



**Biodiversity  
Council**

# Feedback on principles proposed to guide recognition of other effective area-based conservation measures (OECMs)

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*The Biodiversity Council brings together leading experts including Indigenous knowledge holders to promote evidence-based solutions to Australia's biodiversity crisis. The Council was founded by 11 universities with the support of Australian philanthropists.*

## **Introduction**

The Biodiversity Council welcomes the opportunity to provide feedback on the Department of Climate Change, Energy, the Environment and Water's proposed principles for the recognition of other effective area-based conservation measures (OECMs) in Australia.

The response we provide here is high-level, in the expectation of more detailed consultation as design of the OECMs initiative progresses.

## **Background**

We note that Target 3 of the Global Biodiversity Framework states:

*Ensure and enable that by 2030 at least 30 per cent of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities including over their traditional territories.*

We contend that the requirement for 'ecologically representative' protected areas and other effective area-based conservation measures translates to a requirement that 30 per cent of the original extent of every Australian habitat/ecosystem should be '*effectively conserved and managed*'. In the case of some habitats, that will require significant restoration work. (See attached paper: *The costs and benefits of restoring a continent's terrestrial ecosystems*, Mappin et al). Without adequate representation of all habitat types, biodiversity will be lost and the ambition of Target 3 severely undermined.

With the task of bringing 30 per cent of each habitat type 'under effective conservation and management' significantly more challenging for some states than others (for example, less than 9 per cent of Queensland is in formal protected areas), OECMs will, in some parts of Australia, be vital to achieve Target 3.

However, careful consideration and design must be applied to assessment, accreditation, implementation and management in order to ensure any OECMs initiative not only legitimately contributes to Australia's efforts to meet the 30 by 30 target but avoids adverse outcomes.

Bearing that in mind, we are broadly supportive of the principles in the consultation paper, with the qualifications listed below.

## **Three Pillars**

In order to achieve its objectives and avoid negatively affecting biodiversity, any OECMs regime must be supported by three pillars. OECM sites must:

1. Have sufficient existing biodiversity values, substantiated by objective criteria
2. Help contribute to the protection of habitat important for biodiversity
3. Demonstrate long-term, ongoing maintenance and improvement

These pillars are broadly reflected in the principles as outlined in the consultation paper, although long-term measures should equate to at least 99 years.

However, the principles are silent on funding for maintenance and improvement. The provision of financial support to retain and strengthen an OECM's biodiversity values in the medium- and long-term should be captured in Principle 4.8.

### **First Peoples matters**

We welcome the Australian government's commitment to free, prior and informed consent (FPIC) and are encouraged that this represents an alignment with all articles of the United Nations Declaration on the Rights of Indigenous Peoples.

Additionally, we recommend the following:

- The design process of the site level assessment tool should provide opportunities for First Peoples to significantly contribute, including making resources available to facilitate this contribution.
- The declaration of an OECM should not impinge on the rights of First Nations established under other relevant pieces of legislation.
- Where an OECM is declared upon Indigenous owned or managed land, the government should commit to ensuring these areas are adequately funded to meet the biodiversity objectives.

### **Further consultation**

Consultation will be more effective once specifics are provided about what is proposed to be classifiable as an OECM, with explicit worked examples and detailed consideration of the status of land and tenure types in relation to the OECMs program. (To name just a few examples on which a ruling would need to be made: riparian strips in forestry areas, selectively logged forests, state forest reserves in areas otherwise marked for clear-fell logging, agricultural land on which grazing is used as a measure to maintain or enhance biodiversity, low level domestic grazing in general etc).

We strongly recommend that the department undertakes further detailed consultation to inform the development of a site assessment tool and on implementation issues including monitoring, recording, compliance and reporting.

The implication that consultation on implementation issues won't occur until 'a later date' (p5 consultation paper) than the development of the site assessment tool is ill-advised: each needs to inform the other.

### **Conclusion**

The proposed OECMs principles outlined in the consultation paper are relatively benign in their current form and we are broadly supportive. However, the devil will be in the detail in terms of whether an Australian OECMs regime ultimately has the integrity, robustness, funding support and compliance systems required to deliver on its objectives – and those of the Australian government.