



CAHIERS DE L'ASSOCIATION INTERNATIONALE DU DROIT DE LA MER
PAPERS OF THE INTERNATIONAL ASSOCIATION OF THE LAW OF THE SEA

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CAHIERS DE L'ASSOCIATION INTERNATIONALE DU DROIT DE LA MER
PAPERS OF THE INTERNATIONAL ASSOCIATION OF THE LAW OF THE SEA

THE SUSTAINABLE MANAGEMENT OF FISHERIES AND MARINE BIODIVERSITY

**La gestion durable de la pêche
et de la biodiversité marine**

EDITED BY/SOUS LA DIRECTION DE

**GIUSEPPE CATALDI
FRANCESCA RONDINE**

EDITORIALE SCIENTIFICA

2026

With the contribution of / Avec la contribution de



Food and Agriculture
Organization of the
United Nations



General Fisheries
Commission for
the Mediterranean



Sea of Laws



Co-funded by
the European Union



UNIVERSITÀ DI NAPOLI
L'ORIENTALE

DSUS
DIPARTIMENTO DI
SCIENZE UMANE E SOCIALI

PROPRIETÀ LETTERARIA RISERVATA

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Via San Biagio dei Librai, 39 – 80138 Napoli
www.editorialescientifica.it – info@editorialescientifica.com

ISBN 979-12-235-0718-6

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INTRODUCTION

It is well known that attempts by the Mediterranean coastal States to establish a common institutionalized system for fisheries management have so far always failed. In addition to political and diplomatic difficulties, specific characteristics have played a role: those of fishing activities (mixed in terms of target species, affecting inspection capabilities), the nature of the fleets – composed primarily of a large number of small artisanal vessels – and, finally, port infrastructure, fragmented across countless landing points. Added to this is the difficulty that arose when the fleets of countries expelled following the adoption of EEZs in oceanic waters (Japan and South Korea in particular) concentrated their fishing efforts in the high seas offered by the Mediterranean at a relatively short distance from the coast, and thus of significant convenience.

Fishing activities and governmental or intergovernmental policies for the conservation of living marine resources – which are directly linked to the broader issue of the conservation of the Mediterranean marine environment – have obviously been directly influenced by the fragmentation of the legal regime governing the waters of the Mediterranean. International cooperation in this field has never been very successful. Attempts at multilateral cooperation launched by the European Community (now the European Union) at the three intergovernmental conferences on Mediterranean fisheries (Crete 1994, Venice 1996, and 2003), did not go beyond raising awareness of the danger of overfishing and the risks of environmental degradation. These initiatives did not lead to a consensus on a treaty text, but merely resulted in the adoption of non-binding declarations. The policy of the European Union, to which Member States have transferred their competence in fisheries matters, has been based, since 1994, on provisions adopted specifically for this sea and only partially on the Common Fisheries Policy (CFP). There is a constant effort to integrate the environmental protection of marine habitats, at least in part, into fisheries policy. There are eight EU Member States bordering the Mediterranean. However, they retain the authority to determine the zoning regime, to establish boundaries, and, ultimately, to ensure compliance within their own waters with the rules adopted by the Union. Certainly, the Union has always had the power of direct control and, above all, the power to impose sanctions on illegal fishing activities directly or indirectly attributable to its Member States; nevertheless, the Member States remain primarily responsible for enforcing the rules and imposing sanctions for violations. Despite existing regulations, the practice has always been marked by frequent violations by member States, which have appeared unwilling or unable to effectively monitor their own citizens and maritime zones.

Hence, the importance in the Mediterranean of an actor such as the General Fisheries Commission for the Mediterranean (GFCM), a technical body with limited powers and resources, however, when it comes to harmonizing measures for the conservation of the biological resources of this sea.

