



FFA BRIEF

NINTH SPECIAL PACIFIC ISLAND PARTIES MEETING

24-25 April 2023

Honolulu, Hawaii

PREPARATION FOR

EIGHTH RENEGOTIATION SESSION (RS8)

26-27 April 2023

Honolulu, Hawaii

**MULTILATERAL TREATY ON FISHERIES
WITH THE UNITED STATES**

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BRIEF

1. INTRODUCTION

The 9th Special Pacific Island Parties Meeting (SPIP9) will be held physically from 24-25 April 2023 at the Ala Moana Hotel in Honolulu, Hawaii.

The 8th Renegotiation Session (RS8) will also be held physically, immediately after SPIP9 from 26-27 April at the NOAA Regional Center of Ford Island. This facility is located about 10 km away from Honolulu city.

At RS7, which was held virtually in February 2023, the Pacific Island Parties agreed to use that session to set the scene for upcoming meetings. This was useful because it provided an opportunity for the PIPs to clearly identify the outstanding issues and the priorities for consideration in the next session, which were divided into “immediate priority issues” and “on-going priority issues”.

The PIPs will be requested to make key decisions at the upcoming session on the immediate priority issues, which include the outstanding and new proposed amendments to Annex II. Based on recent sessions, it is encouraging that most of the proposed changes to Annex II provide common grounds for agreement...

Also, this session provides an opportunity to understand the on-going priority issues (enhanced broader cooperation under Article 3 of the Treaty and a comprehensive partnership arrangement) and find ways to address them without making them complicated and difficult to implement.

2. MATTERS ARISING FROM PREVIOUS MEETINGS

The outcomes of SPIP8 and RS7 are significant because they set the scene for the next meetings. The outcomes clarified the outstanding issues and set the priorities of the PIPs which form the basis of the agenda for this session.

The draft agendas for SPIP9 and RS8 are provided as **Attachment A** and **Attachment B**.

2.1 SPIP8

The critical matter arising from this meeting was the need for the Pacific Island Parties to agree on the distribution of the US\$60 million per annum financial package under the extended Treaty arrangement. A specific agenda item for this matter is provided as Agenda Item 3 of the PIPs meeting agenda.

Given the significance of this matter, dedicated time will be provided for the various groups of the PIPs during this session to consider the matter. Each group might require additional time for this, in which case the Secretariat will be happy to facilitate such additional meetings on the margin of the session.

Other important matters include the following:

- (i) Distribution of the additional US\$10 million for 2023. The PIPs have agreed to distribute the fund based on equal shares. The payment of this fund by the Government of the United States of America (USG) will be made later in 2023;
- (ii) Changes to be made to Schedule 1 of the Internal Agreement between the PIPs regarding the distribution of the US\$60 million package. Although this was not discussed at the last SPIP8, some consequential amendments will be made to existing instruments to reflect these changes.

2.2 RS7

Matters arising from RS7 constitutes the major agenda items for the next session which are:

- (i) Urgent need to consider the outstanding amendments to Annex II. Detailed discussion of these proposed amendments are provided in Section 4.1 of this Brief.
- (ii) Consideration of the US proposals for: (a) enhanced broader cooperation under Article 3 of the Treaty, and (b) comprehensive partnership agreement. Detailed discussion of these proposals are provided in Section 4.5 and 4.6 of this Brief.

There are other matters arising from RS7, including: (a) the exploratory fishing arrangement, (b) the Pooling arrangement, and (c) duration of the Treaty. These are respectively discussed in Sections 4.2, 4.3 and 4.3 of this Brief.

Recommendation

PIPs are asked to note the matters arising from SPIP8 and RS7.

3. PIPs' SPECIFIC ISSUES

3.1 Distribution of US Government contribution under a Treaty extension

The USG has agreed to increase its contribution under the Economic Assistance Agreement (EAA) for the period June 2023 to June 2033 to \$60 million per annum. This is a significant increase from the \$21 million per annum made when the current distribution formula was agreed to and implemented in 2017. As such, PIPs need to consider how these funds will be distributed and whether they wish to maintain the current approach or to revise it by changing the formulae used or the parameters that are applied to it.

The current formulae and parameters used

The current formulae for the distribution of the annual USG contribution is as follows:

- (i) \$315,000 is paid as a management fee to the Secretariat.
- (ii) \$950,000 is paid to the Secretariat to cover administration costs. Any unused funds are returned to Members with each Member receiving an equal share of any funds returned.
- (iii) \$2.5 million is held by the Secretariat for PDF payments with each PIP receiving \$156,250.

- (iv) A payment of \$1,100 per “upfront” day to PIPs that contribute days to the VDS (ex-KI), Kiribati and Cook Islands pools. The number of upfront days attracting this payment has varied over time as reflected in the change in the payment associated with these as shown in Table 1. This payment was originally intended to provide an incentive to pool members to provide days to the respective pools which give the US Industry some surety with respect to the number of days that they would be able to purchase in future years. In essence it can be thought of as an “option” payment where PIPs provide the US Industry.
- (v) The remaining funds are distributed equally among PIPs.

The annual distribution of the USG payment over 2017 to 2023 by component is provided in the Table 1 below while the amounts received by individual PIPs is shown in Table 2.

Table 1: Total amounts paid for each component of the USG contribution distribution formulae

	2017	2018	2019	2020	2021	2022	2023
Management fee	315,000	315,000	315,000	315,000	315,000	315,000	315,000
Administration costs	950,000	950,001	950,002	950,003	950,004	950,005	950,006
PDF	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000
Top up for upfront days	4,235,000	4,235,000	3,707,000	3,707,000	3,264,800	3,792,800	3,792,800
Equal share	13,000,000	12,999,999	13,527,998	13,527,997	13,970,196	13,442,195	23,442,194
TOTAL	21,000,000	21,000,000	21,000,000	21,000,000	21,000,000	21,000,000	31,000,000

Table 2: Amounts paid from USG contribution to individual PIPs

	2017	2018	2019	2020	2021	2022	2023
PDF	156,250	156,250	156,250	156,250	156,250	156,250	156,250
Top up for upfront days							
VDS (ex-KI)	440,000	440,000	374,000	374,000	308,000	308,000	308,000
Kiribati	330,000	330,000	330,000	330,000	415,800	415,800	415,800
Cook Islands	385,000	385,000	385,000	385,000	385,000	385,000	385,000
Exploratory pool	-	-	-	-	-	-	56,250
Equal share	866,667	866,667	901,867	901,866	931,346	896,146	1,562,813
Totals							
VDS (ex-KI)	1,462,917	1,462,917	1,432,117	1,432,116	1,395,596	1,360,396	2,027,063
Kiribati	1,352,917	1,352,917	1,388,117	1,388,116	1,503,396	1,468,196	2,134,863
Cook Islands	1,407,917	1,407,917	1,443,117	1,443,116	1,472,596	1,437,396	2,104,063
Exploratory Pool	1,022,917	1,022,917	1,058,117	1,058,116	1,087,596	1,052,396	1,775,313

Note: Amounts include amounts received by Australia and redistributed. The exploratory pool payment for Samoa is \$25,000 so in 2023 it received \$1,744,063.

