

**PERU'S PROPOSAL REGARDING THE ARTICLE 21  
8<sup>th</sup> International Meeting, Auckland**

**Article 21  
PARTICIPATION IN FISHING FOR FISHERY RESOURCES**

- 1 When taking decisions regarding participation in fishing for any fishery resource, including the allocation of a total allowable catch or total allowable fishing effort, the Commission shall take into account the status of the fishery resource and the existing level of fishing effort for that resource and the following criteria to the extent relevant:
- (a) historic catch and past and present fishing patterns and practices in the Convention Area;
  - (b) compliance with the conservation and management measures under this Convention;
  - (c) demonstrated capacity and willingness to exercise effective flag State control over fishing vessels;
  - (d) contribution to the conservation and management of fishery resources, including the provision of accurate data and effective monitoring, control, surveillance and enforcement;
  - (e) the fisheries development aspirations and interests of developing States in particular small island developing States and of territories and possessions in the region;
  - (f) the interests of coastal States, and in particular developing coastal States and territories and possessions, in a fishery resource that straddles areas of national jurisdiction of such States, territories and possessions and the Convention Area;
  - (g) the needs of coastal States and of territories and possessions whose economies are dependent mainly on the exploitation of and fishing for a fishery resource that straddles areas of national jurisdiction of such States, territories and possessions and the Convention Area;
  - (h) the extent to which a Contracting Party is utilising the catch for domestic consumption and the importance of the catch to its food security;
  - (i) contribution to the responsible development of new or exploratory fisheries in accordance with Article 22; and
  - (j) contribution to the conduct of scientific research with respect to fishery resources and the public dissemination of the results of such research.

**In weighing the above mentioned criteria to take decisions under paragraph 1), the Commission shall take into account the following order of priorities:**

**1) Fully utilization of the catch to human consumption (h)**

**2) Interest of coastal and development States (f)**

**3) Contribution to the conservation and management of fishery resources (d)**

**4) Contribution to the conduct of scientific research (j)**

- 2 When the Commission establishes a total allowable catch or total allowable fishing effort for any fishery resource pursuant to Article 20 paragraph 4 (a) (ii) or (iii), it may, with the express consent of the coastal State Contracting Party or Parties concerned, also take decisions regarding participation in fishing for that resource throughout its relevant range.

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- 3 In taking decisions under paragraph 2, the Commission shall take into account the historic catch and past and present fishing patterns and practices throughout the relevant range of the fishery resource concerned and the criteria listed in paragraph 1(b) – (j).
- 4 When the consent of the coastal State Contracting Party or Parties concerned is not provided pursuant to paragraph 2:
  - (a) the Commission shall take decisions, in accordance with paragraph 1, regarding allocation of the portion of the total allowable catch or total allowable fishing effort established pursuant to Article 20 paragraph 4 (a) (i) that may be taken in the Convention Area; and
  - (b) the Commission and the coastal State Contracting Party or Parties concerned shall cooperate in accordance with Article 4.
- 5 In taking decisions under this Article, the Commission may also have regard, as appropriate, to performance with respect to other international fisheries management regimes.
- 6 The Commission shall, when appropriate, review decisions regarding participation in fishing for fishery resources, including the allocation of a total allowable catch or total allowable fishing effort, taking into account the provisions of this Article and the interests of new Contracting Parties.