



GENERAL FISHERIES COMMISSION FOR  
THE MEDITERRANEAN  
COMMISSION GÉNÉRALE DES PÊCHES  
POUR LA MÉDITERRANÉE



**Thirty-sixth Session of the Commission**

**Marrakech, Morocco, 14-19 May 2012**

**DRAFT RECOMMENDATION ON THE MANAGEMENT OF  
PROTECTED AREAS INCLUDING SPECIALLY PROTECTED AREAS  
OF MEDITERRANEAN IMPORTANCE (SPAMIs)  
IN THE GFCM CONVENTION AREA**

The General Fisheries Commission for the Mediterranean (GFCM),

*RECALLING* the 1982 United Nations Convention on the Law of the Sea (UNCLOS), in particular Articles 118 and 119, whereby States are called upon, inter alia, to cooperate with each other in the conservation and management of living resources in the areas of the high seas, through sub-regional or regional fisheries organizations as appropriate, and to exchange data and scientific information relevant to the conservation of fish stocks through competent international organizations;

*RECALLING* also the 1995 United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the objective of which is to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks, by inter alia, requiring States to cooperate in this respect through regional fisheries management organizations and arrangements (RFMO/As) particularly in areas beyond national jurisdiction;

*RECALLING* also the provisions of the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas;

*RECALLING* further the 1995 FAO Code of Conduct for Responsible Fisheries and the related International Plans of Action (IPOAs), Strategies and Guidelines which promote responsible fishing and fisheries activities, taking into account all their relevant biological, technological, economic, social, environmental and commercial aspects, whilst ensuring the protection of living aquatic resources and their environments and coastal areas;

*RECALLING*, in addition, the 2006 United Nations General Assembly Resolution 61/105 on Sustainable Fisheries, particularly paragraphs 80-91, which calls upon flag States and RFMO/As to sustainably manage fish stocks and protect vulnerable marine ecosystems, in general, as well as to manage bottom fisheries on the high seas, in order to prevent significant adverse impacts on vulnerable marine ecosystems and to ensure the long term sustainability of deep-sea fish stocks;

*TAKING INTO ACCOUNT* the 2009 FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas which guides States and RFMO/As to formulate and implement appropriate measures for the management of deep-sea fisheries in the high seas, through a range of management tools and measures necessary to ensure the conservation of target and non-target species, as well as affected habitats;

*CONSIDERING* the role of the GFCM, as a Regional Fisheries Management Organization and in particular as a FAO regional fishery body, to promote the development, conservation, rational management and best utilization of living marine resources, and to these ends, to keep under review the state of these resources and the fisheries based thereon, as well as to formulate and recommend appropriate measures;

*RECALLING* that establishing closed or specially regulated fishing areas is recognized to be one of the measures for the recovery of marine fish stocks and the conservation of marine biodiversity important for the sustainability of fish stocks, and that the GFCM has already taken action in this regard through the setting up of Fisheries Restricted Areas;

*ACKNOWLEDGING* the cooperation established, through Recommendation GFCM/31/2007/2, between the GFCM Secretariat and the Pelagos Secretariat on the exchange of data related to the *Pelagos Sanctuary for the Conservation of Marine Mammals*, recognized as a Specially Protected Area of Mediterranean Importance (SPAMI) by the Contracting Parties of the 1995 Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA/BD) of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention);

*RECALLING* that the Conservation Plan adopted by the Pelagos Contracting Parties refers to the competence of the GFCM, in relation to fisheries conservation and management and the measures established in this regard;

*CONSIDERING* that any fisheries conservation and management measures that may be drawn up in SPAMIs, established through the framework of the SPA/BD Protocol, must be consistent with the fisheries conservation and management objectives and measures of RFMO/As in particular GFCM and other international organizations;

*ADOPTS*, in conformity with the provision of paragraph 1 (b) and (h) of Article III and Article V of GFCM Agreement that:

1. In accordance with the GFCM mandate, the conservation and management of fisheries resources including the regulation of fishing activities in protected areas, including SPAMIs, which may be established within the context of any international agreement, convention or arrangement for

the protection of the marine environment, fall within the remit of the GFCM through its conservation and management measures in place and others which the GFCM may draw up in the future.

2. Conservation and management measures within SPAMIs, in addition to those specified in paragraph 1 may also be established in cooperation with other international entities such as the Regional Activity Centre for Specially Protected Areas (RAC/SPA) within the framework of the SPA/BD Protocol of the Barcelona Convention.

3. The provisions in paragraph 1 and 2 are without prejudice to any collaboration which the GFCM may seek to have with its partners and other international organisations, in matters related to the conservation and management of living marine resources in the Mediterranean and Black Sea.

4. The provisions stipulated in paragraphs 1 and 2 are also without prejudice to measures and other actions taken by the Contracting Parties; consistent with international law, in the exercise of their rights and the fulfillment of their obligations under relevant legal frameworks related to the establishment of marine protected areas.