

Resolution GFCM/37/2013/1
on area based management of fisheries, including through the establishment of
Fisheries Restricted Areas (FRAs) in the GFCM convention area and coordination
with the UNEP-MAP initiatives on the establishment of SPAMIs

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 contributing to the maintenance and/or recovery of marine living resources to healthy state and the conservation of marine biodiversity important for the sustainable exploitation within an ecosystem approach to fisheries management, 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);

TAKING INTO ACCOUNT the definition of Fisheries Restricted Area as endorsed by the GFCM on the basis of a SAC formulation which stipulates that a FRA is a geographically defined area in which all or certain fishing activities are temporarily or permanently banned or restricted in order to improve the exploitation and conservation of harvested living aquatic resources or the protection of marine ecosystems;

TAKING INTO ACCOUNT the definition of SPAMI as stipulated by the Protocol SPA/BD of the 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);

WELCOMING the collaboration between GFCM and ACCOBAMS under the memorandum of understanding which foresees close collaboration in the elaboration of measures contributing to the conservation of cetaceans in the Mediterranean and in the Black Sea;

RESOLVES that:

1. The designation of Fisheries Restricted Areas (FRAs) for the conservation and management of fisheries resources within an ecosystem approach to fisheries management, including for the cases where their location may be totally or partially coincident with that of SPAMIs shall be done by GFCM in particular for areas in the High Seas.
2. Paragraph 1 is without prejudice to actions taken by a GFCM Contracting Party and/or by a Cooperative Non-Contracting Party (hereinafter collectively referred to as CPCs) to exert their rights and fulfill their obligations for the designation of FRA, including fisheries management measures, within the waters under their sovereignty or jurisdiction.
3. The designation of a FRA by the GFCM shall be based on sound scientific and technical identification by the Scientific Advisory Committee (SAC), based inter-alia on proposals by CPCs, Party Organizations, scientific institutions and observers, with a view to maintain and/or recovery of marine living resources to an healthy state while ensuring the conservation of marine biodiversity for the sustainable exploitation. The identification of a FRA shall follow as minimum standard those criteria and conditions as stipulated by the GFCM "Standard Form".
4. In case GFCM intend to designate a FRA that may be totally or partially in a SPAMI such a decision may only be taken if appropriate cooperation and coordination have taken place between GFCM and UNEP/MAP and other competent regional organizations, such as ACCOBAMS.
5. The provisions in paragraphs 1, 3 and 4 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 with a view of sustainable exploitation in its Convention Area, including the Black Sea.