

**ANNEX 3: SOME INFORMAL NOTES ON THE GENERAL FISHERIES COUNCIL FOR THE MEDITERRANEAN, (GFCM).AND EXCERPTS FROM INTERNATIONAL AGREEMENTS RELEVANT TO MEDITERRANEAN FISHERIES (by J.F. Caddy)**

**A. GFCM structure and functions**

Although there is no constraint within the rules of GFCM on the number and frequency of meetings, the frequency of meetings of the Council, and of its subsidiary bodies cannot exceed one per biennium, given presently available funds and manpower in the Secretariat. The financial constraints faced by the Organization mean that a new working Party can only be set up if an equivalent body is disbanded. There is however, flexibility to change the names and terms of reference of the Consultations and Working Parties if a motion to do so is carried in a meeting of the Council.

The following represents in a schematic way, the main sequence of events in the activities of the General Fishery Council for the Mediterranean and its subsidiary bodies, and also provides some indication of possible areas of expansion of activities if funds and manpower constraints were to be alleviated:

YEAR	EXECUTIVE COM'TEE	COMISSION	COM'TEE FISHERIES. MANAGEM-ENT	COMMITTEE STAT.+ECON	SUBREGIONAL CONSULTATIONS	SYMPOSIA ETC	SPECIAL SYMPOSIA AND TRAINING COURSES
					*		
1	*		*(T)		*		
					*		(subject to national/Sub-regional requirements)
2	*	*(T)		*	*		
					*	(As demand and funds permit)	
3	*		*(T)		*		
					*		
4	*	*(T)		*	*		

ETC (T:interpretation into English/French/Arabic)

**The flow of decision-making within GFCM:**

The sequence of decision-making within FAO is generally that technical advice and options for international fisheries management are developed in the subsidiary bodies of the

Council from technical input from governmental experts, and are reviewed and ratified successively by the Committee on Fishery Management and then by the Council. The Council (and to a lesser extent the Committee on Fishery Management) also suggest courses of action and parameters for the future activities of their subsidiary bodies. The Executive committee helps the Secretary to resolve practical issues arising from the decisions of the Council. This 'main sequence' of decision flow does not preclude of course, member States using the information and recommendations coming from any of the GFCM bodies in developing their own course of action within their national fisheries. Similarly, there is no impediment to national groupings holding internal meetings (say on assessment of national resources) whose reports can provide useful inputs to the various meetings of GFCM, where their conclusions may be extended to fisheries of the region.

The attendance at GFCM Bodies is addressed by the Director-General of FAO, to the member governments in the case of the Council, the Committee on Fisheries Management, and the Regional Consultations on Stock Assessment, and is addressed directly to the proposed member of the Working Party in the case of expert Consultations and Working Parties comprised of experts whose attendance may be paid by the Organization in reflection of their special skills and knowledge.

The following is an incomplete description of the main bodies involved in the GFCM sequence of decision-making:

**The Executive Committee:**

Consisting of the Secretary of GFCM, Chairman of the Council, and 1 or 2 other individuals with experience, coming from, if possible, Northern and Southern Mediterranean States. The purpose of this Committee is to examine the work of the Secretariat, and prepare for the meeting of the Commission (Agendas, etc.). Attenders are invited by the Director-General at the expense of FAO.

(In future, this Committee could also function as a budget overview committee if GFCM were to receive external funding).

**The Council:**

Its agenda reflects the work of all other GFCM bodies, and at present is decided between the secretariat and the outgoing Chairman and the Executive Committee, but inputs from member countries are welcome. It is attended by senior fisheries administrators and their advisors. It ratifies or modifies conclusions and recommendations of subsidiary bodies, discusses policy issues, and sets Policy directions for these bodies.

**The Committee on Fishery Management:**

Its title was changed in 199 from committee on Fishery Management to reflect the systems view of the fishery, and its socio-economic components. It provides a technical synthesis of the work of the subsidiary bodies, and prepares the major elements for the Council meeting the following year. Its terms of reference incorporate all relevant technical issues, including resource assessment, fishery management, aquaculture and socio-economic issues. (Although this is a technical meeting, to a certain extent this group acts in alternate years with the Council as a decision-making body where urgent matters are under consideration). It is attended usually by senior technical advisors, who are often heads of national research institutes, and their chosen advisors.

### **The Working Party on Fisheries Economics and Statistics.**

At present this is the only Working Party operating in GFCM, and has as its main objectives to evaluate and update existing statistical systems, including social and economic information, and promote cooperation and standardization in data gathering, bioeconomic modelling, and the use of economic instruments in fisheries management.

### **The Subregional Consultations on Stock Assessment:**

At present, there are 4 such operating bodies:

The Technical Consultation on Stock Assessment in the Balearic and Gulf of Lions Statistical Divisions: The most active grouping, with 7 meetings held to date. The Technical Consultation on Stock Assessment in the Central Mediterranean: This Consultation has not been frequently implemented due to political/organizational difficulties. It is now proposed that, in view of the current problems in holding the Adriatic and Ionian Consultation, to include these areas in an expanded Consultation for the central Mediterranean to be held later in 1993.

The Technical Consultation on Stock Assessment in the Eastern Mediterranean: This has been a relatively successful new grouping, although serious problems of some member States with venue and costs of attendance have negatively affected attendance.

The Technical Consultation on Stock Assessment in the Black Sea: Only one such meeting has been held of this grouping, and although it is possible that GFCM will be helping revival of the Black Sea Fishery Commission, with full membership of all coastal States of the Black Sea, further Consultations will probably be needed over the next few years.

