

Opening Statement of the United States

September 15, 2022 (Honiara Time)

We are grateful for the opportunity to join you virtually this week following our in-person meeting in Tarawa last month. As always, we express our thanks to the Pacific Island parties for continuing these discussions with us and we are grateful for the FFA Secretariat staff for their work to support our meetings. I wanted to again express the gratitude of the U.S. delegation that traveled to be with the PIPs on Tarawa, both for the invitation to join you there and for the hospitality of the Government and people of Kiribati.

Consolidated Text

As we noted in the meeting in Tarawa, the United States intends to use the MOU document conveying the Pacific Island parties' proposal as the working document for these and future negotiations, and have added the U.S. proposal to consolidate both sets of proposals in that working document. That consolidated set of proposals was transmitted to the FFA and we understand that the Parties all have received it. In that consolidated document we focused on the Annex text itself.

Procedure: New MOU

Upon returning from Tarawa, we reported on the outcomes of the visit and our Treaty Affairs Office for the Legal Adviser to the State Department inquired why the MOU is preferable to utilizing the procedure established in the 1992 Treaty itself. While we relayed the rationale provided by the Pacific Island parties, we were asked whether the Pacific Island parties had an analysis to share of the viability of utilizing a new MOU for our purpose of amending the Treaty annexes which are the subject of an existing MOU for its voluntary application while ratification proceeds for the Treaty amendments agreed in 2016. Was such an analysis done, and if so, could the Pacific Island parties share that with the United States? It may be the case that the proposed new MOU could be an interim step to capture proposed amendments to the annexes, while a more formal process would be undertaken as contemplated in the 1992 Treaty, recognizing the nature of our shared voluntary implementation of the amended Treaty based on the 2016 negotiations, and how that initial set of amendments became the basis for our implementation to date.

Drafting Group

For our talks during this negotiating session and for the work of a drafting group, we believe that there is merit in focusing on the substantive and technical changes both sides have proposed for Annex II, and providing direction to a drafting group on making progress in that regard. For the drafting group, the United States proposes the following individuals from the U.S. side: Dave Hogan, Carolyn Gruber, Mahvish Madad, Alex Kahl, and Bill Gibbons-Fly. We may also receive further confirmation of interest in participation from within our delegation, and if so, we will notify the Pacific Island parties via the FFA Executive Management team. We look forward to meeting in this context as soon as possible.

2023 only vs. long-term

We were grateful for the progress already made based on our talks in Tarawa, and we believe the most significant difference between us is the approach each side seeks to take to address the next set of provisions of Annex II. While the United States has proposed that this negotiation focus on the long-term changes, we fully understand the interest of the Pacific Island parties in seeking a short-term change to include an additional licensing period for 2023 while work continues on

the long-term changes. One of our concerns with not taking this opportunity to find consensus on a long term approach is that we will have another cycle of meetings and negotiations that might begin almost immediately after an arrangement for 2023 could be reached and that would need to occur in parallel with the beginning of the work we plan to do together to negotiate the new Economic Assistance Agreement and build out a broader cooperation plan to accompany it. That volume of meetings will be challenging to configure in a way that aligns with all of our schedules and demands on our time. This is a minor concern relative to the importance of achieving a sound regime under the Annex for any period of time, and of course the United States is committed to continuing our discussions and working collaboratively and cooperatively with the PIPs in whatever manner is useful, but we had thought that one of the positive aspects of the U.S proposal for a long-term regime was that if we could conclude negotiations on an approach such as that we would no longer have a need for multiple negotiating sessions each year and would instead have more time to focus on the next objective of the new EAA. Once that was finalized and the cooperative work occurring in its respective tracks, we would have less need for frequent government-to-government meetings and negotiating sessions.

Paragraph 7(d)

A second issue that remains significant is the proposal of the United States to eliminate the cost structure for the exploratory fishing mechanism related to the pool created in paragraph 7(d). One of the challenges for the United States on this point, aside from the inherent problems of the mechanism no longer working as intended and presenting a problematic financial responsibility for the U.S. fleet that is now much smaller, which has increased the per-vessel cost, is that this arrangement is unique to the U.S. fleet. It is something that presents a cost to the U.S. fleet that other fleets do not have to meet, to the best of our knowledge, and it is also unique in that it is essentially providing a replacement for fishing license revenue for areas where fishing has not been occurring. We would be more than happy to work with the Exploratory Pool countries to further describe and explain the basis for the U.S. proposal, and to talk through the implications of the proposal to make sure that the United states and the Exploratory Pool countries all have a similar understanding of the pros and cons of taking this step.

NOAA Rulemaking

We would like to report a development with respect to one of the important issues we discussed in Tarawa, which is the status of NOAA's rulemaking for how the United States would administer fishing under the WCPFC measures. The United States has publicly announced a proposed rule to establish separate purse seine fishing effort limits for the U.S. EEZ and for the high seas; we've attached the proposed rulemaking here for your reference.

Close

Again, we are grateful for this opportunity to continue our momentum and discussions that started in earnest on the technical and substantive amendments to Annex II and we look forward to exchanging information and ideas on resolving and bringing together our proposals and charting a path forward for our Treaty.

Attachments:

NOAA Fisheries Proposed Rulemaking (RIN 0648-BL25)