



**GENERAL FISHERIES COMMISSION FOR
THE MEDITERRANEAN**

**COMMISSION GÉNÉRALE DES PÊCHES
POUR LA MÉDITERRANÉE**



**TASK FORCE TO IMPROVE AND MODERNIZE THE LEGAL AND
INSTITUTIONAL FRAMEWORK OF GFCM**

**FINAL MEETING ON THE VALIDATION OF THE OUTCOMES OF THE
TASK FORCE**

Marrakech, Morocco, 11-12 May 2012

EXECUTIVE REPORT

1. The Final Meeting on the Validation of the Outcomes of the Task Force was held in Marrakech, Morocco, on 11th and 12th May 2012. The meeting was called to order by Mr Stefano Cataudella, Chairperson of the GFCM Bureau. Mr Youssef Ouati, on behalf of the hosting Country, welcomed participants and emphasized the importance of the meeting's outcomes for consideration by the 36th Session of the Commission.
2. The Chairperson thanked Morocco for hosting the meeting, noted that consensus had emerged during the consultation process of the Task Force in several respects and reminded participants that the scope of the meeting was to corroborate the existence of such consensus. Presentations were delivered on the progress of the work of the Task Force, the outcomes of the Task Force and amendment procedures applying to the GFCM Agreement, Rules of Procedure and Financial Regulations.
3. The meeting reviewed the general orientations of the Task Force, as summarized in document GFCM/36/2012/8, and also formulated the following conclusions - which complement those in this document - to validate the work done under the 10 areas identified in the Terms of Reference of the Task Force.

3.1 General GFCM Objectives

- The current core mandate of the GFCM, fisheries and aquaculture, should be retained.
- Appropriate means should be identified to expand the mandate of the GFCM in order to allow for a broad and integrated approach towards the management of fisheries and aquaculture activities. In this context, the mandate of the GFCM would complement, but not duplicate, that of other international organizations dealing with other issues, such as maritime transportation and the environment.
- The objectives and scope of the GFCM should be clearly stated, especially in relation to the mandate of the organization vis-à-vis the management of fisheries. In this respect, Article III of the GFCM Agreement on “Functions” should be amended.
 - An option would be to include in the GFCM Agreement a broad objective that refers to long-term sustainability of fisheries to counteract and prevent overfishing and aquaculture and to add an *ad hoc* article on “Principles”. This article would provide the ground for the taking of decisions, actions and measures, similar to Article 6 of the FAO Code of Conduct for Responsible Fisheries and Article 5 of the UN Fish Stocks Agreement.
 - Concerning “Principles”, the following could be also considered for possible inclusion in the GFCM Agreement: the Ecosystem Approach to Fisheries; training; information; habitat protection; measures taken in accordance with the World Trade Organization; cooperation with other international organizations; and greater participation by stakeholders and civil society.
 - Another option would be to enable the Commission, in the discharge of its duties, to take into account relevant environmental considerations, economic and social factors and the special requirements of developing States, to be qualified according to objective criteria.
- The name of the GFCM should include the Black Sea. The new name of the organization, for the sake of clarity in relation to geographical coverage, could be “General Fisheries Commission for the Mediterranean and the Black Sea”. The current acronym (GFCM) on the other hand could be retained.

3.2 Conservation Issues

- Greater focus should be necessary on the conservation of living marine resources. This would allow the Commission to be more efficient in the discharge of its duties.
- The GFCM should to remain a multi-species RFMO. Actions taken in relation to the conservation of species should be prioritized.

- Targeted efforts to improve the conservation of specified stocks should be made, particularly in relation to shared and straddling stocks. The GFCM Rules of Procedure should provide guidance for the prioritization process.
- The Commission should also play an advisory role, through its specialized subsidiary bodies, to address national concerns in support of the activities related to its core business (i.e. conservation for sustainable exploitation).
- The GFCM should always be in the position to choose the most appropriate geographical scale to carry out stock assessments and management. With regard to Geographical Sub-Areas (GSAs), the current spatial subdivision is a step to improve data collection and assessment.
 - GSAs should not be addressed in the GFCM Agreement but their purposes could be addressed in future in the broader context of conservation.
 - In order to improve data collection and data analysis, which are at the very foundation of conservation, the role of GSAs could be regarded as facilitating gathering of relevant data and information.

