



**Seventeenth Special PIP Meeting (SPIP17 - Virtual)
Treaty on Fisheries with the United States
Wednesday 8 April 2026**

RECORD OF PROCEEDINGS

1. The Seventeenth Special Meeting of the Pacific Island Parties (SPIP17) to reconsider the SPIP16 decision regarding the precondition for distributing the Treaty funds was held virtually on 8 April 2026.
2. Participants to the meeting were representatives from Australia, Cook Islands, Federated States of Micronesia, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga and Tuvalu. The list of Participants is provided in **Attachment I**. Fiji was unable to participate due to the cyclone in Fiji which resulted in the closing of Government offices on that day.
3. The meeting was chaired by Dr Josie Tamate of Niue

AGENDA ITEM 1: INTRODUCTION

4. The Chair welcomed the Parties and conveyed the apologies of the FFC Officials Chair (Mr. Poi Okesene) who was unable to join the meeting due to other equally important national engagements.
5. Dr Siolaa Malimali of Tonga provided an opening prayer.

AGENDA ITEM 2: OPENING AND ADOPTION OF AGENDA

6. The Chair explained the purpose of the meeting and invited comments on the draft agenda. The adopted agenda is provided in **Attachment 2**.
7. The Director General, Mr. Noan Pakop, delivered the Opening Remarks in which he acknowledged the importance of the meeting and the willingness of the Parties to meet virtually to reconsider the SPIP16 decision despite their busy schedules. He reiterated the purpose of the meeting as earlier outlined by the Chair and the need for

clear instructions on the distribution of the Treaty funds, noting the important contribution of the funds to the economies of most of the Parties.

AGENDA ITEM 3: RECONSIDERATION OF SPIP16 DECISION REGARDING THE PRECONDITION FOR DISTRIBUTING TREATY FUNDS

8. The Secretariat presented the paper and referred to the background of the meeting which had been explained by both the Chair and Director-General, and emphasised the concerns expressed by some Parties regarding the precondition for distributing the Treaty funds.

9. The key issue is whether the precondition could be waived, or alternatively, whether a grace period could be considered, to allow other Parties to complete their ratification, acceptance or approval of all the amendments, whilst the distribution of the 2025 payment proceeds. In addressing this issue, the Secretariat explained that there were two questions to consider. Firstly, if a grace period was agreed, how long would be a suitable period for: suggesting (i) from the date of the SPIP17 meeting to the end of 2026; (ii) by mid-2027; or (iii) leave the period open-ended. Secondly, in the event a grace period was agreed, should it be applied only to the amendment to the Internal Agreement or both the amendments to the Internal Agreement and the Treaties.

10. The Secretariat explained that the precondition was needed to expedite ratification of the outstanding amendments by the Parties and urged for clear guidance to ensure the integrity of the Treaty and the Internal Agreement is maintained. It also provided an update on the payment by the US Government, advising that both the 2024 and 2025 payments had been received, with the 2024 payment already distributed but not the 2025 payment yet due to the precondition. The 2026 payment is expected in June 2026 but further updates will be provided by the US in the Consultation scheduled for late June 2026.

11. In the discussion, a number of Parties made comments.

12. New Zealand thanked the Secretariat for convening the meeting which they requested in early March 2026 on the margin of the Trilateral meeting with Australia and the Secretariat. They considered that there was a risk that was not fully understood when the SPIP16 decision was made. For New Zealand, the major risk was the delay for Tokelau to get its funds which are sourced from New Zealand's shares under the Treaty. In this regard, they inquired about the status of distribution of the 2025 payment, that is, how much had been paid, and how much remains to be distributed. They also

clarified that ratification of such amendments at their national level would normally take at least a year to complete domestic processes, including legislative requirements.

13. The Secretariat advised that two Parties have had their shares distributed in early 2026 as they had already completed ratification of all the amendments. The total amount for distribution was about US\$65 million (both USG payment and USI payment) and each of them received over US\$4 million. This means over US\$50 million has yet to be distributed to the other Parties, taking into account the Administration cost which had also been deducted. Individual Parties' shares vary as these are determined on the upfront days provided and purchased. When the 2026 payment is received, this would also be distributed if a decision to waive the precondition requirement was agreed. The Secretariat recognised the lengthy process for ratification by some Parties and urged the Parties to continue to complete their Treaty obligations and liaise with the Secretariat for any assistance that may be required.

14. Samoa inquired about the practical effect of non-ratification on the Treaty amendments given that implementation of the Treaty still continues. They advised that Samoa is in the process of completing ratification of the outstanding amendments and sought clarification if the proposed grace period could be limited to the Internal Agreement to avoid additional meetings to consider the matter. Samoa considered that the ratification precondition, if it were to continue, should apply only to the amendment to the Internal Agreement and not the amendments to the Treaty.

15. Kiribati referred to its comments on the precondition conveyed in its letter to the Secretariat dated 17 December 2025 in which they expressed specific concerns that whilst they have been supportive of the Treaty, they considered that: (i) ratification of the amendments should not be made a condition for distributing the Treaty funds which rightfully belong to the Parties; (ii) some of the amendments to the Treaty would require a comprehensive review against the national priority of Kiribati; and (iii) they needed more time to consider these amendments.

