



I. INTRODUCTION

Representatives from Australia, Cook Islands, the Federated States of Micronesia (FSM), Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Tokelau, and Tuvalu met virtually on 4 July 2025 for the 15th Special Meeting of the Pacific Island Parties (SPIP15). Also present were observers from the Parties to the Nauru Agreement Office (PNAO). Solomon Islands, Tonga and Vanuatu were unable to join the meeting. The FFA Secretariat provided support to the meeting.

The list of participants and observers is appended as **Attachment A**.

Agenda Item 1: Opening

The Chair opened the meeting by welcoming the delegation members before inviting an opening prayer.

The Opening Prayer was provided by Samoa.

The Chair made an Opening statement by thanking members for their participation and explaining the purpose of the meeting which was to consider the outstanding US Government payment under the Treaty. He noted that there had been new updates provided by the US since the matter was considered at the FFC138 meeting in May 2025 in Niue.

The FFA Director-General expressed his gratitude to members for the ongoing discussions on the Treaty and referred to the main agenda items which focussed on the US Government payment and the Licenses issued under the Treaty. He noted the outcomes from FFC138, including holding off actions on the Treaty matters until the end of May 2025 when the outcome of the US Government's review of its foreign assistance programme was expected, and advised that a report on the outcome of this SPIP15 meeting will be provided for Ministers' consideration at the FFCMIN28 scheduled in late July 2025 in Niue.

Agenda Item 2: Adoption of the Agenda

The Chair suggested that the discussion for Agenda Items 4 & 5 in the Draft Agenda to precede Agenda Item 3, considering the need to focus on these items and the limited time available for the meeting.

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

There were no apologies received.

II. MATTERS ARISING FROM FFC138 OFFICIALS MEETING

Agenda Item 3: Updates on Matters Arising

The Secretariat referred to the Report provided on Matters Arising, noting the recent update from the US on the payment.

Recommendation

The Pacific Island Parties **noted** the Secretariat's work progress and updates on the decisions of FFC138 on the Treaty matters.

III. ITEMS FOR FURTHER CONSIDERATION

Agenda Item 4: US Government Payment

The Secretariat referred members to the original Brief and the Supplementary Brief, and conveyed its apology for the delayed dissemination of the supplementary brief as the new information from the US was only received a few days earlier.

The Secretariat informed the meeting that based on new updates, the 2024 fiscal year payment of \$60 million had been approved and was expected for payment, most likely, at the end of July 2025. But if there was a delay, the payment would be expected before the 30th September 2025 because that would be the end of the US Government fiscal year when approved funds must be disbursed. Regarding the 2025 fiscal year payment, which was due in mid-June 2025, the Secretariat advised that, based on the new information, US Government approval for this payment will be processed after the 2024 payment was received by the FFA Secretariat. This means that the 2025 payment could only be made after the 2024 payment has been made and received.

The following were raised in discussion:

- Tuvalu advised its preference for Option 1 in the FFA brief¹ but asked what should be done if the 2025 payment year is further delayed, and whether interest could be charged for the late payment. The Secretariat clarified that discussion of the consequences for default payments will be considered in the next agenda item which included the option of licence suspension and non-issuance of the licence in 2026, and welcomed the suggestion of applying interest on the late payment as one of the options for consideration.
- Tuvalu further advised that it did not support the option of suspending licences because this may be a breach of the Treaty obligation, considering that licence fees for vessels fishing under the Treaty in 2025 had already been paid in full and their licences for 2025 had been issued. Suspending or cancelling a licence is not a viable option at this stage because it risks the opportunity of releasing the 2024 payment and approving the 2025 payment which are being worked on by the US Government.

¹The 2024 payment of \$60 million must be paid no later than 30 September 2025 and the 2025 payment no later than 31 December 2025.

That option further risks the opportunity to continue the funding under the 2023 EAA for which the US Government had indicated support.

