



SHORT COMMUNICATION: CLARIFYING 'LONG-TERM' FOR PROTECTED AREAS AND OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES (OECMS): WHY ONLY 25 YEARS OF 'INTENT' DOES NOT QUALIFY

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ABSTRACT

The concept of 'long-term' is a key part of the definitions of both protected areas and other effective area-based conservation measures (OECMs). Draft principles for OECMs in Australia developed by the Australian Government propose a minimum period for OECMs of 25 years, where a landholder is not able to commit to in-perpetuity conservation. The proposal suggests this is consistent with IUCN *Guidelines for Privately Protected Areas*. As authors of the *Guidelines for Privately Protected Areas* we contend however that Australia's proposed OECM guideline suggesting 25 years of "intention" to deliver biodiversity outcomes is 'long-term' is not supported by IUCN guidelines. Furthermore for protected areas, Australia has a long-established definition of 'long-term' – specifically a minimum timeframe of 99 years is required if permanent protection is not possible – embedded in both national policy and legal agreements. As national governments rapidly seek to define OECMs in response to the raised ambitions of the Kunming-Montreal Global Biodiversity Framework, there will be increasing interest in what counts towards Target 3. Ultimately, more land managed for conservation is good and all forms of area-based conservation should be encouraged. However, not all forms of area-based conservation qualify for inclusion in Target 3. Long-term intent and outcomes are fundamental, as outlined in the definitions of protected areas and OECMs.

Key words: long-term, area-based conservation, protected areas, set-term agreements, Kunming-Montreal Global Biodiversity Framework, Target 3, 30x30

The concept of 'long-term' is a key part of the definitions of both protected areas (Dudley, 2008) and other effective area-based conservation measures (OECMs) (CBD, 2018; IUCN-WCPA Task Force on OECMs, 2019). All protected areas reported to UNEP-WCMC need to meet the definition of a protected area and associated principles agreed by IUCN. The definition is: "A clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values" (Dudley, 2008). The IUCN guidance defines every phrase within this definition. The definition of 'long-term' is: "Protected areas should be managed in perpetuity and not as a short-term or temporary management

strategy." This means areas that are only temporary measures, such as short-term grant-funded agricultural set-asides, rotations in commercial forest management or temporary fishing protection zones are not protected areas as recognised by IUCN.

However, in some jurisdictions, it can seem a challenge for owners and managers of non-state-owned areas such as Privately Protected Areas (PPAs) to ensure and demonstrate protection for the long term, in effect in perpetuity. IUCN thus developed guidance to help PPA owners and managers interpret the broader IUCN protected area guidance to demonstrate conservation in the long term (Mitchell et al., 2018; Stolton et al., 2014).



Land for Wildlife is a high-profile area-based private land conservation program in Australia. However, agreements can be ended at any time, so would not, on their own, be considered long-term and thus not an OECM. © James Fitzsimons

The IUCN's *Guidelines for Privately Protected Areas* (Mitchell et al., 2018) make it clear that PPAs need to meet IUCN's definition of a protected area, including for long-term conservation. In some countries, PPA declaration brings legal obligations for long-term protection or has legal provisions to achieve long-term protection, putting PPAs on equal footing to state-run protected areas.

Where this is not the case, IUCN made suggestions in the PPA Guidelines as to how sites could **demonstrate** their long-term intent for conservation in perpetuity.

The *Guidelines for Privately Protected Areas* state:

“In ‘*The Futures of Privately Protected Areas*’ (Stolton et al., 2014) ‘long-term intent’ was proposed as an alternative to ‘long-term conservation’, to encompass a broader set of situations. The report proposed that PPAs should demonstrate an intent to conservation ‘in perpetuity’, or at least ‘long-term’. Defining long-term for any protected area is fraught with difficulties and some government-managed protected areas may not be secure in the long term (Mascia et al., 2014). With PPAs it is understood that it can take time to put in place arrangements (covenants, tenure agreement, etc.) which ensure permanent protection. IUCN’s guidance is that PPAs should demonstrate conservation in perpetuity or at

least the intent for conservation in the long term, the latter being defined in this case as for a minimum of 25 years (Stolton et al., 2014).”

