



**Technical Guidance
to Support the OECM Dialogue in Kenya**

November 2024

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Box 1: OECM Definition

1. Introduction

The purpose of this document is to provide technical guidance to support the development of a Kenya roadmap for identifying, supporting, and reporting *other effective area-based conservation measures* (OECMs), as part of Kenya's National Biodiversity Strategy and Action Plan (NBSAP). This guidance has been developed by the IUCN Eastern and Southern Africa Regional Office and The Nature Conservancy.

This guidance draws on existing publications developed by the IUCN WCPA, UNEP WCMC, United Nations, and the CBD decision 14/8, and attempts to contextualise these for South Africa's purpose (see references).

2. OECM Definition and Guidance

OECMs were defined by parties to the Convention on Biological Diversity (CBD) and agreed at the CBD COP 15 ([CBD 14/8](#)). This definition of OECMs should therefore not be altered by any parties or sectors in a way which would change this definition or the related OECM criteria. Additionally, the IUCN WCPA has provided technical guidance to recognise and report OECMs ([IUCN-WCPA 2019](#)) and a tool to assess sites against the CBD criteria ([Jonas et al. 2023](#)). A new guidance was launched in Oct 2024 (Jonas et al. eds. 2024).

Box 2: OECM Definition

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. (CBD Decision 14/8)

3. Biodiversity value

The basis for including OECMs in the Global Biodiversity Framework (GBF) [Target 3](#) (and its predecessor Aichi Target 11) is that they should have biodiversity value and deliver on biodiversity conservation outcomes (CBD 14/8, Jonas et al. 2023, [KCtA 2022](#)). Further consideration should also be given to the ability of OECMs to monitor their respective biodiversity values and outcomes (CBD 14/8, Jonas et al. 2023) with the aim of ensuring the sustained in-situ biodiversity conservation outcomes.

Kenya has various tools to prioritise areas with high biodiversity value, e.g., Key Biodiversity Areas (including Important Bird and Biodiversity Areas), Beach Management Units, Wetlands conservation areas, ecologically and biologically significant marine areas (EBSAs), etc. These are used to identify priority areas for the expansion of protected and conserved areas, as described in the Kenya Wildlife Service, Strategic Plan 2024 – 2028 (Draft, June 2024), and should play a pivotal role in identifying priority landscapes or areas in which to identify potential OECMs.

4. Free, Prior, and Informed Consent

The CBD stipulates that the achievement of Target 3 needs to recognize and respect the rights of indigenous peoples and local communities, including over their traditional territories ([CBD 15/4](#)).

If the site is used, owned or claimed by Indigenous peoples or local communities, then their free, prior and informed consent (FPIC) to the OECM or indeed protected area or assessment process must be obtained and documented, with the involvement of legitimate representatives of the group(s) (Jonas et al. 2023, CBD 14/8, KCtA 2022). Similarly, for areas which are conserved by private landowners, the steps in relation to the recognition, support, verification and coordination, tracking, monitoring, and reporting of privately owned sites as OECMs should obtain their approval and based on respect for the owners' rights and knowledge (CBD 14/8).

5. Self-Identification

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted in 2007, and states that the right to self-determination involves 'the rights of all peoples to pursue freely their economic, social and cultural development without outside interference' and that 'Governments are to represent the whole population without distinction as to race, colour, descent or national or ethnic origin'.

Recognition of OECMs in areas within the territories of Indigenous peoples and local communities should be based on self-identification (Jonas et al. 2023, CBD 14/8). This principle should also be applied to privately owned areas. This principle aims to encourage the establishment of national systems and processes that allow for self-identification by these stakeholders. Opportunities could be explored to establish an independent national expert group to receive and review OECM assessments. These experts could be drawn from e.g. the pool of WCPA experts in the region and structured, or coupled with existing expert groups, e.g. Expert Groups for the Green List (EAGLs).

6. Assessing Sites as OECMs

Considering the requirement for FPIC (see section 4), and that by their nature OECMs may be unique in their governance and management, each potential OECM site needs to be assessed on its own merit and in partnership with the respective governance and management authority. This implies that landscapes and seascapes of multiple sites should NOT be assessed generically or collectively, i.e., each site needs to be assessed individually to ensure it meets the relevant OECM criteria. Exceptions may be considered where multiple sites have the same governance authority and same management plan and structure, are regulated by the same legislation and policies, can all demonstrate biodiversity value, and these sites are deemed equally effective. Consent would need to be given by the governance authority for all these sites to be assessed.