- Tokelau supported the comments of Tuvalu and noted that the Treaty and its Annexes did not seem to constitute the authority for the Administrator to suspend the licences under the current circumstances. In that regard, suspending licences for the late payment by the US Government is not a viable approach.
- Nauru aligned itself with the comments made by Tuvalu and supported by Tokelau.
- The Secretariat added that Parties could take some comfort and perhaps assurance from the latest development that the 2024 payment was the only one approved by the US Office of Management and Budget (OMB) out of 500 foreign assistance requests made by the Bureau.
- FSM noted that the US had referred to this payment as 'foreign assistance' but this is a Treaty obligation. FSM sought further clarification because it had been raised earlier by Tuvalu as a possibility if it appeared that the Treaty was not working. Whether the Treaty provides provisions to invoke such actions need to be ascertained. If not, it might be in the interest of the Parties to consider introducing an appropriate mechanism to address such a situation.
- The Secretariat clarified that under the EAA, the US Government payment is subject to fund availability. Whilst this provides room for a delayed payment, the US Government payment has been made without default for a long period since the start of the Treaty, except for the payments for 2024 and 2025, which unfortunately has to do with new requirements for foreign assistance by the new US Administration. Notwithstanding the delay, the new Administration had made firm commitments and support for the Treaty, including the payment under the 2023 EAA, hence the focus should be about when that payment would eventually be made.
- Tokelau agreed with FSM's comments which raised serious concerns that the merit of the proposal needed close consideration. It noted that, from memory, there had been other late payments from the US, though not as long as the current delay, but the situation raised questions about the reliance on the funds as aid. Tokelau suggested for the Annual Consultation with the US to be convened given the urgency to resolve the outstanding US Government payment issue.
- The Cook Islands noted the indication by the US for the first payment which was likely to be made by the end of July 2025. It supported the comments by Tokelau that delayed payments have happened in the past but under the current situation, members needed to look for strong language for the payment to be made by the end of July, with reluctance to offer space to the US to continue to delay the 2024 payment, and noted that these delays affect national financial and planning processes. It further suggested that consultation with the US will be required if the 2024 funds remain unreceived by the end of July 2025. In order to strategically consider these issues and to better position PIPs, rather than reactionary, a move away from letters (correspondence) to actual consultation with the USA before the end of September 2025 was necessary. On actions against the default payments, this should be considered later depending on the status of the 2024 payment. At present, there are parties that need to ratify the 2016 and 2024 amendments to the Treaty, and this work should be prioritised. In relation to the options put forward by the Secretariat, it is premature for Parties to look at other multilateral fishing arrangements with other DWFNs as this requires further analyses before even considering this as an option. In this regard, the Cook Islands suggested that, for the 2024 payment, strict language must be added in any response to the USA to require this payment to be made by the end of July 2025. Discussion on default payments and associated consequences should be held with the US Government first, as well

as with the ATA (US fishing industry) as they would be the first to be impacted by any repercussions relating to fishery access.