To allow PIPs to examine potential outcomes using the current formula but different parameters, a spreadsheet allowing for the modeling of different scenarios is provided with this Brief. This spreadsheet can be used to examine outcomes for a given PIP under different parameters and the outcome for different PIPs where all parameters are the same except for difference in individual PIP characteristics (that is, whether it is a member of a pool in which the upfront days attract a top up payment or it is a member of the exploratory pool, and where there are differences in the number of upfront days contributed). PIPs can use this to assist in their preparation for the SPIP9 in Honolulu noting that the Scenarios provided in the distributed spreadsheets are there for illustrative purposes only and not meant to reflect any PIP position or preferred outcome. If PIPs have any queries as to how to use the spreadsheet they can contact Chris Reid, Director Fisheries Development (chris.reid@ffa.int). A demonstration of the use of the spreadsheet will be provided at SPIP9.

While the spreadsheet allows PIPs to examine outcomes under different parameters using the current formula, PIPs also need to discuss at SPIP9 whether the current formula should continue to be used. If PIPs wish to examine the implications of changing the current formula they will need to provide directions to the Secretariat as to the nature of the potential changes and how these will be applied.

Recommendation

PIPs are invited to **consider** the current formula and the parameters used and **direct** the Secretariat.

4. OUTSTANDING RENEGOTIATION ISSUES

4.1 Proposed Changes to Annex II

The outstanding amendments to Annex II can be put into three sets of amendments and will require consideration by the Parties in this session. These are:

(a) Application of changes made through the 2023 MOU

In its First Statement at RS7, the US proposed that the changes agreed for the 2023 MOU are to be applied as appropriate to Annex II for 2024 and beyond as a starting point.

A copy of the MOU for 2023 is provided as **Attachment C**. The signed copy will be provided later.

The agreed changes in the MOU for 2023 are:

- (i) The costs to be paid by US industry specified in paragraph 4(b) of Annex II is understood to apply to “observer services.”
- (ii) The number of Upfront Days to be offered to US vessels in 2023 in the Exclusive Economic Zones identified in the paragraphs of Annex II referenced below are as follows:
 - Paragraph 7(a): 2,720 days.
 - Paragraph 7(b): 378 days.
 - Paragraph 7(c): 350 days.
 - Paragraph 7(d): 600 days.
- (iii) The Participants intend for the prices paid by US vessels for the days specified in paragraph 2(a) through (c) of this MOU to be the subject of future negotiations.
- (iv) The Participants have decided that the price to be paid by US vessels for any fishing days referred to in paragraph 2(d) of this MOU that include catching, taking, or harvesting fish is \$6,000 with no upfront payment.
- (v) With respect to the notification referenced in paragraph 14 of Annex II, which is expected to be provided by the USG to the Pacific Islands Forum Fisheries Agency and the Parties to the Nauru Agreement Office and the Cook Islands, as appropriate, the Participants have decided to apply a notification period of 5

working days.

- (vi) Nothing in this MOU is intended to prejudice negotiations between the Participants for any future years under the Treaty.

The US' proposed approach to consider the changes that have been agreed in the MOU 2023 to be applied first is a logical step to follow, as the PIPs had already agreed with such changes. However, items (i), (ii) and (vi) can be ignored as they have no impact on the extension.

(b) US proposed amendments

At RS7, the US reiterated its proposed amendments to Annex II. A corresponding response from the PIPs is also provided below.

US Proposed Amendments	PIP Response
Updating the texts so that the licensing periods would be annual rather than setting the number of licences in advance.	to be considered (tbc)
Updates to the Pools	tbc
Negotiating "upfront days" prices directly with members	tbc
Moving the notification date for upfront days to September	tbc
Observer payment under the "Additional days" arrangement is to be consistent with the Treaty	Declined
Updating the text of the Treaty based on the agreed amendments in 2016	tbc

The US proposal to manage the “additional days” arrangement consistent with the Treaty is in respect of the observer payment. The issue is that in implementing this arrangement, some PIPs require that vessels pay national observer fees in accordance with their national laws, in spite of the fact that the payment for observer fees is made by the US fleet to a regional observer service provider (such as FFA) as required under the Treaty. Whilst the US considers this as inconsistent with the Treaty, PIPs maintain the position that the supremacy of national laws is recognised under the Treaty, such that the terms and conditions of fishing under the additional days arrangement which is a bilateral access should be subject to national law requirements. It should be noted that there are other similar requirements, such as transshipment and port charges which are required by law to be paid.

The other proposed changes would require consideration by the respective members of the current Pools before they can be considered by the PIPs.

(c) PIPs' proposed amendments

The PIPs reiterated their proposed amendments to Annex II at RS7. These amendments aim to address the concerns about the non-payment of the days that were committed for purchase but were not paid due to the sinking of the vessel responsible for the purchase of the days before the start of the licensing period.

In summary the three amendments propose to:

- (i) Amend paragraph 14 to impose a responsibility on the USG where the responsible vessel owner defaults;
- (ii) Amend paragraph 15 to require an upfront payment for upfront days purchased; and

- (iii) Insert an additional paragraph to require that a US vessel owner that defaults shall not be issued a licence under the Treaty.

Attachment D provides further clarification on the proposed amendments.

It is important that vessel operators pay the licence fees for the days committed for purchase before the start of a licensing period. The objective of these proposed amendments is to ensure that vessel operators take responsibility for the payment of the fees and where they default, the US government should bear that responsibility.

Recommendation

PIPs are asked to review the proposed amendments and may wish to consider any additional changes to be made.

4.2 Exploratory Fishing Arrangement

In the previous session, the Parties agreed to the proposal to maintain the current provision for exploratory fishing under the Treaty, but without the requirement for the US fishing vessel operators to pay an annual upfront fee. The payment of US\$6,000 per day when a set is made and catch taken was maintained.

The Exploratory Pool members maintain their position that keeping the exploratory fishing provision in the Treaty is beneficial to them, as well as to the US, should the fisheries dynamic in their waters become favourable for US purse seine fishing vessels.

Recommendation

The Exploratory Pool members may wish to provide an update of their position with regard to arrangements for the exploratory fishing pool under a Treaty extension.

4.3 Pooling Arrangement

In early 2022, there were indications from some PIPs that the pooling structure under any new agreement needed to be considered given the changes to the US fleet and its operating pattern. It is not clear if this has been considered further or whether any decisions have been made in this regard. Should any PIP have any information or updates with regard to this issue it would be useful if this can be provided.

