

Outcomes of the Ninth Renegotiation Session and Tenth Special Meeting of the Pacific Island Parties

5 June and 6-7 June 2023
Virtual Meetings

I. INTRODUCTION

1. The Ninth Renegotiation Session (RS9) between the Pacific Islands Parties (PIPs) and the United States (US) was held virtually from 6-7 June 2023 and was preceded by the Tenth Special Meeting of the Pacific Island Parties (SPIP10) which was held on 5 June 2023
3. All the Parties to the Treaty, including the US, participated at RS9. The list of participants is provided in **Attachment A**, which included participants to both meetings (RS9 and SPIP10).
4. The agenda as adopted is provided in **Attachment B**.
5. SPIP10 was chaired by Glen Joseph of the Marshall Islands (as FFC Chair) and RS9 was co-chaired by the Marshall Islands and the US (David Hogan).

II. RS9 OUTCOMES

Report of TWG1

6. The Report of the first meeting of the Drafting Technical Working Group (TWG1), provided in **Attachment C**, was adopted.

Proposed Amendments to Annex II

7. The following proposed amendments were discussed. They arose from the TWG1 report.

(i) Licensing periods

8. The Parties agreed to maintain a set of licensing periods (as currently structured in Annex II) as opposed to the US' proposal for an annual licence period. Paragraph 1 of Annex II therefore remained unchanged.

(ii) Set number of licensing period

9. PIPs proposed for a set of 5 years whilst the US for 10 years.
10. In Paragraph 2, the Parties agreed the licensing period shall begin on 1 January 2024. The set number of licensing period in Paragraph 2 and 3 remain to be resolved.

(iii) Upfront days

11. Paragraph 7 is relevant.

12. The Parties agreed on the number of upfront days for 2024. But no agreement has been reached on the number of upfront days for subsequent licensing periods.

(iv) Price and payment for upfront days

13. Paragraph 8 and 9 are relevant.

14. No agreement has been reached on the price and the payment for upfront days. PIPs are still discussing the price.

(v) Payment for Exploratory pool

15. Paragraph 10 is relevant.

16. No agreement has been reached on the US' proposal to amend Sub-paragraph 10 (a), (b) and (c).

(vi) Subsequent changes to licensing periods

17. Paragraphs 11 and 12 refer to a set number of licensing periods which will be amended as a consequence of the changes agreed Paragraphs 2 and 3 above.

(vii) Notification date for initial list of vessels

18. Paragraph 13 (a) and (c) are relevant.

19. The current due date is 1 July but the US is proposing for 1 September. No agreement has been reached on this yet.

(viii) Default payment

20. Paragraphs 14 – 20 are relevant.

21. PIPs made proposals to require full payment of the licence fees before the start of a licensing period. They also considered two options: (i) licence fees paid before a licensing period with the notification date to be moved back to 1 Sept; or (ii) maintain the notification date of 1 July but require an instalment payment as is currently applied.

22. US made a proposal for a 'seed funds' to address default payment problems like what had happened which will be further clarified in a 'non-paper' to be shared with PIPs. US advised that the funds will be separate from the EDF and has no liability link between US

federal funds and any private sector financial responsibilities. PIPs for the ‘non-paper’ on this to be provided early so that it can be shared to PIPs before the next TWG2 meeting.

(ix) Payments under Additional days

23. Paragraph 23 is relevant.

24. US suggested that any payments required under the Additional days arrangement be waived if similar payments are required under the Treaty.

PIPs objected to the proposal because it conflict with national law requirements.

(x) Encapsulating 2016 Amendments

25. Paragraph 28bis is relevant.

26. The Parties agreed to accept this proposal.

III. RS9 STATEMENTS

27. The Statements of the PIPs and US are provided in a single document, in **Attachment D**.

IV. OTHER RS9 MATTERS

(i) EAA for 2023-2033

28. The new EAA is due to be signed on or before 15 June 2023.

29. However, PIPs had requested if this could be signed on the margins of the FFC-MIN20 Meeting in early July 2023 in Majuro. The US will advise on the possibility of signing the new EAA as requested.

(ii) Supplemental US\$10 million payment for 2023

30. US advised that the payment for the additional funds will be made the Grant Agreement has been agreed. This should be done before the end of 2023.

(iii) Regional Terms and Conditions (RTCs)

31. PIPs have agreed on new proposed RTCs which had been advised to the US. These are in addition to those advised at RS8 in Honolulu and relate to the safety and welfare of observers. They will become effective on 1 January 2024 in accordance with the Treaty requirement.

(iv) ***WCPFC Overage fishing***

32. PIPs further asked the US to provide an update on the US' proposed regulations to address the overage fishing issue on the high seas was continuing. US advised public consultations on this are still ongoing.

(v) ***Broader Cooperation and Enhance Partnership***

33. The Parties deferred discussion of these issues to another session.

V. UPDATED US TREATY WORKPLAN

33. **Attachment E** provided an updated US Treaty Workplan post RS9.

VI. SPIP10 OUTCOMES

(i) ***Distribution of funds under new EAA***

34. PIPs agreed to discuss this matter with a view to make decisions on it in a special internal meeting scheduled on Friday 31 June 2023, before the FFC-MIN20 meeting in Majuro.

(ii) ***Review of the UST Administration and Observer Programmes***

35. This work is deferred to early 2024, given the ongoing renegotiation.

VII. NEXT MEETINGS

36. The agreed schedule for the next meetings is provided below:

Tuesday 13 June 2023, virtual	Session on Climate Change reporting requirements - FFA Secretariat and US
Tuesday 20 June, virtual	PIP preparatory meeting for TWG2
Wed 21 – Thu 22 June, virtual	TWG2 meeting to consider proposed amendments to Annex II
Friday 1 July, physical, Majuro (before FFC Officials meeting)	PIP meeting on internal distribution of US Government funds under new Economic Assistance Agreement
Wednesday 12 – Thursday 13 July, virtual	SPIP11, including to consider TWG2 report
25 – 26 July, virtual	RS10 to consider TWG2 report