Expert Consultations, Symposia and training courses: Included here in recent years have been symposia on red coral and on artificial reefs and aquaculture; an (incipiently regular) joint technical consultation of GFCM/ICCAT on large pelagic fish in the Mediterranean. Future proposals include symposia on major crustacean resources, and on Mullidae; a training course for Statistical sampling officers, and a meeting of research directors to discuss long-term trends in the fishery and environment of the Mediterranean.

### **Possible future directions for development of GFCM:**

The GFCM has historically been a flexible body; in its 40 years or so of history it has changed the structure and function of its bodies several times, and can be anticipated to do so again in the future. Some examples are given in the following that without commitment on either side, and with approval of the Director General of FAO, could at this stage nevertheless be the subject of discussion between the Secretariat and one or more of the member States of GFCM.

- 1) It could be envisaged that more frequent technical meetings by regional groupings could be held (for example to carry out annual assessments of national stocks). This poses problems for the Council in funding and back-stopping with current staff and financial resources.
- 2) In theory, this problem could be alleviated by members of GFCM providing financial assistance through a trust fund or project arrangement administered by the Secretariat, with advice from the Executive Committee. A project framework for support to GFCM would have to be handled through the body (DDF) set up for this purpose within FAO. A trust fund arrangement would probably have to form a component of the agreement between the Organization and the country or supranational body concerned, and would involve setting up an account under the supervision of the Executive Committee, at which the funding body would be represented.
- 3) The Government of the Principality of Monaco has provided some funding to the GFCM which is held in a special account, and this provides a precedent for the budgetary provisions that were described in the last section. Previous informal estimates of the costs of such an increase in activities have been provided, which are up to \$1 million per annum; depending on activities to be carried out.
- 4) Precedents exist for recognized experts to be seconded for 6 months - 1 year from member countries of GFCM, who could, under supervision, assist the Secretariat in organizing for and holding technical meetings and implementing other recommendations of the Council. There is a risk however that the International nature of the Council's activities be compromised in this way, and it would be preferable that such extra personnel, on secondment from member States, should be hired as short-term FAO personnel using funds provided under item 2). monitoring yearclass abundance. Although some food chain studies have been carried out, multispecies modelling has not been developed. Approaches to management therefore have a significant element of empiricism.

At its recent meeting in October 1994, the GFCM Committee on Resource Management made a number of suggestions for streamlining the functions of the Council. These may be summarised briefly as follows, and illustrated in the second figure below:

- using information networks and databases for improving data exchange between meetings
- more explicitly incorporating technical inputs from other bodies such as the International Council for Exploration of the Mediterranean Sea (ICSEM)
- reducing the number of sub-regional Technical Consultations and increasing their frequency
- dividing the functions of this Committee into research activities (where member countries of the European Commission would be present at the table), and a management committee (*sensu strictu*) where the European Community would represent its member States

These suggestions were discussed by the Council at its 1995 session (GFCM 1995).

**B. Some excerpts from international agreements relevant to Mediterranean fisheries**

*When discussing the possible legal basis for action or arrangements to improve cooperative management of Mediterranean fisheries, the following excerpts, inter alia, may be of interest, but are not intended to be exhaustive or complete.*

a) Relevant articles from the 1984 United Nations Convention on the Law of the Sea, provide special emphasis on semi-enclosed seas, provide a strong incentive to member States to cooperate in all issues related to the marine resources, environment, and research, and to set up the necessary structures for cooperation.

b) Excerpts from the Basic Texts (Vol III) of the General fisheries Council for the Mediterranean

The General Fisheries Council for the Mediterranean was established in 1949, preceding negotiations that led to the UN Agreement on the Law of the Sea (UNCLOS), and certain features of its Convention provide it with strong powers for action as a managing body, which to date have not been called upon by its member countries. The relevant issues are spelled out under Article III 'Functions', as modified by Article V, in the Basis Texts.

Article III spells out the role of GFCM in promoting development, conservation and rational management of living marine resources, with (in brief) the following functions and responsibilities:

- a) keeping under review the state of resources and the fisheries thereon.
- b) formulating measures for conservation by:
  - regulating fishing methods (gear),.
  - prescribing minimum sizes,
  - establishing fishing seasons,
  - regulating the amount of total catch and fishing effort and their allocation among Members.
- c) keeping under review the economic and social aspects of the fishing industry and recommend measures to promote development.
- d) encouraging training and extension exercises.
- e) coordinating research and development.
- f) assembling and publishing fisheries information.

Article V - spells out the procedures whereby management measures should be adopted by member Countries:

It is clear from the above that with respect to management of resources, this Convention dates from prior to the UNCLOS era, and may have persisted precisely since the provisions under Article V have never been brought into effect. Given the unusual political circumstance however, that (unlike the Black Sea), few riparian States of the Mediterranean have extended jurisdiction beyond 6-12 miles from the coast, the General Fisheries Council remains the appropriate Management body to cover fishing in High Seas areas beyond Territorial Seas. In this sense, the GFCM Agreement still provides a potentially very strong mechanism for cooperative action. It provides an appropriate framework for implementing the provisions of the Code of Practise for Responsible Fishing in the region, if the member Countries desire to implement its provisions.

The GFCM enjoys membership of all coastal States of the Mediterranean and Black Sea, (with the exception of 3 new Black Sea States with observer status) and the EEC which is currently exploring the possibility of joining. The agreement establishing GFCM falls under Article XIV of the FAO Constitution, as amended in 1963 and 1976, and defines its area of competence as "the Mediterranean and the Black Sea and connecting waters". At present the Organization finances of its activities with the exception of occasional payments by host countries for meetings etc.