In addition, the US has proposed that the price of pool days be negotiated annually. Under the current agreement the price of days and the number of upfront days (that is, the maximum number of days that can be purchased in a given year) was set for the first 4 years with US industry notifying the Administrator of how many days they wished to take up at the price set. However, for the last 3 years (including the 1 year extension for 2023) the price of days and/or the number of days purchased was subject to direct negotiation between the relevant pool members and the US Industry.

Recommendation

PIPs are asked to consider any changes that might be made in the structure of the current Pools.

4.4 Duration of Treaty

The Parties have yet to decide on the duration of the next extension of the fishing arrangement under the Treaty. This is the period in which fishing vessels would operate under the Treaty. It is different to the period for the EAA in which the USG provides economic development assistance through the Treaty.

The current duration is for six years (2017 – 2022) but an extension of one year (2023) has been agreed by the Parties to enable the continuation of the renegotiation of the Treaty.

Since the start of the Treaty, the duration of the fishing arrangement corresponded with the duration of the EAA provided by the US, which is mostly a 10-year period. However, this has changed to a shorter period of 6 years recently, based on the PIPs' position that a shorter period would provide them with greater ability to improve the financial package and terms of the Treaty, if required.

It is likely that the US may propose a 10-year duration for consistency with the EAA. The US Industry may also favour a longer period as this may provide more certainty with regard to their business operations and prospects for future investment plans, such as joint ventures, etc.

It is important to note that under the previous extension while fishing arrangements were broadly agreed for the duration of the extension, specific details with regard to certain items, such as, the number of upfront days and/or the price of days were left to future negotiations for the latter years.

Recommendation

PIPs are invited to discuss the duration of any Treaty extension.

4.5 Enhanced Broader Cooperation

Article 3 of the Treaty provides for broader cooperation activities that fishing vessels operating under the Treaty should assist with and the US should promote. It specifically requires the USG to:

- (i) cooperate and assist in maximizing benefits and opportunities from PIPs' fisheries resources and the operation of fishing vessels operating under the Treaty;
- (ii) provide technical assistance, training and capacity building opportunities in fisheries assessment and management activities; and
- (iii) facilitate the implementation of private sector activities or partnerships to support commercially viable investment opportunities for the development of fisheries related businesses, where appropriate.

PIPs have expressed on numerous occasions that satisfactory outcomes under these provisions have not been achieved.

The text of Article 3 is provided in **Attachment E**.

Current broader activities under Article 3

The specific areas of cooperation and assistance to be provided under Article 3 are to be made through:

- (i) Activities of fishing vessels:
 - Use of canning, loining, slipping and repair facilities in the PIPs,
 - Purchase of equipment and supplies (e.g. fuel),
 - Employment of nationals of PIP as crew, and
 - Landing and transshipment of catch.
- (ii) Technical assistance, training and capacity building (including fisheries assessment & management).
- (iii) Private sector development.

There were attempts made in the joint ventures between Trimarine vessels and NFD of Solomon Islands and the Federated States of Micronesia (FSM), but these subsequently stopped. There was also some training provided by NOAA on specific fisheries management and MCS issues but these were under specific bilateral arrangements and not under the Treaty as envisaged by Article 3.

4.5.1 Changes to Article 3

Current proposal by PIPs

At RS5 in August 2023, Kiribati, the PIPs in their First Statement proposed the following activities to be included as part of an enhanced broader cooperation:

- (i) Examine ways to increase access to the US market for both catch taken by PIP fleets and products produced in PIPs, including loins and canned tuna.
- (ii) Explore the provision of tariff concessions, including on canned tuna in oil, for products sourced from PIPs.
- (iii) Consider a regional approach to meeting requirements for some elements of the Seafood Import Monitoring Program (SIMP) process.
- (iv) Address the constraints related to offloading catch or exporting loins to American Samoa and exploring potential opportunities for PIPs' flagged vessels and processors to increase their engagement with American Samoan and US mainland markets. This will be beneficial to PIPs and American Samoa processing facilities through an increase in the fish supply.
- (v) Explore potential opportunities for US institutions to facilitate capacity development for PIPs' nationals (e.g. assistance for scientific research capacity building), technological transfers (e.g. support to national programs for ER/EM development) and support for access to NMFS/NOAA products (e.g. high-resolution products for artisanal fishers).
- (vi) Explore opportunities of assistance for infrastructure to support fisheries development.

The PIPs advised the US then that they will continue to develop and refine these ideas.

The Secretariat has undertaken some further exploration with regard to a number of these issues as discussed below.

Trade and tariffs

In past sessions, PIPs have expressed interest to include trade issues, especially for the export of tuna products into the US market, in the Treaty sessions. The US have consistently advised that this issue is not within their mandate for renegotiation of the Treaty and suggested that the matter be raised by the US Office of the Trade Representative in a trade dialogue in which trade officials of both the US and Pacific Island Countries participate.

There have been a number of developments in the trade area since RS7. The US committed at the US-Pacific Island Country Summit in Washington DC on 28-29 September 2022, to establish a US-Pacific Island Country Trade and Investment Dialogue in 2023, to credibly target the region's trade and investment needs. The Pacific Islands Forum Secretariat (PIFS) and the USG agreed to hold the first iteration of the Dialogue virtually at senior official-level (trade and fisheries) on 28 February 2023. All Forum member countries attended the Dialogue and the FFA Secretariat attended as an observer. A briefing paper was prepared by the PIFS, including inputs from the FFA Secretariat which highlighted the importance of trade and market access to the US by PIPs. **Attachment F** provides further details with regard to this Dialogue.

With regard to Pacific Island vessels offloading in American Samoa, only a few longline vessels, such as Cook Islands flagged vessels, do this. But for purse seine vessels, it is understood that Pacific Island vessels do not off load in American Samoa but rather offload into domestic processing plants, transship catch to Thailand or, in the case of PNG vessels, to the Philippines. While there are reports that rigorous port inspections in American Samoa are a factor in PIP vessels not offloading there, as noted in the RS5 Brief there does not appear to be any tariffs or other non-tariff barriers with regard to product off-loaded by Pacific Island vessels.

With regard to the Seafood Import Monitoring Program and the US Seafood Safety requirements. All tuna species are subject to SIMP which requires that US importers submit documents although the importer must obtain some information such as the catch certificate from vessel operators. The onus of the collection of the required documentation is on the importer which contrasts to the approach taken under the EU IUU Regulation where the obligation is on the Flag State to supply the necessary information. However, with regard to requirements under the Marine Mammal Protection Act, Fisheries Administration in PIPs that are flag states have a fundamental role of providing the information required under this act. Briefing notes with regard to both the SIMP and Marine Mammal Protection Act have been prepared by FFA's Market Access team and provided separately to this Brief.