- The Secretariat noted the direct link between the EAA and the Treaty, and advised of its readiness to facilitate the proposed consultation with both the US Government and the ATA should the proposed first payment deadline of 31 July 2025 not be met by the US.
- Kiribati alluded to the concerns raised by other Parties which it shared, in particular, the timeline changes for the payment to be made since last reported in May at the FFC138 meeting in Niue. It sought confirmation if the first payment should be made by the end of September 2025. Kiribati further advised that this matter had been discussed by the PNA Ministers at their annual ministerial meeting held recently this year which noted the reliance of most of the Parties on the Treaty payment. It also advised that the PNA Ministers will further discuss this matter on the margin of the FFCMIN28 in Niue.
- The Chair, in response to Kiribati's inquiry, clarified that the second option, as provided by Cook Islands and supported by some Parties which have spoken to the matter, was for the first payment to be made by the end of July as opposed to September which was the proposed option by the Secretariat; and the second payment to be paid by the end of September 2025.
- Cook Islands clarified that its proposal was intended to constrain the US from further delaying the first payment to September, given it was the US who indicated its intent to make the payment by the end of July, but suggested strong language to be added in any response to the US to emphasise that preference. The proposed consultation with the US Government should be held before the end of September 2025 to consider issues that may cause any delay (if payment is not made in July) for the 2024 payment and to confirm the likelihood of the 2025 payment to be made before the end of 2025, as well as the need to strategise on actions needed to secure the continuation of the payment beyond 2025. The current approach of consultations between the Secretariat and the US seemed inadequate to moving the matter forward.
- Tokelau supported the clear approach outlined by the Cook Islands and noted that there was supposed to be an annual meeting of the Parties which, as a result of the new development on the payment, needed to happen soon.
- Tuvalu noted the concerns raised with the delay in the payment but reiterated the need to consider what response could be taken by the Pacific Island Parties should the 31 July deadline not be met.
- Cook Islands, noting the comment of Tuvalu, suggested that in any response to the US Government Pacific Island Parties should emphasise the **expectation** for the 2024 payment to be made by 31 July rather than it being reflected as a **required deadline**.
- Tokelau supported the Cook Islands and added that other options can be further considered after 31 July, including risks and consequences for not meeting agreed deadlines, taking into consideration the legal opinion to be provided by the Secretariat.
- Samoa acknowledged progress made to date on the outstanding payments under the US Treaty, recalling discussions at FFC138 and the uncertainties on the outcomes anticipated from the ongoing US Foreign Assistance Review. In registering support for Option 1, Samoa had no difficulties with the Cook Islands' proposal which appeared to be a practical option and agreed to set aside Option 2 on consideration of other similar multilateral arrangements as premature and not feasible at this stage.

Samoa also requested for additional information from the Secretariat on the additional processes required for the disbursement of the 2025 foreign assistance payments as advised by the US, and what this would mean for future payments under the US Treaty;

- The Secretariat commented that the two options can be addressed together in the drafting of the proposed letter to the US by setting out the expectation of the 2024 payment to be made by 31 July and the 2025 payment must be made before the end of 2025.

The recommendations were considered together with the recommendations under Agenda Item 5 below.

Agenda Item 5: Treaty Licences

The Secretariat introduced the agenda item which requires consideration of the Treaty licences under the current situation and beyond 2025. It noted the proposal made earlier by the Cook Islands to defer detailed discussion of this item until after 31 July 2025 if the first payment was not made.

In the discussion:

- The Cook Islands sought legal clarification if the notification and issuance of the licence could be delayed, noting the one year gap delayed payment by the US Government.
- Tokelau pointed out that in Paragraph 4 of Annex II of the Treaty there is a specific reference to the annual payment requirements, which included:
 - (a) industry payments as provided for in this Annex;
 - (b) costs to be paid by the industry for the observer services as agreed; and
 - (c) sums pursuant to the related agreement between the FFA and the Government of the United States.

and supported the need for legal advice if the US Government 2024 payment was not made by the end of July, noting that the EAA language of “available funds” and the USG notification that 2024 payment had been approved and funding available. In addition, noting the 1 August notification date, could the processing of licences be delayed, if annual payment requirements have not been met under Para 4 of Annex II. Legal advice is needed to ensure that the Pacific Island Parties and the Administrator have complied with all the related obligations and processes to be able to determine the appropriate responses to be taken.

- Tuvalu agreed with Tokelau’s query and supported the need for legal advice to confirm if the licences can be withheld for 2026 if the expected payments for the 2024 year, which have been approved by USG, were not made. It understood that, under the present circumstance, the licences already issued for 2025 cannot be withdrawn or suspended. Tuvalu believed that suspending the licences or consideration of a similar multilateral fishing arrangement would not be the best approach, unless the Parties were no longer agreeing to the continuation of the Treaty.
- The Secretariat clarified that the Administrator does not have the authority to cancel the licences, other than non-issuance and suspension of the licences under Paragraphs 15-19 of Annex II where the vessel operators failed to pay the fees as required under the Treaty. The issuance of licences are primarily made under the national laws of the Pacific Island Parties. But it is possible to pause the issuance of

the licences if failure for the payment of the funds continues; however more considered legal advice will be provided.

