD Decision 14/8<sup>3</sup>).
- (f) It is important that the Mediterranean Post-2020 Regional Strategy for marine and coastal protected areas (MCPAs) and OECMs contain specific actions on OECMs, recognizing that the role of the Barcelona Convention would be largely to assist in identification and reporting of OECMs, but that the management of OECMs would largely fall under the mandate of other sectors and organizations. Collaboration with other sectoral organizations such as FAO, GFCM, UNESCO, etc. would be necessary.
- (g) For the fisheries sector, it is important to note that the FAO Committee on Fisheries (COFI) in its 34<sup>th</sup> session “noted the relevance of other effective area-based conservation measures (OECMs) to achieving a number of the Sustainable Development Goals (SDGs) and global biodiversity targets, and requested that FAO produce and disseminate practical guidelines to support Members in their identification and implementation.” FAO is currently starting the process to develop such guidelines on fisheries-related OECMs.
- (h) The process of identifying OECMs provides opportunities to bring together Fisheries and Conservation sectors both at national level and regional level to help build a dialogue. In addition, Fisheries-related OECMs could help achieve objectives of both GFCM and the Barcelona Convention. It may be useful to invite a representative of the GFCM secretariat to AGEM.
- (i) OECM identification should ideally be undertaken by national cross-sectoral platforms to enable multidisciplinary discussions. Barcelona Convention could prioritize spatial planning under target 1 of the new Global Biodiversity Framework for the OECMs to increase their protection level. Also, a link to the Ecosystem Approach of the Barcelona Convention is to be reinforced.
- (j) The WWF Mediterranean report on 30x30 may be a useful resource as it identifies many areas as potential marine protected areas (MPAs). It used already recognized priority conservation areas and tested closure of these areas to see what benefits they could provide. It provides scenarios to allow countries to prioritize their protection levels (these could be MPAs or OECMs) and it would be up to the countries to identify areas at national level and in Areas Beyond National Jurisdiction (ABNJ).

<sup>2</sup> [http://rac-spa.org/sites/default/files/spamis\\_temp/spa\\_bd\\_protocol\\_annexes1\\_to\\_3\\_v\\_2019\\_eng.pdf](http://rac-spa.org/sites/default/files/spamis_temp/spa_bd_protocol_annexes1_to_3_v_2019_eng.pdf)

<sup>3</sup> <https://www.cbd.int/doc/decisions/cop-14/cop-14-dec-08-en.pdf>

## **II.1. Different types of areas that could include potential OECMs in the region**

7. AGEM had an initial discussion to identify the types of areas that could be potential OECMs (list below). **This initial list is non exhaustive and it is important to stress that it is critical to undertake a detailed assessment for each specific site to evaluate if they meet the OECM criteria or not.**

- Fisheries restricted areas (FRAs), in particular those that host critical species, and those that overlap with Key Bird and Biodiversity Areas (KBA), or Ecologically or Biologically Significant marine Areas (EBSAs);
- Marine or coastal military closure areas, as some such closure are often no go-areas and can have good conservation outcomes<sup>4</sup>;
- Archeological and cultural heritage<sup>5</sup> (sunken ships, archeological shipwrecks, underwater ancient remains, cities, etc.);
- Areas with oil and gas restrictions;
- Areas managed for navigation purposes such as Particularly Sensitive Sea Areas (PSSAs) declared under the International Maritime Organization (IMO).

## **II.2. Providing guidance to understand, interpret and apply the OECM criteria**

8. AGEM discussed that the CBD OECM criteria seem rigid and may seem daunting or discouraging to countries. The CBD decision highlights that the criteria should be applied “in a flexible manner and on a case-by-case basis”. It is important to provide guidance on how to interpret this flexibility in applying the criteria while maintaining a coherence and a certain “threshold” of the OECM across the Mediterranean.

9. AGEM agreed that the main characteristic of OECMs is that they contribute to “biodiversity” conservation. In assessing if an area is an OECM or not, we need to evaluate if the management of the area effectively contributes to conservation. AGEM members unanimously agreed that it is critically important to ensure a certain threshold of biodiversity conservation in order to recognize an area as OECM.

10. A member of AGEM informed that Italy in its report to the CBD in 2019 (through the Clearing House Mechanism) accounted for an area where oil and gas exploration and new exploitation is prohibited in the 12 nautical miles surrounding the entire Italian coast. This area was declared through a national decree of the Ministry of Environment with the objective to protect the environment and biodiversity. The prohibition also applied around all MPAs and the Pelagos Sanctuary. This brings the marine coverage reported by Italy under Aichi Target 11 to 19%. This area has not yet been reported to the world database on OECMs (WD-OECM), and it is unclear if Italy has undertaken or started a process to apply the OECM criteria to the area and officially recognize it as OECM.

