

## ON THE ALLOCATION OF FISHING OPPORTUNITIES FOR IOTC SPECIES

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### *Explanatory memorandum*

This proposal aims to:

- 1) Protect the sovereign rights of IOTC coastal States, in accordance with the United Nations Convention on the Law of the Sea, and the conservation and management of straddling fish stocks and highly migratory fish stocks, for the purposes of exploring and exploiting, conserving and managing the living resources, including highly migratory species, within a zone of up to 200 nautical miles under its jurisdiction.
- 2) Ensure the special requirements of IOTC developing coastal States, including Small Island Developing States (SIDS) and vulnerable economies, are accommodated including food security and development aspirations.
- 3) Ensure a fair, equitable, and transparent system of fishing rights allocation is developed in accordance with 1 and 2 above.
- 4) Clarify the intent and application of Allocation Principles developed at previous Sessions of the IOTC Technical Committee on Allocation Criteria.
- 5) Detail Allocation Criteria based on the Allocation Principles.
- 6) Set forth a program of work for the next two (2) years that will result in the adoption of a sequence of IOTC Resolutions, ending in an operational system for allocation in 2019.

The following text outlines the rationale for several additional key elements being included or excluded from this proposal:

**Allocation principles:** The allocation principles contained within this proposal are based on those developed at the 3<sup>rd</sup> Session of the Technical Committee on Allocation Criteria (TCAC03). Where the proponents of this proposal deemed it necessary, the intent and application of the TCAC03 Allocation Principles have been further clarified.

**Biomass distribution:** At this time, the IOTC is not in a position to determine the distribution of stock biomass for any IOTC species at a fine scale (i.e. by EEZ). However, there may be an opportunity for some stocks to be differentiated between coastal and high seas distribution (e.g. neritic tunas). Where possible, efforts could be made to determine biomass distribution for potential incorporation into a system of allocation in the future when those species are considered. Additionally, bio-ecological significance may also be considered with biomass distribution.

**Compliance assessments:** Although the proponents of this proposal believe that the record of compliance and/or cooperation by eligible participants with the IOTC's Conservation and Management Measures should be an element of an allocation system, this should be limited to a single multiplying factor based on the overall



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compliance scorecard developed by the IOTC Secretariat annually, but focused on CMMs who's application have a direct link to the needs of an allocation system.

**Historical fishing activity:** For the purposes of allocation, the proponents of this proposal consider it their default position that all historical catches taken in an Exclusive Economic Zone (EEZ) of a coastal state shall be solely attributed to that coastal state. The previous renting of access to fisheries resources caught within an EEZ (e.g. via access agreements or other arrangement), should in no way provide ongoing access to the resource. In the current proposal, the incorporation of temporary quota transferability (leasing) has been introduced to ensure market access, pending suitable compensation to quota holders.

Some of the fundamental foundations of this position paper are drawn from Article V, paragraphs 1 and 2d, and Article XVI of the IOTC Agreement, as well as Part V of the United Nations Convention on the Law of the Sea (UNCLOS) on Exclusive Economic Zones; in particular Articles 55, 56, 62, 63 and 64, as well as the UNCLOS Implementing Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (see [Annex I](#) of the proposal).

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**RESOLUTION 17/XX**

**ON THE ALLOCATION OF FISHING OPPORTUNITIES FOR IOTC SPECIES**

**Keywords:** Allocation principles; allocation criteria; sustainability; sovereign rights.

**The Indian Ocean Tuna Commission (IOTC),**

CONSIDERING the objectives of the Commission to maintain stocks in perpetuity and with high probability, at levels not less than those capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors including the special requirements of developing States in the IOTC area of competence;

BEING MINDFUL of Article XVI of the IOTC Agreement regarding the rights of Coastal States and of Article 87 and 116 of the UN Convention of the Law of the Sea regarding the right to fish on the high seas;

RECOGNISING the special requirements of the developing states, particularly Small Island developing states in Article 24, of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA);

RECALLING that Article 5, of UNFSA entitles the conservation and management of highly migratory fish stocks are based on best scientific evidence available and with special reference to Resolution 15/10 for a stock where the assessed status places it within the red quadrant, and with an aim to end overfishing with a high probability and to rebuild the biomass of the stock in as short time as possible.