3.3 *Management Issues*

- The Agreement should not necessarily have to specify the management tools or species to be addressed by the Commission, but it should provide maximum scope for management of fisheries and aquaculture (none of the potential inputs, outputs or technical measures should be ruled out).
- The operationalization of a sound shared information system revising the GFCM Task 1, as proposed by SAC, should be promoted.
- Long term (i.e. multiannual) management plans informed by biological, economic and social considerations should be developed at local, sub-regional and regional level.
- Area-based management tools, such as marine protected areas, should be considered by the GFCM together with relevant international organizations, consistently with their respective mandates.
- The functional reorganization of the Commission should recognize the value of taking a sub-regional approach for making the assessment of stocks and management of fisheries more efficient and effective. The adoption of a sub-regional approach should maintain strong coherence and consistency of methods and standards as well as create platforms for cooperation at sub-regional level.
 - One option to promote a sub-regional approach is to retain the current thematic approach used by the GFCM (on stock assessment, environmental dimension,

economic and social science, statistics and information, etc.) while facilitating a more direct involvement of GFCM Members. To this end, mechanisms to facilitate the formulation, at sub-regional level, of more targeted scientific advice which takes into account bio-economic and environmental dimensions will have to be identified.

- Another option would be to replace the existing thematic sub-committees and working groups of GFCM with sub-regional working groups that would carry out fisheries and aquaculture activities at sub-regional level, according to the guidance received from the Commission, and would be chaired by an appointed coordinator. The added value of this option would be to increase participation by GFCM Members to the work of the Commission and to bring about a more straight forward structure for the implementation of long-term management plans at sub-regional level. Holistic and preliminary studies to elaborate upon the feasibility of this option, including on possible interactions with existing sub-regional initiatives (e.g. FAO Regional Projects), will be carried out to facilitate the consideration by the Commission.
- The strengthening of the GFCM Secretariat should also be considered as an option that could help the Commission in promoting a sub-regional approach, together with increased reliance on the existing sub-regional network of experts for the discharge of the duties of the Commission.
- The transposition of scientific advice of SAC into the decisions which are taken by the Commission should be strengthened, keeping in mind the respective roles of the Commission and its specialized sub-committees.
 - One option could be the establishment of an *ad hoc* mechanism which would operate as a medium between SAC and the Commission and which could assist in summarizing and processing further the advice from SAC (this could also facilitate the integration of advice coming from potential thematic groups to be established at sub-regional level). The mechanism would address matters of consistency with GFCM recommendations and practice, but it would not propose any substantive change to SAC advice.
 - The composition of the *ad hoc* mechanism should be decided taking into account both the thematic and sub-regional dimension of the GFCM and with a view to ensure prompt and timely treatment of the advice from GFCM specialized sub-committees.
 - The mechanism could operate in a manner that gives due consideration to the internal procedures of GFCM Members in the formulation of proposals of recommendations and that facilitates their cooperation and joint action at sub-regional level.
 - Another option is to leave to the Commission the duty to provide guidance to SAC in the identification of possible alternative management scenarios to be evaluated so to

improve the formulation of scientific advice as well as in the updating of applicable methodologies.

3.4 Specific Aspects related to Aquaculture

- The importance of aquaculture in the work of GFCM should be reflected in the GFCM Agreement although relevant provisions do not elaborate on current and future needs of GFCM Members, such as monitoring activities, legislation, allocation of areas and mariculture. There could be room for an amendment, including of the Preamble of the GFCM Agreement.

3.5 Compliance and Enforcement

- Compliance mechanisms should be strengthened. The GFCM Agreement should be amended in a manner that clearly requires GFCM Members to transpose conservation and management measures into their national legislation. A mechanism should be established to assess if recommendations are implemented by GFCM Members at national level.
- GFCM Members should abide further by their commitments within the GFCM. As a last resort, using available means, such as trade and market-related measures consistent with rules and standards of the World Trade Organization, should be considered by the GFCM.
- The role of CoC should be empowered through the GFCM Rules of Procedure. It should focus in particular on analyses and other tasks relating to compliance, such as control and inspection, as well as on taking note of the implementation of GFCM recommendations.
- The GFCM Agreement lacks provisions that enable the Commission to elicit compliance and enforcement; mechanisms to facilitate the deployment of joint inspections and controls, with a view to setting up modules for a regional inspection and control scheme, should be foreseen in the GFCM Agreement.

