

Twelfth Special PIP Meeting (SPIP12)
20 December 2023

Record of Proceedings

1. INTRODUCTION

The Twelfth Special PIP Meeting (SPIP12) was held virtually on 20 December 2023. The purpose of the meeting was to review PIPs' current positions on the proposed amendments to Annex II of the Treaty in preparation for the Eleventh Renegotiation Session (RS11) with the U.S.

The meeting was opened with a welcome and an introductory remark from the FFC Chair, Mr Glen Joseph of the Marshall Islands. The Chair reminded the meeting of the urgent need to reach agreement with the US on the outstanding amendments.

The list of delegation is appended as **Attachment A**.

There was no apology received.

The agenda, appended as **Attachment B**, was adopted.

2. CONSIDERATION OF US STATEMENT

a) Progress on Amendments to Annex II

The Secretariat provided a progress update on the amendments to Annex II by referring to the US Second Statement made at the last RS10 held virtually in November 2023. A summary of the progress made then were:

- US made a positive response to the outstanding proposed amendments;
- Though US offered a few counter-proposals, it was clear that it was generally agreeable to move forward to settle the remaining amendments;
- US had agreed to PIPs' proposals in Paragraphs 8, 11 and 12.

b) Remaining Open Issues

The Secretariat provided a summary of the remaining open issues which were: i) Vessel Payment Default and ii) Payments under Additional Days, explaining that the issues were to be considered against PIPs' proposed changes which would require US fleets to pay their licence fees in full before a licence could be issued. The current requirement is two instalment payments – the first instalment to be made before the start of a new licensing period and the second in the first quarter of that new licensing period.

Tuvalu suggested that the Statement provided by Cook Islands before the meeting should be considered as the basis of PIPs' response to the outstanding amendments. The Statement is appended as **Attachment C**.

The meeting discussed the points raised in the Statement and agreed to incorporate the points to form part of the PIP First Statement when they meet with the US at RS11. The agreement included authorisation of the Secretariat to issue the fishing licences for 2024 as the US fleet had paid the licence fees. This was agreed notwithstanding the delay in signing the MOU for fishing access arrangement in 2024 which will be done in early 2024, as well as the delay in

payment of US\$21 million for 2023 with an additional US\$5 million for the financial mechanism – total of US\$26 million. In return for the financial mechanism, PIPs also agreed to withdraw their proposal to require an upfront payment of the licence fees. Similarly, the US agreed to withdraw its proposal on the additional days payment. But PIPs emphasized that their agreement was subject to the MOA instrument for \$26 million being concluded for signing by the US and the FFA Director-General on behalf of the PIPs as currently practiced.

3. WAY FORWARD

The Secretariat explained that with PIPs' agreement on the open issues, the way forward to conclude the renegotiation with the US was clear. This would be confirmed in the meeting with the US at RS11 which was expected to be the last substantive renegotiation.

The Secretariat would provide a summary of the administrative tasks to prepare for the formal adoption of the agreed amendments by all the parties after RS11.

4. OTHER MATTERS

The Secretariat further explained that the fishing licences for 2024 had been prepared and would be forwarded to the US after RS11.

5. CLOSE OF MEETING

The Record of Proceedings of the meeting will be provided out-of-session for comments and agreement.

The Chair conveyed his appreciation to both the PIPs and the Secretariat for the patience and hard work in reaching agreement on the outstanding proposed amendments. It had been a long journey but one that was worth treading.

Eleventh Special PIP Meeting (SPIP11)

