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**GENERAL FISHERIES COMMISSION FOR
THE MEDITERRANEAN**

**COMMISSION GÉNÉRALE DES PÊCHES
POUR LA MÉDITERRANÉE**



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**Draft decision on the Management of Marine Protected Areas, including
Fisheries Restricted Areas (FRAs) and Specially Protected Areas of
Mediterranean Importance (SPAMIs) in the GFCM Convention Area**

BACKGROUND

1. Over recent years, the GFCM has followed with interest the developments on the debate concerning area based management tools (ABMTs) at international and regional levels. ABMTs are known to include marine protected areas (MPAs), area-based management of fisheries, area-based management of other marine species and ecosystems, area-based management of the impacts of shipping activities and other ABMTs and approaches. As far as the Mediterranean and the Black Sea are concerned, the GFCM has the mandate on area-based management of fisheries which can be carried out through, inter alia, the establishment of FRAs. In the Mediterranean Sea, Specially Protected Areas of Mediterranean Importance (SPAMIs) are being promoted by the UNEP-Mediterranean Action Plan (MAP). The GFCM Secretariat has participated since 2010 in a number of technical workshops on SPAMIs, particularly those organised by the UNEP-MAP Regional Activity Centre for Specially Protected Areas (RAC/SPA).

2. The implementation of ABMTs consists of similar actions, including the identification of areas, their management, compliance and enforcement, research monitoring and assessment. Due to these similarities, the GFCM Secretariat and UNEP-MAP-RAC/SPA have continued to exchange views on FRAs and SPAMIs of recent years. Following consultations, it was decided to present a memorandum of understanding to their respective memberships which was adopted in 2012. In the annex of this memorandum it is indicated, inter alia, that “with regard respectively to the Specially Protected Areas of Mediterranean Importance (SPAMIs) and the Fisheries Restricted Areas (FRAs) in particular those located partially or wholly on the Areas Beyond National Jurisdiction (ABNJ), the Parties will collaborate to harmonize existing respective criteria to identify those areas, for the cases where their location may be coincident and in the selection of mechanisms needed for their establishment [...] The Parties will cooperate to promote respective Parties adoption of eventual Management Schemes developed within SPAMIs and FRAs to ensure that measures are consistent with the objectives pursued and respectful with the Mandates of both organisations. Measures with potential impact on fisheries in SPAMIs will be discussed by the Parties with the spirit of optimizing common goals.”

3. While noting the respective mandates of GFCM and UNEP-MAP in relation to area based management, and in conformity with the memorandum of understanding, it is important to ensure that the establishment of FRAs is recognised within the GFCM as an ABMT for fisheries, consistent with the practice of Regional Fisheries Management Organisations (RFMOs) and the FAO. Any management scheme to be developed within SPAMIs, as foreseen in the memorandum of understanding with UNEP-MAP, should possibly appraise the potential impact on fisheries consistent with the GFCM mandate.

4. In light of the importance of this matter, a draft recommendation was already tabled in occasion of the 35th Session of the Commission (May 2011, Rome). Subsequent to this meeting, the GFCM Secretariat was requested to work in close consultation with the FAO Legal Office to revise the text in order to better define a baseline for the area-based management of fisheries, including the regulation of fishing activities through the establishment of FRAs. Further work was necessary to coordinate with UNEP-MAP in view of the adoption of the memorandum of understanding as well as in order to operationalize it. This led to make further revisions to the original draft recommendation. As the text annexed to this document does not seem to have the prescriptive trait typical of GFCM recommendations, but acknowledging the right of GFCM Members concerning the modality of the adoption of the proposed instrument (i.e. as a recommendation, resolution or other decision), the Commission is invited to review it and consider it for further action.

ANNEX I

RECOMMENDATION ON AREA BASED MANAGEMENT OF FISHERIES, INCLUDING THROUGH THE ESTABLISHMENT OF FISHERIES RESTRICTED AREAS (FRAs) 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;

ALSO 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, and the provisions of the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.

TAKING NOTE of 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, accounting for 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;

ACKNOWLEDGING the United Nations General Assembly Resolution 61/105, 62/177, 63/112, 64/72, 65/38, 66/68 and 67/69 on Sustainable Fisheries, particularly those paragraphs which call 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 RFMO/A, and in particular as the FAO regional fishery body competent over the Mediterranean and the Black Sea, 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;

UNDERLYING that area-based management of fisheries is recognized to be an area-based management tool aimed at 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 (FRAs);

WELCOMING 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);

DEEMING the memorandum of understanding adopted by FAO/GFCM and UNEP-Mediterranean Action Plan (MAP) as the instrument that aims at promoting cooperation between these two organizations, within their respective mandates, including in harmonizing existing respective criteria to identify FRAs and SPAMIs for the cases where their location may be coincident, in particular those located partially or wholly on the Areas Beyond National Jurisdiction (ABNJ);

ADOPTS/RESOLVES that:

1. The identification of FRAs for the conservation and management of fisheries resources, including for the cases where their location may be coincident with that of SPAMIs, should be done by GFCM Contracting Parties.
2. Following the identification of FRAs, GFCM should work in cooperation with UNEP/MAP in case the location of the identified FRA coincides with that of a SPAMI and consequently provide advice to the Commission, including through the SAC.
3. The provisions in paragraph 1 and 2 are without prejudice to any collaboration which the GFCM may pursue with other party international organisations in connection with area-based management tools to promote the conservation of marine biodiversity in its Convention Area, including the Black Sea.
4. The provisions in paragraphs 1, 2 and 3 are without prejudice to conservation and management measures adopted by GFCM Contracting Parties under paragraph 1 (b) and (h) of Article III and Article V of GFCM Agreement in fulfillment of the rights and obligations arising out of their participation to the Commission.
5. GFCM and UNEP-MAP should cooperate to promote the adoption of management schemes to be jointly developed within SPAMIs in order to appraise the potential impact on fisheries in SPAMIs. They should also identify together proper strategies and methodologies concerning the criteria of areas base management, including for FRAs and SPAMIs.