REGIONAL ALLOCATION
ISSUES

or

ZEN AND THE ART OF PIE SLICING

Rosemary Rayfuse
WHO ALLOCATES?

- Duty to cooperate
- Freedom of fishing
- *Pacta tertiiis*
- Flag state jurisdiction
- A ‘real interest’
WHAT IS BEING ALLOCATED?

- Nemo dat quod non habet
- (you can’t give what you don’t own)
WHEN TO ALLOCATE?

- Precaution
- Flexibility
WHY ALLOCATE?

- Duty to ensure conservation and long-term sustainable use of high seas fish stocks
WHERE TO ALLOCATE?

- Coastal state sovereign rights
- Compatibility
HOW TO ALLOCATE?

- Precautionary principle
- Ecosystem approach
- Non-discrimination and fairness
- Rights of new entrants
- Special requirements of developing states
A NEW LEGAL PARADIGM?

- The ‘unfree seas’
- Non-flag state enforcement jurisdiction
- Vessels flagged to RFMOs
- RFMOs as custodians of high seas fisheries for the international community
- RFMOs vested with ‘property rights’ in high seas fisheries