PIPS	Title	Name	Email Contacts
Australia	David Power	Fisheries Specialist, Department of Foreign Affairs and trade	David.Power2@dfat.gov.au
	James Van Meurs	Department of Agriculture, Fisheries & Forestry	james.vanmeurs@aff.gov.au
	Iaian Ross	Fisheries Management Authority	iaian.ross@afma.gov.au
Cook Is	Pamela Maru	Secretary, Ministry of Marine Resources	p.maru@mmr.gov.ck
FSM	Mathew Chigiyal	Deputy Director, NORMA	mathew.chigiyal@norma.fm
	Limanman Helgenberger	Assistant Director, CSD, NORMA	liman.h@norma.fm
	Angelina T. Tretnoff	Senior Fisheries Economist	angelina.tretnoff@norma.fm
	Eugene Pangelinan	Consultant, NORMA	E.pangelinan@norma.fm
	Jemel James	Assistant Director, National Oceanic Resource	jamel.james@norma.fm
Fiji	Netani Tavaga	Senior Fisheries Officer, Offshore	Tavaga.netani@gmail.com
Kiribati	Kaon Tiamwere	Principal Licensing & Compliance Officer	kaont@mfmrd.gov.ki
	Uati Tirikai	Senior MCS Officer	uatit@mfmrd.gov.ki
Marshall Is	Glen Joseph	CEO, (MIMRA)	gjoseph@mimra.com
	Berry Muller	Foreign Service Officer (MFAT)	bmuller@mimra.com
	Laurence Edwards	Legal Counsel	ledwards@mimra.com
Nauru	Charleston Deiye	CEO (NFMRA)	cdeiye@gmail.com
	Camalus Reiyetsi	Senior Fisheries Officer (NFMRA)	camalus.reiyetsi@gmail.com
	Murin Jeremiah	Manager, Oceanic Fisheries	mhzjere@gmail.com
NZ/Tokelau	Byung Yoon (Rio)	Senior Adviser, Pacific Fisheries	Rio.Yoon@mfat.net
	Julia Beatrice Wiener	Legal Adviser	julia.wiener@mfat.govt.nz
	Feleti Tulafono	Director, Fisheries Management (FMA)	ftulafono@gmail.com
	Stan Crothers	Advisor	stancrothers@gmail.com
	Lesley Gould	Advisor	LesleykGould@gmail.com
Niue	Stephen Harris	NZ Ministry of Foreign Affairs and Trade	stephenpharrisnz@gmail.com
	Josie Tamata	DG, Department of Natural Resources	Josie.Tamate@mail.gov.nu
	Poi Okesene	Director, Department of Fisheries	Poi.Okesene@mail.gov.nu
Palau	Keith Mesebeluu	Oceanic Fisheries Management	keithmesebeluu@gmail.com
	Kathy Sisor	Fisheries Policy Specialist	utau.sisor@gmail.com
	Zilah Oiterong	Fisheries Licensing Revenue Officer	dirremeang@gmail.com
	Everson Sengebau	Division of Oceanic Fisheries Management	ebs6ya@gmail.com
PNG	Glynis Farari	Director (DFA)	fararigot@gmail.com
	Simon Kaumi	Acting Manager - Internal Fisheries (NFA)	simon.kaumi3@gmail.com
	Angela Hamou	Foreign Service Officer, Multilateral Division	angelahamou@gmail.com
Samoa	Roseti Imo	Acting Assistant CEO, Fisheries Division	roseti.imo@maf.gov.ws
	Grace Faaiuga	Foreign Service Officer, MFAT	grace.faaiuga@mfat.gov.ws
	Moli Amosa Iakapo	Principal Fisheries Officer, MAF	moli.iakapo@maf.gov.ws
Solomon Is	Edward Honiwala	Director of Fisheries, MFMR	ehoniwala@fisheries.gov.sb
	Samson Maeniuta	Deputy Director Offshore Fisheries	smaeniuta@fisheries.gov.sb
	Douglas Aitoreia	Chief Fisheries Officer	daitorea@fisheries.gov.sb
Tonga	Dr. Siola'a Malimali	Deputy CEO for Fisheries Management	siolaamalimali@gmail.com

	Poasi Ngaluafe	Deputy CEO for Fisheries Science	poasi.ngaluafe@tongafish.gov.to
Tuvalu	Michael Batty	Technical Advisor	mike-batty@hotmail.com
Vanuatu	Stephanie Stanley	Department of Foreign Affairs	stephanieharuel@gmail.com
FFA Secretariat	Dr Manu Tupou-Roosen	Director-General	manu.tupou-roosen@ffa.int
	Dr Pio Manoa	Deputy Director	pio.manoa@ffa.int
	Dr Chris Reid	Director, Fisheries Development	chris.reid@ffa.int
	Kaburoro Ruaia	Manager, Treaties Administration	kaburoro.ruaia@ffa.int
	Kauka. Havea	Financial Accountant	kauka.havea@ffa.int
	Kasipo Teo	Legal Officer	kasipo.teo@ffa.int
	Mirriam Lidimani	Legal Advisor	mirriam.lidimani@ffa.int
	Jason Raubani	MCS Policy Advisor	jason.raubani@ffa.int
	Marina Abas	Management Advisor on climate	marina.abas@ffa.int
	Rachel Marsh	Senior UST Officer	rachel.marsh@ffa.int
PNAO	Brian Kumasi	Policy Manager	brian@pnatuna.com
	Les Clark	Advisor	les@rayfishresearch.com

AGENDA

1. INTRODUCTION

- a) Opening of Meeting
- b) Apologies
- c) Adoption of Agenda

2. CONSIDERATION OF US STATEMENT

- a) Progress on Amendments to Annex II
- b) Remaining Open Issues
 - (i) Vessel Payment Default
 - (ii) Payments under Additional Days

3. WAY FORWARD

4. OTHER MATTERS

- a) Fishing Licence for 2024

5. CLOSE OF MEETING

- a) Record of Proceeding
- b) Closing

**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.