Infrastructure development

The FFA Secretariat has recently been supporting the Marshall Islands to undertake a number of studies with regard to the development of Majuro port. As part of this work, meetings have been held with USAID and they have indicated their strong support for the project and have also introduced the U.S. International Development Finance Corporation (DFC) as a potential donor partner. DFC has also indicated its intent to support this project.

The FFA Secretariat will continue to assist PIPs with similar initiatives by providing advisory assistance where required.

Recommendation

PIPs are invited to ensure fisheries officials continue to engage in the Trade and Investment Dialogue to improve market access for fisheries

Progressing Broader Cooperation discussions

The key question for PIPs at this time is to consider how they wish to progress discussions with regard to Broader Cooperation, noting that the focus of RS8 will be on reaching agreement with regard to fishing arrangements. Much of the recent discussion has focussed on seeking US cooperation with regard to a range of specific activities as previously outlined. For example, improving access to US markets through providing tariff concessions on tuna products exported for PIPs to the US, particularly with regard to canned tuna in oil. However, how such cooperation is to be articulated under Article 3 has not been considered in detail. Are PIPs seeking a general clause whereby the USG agrees that they (the USG) will facilitate and assist PIPs in their endeavours to access the US market or are PIPs seeking a specific commitment, for example for the USG to exempt PIP exports from tariffs on these products.

It is widely accepted, PIPs have not found the US performance in providing the activities currently specified under Broader Cooperation satisfactory in the past. As such, PIPs may feel that they need to include very specific provision as to what the US is required to provide under Article 3. This is understandable, however, it may be difficult to achieve given the constraints that the USG operates under and the time left to finalise these negotiations. As such PIPs, may need to consider if they are prepared to agree to a Treaty extension where the Broader Cooperation provisions are simply amended to reflect potential activities that could be undertaken, knowing full well that there is a likelihood that little will change from that which has been previously observed. It is also worth noting that there has been indication of increased engagement by the US in the areas of trade and infrastructure development as outlined above.

Recommendation

PIPS are invited to discuss and consider how they wish to progress discussions with regard to Broader Cooperation, including the activities identified to date, in order to implement Article 3.

4.6 Comprehensive Partnership Agreement

A Comprehensive Partnership Agreement (CPA) is a new proposal by the US. There is no provision for this under the Treaty.

At RS4 virtual session in May 2022, Nadi, the US expressed interest in expanding cooperation, assistance and collaboration in parallel with a new EAA. The new EAA could support a comprehensive partnership that could include:

- Working together on fisheries sustainability,
- Building climate resilience and mitigating climate change impacts related fisheries and other sectors,
- Combating IUU fishing activities, and
- Addressing maritime security in the region.

It is clear that the scope of the proposed comprehensive partnership is very broad.

At RS5 in August 2021 in Kiribati, the PIPs noted the broad scope of the proposed CPA and that it would cover areas beyond fisheries, and thereby require extensive discussions. However, the position of PIPs, as advised to the US, is that the focus should be on fisheries. PIPs also highlighted other cooperative arrangements, which the USG is already an active participant in, such as the QUADs operations coordinated by the FFA Secretariat. A supplementary paper will be provided by the Secretariat for this agenda item.

Recommendation

PIPs are invited to discuss activities to form part of the CPA, but with a focus on fisheries activities.

4.6.1 Framework for Partnership Agreement

The current framework for partnership arrangement under the Treaty is provided in two forms.

First, the Economic Assistance Agreement (EAA) which the FFA Secretariat signed for and on behalf of the PIPs with the USG. The EAA provides a long-term framework of 10 years but it focuses mainly on economic development assistance. One of the specific requirements under the EAA is that the funds provided must only be used for economic purposes and not for military or paramilitary purposes.

Second, the implementing Agreement which the FFA Secretariat also signed for and on behalf of the PIPs with the USG. The implementing agreement provides a simple framework for the delivery of the financial package by the USG on an annual basis. The agreement also requires that the disbursement of the funds is made in accordance with the requirements under the EAA, which include auditing of the funds and the provision of the auditor's report annually.

Recommendation

PIPs are asked to note the current framework for partnership and the discussion required on a 'comprehensive partnership agreement'.

4.6.2 Changes to EAA and Implementing Agreement for USG Annual Payment

At RS7 virtual in February 2023, the PIPs in their First Statement shared with the US some proposed changes to the EAA for 2023 and for 2024 and beyond. The changes are simple and they involve only the changes in the payment amount to be made by the USG in the respective two periods (2023 and 2024 and beyond).

Attachment G provides the PIPs proposed amendments to the EAA for the additional US\$10M payment.

Attachment H provides the PIPs proposed amendments to the EAA for the US\$60M payment.

In addition to the EAA, an agreement to implement the EAA was signed between the Department of State and the FFA (**Attachment I**). There will also be changes needed for the implementing agreement and these will relate particularly to the total amount to be disbursed, and update the respective contacts and related details.

Recommendation

PIPs are asked to review their proposed amendments to the EAA which was provided to the US at RS7 to ensure that the current EAA framework remains simple and fit for purpose.

5. OTHER MATTERS

5.1 SPIP9 Issues

Other matters for SPIP9 are provided for discussion and updates.

5.1.1 Update on Review of FFA Observer Programme

As reported at SPIP8 in February 2023, there were no bids received for the first tender for the Review of the Observer Programme that was tendered in early 2023. Shortly after, a second tender for the Review of the Observer Programme was made; no bids were received for the second tender.

The Secretariat is undertaking an internal review of the FFA Observer Programme for consideration at FFC126.

5.1.2 Update on UST Work Plan

The last time that the UST Work Plan was updated was at the last RS7 in February 2023. A copy of the Plan is provided as **Attachment J**.

There has not been any changes made to the Plan since then.

5.2 RS8 Issues

5.2.1 Update on changes to USG Regulations to address High Seas Overage

At RS7, the USG advised that its NOAA Office is still working on regulatory changes to address the WCPFC issue regarding the split of fishing efforts by US purse seine fishing vessels in the US EEZ and the high seas.

No new developments have been advised by the USG since then, so it would be useful to raise this to the US in the session to seek further updates.

5.2.2 Continuation of work of Drafting Group

The small drafting group established in Tarawa will be needed to start working on the text of the agreed amendments to the Treaty provisions as well as Annex II. The group can be led by any PIP representative with a legal background with membership of not more than five members, and supported by the FFA Secretariat.

5.2.3 Update on USG Payments - 10 mil for 2023 and 60 mil for 2024 and beyond

Based on the last advice received from the USG, the additional payment of US\$10 million by the US government for 2023 will be made in September 2023. This means that the distribution of this payment will not occur until the last quarter of 2023.