FURTHER RECALLING that Article 6, of UNFSA, requires the states to be cautious during the application of precautionary approach when information is uncertain, unreliable or inadequate and this should not be a reason for postponing or failing to take conservation and management measures;

CONSIDERING the recommendations adopted by the KOBE II, held in San Sebastian, Spain, June 23 – July 3 2009; implementing where appropriate a freeze on fishing capacity on a fishery by fishery basis and such a freeze should not constrain the access to, development of, and benefit from sustainable tuna fisheries by developing coastal States.

FURTHER CONSIDERING the recommendations adopted by the KOBE III, held in La Jolla, California, 11- 15 July 2011; considering the status of the stocks, each RFMO should consider a scheme for reduction of over capacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies; and Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate.

FURTHER CONSIDERING the report by International Council for the Exploration of Sea and FAO Working Group on Fishing Technology and Fish Behaviour (2006), Gillnets are considered to be one of the least catch controllable and least environmentally sustainable gears;

FURTHER CONSIDERING the recommendations of the 18<sup>th</sup> IOTC Scientific Committee held in Bali, Indonesia, 23–27 November 2015 that the catches of yellowfin tuna have to be reduced by 20% of the 2014 levels to recover the stocks to levels above the interim target reference points with 50% probability by 2024, and subsequent recommendations by the IOTC Scientific Committee.

MINDFUL that Technical Committee on Allocation Criteria is taking longer than expected to reach agreement on allocation criteria, while some IOTC stocks are being overfished and are subject to overfishing;

COGNIZANT that concurrence of an entire allocation process (principles, criteria, weighting and formula) may take much longer and CONSEQUENTLY a more pragmatic approach would be to adopt the principles and criteria through a progressive approach;

FURTHER CONSIDERING the call by the United Nations General Assembly Resolution 70/75 upon the states to increase the reliance on scientific advice in developing, adopting and implementing conservation and management measures and to take into account the special requirements of developing states, including Small Island Developing States (SIDS) as highlighted in the SIDS Accelerated Modalities of Action (SAMOA) Pathway;

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

## I. Definitions

1. **Artisanal, subsistence and small scale developing coastal State and Small Island Developing State fisheries:** ~~Fisheries other than longline or surface, also called~~ Coastal fisheries, as defined by the IOTC.
2. **Bycatch:** All species, other than the 16 species listed in Annex B of the IOTC Agreement, caught or interacted with by fisheries for tuna and tuna-like species in the IOTC area of competence. A bycatch species includes those non-IOTC species which are (a) retained (byproduct), (b) incidentally taken in a fishery and returned to the sea (discarded); or (c) incidentally affected by interacting with fishing equipment in the fishery, but not taken.
3. **Harvest Control Rules (HCR):** Agreed responses that management must make under pre-defined circumstances regarding stock status. Also called 'control rules' and 'decision rules'.
4. **Optimum sustainable yield:** The yield for a particular species which the Commission, under advice from the Scientific Committee, has agreed is the target yield for that species. This may be the maximum sustainable yield (MSY), maximum economic yield (MEY), or any other variant as agreed by the Commission.
5. **Target Reference Points (TRP):** A state of a fishery and / or a resource which is considered desirable.
6. **Total allowable catch (TAC):** For a fishery, a catch limit set as an output control on fishing. Where resource sharing arrangements are in place between commercial and recreational fishers, the term total allowable commercial catch (TACC) may apply. The term 'global' is applied to TACs that cover fishing mortality from all fleets.