3.6 Financial and Administrative Issues

- No substantive discussions occurred under this item. The delegate of Monaco reiterated the position of his Country, as expressed during the 35th Session of the Commission, noting that the 36th Session of the Commission will look into the matter of financial and administrative issues.

3.7 *Decision-Making*

- The GFCM decision-making process should be made more effective but decision-making functions should not be delegated to GFCM committees.
 - A solution to ensure that scientific advice is transposed into decisions by the Commission could be the elaboration of provisions in the GFCM Rules of Procedure that guide the adoption of recommendations.
 - In the alternative, the duties of the GFCM Secretariat could be revised to include guiding the decision-making process in GFCM committees, including the drafting of the scientific advice in a more readable, integrated and easily implementable manner to ensure consistency with GFCM rules and recommendations, and facilitating their implementation by GFCM Members.
- A more clearer distinction among the various types of decisions taken by the GFCM should be made, including in terms of the legal basis and binding nature of the decision. In particular, the current differences existing between recommendations and resolutions are not clear and should be addressed.

3.8 *Dispute settlement*

- Article XVII of the GFCM Agreement on “Interpretation and Settlement of Disputes” has limited scope and should be amended.
 - Consideration could be given to the possible role of the COC to prevent disputes, but not to act as mediator. The current functions of COC will include those which may be agreed by the Commission. Should a committee be established under Article XVII of the GFCM Agreement (while the GFCM Agreement is in force as it stands) for the purposes of dispute settlement, the Chairperson of COC could be one of the members of this committee.
 - The backstopping by the FAO Legal Office should be used, wherever possible, in the event of a technical dispute. However, any such role or resources would need to be consistent with FAO Basic Texts and practice and the GFCM Secretariat undertook to seek advice from the Legal Office.
 - The provisions relating to dispute settlement that appear in the UN Convention on the Law of the Sea and the UN Fish Stocks Agreement should be considered as a point of reference to elaborate a new provision that replaces Article XVII of the GFCM Agreement.
 - Procedures should be developed for the creation and functioning of an expert panel to be established in the event of a technical dispute.

3.9 International Cooperation and interactions with non-Members

- International cooperation and interactions with non-Members should be increased in order to increase the efficiency of the GFCM.
- While cooperation can occur at various levels (e.g. by participating to the meetings of another organization or developing joint plans), the financial implications for any form of cooperation should be carefully considered.
- The GFCM Agreement should contain a provision relating to the status of Cooperating-non Contracting Parties.
- COMHAFAT, as a partner of GFCM, noted mutual complementarities and thanked GFCM for its work.

3.10 Broad GFCM Administrative Arrangement

- The GFCM should remain within the framework of FAO, as it stands at present. Greater functional autonomy and flexibility should be granted for the sake of efficiency. The possibility to increase autonomy and flexibility should also be subject to developments within FAO on Article XIV bodies.
- The functions of the Chairperson of the GFCM, as well those of the GFCM Executive Secretary, should be better defined under the GFCM legal framework. The possibility for these organs to perform diplomatic functions should be considered.
- FAO Regional Projects have played a relevant role at sub-regional level and a more direct link with GFCM should be developed.

The Role of the GFCM Compliance Committee (CoC) and of the Committee on Administration and Finance (CAF)

4. A presentation was made on the strengthening the CoC and the CAF, noting the functions and work of both Committees and comparing them with those of similar committees in ICCAT, IOTC and NEAFC. FAO initiatives to strengthen the autonomy of FAO Article XIV bodies was described and areas indicated where COC and CAF should be strengthened were identified. In particular, concerns about the mandates and meeting time for both Committees were presented, together with possible functions and other considerations for reinforcing each of them. In the discussion it was acknowledged that both COC and CAF need to be strengthened in order to make the GFCM more efficient.