The payment of US\$60 million for the start of the Treaty extended arrangement in June 2023 will also be paid in the second half of 2023. However, more updates on the actual timing for the payments of these funds will be provided after further consultation with the USG before the RS8.

6. NEXT MEETING

The US has been advised that the next meeting in late July 2023 will be held in one of the PIPs. No interest has been received but all the PIPs will be advised ahead of the dates.

The next session (RS9) is tentatively planned as the last session but this will depend on the progress of the renegotiation at RS8 in Honolulu.

**NINTH SPECIAL PIP MEETING (SPIP9)
FACE TO FACE
PREPARATION FOR EIGHTH RENEGOTIATION SESSION (RS8)**

**24-25 April 2023, Ala Moana Hotel
Honolulu, Hawaii**

PROVISIONAL AGENDA

1. INTRODUCTION

- 1.1 Opening
- 1.2 Welcome Remarks
- 1.3 Adoption of Agenda

2. MATTERS ARISING FROM LAST MEETINGS – SPIP8 AND RS7

3. PIPs ISSUE

- 2.1 Distribution of funds

4. OUTSTANDING RENEGOTIATION ISSUES

- 4.1 Proposed Changes to Annex II
- 4.2. Exploratory Fishing Arrangement
- 4.3 Pooling Arrangement
- 4.4 Duration of Treaty
- 4.5 Enhanced Broader Cooperation
 - 4.5.1 Changes to Article 3 of the Treaty
 - 4.5.2 Trade Issues
 - 4.5.3 New Initiatives
- 4.6 Comprehensive Partnership Agreement
 - 4.6.1 Framework for Partnership Arrangement
 - 4.6.2 Changes to EAA and Implementing Agreement for USG Annual Payment

5. OTHER MATTERS

- 5.1 Update on Review of FFA Observer Programme
- 5.2 Update on UST Work Plan

6. NEXT MEETING

**EIGHTH RENEGOTIATION SESSION (RS8)
FACE TO FACE**

**26-27 April 2023, NOAA's Inouye Regional Centre, Ford Island
Honolulu, Hawaii**

PROVISIONAL AGENDA

1. INTRODUCTION

- 1.1 Opening
- 1.2 Welcome Remarks
- 1.3 Adoption of Agenda

2. EXCHANGE OF STATEMENTS

Outstanding Renegotiation Issues

- . Proposed Changes to Annex II
- . Exploratory Fishing Arrangement
- . Pooling Arrangement
- . Duration of Treaty
- . Enhanced Broader Cooperation
- . Comprehensive Partnership Agreement

3. OTHER MATTERS

- 3.1 Update on changes to US Regulations to address High Seas Overage fishing
- 3.2 Establishment of Drafting Group
- 3.3 Update on USG Payments - 10 million for 2023 and 60 million for 2024 and beyond

4. NEXT SESSION

**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 2023**

**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
2023**

The United States Government and the Pacific Island Parties to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, as amended (“Treaty”), hereinafter referred to as the “Participants,”

Recognizing that the Participants finalized amendments to the Treaty and its Annexes at Nadi, Fiji on December 3, 2016, which have not yet entered into force, (“2016 Amendments”);

Noting that the provisions in the 2016 Amendments to Annex II of the Treaty related to “Upfront Days” of fishing access for U.S. vessels are specified for six licensing periods from 2017 through 2022 and that Annex II, paragraph 3 provides that the licensing and notification procedures, including on “Additional Days,” continue to apply beyond the six licensing periods;

Acknowledging that the Participants have been voluntarily applying the 2016 Amendments pursuant to a 2016 Memorandum of Understanding between the Governments of Certain Pacific Island States and the Government of the United States of America;

Desiring to specify the terms of fishing access for Upfront Days for 2023 and clarify the Participants’ understanding of certain other terms in Annex II of the 2016 Amendments,

Have reached the following understandings:

Section 1

The Participants wish to continue voluntarily applying the terms of the 2016 Amendments until such time the amendments enter to force, and have decided upon the following terms for fishing access for 2023:

1. The costs to be paid by U.S. industry specified in paragraph 4(b) of Annex II is understood to apply to “observer services.”
2. The number of Upfront Days to be offered to U.S. vessels in 2023 in the Exclusive Economic Zones listed in the paragraphs of Annex II referenced below are as follows:
 - a. Paragraph 7(a): 2,720 days
 - b. Paragraph 7(b): 378 days
 - c. Paragraph 7(c): 350 days
 - d. Paragraph 7(d): 600 days
3. The Participants intend for the prices paid by U.S. vessels for the days specified in paragraph 2(a) through (c) of this MOU are to be the subject of future negotiations.
4. The Participants have decided that the price to be paid by U.S. vessels for any fishing days referred to in paragraph 2(d) of this MOU that include catching, taking, or harvesting fish is \$6,000 with no upfront payment.
5. With respect to the notification referenced in paragraph 14 of Annex II, which is expected to be provided by the U.S. Government to the Pacific Islands Forum Fisheries

Agency and the Parties to the Nauru Agreement Office and the Cook Islands, as appropriate, the Participants have decided to apply a notification period of 5 working days.

6. Nothing in this MOU is intended to prejudice negotiations between the Participants for any future years under the Treaty.

Section 2

This MOU is expected to come into effect upon the last signature of the Participants.

SIGNATURES

For the Government of the United States of America

Date:

For the Government of Australia

Date:

For the Government of the Cook Islands

Date:

For the Government of the Federated
States of Micronesia

Date:

For the Government of the Republic of
Fiji

Date:

For the Government of the Republic of
Kiribati

Date:

For the Government of the Republic of
the Marshall Islands

Date:

For the Government of the Republic of
Nauru

Date:

For the Government of New Zealand

Date:

For the Government of Niue

Date:

For the Government of the Republic of
Palau

Date:

For the Government of the Independent
State of Papua New Guinea

Date:

For the Government of Samoa

Date:

For the Government of the Solomon
Islands

Date:

For the Government of the Kingdom of
Tonga

Date:

For the Government of Tuvalu

Date:

For the Government of the Republic of
Vanuatu

Date:

**PROPOSED AMENDMENTS TO ANNEX II OF THE TREATY ON FISHERIES
BETWEEN THE GOVERNMENTS OF CERTAIN PACIFIC ISLAND STATES AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA**

The following proposed amendments to Annex II of the Treaty are designed to ensure that non-payment of days due to any reason whatsoever, including the sinking of a U.S. vessel, is adequately provided for. The first amendment imposes the responsibility for payment on the U.S. Government where a U.S. vessel owner defaults. The second amendment provides for the upfront payment of days. The third amendment requires that the Administrator not issue a licence to a U.S. vessel owner that defaults.