## II. Allocation principles

7. The following are the *Allocation Principles* that shall form the basis for developing and assessing the performance of prospective *Allocation Criteria* ([Section III](#)):
  - a) **Eligibility:** ~~Fishing access~~The allocation of fishing opportunities by the IOTC shall be limited to IOTC Contracting Parties and IOTC Cooperating Non-Contracting Parties (collectively termed CPC's).
  - b) **Sustainability:** The long-term sustainability of each IOTC species and non-targeted, associated and dependent species is to be achieved through appropriate catch limits in accordance with the agreed

~~management framework for an IOTC species (e.g. involving Target Reference Points (TRP) and managed via species specific Harvest Control Rules (HCR)), including any relevant management procedure.~~ Additional management measures may also be used in tandem with catch limits to ensure sustainability of each species. ~~When IOTC species are determined to be overfished and/or subject to overfishing, eligible participants are encouraged to apply catch reduction mechanisms to fisheries/gears, which may include non-targeted fisheries, that have a greater negative impact on that species. The degree of negative ecosystem impact of main fishing gear to the IOTC species and non-targeted, associated and dependent species will be considered.~~

- c) **Coastal State rights:** The exercise of the sovereign rights of Indian Ocean coastal States, in accordance with the United Nations Convention on the Law of the Sea, and the conservation and management of straddling fish stocks and highly migratory fish stocks, for the purposes of exploring and exploiting, conserving and managing the living resources, including highly migratory species, within a zone of up to 200 nautical miles under its jurisdiction, shall not be prejudiced. Guiding legal text for ensuring coastal State rights are upheld are provided at [Annex I](#). ~~Coastal States shall be eligible for a baseline allocation irrespective of whether or not that coastal State has a history of catching a particular species in the IOTC Area of Competence.~~
- d) **Special requirements (aspirations) of developing coastal States:** ~~To ensure~~ The special requirements of Indian Ocean developing coastal States, including Small Island Developing States (SIDS) and vulnerable economies, ~~are accommodated~~ including aspirations, are to be accommodated.
- e) **Historical fishing activity:** Historical catches, for a time period to be decided, by eligible participants shall be used as an element in determining an initial allocation. Historical catches taken within an EEZ shall be solely attributable to the respective coastal State, for the purposes of allocation, regardless of the flag of the fishing vessel(s) ~~which that~~ took the catches. ~~Additional benefits may~~ This attribution will be applied if catches, or part thereof, are taken by the coastal State. Historical catches may include those estimated by given effect in a way is without prejudice to the IOTC Secretariat, approved by duties and responsibilities of flag States to report catch under international law, including the IOTC Scientific Committee and endorsed by the Commission. UN Fish Stocks Agreement
- f) **Historical spatial allocation:** Allocations shall be ~~separated based on~~ determined in a way that reflects the different international legal rights applicable within and outside the EEZs of coastal States by separating historical catches [~~and where known, species specific biological ranges~~], ~~both within and outside the EEZs of coastal States. Historical catches may include those estimated by the IOTC Secretariat, approved by the IOTC Scientific Committee and endorsed by the Commission.~~ on a spatial basis.
- g) **High seas access:** In accordance with the international legal framework for the high seas, all CPCs shall be provided with a baseline fishing opportunity ~~on their respect of~~ high seas fishing, irrespective of whether they have a history of fishing on the high seas.
- h) **~~Transferable quota:~~ Transferability: National** Allocations or part thereof, may be temporarily transferable, thereby ensuring product availability is maintained to markets and allocations are optimised. ~~This could be achieved by establishing mechanisms to ensure that initial and subsequent quota allocations are temporarily transferable among existing or new entry, eligible participants.~~

- i) **Socio-Economics:** Allocations shall consider the dependency of each eligible participant on fisheries in the IOTC Area of Competence (all species combined), measured by the contribution of those fisheries to social, economic, and cultural needs.
- j) **Compliance activities:** ~~The record~~ Allocations shall take into account the records of compliance and/or cooperation by eligible participants with the ~~IOTC's~~ IOTC Agreement, Conservation and Management Measures and other binding decisions.