The guidelines go on to elaborate this in more detail, noting that:

- ‘long-term’ should be **proven** for at least 25 years, but the **intent** should be for perpetuity, thus PPA status should transcend changes of ownership, through easement, covenant, wills, etc.
- where formal agreements relating to PPAs are short-term they should be tied to commitments for long-term protection (e.g. renewable agreements or long-term stated objectives) and the ending of agreements should never prohibit continuation of PPA status.

Long-term intent should also be linked to conservation actions which demonstrate commitment to conservation, such as:

- Some form of long-term monitoring to ensure adherence to conservation intent.
- Active or passive management practices being applied to safeguard the integrity of natural resources present in the PPA, that are validated by local or regional



Ramin Cowling Bushland Reserve, Melbourne, Australia. Reserves established by local governments to maintain and protect native vegetation have not typically been included the the protected area estate. Further assessment may identify them as protected areas or OECMs, as there is a clear intent to maintain and manage for this purpose in the long term. © James Fitzsimons

units of a national association of PPAs with guidelines and a national inventory (Stolton et al., 2014).

The Australian Government has released a *Draft National Other Effective Area-based Conservation Measures Framework* which includes draft principles to guide OECM development in Australia (Commonwealth of Australia, 2024). These principles are largely in line with global guidance for OECMs (IUCN-WCPA Task Force on OECMs, 2019). However, on the topic of *Longevity* the Australian principles (Commonwealth of Australia, 2024) stated “Where a landholder is not able to commit to in-perpetuity conservation, a minimum period for Conserved Areas is 25 years. This is consistent with the minimum requirement for Privately Protected Areas (PPAs) to be considered protected in the long-term, set out in the *IUCN Guidelines for Privately Protected Areas* (Mitchell, B.A. et al., 2018)”.

As authors of the *IUCN Guidelines for Privately Protected Areas* (Mitchell et al., 2018), which was cited to justify this definition of ‘long-term’, we are concerned that our practical discussion on how to demonstrate the future effectiveness of conservation has been misinterpreted to demonstrate a minimum period of conservation.

To reiterate, this guidance does not mean that protected areas can be established for only 25 years, but that long-term intent can be demonstrated in several ways. If, for existing policy or legal reasons, the management objectives of a site need to be regularly reviewed, we proposed 25 years as a minimum period between review, provided that relevant stakeholders show clear intent to continue conservation management in the long term (Mitchell et al., 2018). It should be noted that the IUCN’s OECM guidance also discusses the term ‘long-term’ noting that “IUCN’s guidance is that the factors that govern and manage an OECM should be expected to be ongoing and for the long-term” (IUCN-WCPA Task Force on OECMs, 2019).

As such, we contend that the Australian Government’s proposed OECM guidelines suggesting 25 years of ‘intention’ to deliver biodiversity outcomes is ‘long-term’ is not supported by IUCN guidelines on area-based conservation (Dudley, 2008; IUCN-WCPA Task Force on OECMs, 2019; Mitchell et al., 2018; Stolton et al., 2014).

This is a problem for two reasons. First, ‘intention’ does little for biodiversity if the landholder chooses to sell their property a few years after being recognised as an OECM and the new owner has no such conservation

interest (Fitzsimons et al., 2024). Australia has well-developed conservation covenant programmes (Fitzsimons, 2015; Fitzsimons & Carr, 2014) that all state governments already use to counter against this very scenario. The covenants are attached to the land title and bind future landholders forever. For this reason, these are considered PPAs.

Second, a 25-year timeframe is at odds with long-established Australian policy for defining 'long-term' for protected areas. A minimum timeframe of 99 years is required if permanent protection is not possible as stated in the *Strategy for Australia's National Reserve System 2009–2030* (NRMMC, 2009) and written into legal agreements for funding for land purchases to state government agencies or NGO land trusts (Fitzsimons, 2006). Australia's long-standing policy position for "99 years or more" was also stated in the IUCN's *Guidelines for Privately Protected Areas* (i.e. Fitzsimons, 2018, p. 62).

Australia's proposal also seems inconsistent with the recently passed *Nature Repair Act 2023*. This law added provision for a 100-year agreement (in addition to its original 25-year agreement) (Parliament of the Commonwealth of Australia, 2023) during the drafting and consultation period. This change was based on feedback that 25-year agreements did not equate to 'long-term'.