1) Amend paragraph 14 to impose a responsibility on the US Government where the responsible owner defaults

Objective: To ensure that the United States Government is ultimately responsible where the relevant vessel owner defaults.

Proposed text:

Amend paragraph 14 by:

- (i) inserting the word “primarily” after the word “remains” in the last sentence of the original paragraph; and
- (ii) inserting the following sentence at the end of the original paragraph: “**Where such U.S. vessel owner defaults for any reason whatsoever in the payment of days purchased, the U.S. Government as the flag State and party to the Treaty shall be responsible for making all outstanding payments.**”

Proposed amendments to paragraph 14:

14. The U.S. Government shall notify the Administrator and the PNA Office 10 working days in advance of any change to the information notified pursuant to paragraph 13(a), in respect of days covered by paragraphs 7(a) and (b). The U.S. Government shall notify the Administrator and the Cook Islands 10 working days in advance of any change to the information notified pursuant to paragraph 13(a), in respect of days covered by paragraph 7(c). Such changes may include any adjustment to the number of upfront days assigned to each U.S. vessel owner as long as the total number of upfront days as reflected in the submission from the U.S. Government, pursuant to paragraph 13, does not change. Financial responsibility for any payments in respect of all days remains primarily with the U.S. vessel owner that originally purchased them as reflected in the submission from the U.S. Government pursuant to paragraph 13. Where such U.S. vessel owner defaults for any reason whatsoever in the payment of days purchased, the U.S. Government as the flag State and party to the Treaty shall be responsible for making all outstanding payments.

ARTICLE 3
BROADER COOPERATION

3.1 The Government of the United States shall cooperate with the Pacific Island parties to assist the Pacific Island parties to achieve the objective of maximizing benefits to the Pacific Island parties from the development of their fisheries resources and the operation of fishing vessels of the United States that are licensed pursuant to the Treaty.

3.2 The Government of the United States shall promote the maximization of the benefits generated for the Pacific Island parties from the operations of fishing vessels of the United States that are licensed pursuant to this Treaty, including, as appropriate, through:

- (a) the use of canning, loining, slipping and repair facilities located in the Pacific Island parties; (b) the purchase of equipment and supplies, including fuel supplies, from suppliers located in the Pacific Island parties;
- (c) the employment of nationals of the Pacific Island parties on board vessels operating under the Treaty; and
- (d) landing and transshipment of catch by vessels operating under the Treaty in the jurisdiction of Pacific Island parties.

3.3 The Government of the United States shall provide technical assistance, training and capacity building opportunities, as appropriate, with the objective of assisting the Pacific Island parties to assess and manage their fisheries resources.

3.4 The Government of the United States shall, where appropriate, facilitate the implementation of private sector activities or partnerships, which are designed to support commercially viable investment opportunities for the development of fisheries related businesses in the Pacific Island parties.

3.5 The Government of the United States and the Pacific Island parties recognise the importance of increasing the mutual benefits from deeper economic relations.

Trade

Introduction

At the US-Pacific Island Country Summit in Washington DC on 28-29 September 2022, the US committed to establishing a US-Pacific Island Country Trade and Investment Dialogue in 2023, to credibly target the region's trade and investment needs. The Pacific Islands Forum Secretariat (PIFS) and the US agreed to hold the first iteration of the Dialogue virtually at senior official-level (trade and fisheries) on 28 February 2023.

The objectives of the first iteration of the Dialogue were to:

- (i) harness increased US engagement in the Pacific and responsiveness to the regional agenda, as led by Forum Leaders' 2050 Strategy for the Blue Pacific Continent.
- (ii) reinforce the importance of the US being guided by Pacific Island Countries at every stage of its engagement.
- (iii) outline priority areas for closer US-Pacific Island Country engagement on regional and national trade, investment and development cooperation needs.

Key Issues Discussed

Market access issues raised included compliance with sanitary and phytosanitary requirements (SPS) and technical barriers to trade (TBT). Forum Member States encouraged support for strengthening biosecurity capacity and the negotiation of quarantine arrangements. It was noted that addressing sanitary and phytosanitary issues for Pacific goods entering the US will improve the export pathway. The Pacific needs capacity support to address SPS issues and strengthen pre-border, border, and post-border biosecurity activities, and investment in biosecurity equipment and infrastructure. The US stated they intend to hold a follow up meeting to discuss SPS requirements.

There was a discussion of the US Generalised System of Preferences (GSP) with the US noting that this provides duty free access for a large range of products into the US and covers all the Non- Compact FFA Island Members except Nauru. Tuna products covered include fresh and frozen whole round tuna and value-added products. However, the GSP expired in January 2020 and is yet to be renewed by Congress. The US advised that Congressional approval is expected and it is usually applied retrospectively in situations where it has expired.

The US was encouraged to change the GSP's rules of origin threshold of 35% or make the region an approved regional association. This will encourage intra-regional cumulation of inputs and production, especially between developing and least developed countries, as well as countries with varied products and production infrastructure. For example, the adoption of a rules of origin equivalent to the "global sourcing" provisions included in the interim European-Pacific Economic Partnership Agreement will assist with fish caught under one Pacific Island Country flag being processed by another Pacific Island Country. The US advised that it is considering making the region an approved regional organisation.

**PIPs SCHEDULE OF PROPOSED CHANGES TO THE AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE
PACIFIC ISLANDS FORUM FISHERIES AGENCY (EAA) FOR THE PERIOD
FROM 15 JUNE 2022 TO 14 JUNE 2023**

Article	Summary of proposed EAA amendments	Proposed EAA amendments
Article 4	Proposed amendments to reflect the increases in the U.S. Government contribution to the Treaty from \$21m to \$31m for the period 15 June 2022 to 14 June 2023.	<p>4.1 During the time this Agreement is in force, the United States shall make annual cash payments to the FFA for the fund in an average amount of twenty one million U.S. dollars (US\$21,000,000), subject to the availability of funds for this purpose.</p> <p><u>4.2 For the period from 15 June 2022 to 14 June 2023 only, the United States shall make an additional cash payment to the FFA for the fund in the amount of ten million U.S. dollars (US\$10,000,000).</u></p> <p>4.2 <u>4.3</u> The FFA shall, in accordance with Article 3.1 above, obtain written reports from the Pacific Island States party to the Treaty on Fisheries referred to in Article 2 above, regarding such projects, initiatives or programs supported by these funds. Such reports should also include assurances that any payments made under this Agreement were used solely to support economic development purposes, and not for military or paramilitary uses. The FFA shall provide such reports to the U.S. Department of State in advance of each Annual Treaty Consultation. Nothing in this paragraph shall be construed to confer audit rights under this Agreement other than as provided in Article 3.3 above.</p>