### III. Allocation criteria

#### 8. **Eligibility:**

- a) States eligible to receive an allocation must be a Contracting Party or Cooperating Non-Contracting Party (collectively termed CPCs) of the IOTC.
- b) Each CPC shall receive a baseline allocation. The baseline allocation for each Cooperating Non-Contracting Party (CNCP) shall be ~~weighted less~~ no more than that of Contracting Parties (Member).

#### 9. **Sustainability:**

- a) ~~Allocation~~ Allocations are to be made in relation to species specific optimum sustainable yield, ~~via an agreed biological Target Reference Point (TRP)~~, determined by Commission on the advice of the IOTC Scientific Committee.
- ~~b) The total allowable catch (TAC) shall be set for a time period of relevance to the species, fisheries, stock assessment and/or Management Strategy Evaluation process, and revised accordingly.~~
- c) The relative ~~sustainability for impact of~~ the primary fishing gear used to target an IOTC species, by CPC shall be considered.

#### 10. **Coastal State rights:**

- a) All Indian Ocean Coastal State CPC's shall receive a supplementary baseline allocation-- irrespective of whether or not that coastal State has a history of catching a particular species in the IOTC Area of Competence.
- b) The supplementary baseline allocation for each Cooperating Non-Contracting Party (CNCP) shall be ~~weighted less~~ no more than that of Contracting Parties (~~Member~~)-Members).
- a)c) The supplementary baseline allocation shall be allocated irrespective of whether or not a coastal State has a history of catching that species in the IOTC Area of Competence.
- d) When the TAC for an IOTC species decreases from the previous allocation period, DWFN's shall receive a greater reduction in catches than coastal States, consistent with principles enunciated in the Kobe process.

#### 11. New Entrants:

a) New entrant Distant Water Fishing Nations that join the IOTC as a Contracting Party shall not automatically be eligible for allocations under this Resolution. Eligibility will be considered by the Commission with particular reference to Article 11 of the UN Fish Stocks Agreement and taking into account the principles set out in this Resolution.

a)b) A proportion of the ~~total annual~~ TAC available for allocation shall be 'Set Aside' for new coastal state entrants. The level of the catch to be 'Set Aside' for new entrants will be agreed by the Commission at the start of the quota allocation system and will be reviewed and adjusted as appropriate prior to the commencement of the next allocation period.

- 1) New entrant coastal States of the IOTC area of competence shall be allocated a baseline allocation from the 'Set Aside' each year for individual species, upon application to, and approval by the Commission.
- 2) A new entrant baseline allocation shall be in proportion to individual CPC allocations in the preceding year in which the new entrant joined the IOTC. The baseline allocation from the 'Set Aside' shall not exceed the lowest allocation of any CPC in the previous year.
- 3) Unused 'Set Aside' shall be reallocated to coastal State Contracting Parties based on a formula to be decided by the Commission. However, in years where the stock biomass is determined by the IOTC Scientific Committee to be less than the level capable of producing optimum sustainable yield (e.g.  $SB < SB_{msy}$ ), no reallocation of the 'Set Aside' shall occur.

b)c) Cooperating Non-Contracting Parties who do not ~~wish~~ intend to fish their supplementary baseline ~~quota~~ allocation, shall be able to return any unused supplementary baseline allocation amount to the Commission's 'set aside' at any time during the quota year for potential reallocation to other coastal States in equal portions.

~~b) When IOTC species are determined to be overfished and/or subject to overfishing, DWFN's shall receive a greater reduction in catches than coastal States, consistent with international standards agreed to in the Kobe process.~~

#### 11.12. Special requirements of Small Island Developing coastal States and Developing Coastal States:

a) The interests and aspirations of developing coastal State and Small Island Developing States shall be recognised via ~~a supplementary baseline~~ allocation for SIDS and DCS each year, upon application to, and approval by the Commission.