- The Cook Islands suggested that the draft letter to be sent to the US and the requested legal advice be provided to the Pacific Island Parties for consideration. In response to the Secretariat suggestion, it suggested that given the current geopolitical environment, consideration and resolving this matter must appropriately stay at the officials level rather than at ministerial level, though a high-level information paper would be needed for the Ministers' update.

Recommendation

The Pacific Island Parties:

- (i) **Agreed** that the US Government 2024 fiscal year payment of \$60 million should be received by 31 July 2025 and the 2025 fiscal year payment must be received by 31 December 2025. If there was a delay in the 2024 payment, suspension of licences for the 2026 licensing period will be considered;
- (ii) **Tasked** the Secretariat to provide a draft letter for consideration at the FFC-139 in Niue from the FFC-Chair to the US Government to convey the decision and ensure strong language was added to expect the 2024 payment by the end of July and the 2025 payment by 31 December 2025.
- (iii) **Tasked** the Secretariat to provide a legal opinion on:
 - (a) whether the Administrator has the authority to cancel or suspend existing licences if the US Government payments were not received;
 - (b) whether issuance of licences for the 2026 fishing year can be delayed until the US Government payment for 2024 is received; and
 - (c) any other associated legal issues raised in the meeting.

The FFA legal opinion and the draft letter to the US will be circulated ahead of the FFC139 for consideration at that meeting;

- (v) **Agreed** that the Annual Meeting of the Parties will be held before 30 September 2025 at which the progress on the payment and the associated risks and consequence of non-payment, as well as the licences for 2026 would be discussed; and
- (vi) **Agreed** that the outstanding US Government payment is settled at the officials level and a high-level report on the progress of the payment is provided to Ministers for information and update.

IV. OTHER MATTERS

Agenda Item 6: Other Matters

The Secretariat reminded the meeting of the need for the Parties, which have yet to do so, to provide a focal contact for the purpose of the Project Development Fund (PDF) as early as

possible to enable finalisation of the online platform and access to individual PDF information.

FSM informed that its focal point of contact for the PDF will be advised to the Secretariat.

V. CLOSING OF MEETING

Agenda Item 7: Record of Meeting

The Secretariat advised that a draft record will be provided for review and adoption out of session.

Agenda Item 8: Date and Venue of the Next Meeting

The Secretariat will advise the date and venue for the next meeting, including the Annual Consultation, after consultation with the FFC-Chair and the US.

Agenda Item 9: Close of Meeting

In closing, the FFA Director-General thanked the Chair for his continuing leadership and members for their constructive participation and clear direction.

The Chair, on behalf of the meeting, thanked the Director-General and the Secretariat for the preparation for the meeting and looked forward to seeing the members at the FFC139 meeting in Niue.

The meeting ended with a closing prayer provided by Palau.

Attachment A

List of Delegates

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**Fifteenth Special Pacific Island Party Meeting (SPIP15)
Virtual, 4 July 2025**

PROVISIONAL AGENDA

I. INTRODUCTION

1. Opening of Meeting
2. Adoption of Agenda

II. MATTERS ARISING FROM FFC138 OFFICIALS MEETING

3. Updates on Matters Arising

III. ITEMS FOR FURTHER CONSIDERATION

4. USG Payment and Issues
5. Treaty Licences

IV. OTHER MATTERS

6. Other Matters

V. CLOSING OF MEETING

7. Record of Meeting
8. Date and Venue of the Next Meeting
9. Close of Meeting