A potentially effective tool is certainly the GFCM-Lex initiative, a core component of the GFCM 2030 Strategy, which seeks to promote legal transparency, regulatory harmonisation and effective compliance across the region. It is built around a multilingual online legal platform/repository containing national legislation on fisheries and aquaculture from GFCM member countries. Its broader goal is to support a region-wide legal framework for the sustainable management and conservation of Mediterranean living marine resources and ecosystems. The initiative helps countries retrieve, analyse, and store national laws linked to GFCM recommendations, and it supports capacity building on issues such as IUU fishing, small-scale fisheries, bycatch, social protection, and harmonization of legal frameworks. Its target users include fishers, administrators, legal experts, practitioners, scientists, NGOs, and other fisheries stakeholders who need clearer access to national fisheries and aquaculture legislation.

In January 2024, AssIDMer was commissioned by the GFCM to carry out a comprehensive legal analysis of national fisheries and aquaculture legislation in five Mediterranean States – Morocco, Algeria, Albania, Monaco and Montenegro. The analysis examines the degree of alignment between national legal and institutional frameworks and the recommendations adopted by the GFCM. It builds upon the Final National Legislation Reports completed in 2025 and employs a structured legal mapping and doctrinal analysis methodology. Each country study followed a harmonised analytical grid and was informed by targeted consultations with national authorities, participation in relevant policy fora and exchanges with the GFCM Secretariat. Particular attention was paid to differences in legal traditions and administrative structures, ensuring both comparability and respect for jurisdictional specificities.

The five countries studied represent a diverse cross-section of legal systems, institutional capacities and fisheries contexts. Morocco and Algeria are major coastal States with extensive fisheries and growing aquaculture sectors; Albania, as an EU candidate country, demonstrates full legal alignment with GFCM recommendations; Monaco operates a proportionate and environmentally focused regime suited to its small maritime space; and Montenegro is advancing rapidly towards legal harmonisation through its EU accession process. A *Scientific Commission* appointed by the undersigned as President of AssIDMer supervised the experts' work. The Final Report issued forms part of the GFCM-Lex initiative.

Strategic recommendations emerging from the analysis focus on five priorities:

- Consolidating formal transposition and legal clarity by making explicit references to GFCM recommendations;

- Strengthening traceability and product documentation systems to ensure end-to-end monitoring from capture or farm to market;
- Completing the MCS “toolchain” by integrating vessel monitoring, port State measures, inspection and reporting in coherent and enforceable frameworks;
- Deepening aquaculture governance by integrating environmental safeguards, product control, labour protections and transparent licensing procedures.
- Enhancing transparency and data accessibility through comprehensive country profiles and legal correspondence tables in the GFCM-Lex database.

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The final results of the “Support toward the enhancement of GFCM-Lex” Project were presented at a conference specifically organized in September 2025 on the island of Procida, at the summer site of the University of Naples L’Orientale. The event brought together, in addition to representatives of the GFCM and specialists recruited from the countries covered by the study (who presented their respective case studies), legal scholars, fisheries scientists, and practitioners from many countries. Most of their presentations are included in this volume, published in the AssIDMer Papers, and are also summarized concisely in François Féral’s conclusions. It is clear that, starting from the results of the Project, the discussion then broadened to address, more generally, the role and potential of the GFCM in regional fisheries governance, as well as related topics such as, for example, the implications of the 2023 Agreement on Biodiversity Beyond National Jurisdiction (BBNJ Agreement) for the management of sustainable fisheries and biodiversity, marine protected areas, and the role of artificial intelligence.

Finally, I must express my deepest gratitude to the GFCM (specifically to Miguel Bernal, Ahmed Siliman, Nicola Nesi, and Paolo De Donno) for the trust they placed in AssIDMer to carry out a delicate task such as the Project briefly described above, and for the constant support they provided to ensure its successful completion. Special thanks to Nicola Ferri for facilitating this collaboration. A heartfelt thank you to Francesca Rondine for the patience with which she organized the Procida conference together with me and then oversaw the publication of this volume, and to all those who participated in this adventure that culminated in the Procida conference, especially my colleagues Andrea Caligiuri, François Féral, and Tullio Scovazzi.

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