#### 12.13. Historical fishing activity:

a) ~~Recent~~ Historical catches of eligible participants in a given reference period, where all recent historical catches taken in an Exclusive Economic Zone (EEZ) of a coastal state shall be solely attributed to that coastal state, and shall be used to calculate an initial historical fishing activity allocation for each CPC, for each IOTC species and time period, as provided in Table 1.

**Table 1.** IOTC species and its respective historical catch reference period.

Common name	Scientific name	Code	Reference period

<b>Tropical tunas</b>			
Yellowfin tuna	<i>Thunnus albacares</i>	YFT	yyyy-yyyy
Skipjack tuna	<i>Katsuwonus pelamis</i>	SKJ	yyyy-yyyy
Bigeye tuna	<i>Thunnus obesus</i>	BET	yyyy-yyyy
<b>Temperate tunas</b>			
Albacore	<i>Thunnus alalunga</i>	ALB	yyyy-yyyy
<b>Billfish</b>			
Swordfish	<i>Xiphias gladius</i>	SWO	yyyy-yyyy

#### 13.14. Spatial allocation:

- a) Historical catches for each species and ~~time~~reference period, as provided in [Table 1](#), shall be separated spatially, as catches within areas under national jurisdiction and [catches](#) on the high seas.
- b) Initially, the spatial separation of catches shall be made on the following basis:
  - i. Catches reported for 5x5 or 1x1 degree grid squares that overlap an EEZ, shall be considered as being taken on the high seas, unless otherwise requested by the fishing flag State or the EEZ coastal State, and agreed to by both. In cases where the coastal State is in disagreement with the ~~other~~fishing flag State, the applicable access agreement shall be produced, along with other supporting evidence for consideration by the IOTC Compliance Committee.
  - ii. Catches reported or estimated without associated effort data (as required by IOTC Resolution 15/02), shall be considered as being taken on the high seas. In cases where the flag State is in disagreement, supporting evidence shall be provided for consideration by the IOTC Compliance Committee.
  - iii. Artisanal, subsistence and small scale fisheries from developing coastal State and Small Island Developing State fisheries, ~~are will be~~ assumed to ~~be operating fully~~ have been taken within the ~~EEZ~~national jurisdiction of the coastal State, irrespective of whether effort data is available.

#### 14.15. High seas access:

- a) Each CPC shall be allocated a baseline high seas allocation (separate from the initial historical fishing activity baseline allocation for the high seas).
- b) The baseline high seas allocation shall be equal among all CPCs.
- c) Quota allocation in respect of future high seas fishing opportunities for IOTC developing coastal States shall be facilitated by a gradual transfer of fishing rights from Distant Water Fishing Nations, commencing three (3) years after the initial baseline allocation. The details of this gradual transfer shall be developed by the Commission.

#### 15. ~~Transferable quota:~~

#### 16. ~~Quota~~Transferability:





- a) National Allocation, or part thereof, shall be able to be temporarily ~~transferable~~transferred among Contracting Parties. The right to fish that quota shall last for a maximum of one year and shall expire at the end of a calendar year (i.e. 24:00 on 31 December).
- b) Cooperating Non-Contracting Parties (CNCP) shall not be eligible to receive any ~~quota~~allocation via transfer from another CPC.
- c) New entrant Distant Water Fishing Nations (DWFN) ~~that join~~ the IOTC as a Contracting Party (Member) shall ~~not be eligible to receive a baseline allocation, but shall~~ be permitted to lease temporary transfers (para. ~~1516~~(a)) of quota for individual species from an existing CPC.
- d) A new entrant DWFN ~~that joins~~ the IOTC as a Cooperating Non-Contracting Party (CNCP) shall not be eligible to receive a baseline~~any~~ allocation, ~~nor any temporary via~~ transfers ~~of quota, thus only allowing DWFN CNCPs to participate as supply or transshipment fleets from another CPC.~~
- e) Unused ~~quota~~allocations shall not be rolled over to the next ~~quota year~~allocation period.