**PIPs SCHEDULE OF PROPOSED CHANGES TO THE AGREEMENT
BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE PACIFIC ISLANDS FORUM FISHERIES AGENCY (EAA) FOR THE
PERIOD FROM 15 JUNE 2023 TO 14 JUNE 2033**

Article	Summary of proposed EAA amendments	Proposed EAA amendments
Article 4	Proposed amendments to reflect the increases in the U.S. Government contribution to the Treaty for the amount of \$60m for 15 June 2023 – 14 June 2033.	<p>4.1 During the time this Agreement is in force, the United States shall make annual cash payments to the FFA for the fund in an average amount of twenty-one sixty million U.S. dollars (US\$2160,000,000), subject to the availability of funds for this purpose.</p> <p>4.2 The FFA shall, in accordance with Article 3.1 above, obtain written reports from the Pacific Island States party to the Treaty on Fisheries referred to in Article 2 above, regarding such projects, initiatives or programs supported by these funds. Such reports should also include assurances that any payments made under this Agreement were used solely to support economic development purposes, and not for military or paramilitary uses. The FFA shall provide such reports to the U.S. Department of State in advance of each Annual Treaty Consultation. Nothing in this paragraph shall be construed to confer audit rights under this Agreement other than as provided in Article 3.3 above.</p>

Article 5	Proposed amendment to reflect the new effective date of the Agreement.	<p>5.1 This Agreement shall enter into force on June 15, 204²³ and shall remain in force for a period of ten years. It may be terminated by written agreement, or by either Party.</p> <p>5.2 This Agreement may be amended or extended by written agreement of the Parties.</p> <p>5.3 Understandings designating representatives of the Parties for the purpose of carrying out this Agreement and providing for its implementation will be set out in the annual grant documents and ancillary communications.</p>
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**AGREEMENT
BETWEEN
THE U.S. DEPARTMENT OF STATE
AND
THE PACIFIC ISLANDS FORUM FISHERIES AGENCY**

This agreement between the Pacific Islands Forum Fisheries Agency (FFA) and the U.S. Department of State, together referred to as the "Parties," shall implement the Agreement between the Government of the United States of America and the Pacific Islands Forum Fisheries Agency, done at Honiara on May 9, 2013 (the Economic Assistance Agreement), which promotes economic development in the Pacific Islands region.

The Parties agree as follows:

1. The U.S. Department of State shall, pursuant to the Economic Assistance Agreement and in place of the Agency for International Development, provide funding to the FFA in the amount of twenty-one million United States Dollars (U.S. \$21,000,000), to be deposited in a U.S. dollar account at a bank designated by the FFA in writing.
2. Disbursement, use and audit of the funds shall be in accordance with the Economic Assistance Agreement. The U.S. Department of State has determined that the purpose of this grant is met upon disbursement of the funds by the Department of State to the FFA.
3. Any notice, request, document or other communication submitted by either party to the other under this Agreement shall be in writing or by fax, telegram or cable, and shall be delivered to the following address:

To the Recipient:

Director General
Pacific Islands Forum Fisheries Agency
Post Office Box 629
Honiara
Solomon Islands

Telex: HQ66336
Cable: FORFISH
FAX: 677-23995 or 677-27194

To the U.S. Department of State:

Executive Director
Bureau of Oceans and International Environmental and Scientific Affairs
American Red Cross Building (SA-9)
225 E Street, NW - 10th Floor
Washington, DC 20006

FAX: 202-472-8175 and 202-472-8176

4. Except for the Memorandum of Understanding on Reports signed June 11, 1994 by the FFA Director and signed June 14, 1994 by the USAID South Pacific Program Acting Regional Director, which remains in force, all prior agreements between FFA and USAID relating to the Economic Assistance Agreement are superseded by this agreement.

FOR THE U.S. DEPARTMENT OF STATE
OF THE UNITED STATES OF AMERICA

FOR THE PACIFIC ISLANDS
FORUM FISHERIES AGENCY

By: _____

By: _____

Date: _____

Date: _____

WORK PLAN FOR ADVANCING RENEGOTIATION OF THE US TREATY

1. At the Special PIP Officials meeting on 1 June 2022:

“Officials noted the expiry of the access and fees arrangements under the Treaty by the end of 2022 and the expiry of the EAA by the end of June 2023. In order to avoid disruptions and support business continuity, it was noted that the work of Officials relating to this must be completed well in advance of these dates.

FFC Officials noted the need to progress work on the various elements of the Treaty package (including the EAA, the admin arrangements and the broader fisheries cooperation) and discussed how this work could be staged. Officials tasked the Secretariat to prepare a workplan to clearly articulate the timing of this work and how these elements could be progressed, to be provided to members out of session.”

2. At the Special Ministerial Meeting on 2 June 2022, Ministers provided the following directions to Officials:

Comprehensive partnership:

Ministers recognised the opportunities with this proposal from the US, and tasked Officials to (i) define what the Pacific Island Parties would like out of the partnership; and (ii) seek clarity from the US on what this comprehensive partnership entails, and to report back to Ministers by the end of June 2022.

Broader cooperation under the Treaty:

Ministers recognised the need for the US to implement Article 3 on Broader Cooperation under the US Treaty, including market access, landing of fish by Pacific Island Parties domestic fleets in Pago. Ministers tasked Officials to progress this matter and report back to Ministers by the end of June 2022.

WCPFC:

Ministers noted the advice from the US that they are undertaking to make regulatory changes to prevent high seas limits being exceeded by the US fleet in future. Ministers tasked Officials with seeking further advice from the US on the status of these changes and report back to Ministers by the end of June 2022, noting that this will address a long-standing issue of significant concern.

3. At the Special PIP Officials meeting on 4 July, it was decided that there would be a roll-over of the Treaty arrangements to apply in 2023.

A workplan to implement the Members' decisions is set out below.

