

Cook Islands response to FFA Circular 23-156 on the Urgent US Treaty Virtual Meetings SPIP12 and RS11

20th Dec 2023

The Cook Islands are unable to participate in the SPIP12 meeting due to the short notice and other planned commitments. As such the following are the Cook Islands views to contribute to the SPIP12 discussions. The Cook Islands will be available to participate in RS11.

The Cook Islands are pleased with the positive and constructive response in the US Second Statement for RS10 virtual meeting. We see this as a positive step in being able to finalise the proposed changes to Annex II of the Treaty, and hope that SPIP12 and RS11 will be able to efficiently see the completion of these negotiations.

The Cook Islands positions outlined below are consistent with those expressed in previous SPIP meetings relating to the proposed amendments to Annex II.

Proposed changes to Annex II

Para.7 – do not wish to make any amendments or consider annual review. Leave as drafted.

Para. 8 – support retaining as drafted with “negotiated with the relevant pool members each year”.

Para. 13 (a) and (c) – CK flexible with August or September

Para. 14 – keep references to ‘5’ days for notification.

Para. 28 bis – support retaining this text.

Vessel payment default

As per PIPs agreed position at the previous SPIP meeting, we clarify with the US that our statement referred to the removal of PIP proposed text at the end of para.14 through to para 20bis – on the condition that the USD\$5 million for the “Financial Mechanism to Address Fisheries Related Economic Assistance” is included in the MOU that will be drafted to incorporate changes to Annex II. We seek a reference here to ensure payment of these funds is committed to be paid by the US government. We note the US referred to these funds being available now and we would like to see a transfer occur as soon as possible. We do not need to refer to ‘vessel payment default’ in the MOU. PIPs do not need to discuss the design or use of this fund at this SPIP meeting but can do that in the new year and will be solely decided upon by the PIPs.

Payments under Additional days

Para. 23 – Do not support US proposed text. This is non-negotiable.

Way forward

- Prioritize the completion of Annex II amendments during RS11.
- Task the development of a “Memorandum of Understanding Among the Governments of Certain Pacific Island States and the Government of the United States of America Regarding Fishing Access Terms for 2024-2028”.
 - Note this period is consistent with the PIPs internal agreement for a review prior to the end of this 5-year period; and
 - The MOU must include the USD5 million for the “Financial Mechanism to Address Fisheries Related Economic Assistance.”
 - Aim to have this completed as soon as possible – task the Secretariat to develop a draft to commence this work.
- Noting this work is unlikely to be completed, and signed by all Parties by 1 Jan 2024, in time for the new fishing year and licenses for 2024, we may need a rollover of the 2023 MOU until such time as the new MOU and amendments to Annex II are in place.