#### 16.17. Socio-Economics:

- a) The social dependency of each eligible participant on fisheries in the IOTC Area of Competence (which may include livelihood opportunities, employment in fisheries, post-harvest, and formal and informal supply chain activities, female work opportunities, seafood consumption per capita, and average number of family members supported per fisher), will be considered.
- b) The economic dependency of each eligible participant on fisheries in the IOTC Area of Competence (which may include economic vulnerability, export value, processing capacity, and fisheries as a proportion or rank of GDP), will be considered.
- c) The cultural dependency of each eligible participant on fisheries in the IOTC Area of Competence (criteria for which will be determined), will be considered.

#### 17.18. Compliance by eligible qualifying participants:

- a) In order to remain eligible for allocations, CPCs must Maintain active programs to implement IOTC Conservation and Management Measures (CMMs), with an IOTC compliance score of 50% or greater, for CMMs which are considered by the Commission to be relevant to Allocation for the purposes of this Resolution.
- b) Over-catch of ~~quota~~ allocation from any CPC shall be deducted from that CPCs future quota in accordance with a corrective actions policy to be agreed by the Commission, which will take account of the special requirements and capacity building needs of developing States. In the absence of demonstrated capacity constraints, the default deduction shall be at a ratio of 1:1 for the following year, or 1.5:1 if deducted from the subsequent year at the request of the CPC.
- c) Mechanisms to reconcile catch against allocated ~~quota~~National Allocation shall be developed by the Commission that would permit the introduction of a system of quota allocation penalties to be introduced.

#### IV. Weighting of allocation criteria

~~18-19.~~ A weighting scheme shall be developed for the allocation criteria for consideration by the Commission at its 22<sup>nd</sup> Annual Session in 2018.

#### V. Allocation formula

~~19-20.~~ An allocation formula, with associated weighting ([Section IV](#)) for each IOTC species detailed in [Table 1](#), shall be developed for consideration by the Commission at its 22<sup>nd</sup> Annual Session in 2018.

#### VI. Implementation

~~20-21.~~ The Commission shall, at its 22<sup>nd</sup> Session in 2018, consider revisions to the allocation principles and criteria, as well as the addition of a weighting scheme, allocation formula and implementation timeline for the allocation of fishing opportunities for IOTC species.

~~21-22.~~ The implementation of a system of allocation is expected to take effect on 1 January 2019.

~~22-23.~~ This Resolution supersedes Resolution 14/02 *For the conservation and management of tropical tunas stocks in the IOTC area of competence.*

## ANNEX I GUIDING LEGAL TEXT

### Article V, paragraphs 1 and 2d, and Article XVI of the IOTC Agreement.

#### **Article V. Objectives, Functions and Responsibilities of the Commission**

1. *The Commission shall promote cooperation among its Members with a view to ensuring, through appropriate management, the conservation and optimum utilization of stocks covered by this Agreement and encouraging sustainable development of fisheries based on such stocks.*
2. *In order to achieve these objectives, the Commission shall have the following functions and responsibilities, in accordance with the principles expressed in the relevant provisions of the United Nations Convention on the Law of the Sea:*
  - (d) *to keep under review the economic and social aspects of the fisheries based on the stocks covered by this Agreement bearing in mind, in particular, the interests of developing coastal states;*

#### **Article XVI Coastal States' Rights**

*This Agreement shall not prejudice the exercise of sovereign rights of a coastal state in accordance with the international law of the sea for the purposes of exploring and exploiting, conserving and managing the living resources, including the highly migratory species, within a zone of up to 200 nautical miles under its jurisdiction.*

