

Article 4

Compatibility of Conservation and Management Measures: Cook Islands

1. The Commission shall recognise the sovereign rights of coastal states for the purpose of exploring and exploiting, conserving and managing the living resources within areas under national jurisdiction and the right of all states for their nationals to engage in fishing on the high seas.¹

 2. The Contracting Parties recognise the need to ensure compatibility of conservation and management measures established for fishery resources that are identified as straddling areas under the national jurisdiction of a coastal State Contracting Party and the adjacent high seas of the Convention Area, and acknowledge the need to cooperate to this end, and shall seek to agree upon such compatible measures.²

 3. In determining compatible conservation and management measures for straddling stocks Contracting Parties shall:
 - (a) take into account the biological unity and other biological characteristics of the fishery resources, the fishing activities for those resources and the geography of the region concerned, including the extent to which the fishery resources occur and are fished in areas under national jurisdiction;³
 - (b) take into account the respective dependence of the coastal states and the states fishing on the high seas, on the fishery resource concerned;⁴ and
 - (c) ensure that such measures do not result in harmful impact on the living marine resources as a whole in the Convention Area.⁵

 4. To ensure the compatibility of conservation and management measures in respect of such straddling stocks, the Commission shall take into account:
 - (a) the conservation and management measures established by the relevant coastal State Contracting parties in areas under national jurisdiction, and shall ensure that such measures are not undermined or eroded;
 - (b) previously agreed measures established and applied in accordance with the 1982 Convention and the 1995 Agreement in respect of fishery resources by a regional or a subregional fishery organization⁶; and
 - (c) the conservation and management measures established by Contracting Parties in respect of their flag vessels fishing in the adjacent high seas of the Convention Area.
1. c.f Peru proposals document SP/06/INF 8, 1995 UN Agreement, Article 18.5 (e) of Rev 4 (suggested by Cook Is. to be elevated to Article 18.1)
 2. c.f. Rev 4 and Peru document
 3. c.f Rev 4
 4. no change
 5. no change, follows Peru document
 6. c.f Australia intervention