1st GFCM Framework Programme in support of Task Force activities

5. The 1st GFCM Framework Programme (FWP) in support of the activities of the Task Force was introduced. It was explained that this instrument, which is aimed at providing the Commission with the necessary extra-budgetary funds to carry out those activities relating to fisheries and aquaculture to be identified together with GFCM Members, was developed in response to the recommendations of the GFCM Performance Review. The five work programmes of the FWP were presented as well as the vision of this instrument which aims at promoting sustainable development and cooperation in the GFCM Area of competence, including with FAO Regional Projects and with partner organizations.

6. In discussion, satisfaction was expressed for the launching of the FWP in support particularly of developing States and it was indicated that actions under the tentative five work programmes will have to be prioritized. It was reported that some GFCM Members are carefully considering the possibility of funding the FWP in anticipation of any future action by the Commission, that will have to provide some specifications on the envisaged multi-annual and multi-donor arrangements.

7. Additional refinement of the work packages to be developed under each tentative work program was suggested, including for the sake of avoiding possible duplications within the remit of the FWP as well as with other ongoing projects operated by the GFCM. It was pointed out that due account of the results achieved by the FAO Regional Projects in relation to technical assistance and capacity building would be needed to better understand gaps and needs that have to be addressed through the FWP.

Conclusions of the Meeting

8. It was decided that the executive report of the Final Meeting on the Validation of the Outcomes of the Task Force, where all the conclusions drawn on the modernization of the GFCM are summarized, would be submitted to the consideration of the 36th Session of the Commission for its possible action.

Any Other Matter

9. The representative of WWF presented a statement on behalf of WWF and Oceana. This statement is reproduced in Annex C.

10. Gratitude was expressed to Morocco for having hosted the meeting and to Italy for having provided financial support for the activities carried out in the framework of the Task Force.

List of Participants

ALGERIA

Lounis SAMIA ABBOUN
 Ministère de la Pêche et des Ressources
 Halieutiques
 Route des quatre canons
 Algiers
 Tel. : 213 21433954
 E-mail: samia.abboun@yahoo.fr

BULGARIA

Konstantin PETROV
 Head of sector
 National Agency for Fisheries and
 Aquaculture
 17 Hristo Botev Blvd
 1606 Sofia
 Tel.: +359 898432976
 Fax: +359 28051686
 E-mail: konstantin.petrov@iara.government.bg

EGYPT

Khaled ELAGROUDY
 General-Director of General Authority for Fish
 Resources Development (GAFRD)
 4 Tayaran St
 Cairo
 E-mail: agre_gafrd@yahoo.com

Madani Ali MADANI
 G.D.of the International Agreements Dept.
 General Authority for Fish Resources
 Development (GAFRD)
 Tel.:+202 22620117 / 22620118
 Fax:+20222620117 / 22620130
 E-mail: madani_gafrd@yahoo.com

EU

Franco BIAGI
 Fisheries Conservation and Control in the
 Mediterranean and Black Sea
 Directorate General for Maritime Affairs
 and Fisheries
 European Commission of the European Union
 200 rue de la Loi
 1049 Bruxelles
 Tel.:+32 2 2994104
 Fax:+32 2 2950524
 E-mail: franco.biagi@ec.europa.eu

FRANCE

Philippe MARAVAL
 Chargé de mission Affaires Internationales
 Bureau des Affaires Européennes et
 Internationales
 Direction des Pêches Maritimes et de
 l'Aquaculture
 Ministère de l'alimentation, de l'agriculture, de
 la pêche, de la Ruralité et de l'Aménagement
 du Territoire
 3 place de Fontenoy, 75007 Paris
 Tel.: +33 (0) 1 49 55 82 36
 / +33 (0) 6 08 67 52 86
 Fax: + 33 (0) 1 49 55 82 00
 E-mail: philippe.maraval@agriculture.gouv.fr

ITALY

Massimo SPAGNOLO
 Ministry of Agricultural Food and Forestry
 Policies
 DG Fisheries and Aquaculture
 Viale dell'Arte 16,
 00144 Rome
 E-mail: spagnolo@irepa.org