### Part V of the Convention of the Law of the Sea on Exclusive Economic Zones; Articles 55, 56, 62, 63 and 64.

#### **Article 55 Specific legal regime of the exclusive economic zone.**

*The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention.*

#### **Article 56 Rights, jurisdiction and duties of the coastal State in the exclusive economic zone.**

1. *In the exclusive economic zone, the coastal State has:*
  - (a) *sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superadjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;*
  - (b) *jurisdiction as provided for in the relevant provisions of this Convention with regard to: (i) the establishment and use of artificial islands, installations and structures; (ii) marine scientific research; (iii) the protection and preservation of the marine environment;*
  - (c) *other rights and duties provided for in this Convention.*
2. *In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention.*
3. *The rights set out in this article with respect to the seabed and subsoil shall be exercised in accordance with Part VI.*

#### **Article 62 Utilization of the living resources**

1. *The coastal State shall promote the objective of optimum utilization of the living resources in the exclusive economic zone without prejudice to article 61.*
2. *The coastal State shall determine its capacity to harvest the living resources of the exclusive economic zone. Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations referred to in*

- paragraph 4, give other States access to the surplus of the allowable catch, having particular regard to the provisions of articles 69 and 70, especially in relation to the developing States mentioned therein.
3. In giving access to other States to its exclusive economic zone under this article, the coastal State shall take into account all relevant factors, including, inter alia, the significance of the living resources of the area to the economy of the coastal State concerned and its other national interests, the provisions of articles 69 and 70, the requirements of developing States in the subregion or region in harvesting part of the surplus and the need to minimize economic dislocation in States whose nationals have habitually fished in the zone or which have made substantial efforts in research and identification of stocks.
  4. Nationals of other States fishing in the exclusive economic zone shall comply with the conservation measures and with the other terms and conditions established in the laws and regulations of the coastal State. These laws and regulations shall be consistent with this Convention and may relate inter alia, to the following:
    - (a) licensing of fishermen, fishing vessels and equipment, including payment of fees and other forms of remuneration, which, in the case of developing coastal States, may consist of adequate compensation in the field of financing, equipment and technology relating to the fishing industry;
    - (b) determining the species which may be caught, and fixing quotas of catch, whether in relation to particular stocks or groups of stocks or catch per vessel over a period of time or to the catch by nationals of any State during a specified period;
    - (c) regulating seasons and areas of fishing, the types, sizes and amount of gear, and the types, sizes and number of fishing vessels that may be used;
    - (d) fixing the age and size of fish and other species that may be caught;
    - (e) specifying information required of fishing vessels, including catch and effort statistics and vessel position reports;
    - (f) requiring, under the authorization and control of the coastal State, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data;
    - (g) the placing of observers or trainees on board such vessels by the coastal State;
    - (h) the landing of all or any part of the catch by such vessels in the ports of the coastal State;
    - (i) terms and conditions relating to joint ventures or other cooperative arrangements;
    - (j) requirements for the training of personnel and the transfer of fisheries technology, including enhancement of the coastal State's capability of undertaking fisheries research;
    - (k) enforcement procedures.
  5. Coastal States shall give due notice of conservation and management laws and regulations

**Article 63 Stocks occurring within the exclusive economic zones of two or more coastal States or both within the exclusive economic zone and in an area beyond and adjacent to it.**

1. Where the same stock or stocks of associated species occur within the exclusive economic zones of two or more coastal States, these States shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary to coordinate and ensure the conservation and development of such stocks without prejudice to the other provisions of this Part.
2. Where the same stock or stocks of associated species occur both within the exclusive economic zone and in an area beyond and adjacent to the zone, the coastal State and the States fishing for such stocks in the adjacent area shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area.

**Article 64 Highly migratory species.**

1. The coastal State and other States whose nationals fish in the region for the highly migratory species listed in Annex I shall cooperate directly or through appropriate international organizations with a view to ensuring conservation and promoting the objective of optimum utilization of such species throughout the region, both within and beyond the exclusive economic zone. In regions for which no appropriate international



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*organization exists, the coastal State and other States whose nationals harvest these species in the region shall cooperate to establish such an organization and participate in its work.*

2. *The provisions of paragraph 1 apply in addition to the other provisions of this Part.*