For this reason, e.g. Biosphere Reserve buffer or transition zones should NOT be assessed or reported collectively or in their entirety. Only sites within these land/seascapes that individually meet the OECM criteria should be reported as OECMs (Marnewick et al. 2020, Marnewick et al. 2021). This is not to say that these land/seascapes may not present opportunities for identifying potential OECMs (see section 7).

7. Identifying Priority Landscapes

A country may choose to identify priority land/seascapes in which to identify and assess potential OECMs. These land/seascapes may be based on their known biodiversity values (i.e., Key Biodiversity Areas), or on their conservation designation/s (i.e., Biosphere Reserve (buffer zone), botanical gardens, UNESCO World Heritage Sites), or existing conservation agreements governed by legislation (i.e., Beach Management Units), or a combination of these attributes.

Such land/seascape prioritisation may expediate the OECM identification and assessment process, but nonetheless needs to respect that each site within these land/seascapes will still need to be individually assessed as a potential OECM (see sections 4 & 6).

8. Site Assessment Tool

The IUCN-WCPA has published a site-level tool for identifying OECMs (Jonas et al. 2023). This tool guides an assessor through three steps to apply eight criteria which determine if a site qualifies as an OECM as set out under the CBD. For sites which do not currently meet all the criteria, the tool serves to highlight areas where further information or improvements in governance and management are required.

The assessment of a site as an OECM may be carried out by the site's governing authority (which may be government, Indigenous peoples and local communities, private entities, or a combination of these groups) or by another rights-holder or stakeholder with the governing authority's consent. The assessment should in all cases involve consultation with relevant Indigenous peoples, local communities and other rights holders, stakeholders, and experts, for example through an assessment group and stakeholder workshops (Jonas et al. 2023) and be well documented to ensure transparency and clarity.

Countries may wish to undertake a national 'domestication' of the assessment tool to better align its guidance notes and terminology with national terminology, legislation and policies.

Adapting the tool to reference such national context should not change the definition of OECMs, or any of the eight evaluation criteria, or the above stated principles for assessing, recognising and reporting OECMs.

9. Reporting OECMs

Sites that qualify as OECMs should be reported to UNEP-WCMC for inclusion in the World Database on OECMs (WD-OECM)(UNEP-WCMC 2019). UNEP-WCMC accepts the reporting of OECMs which are verified (CBD 14/8) by the state verifiers or by expert verifiers, depending on the wishes of the data provider (Jonas et al. 2023). OECMs reported by government are automatically added to the database, while reports from other entities are verified before being added (Jonas et al. 2023). Where there is conflict between the opinions of the data provider and data verifier (for example, disputes over the correct boundary of a site), UNEP-WCMC will discuss this with both parties in an attempt to reach a solution (IUCN-WCPA 2019). In Eastern and Southern Africa, the [Regional Resource Hub](#) receives OECM submissions and liaises with the UNEP-WCMC to include these data in the WD-OECM.

Sites should be reported individually based on site specific assessments (see section 6) and proof of FPIC (see section 4).

While no global guidance currently exists on additional evaluation and verification of Candidate OECM assessments, countries may select to establish or use any existing expert groups to act as evaluators/auditors/verifiers of Candidate OECMs. Alternatively, opportunities could be explored to establish an independent voluntary national expert group to review OECM assessments. These experts could be drawn from the pool of WCPA experts in the region and formulated in a similar way, or even coupled with existing structures, such as Expert Groups for the Green List (EAGLs). These structures and processes should be transparent, accessible and respect the FPIC requirements for site assessments and reporting (see point 4).

Appropriate structures within the respected government departments should be enabled to efficiently report OECMs in the national database, and to the WD-OECMs.

10. Comparing protected areas and other effective area-based conservation measures (OECM) Internal guiding document

While a protected area has a primary conservation objective (i.e., is dedicated towards the conservation of biodiversity), an OECM is an area that delivers effective and long term in-situ conservation of biodiversity regardless of its management objectives. Like protected areas, OECMs occur under diverse forms of governance: by government agencies, private actors, Indigenous peoples and/or local communities, or in shared arrangements. Protected areas and OECMs complement each other to protect and conserve important biodiversity through well-connected conservation networks (Jonas and MacKinnon. 2021).