Mauro BERTELLETTI
 Head of Unit
 Ministry of Agricultural Food and Forestry
 Policies
 DG Fisheries and Aquaculture
 Viale dell'Arte 16,
 00144 Rome
 Tel.:+39 06 59083442
 E-mail: m.bertelletti@politicheagricole.gov.it

LEBANON

Samir MAJDALANI
Head
Department of Fisheries & Wildlife
Ministry of Agriculture
Embassies Street, Bir Hassan,
Beirut
Tel.: +961 3384421
E-mail: sem@cyberia.net.lb

MALTA

Roberta MIFSUD
Scientific Officer
Ministry for Resources and Rural Affairs
Fisheries Control Directorate
Barriera Wharf
Valetta VLT1971
Malta
Tel.: +35622921256
E-mail: roberta.mifsud@gov.mt

Alicia SAID
Fisheries Policy Advisor
Ministry for Resources and Rural Affairs
Fisheries Control Directorate
Barriera Wharf
Valetta VLT1971
Malta
Tel.: +35622921245
Fax: +35622921221
E-mail: alicia.said@gov.mt

MONACO

Jean-Philippe BERTANI
Conseiller
Via Antonio Bertoloni 36
00197 Rome
Italy
Tel.: +39 06 8083361
E-mail: jbertani@gouv.mc

MOROCCO

Youssef OUATI
Chef de la Division de la Coopération;
Direction des Pêche Maritimes et de
l'Aquaculture
Tel.: + 212 5 37 68 81 62
E-mail: y.ouati@mp.gov.ma

SPAIN

Encarnación BENITO REVUELTA
Jefa de Area
SG de Recursos Marinos y Acuicultura
Secretaría General del Mar
Ministerio de Medio Ambiente y Medio Rural
y Marino
C/ Velázquez 144
28071 Madrid
Tel.: +34 913476161
Fax: + 34 913476046
E-mail: ebenitor@mapa.es

TUNISIA

Mohamed HAMANI
Ministère de l'agriculture et des ressources
hydrauliques
30 rue Alain Savary, 1002 Tunis Belvédère
Tel.: +216 71 892253
Fax: +216 71 799401
E-mail: m.hmani09@yahoo.fr

TURKEY

Haydar FERSOY
Ministry of Agriculture and Rural Affairs
Koruma ve Kontrol Genel, Ankara, Turkey
Tel.: +90 312 4174176
Fax: +90 312 418 58 34
E-mail: haydarf@kkgm.gov.tr

COMHAFAT

Hachim EL AYOUBI
Secrétaire Exécutif
COMHAFAT ATLAFCO
Souissi BP: 1007
2 Rue Beni Darkoul Ainkholouiya
RABAT
Tel: +212 05 30 77 42 21
Fax: +212 05 30 17 42 42
E-mail: hachim.elayoubi@gmail.com
secretariat@comhafat.org

CIPS

Marcel ORDAN
President
confédération internationale de pêche sportive
4 Place Charles Peguy
13008 Marseille
Tel.: : +33 (0) 608469467
E-mail: ffmpaca@free.fr

MedPAN

Purificacio CANALS
President MedPAN
2 Av Alexis Godillot
83400 Hyères
France
Tel.: +33494275772
Mobile: +34 650451657
Fax: +33494573889
E-mail: pcanals@tinet.org

OCEANA

Silvia GARCIA
c/ Leganitos 47
6a 28013 MADRID
Tel.: +34911440880
E-mail: sgarcia@oceana.org

UNEP/MAP-RAC/SPA

Daniel CEBRIAN MENCHERO
Marine Biology Expert
Bd. Du Leader Yasser Arafat – BP 337 1080
Tunis Cedex, Tunisie
Tel.: + 216 71 206 649
Fax: : + 216 71 206 490
E-mail: daniel.cebrian@rac-spa.org

WWF

Gemma QUILEZ
gquilez@atw-wwf.org

Bureau of the General Fisheries Commission for the Mediterranean

Stefano CATAUDELLA
Chairperson GFCM
Università di Tor Vergata
Via Orazio Raimondo, 8
00173 Rome
Tel: +39-0672595954
Fax: +39-062026189
E-mail: stefano.cataudella@uniroma2.it