Workstream 1a: Finalising arrangements for receipt and distribution of the 5 + 5 to be received before Sept 2023			
Task	Responsibility	Status/Note	Timeframe
1. Finalise arrangements with US on the additional \$5 million for the EAA up to June 2023	Secretariat	Proposed MOA to amend the EAA and accommodate the 5+5 considered by PIPs at pre-RS5 internal meeting. Await US response.	To be tabled at RS5. To be discussed at RS7 in Feb 2023.
2. Finalise arrangements for disbursement of the additional \$5 million tagged for climate change fisheries projects	PIPs	Proposed MOA to amend the EAA and accommodate the 5+5 considered by PIPs at pre-RS5 internal meeting. Await US response.	To be tabled at RS5. To be discussed at RS7 in Feb 2023.
Workstream 1b: Finalising agreement on the EAA for 15 June 2023 to 14 June 2033			
Task	Responsibility	Status/Note	Timeframe
1. Letter to US Assistant Secretary Medina from FFA Ministerial Chair outlining outcomes of 2 June meeting and response to her letter and the US counter offer.	Officials to finalise draft for providing to FFC Ministerial Chair.	COMPLETED	Letter sent on 3 June 2022
2. Ministers to meet with AS Medina (or appropriate US delegation, if she is not available) with the aim of reaching agreement on EAA post-June 2023	PIP Ministers	COMPLETED AS Medina advised of US agreement to the FFA proposal of \$60 million per annum for next 10 years, starting from July 2023. US Vice-President Kamala Harris formally announced this online	Meeting was held on 13 July 2022

		during the Forum Leaders meeting.	
3. Work to revise EAA to reflect any agreements reached on US contribution.	FFA Secretariat	Amendments to EAA to only provide for the US government contribution of US\$60 million and the duration of 10 years. Awaiting US response.	Amendments for EAA (15 June 2023 to 14 June 2033) to be prepared before the end of October 2022 discussed at RS7 in late Feb 2023.
4. Report back to Ministers	Officials		As soon as the EAA is finalised.
Workstream 2a: Finalising operational arrangements for fishing in 2023			
Task	Responsibility	Status/Note	Timeframe
1. Decision needed on approach to fishing in 2023: either rollover existing arrangements for one year or seek to revise operational arrangements for 2023, including amendments to Annexes etc.	PIPs, with the 4 EEZ key in that decision	COMPLETED Simple rollover agreed. Proposed MOU to accommodate the simple rollover considered by PIPs at pre-RS5 internal meeting.	DONE MOU for 2023 was signed in the margins of the Commission Session in Nov/Dec 2022, Vietnam. Yet to be signed by CK, FJ and VU. To be tabled at RS5.
2. Prepare briefing material for consideration by PIPs on potential changes and, if agreed, steps to implement rollover of arrangement for 2022/2023, noting that the scope of discussions does not yet include the “operational issues”	Secretariat, and possibly a technical working group, to support the technical aspects of this workstream.	COMPLETED Briefing material considered by PIPs at pre-RS5 internal meeting. Technical Working Group (TWG) comprised of FSM, New Zealand, Niue, Palau, RMI, Solomon Islands, Tuvalu convened by PIPs to consider proposed MOU at pre-RS5 internal meeting.	DONE Pre-RS5 internal meeting held on 22 August 2022 and in advance of RS5.

3. Finalise proposals for discussion with US at next renegotiation	Secretariat	COMPLETED Proposed MOU considered by PIPs at pre-RS5 internal meeting.	DONE Pre-RS5 internal meeting held on 22 August 2022 and in advance of RS5.
4. Based on outcomes of 1 and 2 above, seek to discuss with US Officials at next renegotiation session	Secretariat	COMPLETED	DONE To be tabled at RS5.
Workstream 2b: Finalising operational arrangements for fishing in 2024 and beyond			
Task	Responsibility	Status/Note	Timeframe
1. Commence discussions with US on changes to the operational elements, including revisions to Annex 2, to apply to fishing from 2024 onwards.	PIPs and Secretariat.	The changes involve vessel operations and licensing requirements at national level, etc. Ongoing work.	Commence discussion at RS7, early in late Feb 2023. For implementation from 1 Jan 2024.

RS7

Workstream 3: Addressing the WCPFC issue			
Task	Responsibility	Status/Note	Timeframe
1. Letter to US seeking an update on the status of their proposed regulatory changes (PIPs note that the US will likely continue to be non-compliant for 2021 and 2022)	Officials Chair	COMPLETED Email sent from FFA DG to US HoD to seek an update on the status of the regulatory process	DONE 11 August 2022
2. US update to be reported to	Secretariat	US/NOAA had publicly	RS5

Officials		announced a proposed rule to establish separate purse seine fishing effort limits for US EEZ and the high seas. Email response from US HoD on 20 August 2022 that an update will be provided to RS5	RS7 in late Feb 2023
3. Report back to Ministers	Officials Chair	An update will be provided when more information is received.	After RS5 After RS7 in late Feb 2023
Workstream 4: Advancing broader cooperation under Article 3 of the Treaty			
Task	Responsibility	Status/Note	Timeframe
1. Prepare an internal discussion paper for PIPs consideration on potential aspects of broader cooperation that could be advanced within the framework of the Treaty	Secretariat in liaison with PNAO, and possibly a technical working group, to support the technical aspects of this workstream.	Work is still in progress. Initial discussions held at the pre-RS5 PIP meeting Broader Cooperation Working Group was established by PIP Officials to progress work regarding market access and landing catch from PIP-flagged vessels in American Samoa and supplying loins from PIP processors to American Samoa (PNG, Tokelau, Tuvalu, Cook Islands, FSM, Palau, Australia, RMI, Kiribati)	To be tabled at the next PIP meeting For further discussion in SPIP9 and RS8 in April 2023.
2. PIP Officials Meeting to discuss and provide direction	Officials	Officials will discuss at their next PIP meeting	Tentatively set for end of October 2022

		To be progressed at the next SPIP9 in April 2022	To be tabled at SPIP9 and RS8 in April 2023.
3. Letter from Officials Chair to US	Officials Chair	To be progressed at the next PIP meeting SPIP9 and RS8 in April 2023.	Tentatively set for end of October 2022 At RS8 in April 2023.
4. Discuss with the US to get further clarity on broader cooperation	Officials	Initial discussion with the US at RS5 Work is ongoing.	RS5 RS8 in April 2023.
5. Report back to Ministers	Officials		After RS6 RS8 in April 2023.
Workstream 5: Advancing discussions on the comprehensive partnership			
Task	Responsibility	Status/Note	Timeframe
1. Prepare an internal discussion paper for PIPs consideration on potential areas for the comprehensive partnership	Secretariat in liaison with PNAO	Initial discussions held at the pre-RS5 PIP meeting. Work is on-going.	To be tabled at the next PIP meeting [this will require a longer timeframe noting the broad scope highlighted by the US]. To be tabled for internal discussion at SPIP9 in April 2023.
2. PIP Officials Meeting to discuss and provide direction	Officials	Officials will discuss at their next PIP meeting SPIP9 in April 2023.	suggest a longer timeframe and in addition, Officials will discuss in their pre-RS5 special meeting At SPIP9 in April 2023.

3. Letter from Officials Chair to US	Officials Chair	To be progressed at the next PIP meeting SPIP9 in April 2023.	Tentatively set for end of October 2022 After SPIP9 in April 2023.
4. Discuss with the US to get further clarity on their proposal for wider cooperation	Officials	Initial discussion with the US at RS5 Work is on-going.	RS5 At RS8 in April 2023.
5. Report back to Ministers and subsequently to Leaders	Officials		After RS6 RS8 in April 2023.