In addition, OECMs cannot be recognised and reported as protected areas. It is therefore important to understand the distinction outlined in global guidance and well as the national legislative differentiation between OECMs and protected areas.

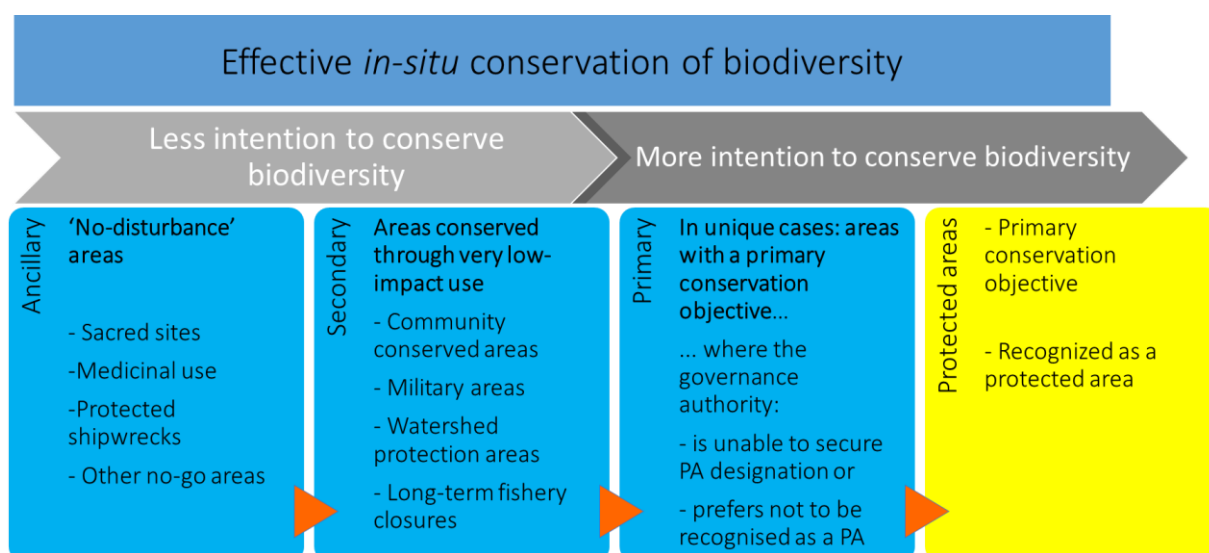


Table: comparison of identification, designation and implementation elements within the frame of protected areas and OECMs approaches.

	Protected area – strict/full protection	Protected area – multiple use	OECM
OBJECTIVE	Biodiversity conservation (primary). Their core function is to promote the long term <i>in-situ</i> conservation of biodiversity.		Biodiversity conservation can be a primary objective (in exceptional cases), secondary objective, or ancillary outcome, as long as the areas <i>achieve</i> the effective <i>in-situ</i> conservation of biodiversity.

<i>IN SITU</i> CONSERVATION	Parties to establish a system of PAs where special measures need to be taken to conserve biodiversity diversity <i>in situ</i> (CBD Art. 8).		The areas are to achieve positive and sustained outcome for <i>in situ</i> conservation of biodiversity
DEMONSTRATED BIODIVERSITY VALUE	yes	yes	yes
LAND TENURE	<ul style="list-style-type: none"> • Public • Private • Communal • Shared 		<ul style="list-style-type: none"> • Public • Private • Communal (in ITT should be on the basis of self-identification and with FPIC) • Shared
GOVERNANCE BY	<p>Government</p> <p>Private owner</p> <p>Collectively -community (IPLC)</p> <p>Shared arrangements</p>		<p>Government</p> <p>Private owner</p> <p>Collectively - Community (IPLC)</p> <p>Shared arrangements</p>
USE OF RESOURCES / MANAGEMENT CATEGORIES	Non-consumptive use (e.g. research, recreation, tourism)	Consumptive use allowed for subsistence (subsistence fisheries, plant collection, etc)	Varied managed regimes. Both, non-consumptive or consumptive use possible, but positive and sustained outcome for <i>in situ</i> conservation of biodiversity is needed
BOUNDARY DEFINITION	Geographically defined area		“Size and area described; boundaries delineated”
MANAGEMENT REQUIREMENTS AND EFFECTIVENESS	<p>All PAs to have effective management, using participatory and science-based site planning processes. (PoWPA)</p> <p>(management processes that incorporate clear biodiversity objectives, targets, management strategies and monitoring programmes, drawing upon existing methodologies and a long-term management plan with active stakeholder involvement)</p>		<p>Relevant authorities and stakeholders involved.</p> <p>Managed to achieve positive and sustained biodiversity outcomes.</p> <p>Management consistent with ecosystem approach and precautionary approach</p>
RECOGNITION	Recognised, dedicated and managed, through legal or other effective means.		“Recognition.....should be supported by measures to