Haydar FERSONY
First Vice Chairperson
Ministry of Food, Agriculture and Livestock
Eskisehir Yolu 9 km, Lodumlu
Ankara, Turkey
Tel.: 903123079542
E-mail: haydarf@kkgm.gov.tr

Chairperson of the Scientific Advisory Committee

Henri FARRUGIO
3 Rue du Gymnase
34110 la Reyrade
France
Tel.:+33 687165530
E-mail: henri.farrugio@ifremer.fr

Coordinator of the Black Sea Working Group

Simion NICOLAEV
Director
National Institute for Marine Research and
Development "Grigore Antipa"
900581 Constanta, Blv. Mamaia 300
Tel.: +4 0241 543288
Fax: +4 0241 831274
E-mail: nicolaev@alpha.rmri.ro

GFCM Secretariat

Abdellah SROUR
GFCM Executive Secretary
International Institutions and Liaison Service
Fisheries and Aquaculture Economics and
Policy Division
Fisheries and Aquaculture Department
Tel.:+39 06 57055730
Fax:+39 06 57055827
E-mail: abdellah.srou@fao.org

Nicola FERRI
Legal Consultant
International Institutions and Liaison Service
Fisheries and Aquaculture Economics and
Policy Division
Fisheries and Aquaculture Department
Tel.:+39 06 57055766
E-mail: nicola.ferri@fao.org

INVITED EXPERTS

Judith SWAN
Invited Expert
Tel.:+39 0657052754
Fax:+39 06 57055600
E-mail: Judith.swan@fao.org

Agenda

- 1. Opening and Welcome Address**
- 2. Amendment Procedures relating to the GFCM Agreement, its Rules of Procedure and its Financial Regulations**
- 3. Progress on the work of the Task Force and background information**
- 4. Outcomes of the work of the Task Force and identification of areas for action**
 - 4.1 Review of Task Force activities
 - Presentation of general orientations of the Task Force to date
 - The role of the GFCM Compliance Committee and of the Committee on Administration and Finance
 - 4.2 Open discussions to identify areas for action by the Commission
 - General GFCM objectives
 - Conservation issues
 - Management issues
 - Specific aspects related to aquaculture
 - Compliance and Enforcement
 - Financial and administrative issues
 - Decision-Making
 - Dispute settlement
 - International Cooperation and interactions with non-Members
 - Broad GFCM Administrative Arrangement
- 4. 1st GFCM Framework Programme in support of Task Force activities**
- 5. Conclusions of the meeting and recommendations to the Commission**

**Oral Statement to be presented by Oceana and WWF at the final meeting of the Task Force
Marrakech, 11-12 May 2012**

Dear representatives of Member parties and organizations,

Oceana and WWF have been committed to the process of the Task Force since its inception. The role of the Task force, set up to assist the Commission in identifying the necessary elements of a revised GFCM Agreement, is of utmost importance for our organizations, since it should allow the GFCM to efficiently restore and manage fisheries resources while preserving the health of ecosystems and habitats.

In spite of our request to actively participate in the process from its start, the terms of reference of the Task Force ensure that all discussions and debates are open only to GFCM Members; all other stakeholders involved in GFCM were to be consulted later, in order to validate the conclusions, and present them at least three months before the GFCM 36th Regular Session.

At this stage we are very disappointed to see that, to our knowledge, this consultation with stakeholders never took place, let alone within the agreed deadline, and the current meeting is the first one where participation is open not only to representatives from GFCM Members but also to partner organizations and observers and thus, as stated in the *Report of the outcomes emanating from the Task Force*, intended “to further substantiate the bottom up participatory approach of the Task Force”. In addition we missed during the current meeting a clarification on this mechanism to facilitate the consultation with stakeholders.

As environmental organizations, we are particularly concerned by the alarming number of fish stocks in the Mediterranean being overfished and the incapability of the GFCM to translate scientific advice into management recommendations. We believe that recovery and maintenance of fish stocks to levels above those able to produce MSY should be elevated to the level of a binding objective within the GFCM Agreement text. The adoption of precautionary and ecosystem based long-term management plans is the essential tool for achieving this objective and thus should be given high priority by the Commission.