Adoption of a 25-year 'intention' as equating to 'long-term' would represent significant backsliding for conservation policy in Australia. Australia has a proud history of innovative protected area policy and approaches (Fitzsimons et al., 2023). The development of OECM policy in Australia needs to complement and advance this, not erode the standards by weakening long-agreed definitions of 'long-term'.

Ultimately, more land managed for conservation is good and all forms of area-based conservation should be encouraged. However, not all forms of area-based conservation qualify for inclusion in global biodiversity targets. Long-term intent and outcomes are fundamental, as outlined in the definitions of protected areas and OECMs.

As national governments rapidly seek to define OECMs in response to the raised ambitions of the Kunming-Montreal Global Biodiversity Framework (GBF), there will be increasing interest in what counts towards Target 3. Significant deviation from global guidance and existing national policy that lessens the chances of achieving long-term conservation sets a concerning precedent and is not consistent with the intent of the GBF. We trust the above expansion of the explanation of long-term timeframes as they relate to PPAs (and thus potentially

other forms of area-based conservation) is helpful for national and subnational governments to aid in their decision-making.

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RESUMEN

El concepto de “largo plazo” es una parte fundamental de las definiciones tanto de áreas protegidas como de otras medidas eficaces de conservación basadas en áreas (OECM). El borrador de principios para las OECM en Australia elaborado por el Gobierno australiano propone un periodo mínimo de 25 años para las OECM cuando el propietario no pueda comprometerse a conservarlas a perpetuidad. La propuesta se ajusta a las Directrices de la UICN sobre áreas protegidas privadas. Sin embargo, como autores de las Directrices para las áreas protegidas privadas, sostenemos que las directrices de la UICN no respaldan la directriz propuesta por Australia para los OECM, según la cual 25 años de “intención” de obtener resultados en materia de biodiversidad es “a largo plazo”. En el caso de las áreas protegidas, Australia cuenta con una definición de “largo plazo” establecida desde hace mucho tiempo -concretamente, se requiere un plazo mínimo de 99 años si no es posible la protección permanente-, tanto en la política nacional como en los acuerdos legales. A medida que los gobiernos nacionales intenten definir rápidamente las OECM en respuesta a las mayores ambiciones del Marco Global de Biodiversidad de Kunming-Montreal, aumentará el interés por lo que cuenta para el Objetivo 3. En última instancia, es bueno que haya más tierras gestionadas para la conservación y deben fomentarse todas las formas de conservación basada en zonas geográficas específicas. Sin embargo, no todas las formas de conservación basada en áreas pueden incluirse en la Meta 3. La intención y los resultados a largo plazo son fundamentales. La intención y los resultados a largo plazo son fundamentales, como se indica en las definiciones de áreas protegidas y OECM.

RÉSUMÉ

Le concept de “long terme” est un élément clé des définitions des zones protégées et des autres mesures de conservation efficaces basées sur les zones (OECM). Le projet de principes pour les OECM en Australie, élaboré par le gouvernement australien, propose une période minimale de 25 ans pour les OECM, lorsqu'un propriétaire foncier n'est pas en mesure de s'engager à une conservation à perpétuité. La proposition suggère que cela est cohérent avec les lignes directrices de l'UICN pour les zones protégées privées. En tant qu'auteurs des lignes directrices pour les zones protégées privées, nous soutenons cependant que la ligne directrice OECM proposée par l'Australie, qui suggère que 25 ans d'“intention” de fournir des résultats en matière de biodiversité est «à long terme», n'est pas soutenue par les lignes directrices de l'UICN. Pour les zones protégées, l'Australie dispose d'une définition de “long terme” établie de longue date - en particulier un délai minimum de 99 ans est requis si une protection permanente n'est pas possible - intégrée à la fois dans la politique nationale et dans les accords juridiques. Comme les gouvernements nationaux cherchent rapidement à définir les OECM en réponse aux ambitions accrues du cadre mondial pour la biodiversité de Kunming-Montréal, il y aura un intérêt croissant pour ce qui compte pour la réalisation de la cible 3. En fin de compte, l'augmentation du nombre de terres gérées à des fins de conservation est une bonne chose et toutes les formes de conservation par zone doivent être encouragées. Cependant, toutes les formes de conservation par zone ne peuvent pas être incluses dans l'objectif 3. L'intention et les résultats à long terme sont fondamentaux, comme le soulignent les définitions des zones protégées et des OECM.