		enhance governance capacity... and secure their positive sustained outcome for biodiversity, ...including, policy frameworks and regulations”
LONGEVITY	<p>Long term conservation of nature with associated ecosystem services and cultural values (IUCN definition of PAs)</p> <p>(Although the CBD definition does not mention longevity, other CBD docs do refer to the longevity - https://www.cbd.int/undb/media/factsheets/undb-factsheet-pa-en.pdf)</p>	<p>Long term Sustained pertains to the continuity of governance and management and ‘long term’ pertains to biodiversity outcome. (CBD Decision on OECM)</p>
INFORMATION AND MONITORING	<p>Attention to improving the management-effectiveness of PAs, including by monitoring and evaluation of biodiversity state...</p> <p>Monitor implementation and support reporting on progress in implementing the programme of work on protected areas</p>	<p>Process should be in place to evaluate effectiveness</p> <p>A monitoring system informs management of effectiveness of measures</p>
ECOSYSTEM FUNCTIONS AND SERVICES (EFS)	<p>They may provide a range of goods and ecological services while preserving natural and cultural heritage</p>	<p>EFS are supported</p> <p>Management to enhance one particular EFS should not impact negatively the biodiversity on the site</p>
CULTURAL, SPIRITUAL, SOCIO-ECONOMIC AND OTHER RELEVANT VALUES	<p>Support establishment and management of PAs that contribute to, ... poverty reduction and the pursuit of sustainable development.</p>	<p>Governance and management measures identify, respect and uphold cultural, spiritual, the knowledge and practices, socioeconomic and other locally relevant values of the area</p>
GEOGRAPHICAL SCOPE	<p>To integrate protected areas into broader land- and seascapes and sectors so as to maintain ecological structure and function</p>	<p>Include consideration on connectivity and integration in wider land/sea scape</p>
CONSULTATION FOR THE CREATION/	<p>Full and effective participation of IP&LCs in full respect of their rights and</p>	<p>Recognition should follow appropriate consultation with</p>

ESTABLISHMENT	recognition of their responsibilities, consistent with national law and applicable international obligations, and the participation of relevant stakeholders, in the management of existing, and the establishment and management of new, protected areas	relevant governance authorities, land owners, rights holders, stakeholders and the public
INDIGENOUS PEOPLES AND LOCAL COMMUNITIES (IPLCs)	<p>Promote an enabling environment for the involvement of IPLCs and relevant stakeholders in decision making, and the development of their capacities and opportunities to establish and manage protected areas, including community-conserved and private protected areas.</p> <p>Encourage the establishment of protected areas that benefit IPLCs, including by respecting, preserving, and maintaining their traditional knowledge in accordance with article 8(j) and related provisions.</p>	<p>Governance by IPLCS is self-identified</p> <p>EFS are supported, including those of importance for IPLCs</p> <p>Incentives to ensure effectiveness can include a range of social and ecological benefits, including empowerment of IPLCs.</p> <p>IPLC knowledge should be used for delimiting OECM location and size, management approaches and measuring performance.</p>

*note that information and language in this document were extracted from decisions or other documents of the Convention on Biological Diversity and from IUCN technical guidance.

11. References

- CBD decision 14/8 on protected areas and other effective area-based conservation measures (see paragraph 2 and Annex III of the decision). <http://www.cbd.int/doc/decisions/cop-14/cop-14-dec-08-en.pdf>
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