11. AGEM discussed that in line with the approach adopted by Canada, the GFCM bottom trawling ban below 1000 m in the Mediterranean could also be considered as potential OECM, and further assessed against the OECM criteria. AGEM noted that the areas recognized by Canada are relatively small FRAs and not large areas as the area concerning the ban below 1000 m. It was also noted that FRAs propose complementary conservation and management measures for above 1000 m.

## **II.3. How should the Post-2020 Regional Strategy for MCPAs and OECMs in the Mediterranean advance OECMs**

12. AGEM unanimously agreed that the Mediterranean post-2020 strategy should include a specific section on OECM. This is particularly important as OECMs are a relatively new concept and Mediterranean countries should start thinking about OECMs and working toward identifying and recognizing them to achieve the future post-2020 target.

13. The strategy should include activities related to developing guidance and orientations on OECMs to ensure that the OECMs recognized in Mediterranean meet a threshold of conservation outcomes. The strategy

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<sup>4</sup> Note that some such areas are for weapon testing and could have impacts on ecosystems.

<sup>5</sup> Note that the location of these areas may be a sensitive data to share publicly because of risks of looting and illegal trade

should also catalyze identification of OECMs by countries and enable sharing experiences and feedback from countries on their processes and the challenges they encountered.

14. AGEM discussed the main content of the proposed section on OECMs in the strategy and agreed that one Outcome or Strategic Pillar in the strategy could be "Mediterranean countries are advancing, recognizing and reporting OECMs". AGEM also agreed that this section should contain at least the following outputs:

- 1 output on countries advancing and recognizing OECMs, with clarity on contribution to biodiversity conservation under the SPA/BD Protocol;
- 1 output related to coordinating reporting to the regional Database of Marine Protected Areas in the Mediterranean (MAPAMED) and the Global database on OECMs (WD-OECM);
- 1 output related to promoting intersectoral dialogue (at national and regional levels);
- 1 output related to increasing communication and awareness about OECMs and their role in contributing to Biodiversity and SDGs.

15. AGEM also discussed that KBAs and EBSAs might support recognition of OECMs through facilitating recognizing the biodiversity values in the areas. It is understood that KBAs/EBSAs are "only" areas recognized as important, but this recognition does not imply any management measure and therefore, as such cannot be considered OECMs, unless they overlap with an area that is managed and results in biodiversity outcome. KBAs/EBSAs do not by themselves have a de-facto biodiversity outcome.

#### **II.4. What guidance/best practices may be needed to advance OECMs in the region (including future actions by AGEM and indicative process at national/regional level)**

16. AGEM agreed to provide support for the implementation of the post-2020 regional strategy for MCPAs and OECMs, and its actions on OECMs. Specifically, AGEM should undertake the following actions:

- (i) Develop a questionnaire to scope progress on OECMs in countries and document their experiences and challenges to date (this can include experience on terrestrial OECMs and lessons learned that can be applied in marine and coastal environments);
- (ii) Document types of marine and coastal areas already subject to specific management measures that can be potential OECMs and developing case studies of existing/potential marine and coastal OECMs in the Mediterranean;
- (iii) Enhance intersectoral dialogue and invite additional experts from other secretariats to AGEM OECM related discussions (particularly GFCM);
- (iv) Provide guidance to the Contracting Parties on the application of the criteria (CBD) at the Mediterranean level, particularly to ensure maintaining a coherent threshold on biodiversity outcomes;
- (v) Support reporting marine and coastal OECMs to the Database of Marine Protected Areas in the Mediterranean<sup>6</sup> (MAPAMED). It is recommended that the Barcelona Convention includes in its decision an explicit recommendation for the Contracting Parties to report OECMs to MAPAMED;
- (vi) Collaborate with other processes on OECM in different fora and inform Mediterranean countries on best practices and lessons learned on OECMs. (e.g. IUCN, FAO, etc.).

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<sup>6</sup> Noting that the 2019 edition of MAPAMED and its User manual, released in April 2021, recognize MPAs, OECMs, potential OECMs (until it is officially reported) and other important areas for conservation (KBA, EBSAs, etc.). In addition, MAPAMED co-managers (SPA/RAC and MedPAN) plan to contact UNEP-WCMC to coordinate and centralize reporting to WDPA and WD-OECM.