16. The Secretariat advised, firstly in response to Samoa, that it was important that all the amendments were ratified by the Parties as required by the Treaty and the Internal Agreement. The SPIP16 decision requires application of the precondition to both sets of amendments - that for the Internal Agreement and those for the Treaty. It further recognised that the amendment to the Internal Agreement was related to the distribution of the new funding whereas the amendments to the Treaty did not. The Parties, therefore, would need to consider whether to apply the precondition only to the Internal Agreement or to the Treaty too. Secondly, in response to Kiribati's concerns, the Secretariat advised that it had responded in a letter which clarified that the decision was

made by the Parties and that the Secretariat will continue to assist Kiribati in the comprehensive review to ensure alignment of the amendments with its national priorities. It also recognised that this work should not be time-bound given the need for wide and broad consultations at the national level but encouraged Kiribati to complete the work as early as possible.

17. Australia reiterated its position on the distribution of its allocated share which had already been confirmed to the Secretariat. They shared comments from other Parties that ratification involved a lengthy process which, for Australia, can take around nine months or more. Therefore, they were supportive of the proposal to waive the precondition to enable distribution of the funds to the remaining Parties. Australia also noted the implications of the Middle East crisis on the economies of the Parties and the contribution of the funds which should provide financial buffers for the Parties during this time.

18. The Cook Islands noted that this issue was not Secretariat driven, rather their response to concerns raised by PIPs regarding the delay in ratifying the amendments to the Treaty as discussed at SPIP13 in Nauru where it was reported that ratification of the 2016 amendments had been outstanding for about 10 years. These amendments provided significant structural changes including payments. There was some confusion over the version of the Treaty that applied during the renegotiation. This created some embarrassment with provisions in the new amendments having to cater for previously unratified amendments. They considered that both sets of amendments to the Internal Agreement and the Treaty need to be ratified together as they are linked. The SPIP16 decision was significant because it elevated the importance of the need to complete national ratification processes and incentivised the Parties to prioritise this work. Further, the Cook Islands agreed with the proposal to waive the precondition decision on the basis that these funds are for fishing access, and fishing is occurring. Additionally, they suggested that the Parties report on their ratification progress in the next FFC meeting in October 2026.

19. FSM advised that they were in the process of ratifying the amendments for the Internal Agreement. The amendment to Annex 2 of the Treaty had been completed and communicated to the Depositary. FSM was not supportive of the removal of the precondition. Rather, they preferred a compromise that recognised the flexibility for national processes whilst making it binding for the distributions to be made subject to completing ratification.

20. Tonga reported that its ratification of the amendments had been approved by its Cabinet and was awaiting the final approval of the Privy Council. They also supported

the proposal to waive the decision and agreed with the suggestion of the Cook Islands that whilst distribution of the funds proceeds, the Parties should provide a progress report on their ratification of the amendments in the next FFC meeting in October 2026.

21. Tuvalu advised that they did not have a strong interest in this matter noting that they had completed ratification of all the amendments and had also received its share from the 2025 payment. However, they were supportive of the comments of the FSM which suggested that the precondition continues to apply but subject to ratification of the amendment to the Internal Agreement, and leave the grace period open-ended to each Party.

22. The Secretariat acknowledged the interventions by the Parties and noted the important suggestion by the Cook Islands about the outstanding amendments to the Treaty which had implications on finalising the Treaty text with the US in 2024. Based on the discussion, it appeared that there was more support for the SPIP16 decision to be waived to enable distribution of the funds. However, clarity was still needed to confirm if the waiving period would be required, taking into account practical processes to complete ratification at the national level.

23. The Chair drew the attention of the meeting to the recommendations in the paper and invited the Parties to provide clear directions.

24. The Cook Islands suggested that the conditions be removed completely and that the Parties would be encouraged to report back to the FFC meeting in October 2026 with progress on ratification.

25. New Zealand supported the waiving of the precondition and stressed that they take treaty obligations seriously. Therefore, they urged the Parties to continue to ratify all the outstanding amendments. They also supported a voluntary process of reporting on the ratification progress in the FFC meeting in October 2026 and expressed appreciation for the Parties' support for the removal of the precondition which essentially penalises parties from attaining their shares.

26. The Secretariat recognised that there were no objections to the revised proposal by the Cook Islands supported by New Zealand and that the meeting supported the proposal.

27. The Parties agreed as follows:

- (i) **Waived** the precondition for distributing the Treaty funds previously agreed at SPIP16 in October 2025;

- (ii) **Directed** the Secretariat to distribute the Treaty funds (2025 payment and subsequent payments) to the Parties; and
- (iii) **Tasked** the Parties which have not completed ratification of all the amendments to the Treaty and Internal Agreement to provide **a progress report** at the next FFC meeting scheduled for October 2026.

AGENDA ITEM 4: OTHER MATTERS

28. The Secretariat advised that a short brief will be provided ahead of the SPIP18 physical meeting on 4 May 2026 in Wellington. It also advised that the 2026 Annual Consultation had been confirmed to be held from 22-23 June 2026 in Wellington, New Zealand. A short internal meeting of the PIPs is planned to be held in the morning of 22 June before the Consultation with the US.

29. The Secretariat further advised that the Parties had earlier adopted in 2018 a set of amendments to the Internal Agreement amendments (2018 Amendment) which had not been ratified by all the Parties and required ratification. This amendment included a provision to bring into effect any adopted amendment by consensus immediately after adoption without having to ratify such amendments. The Secretariat will provide a clean text of the Internal Agreement that incorporates this particular amendment and the 2025 amendment (Schedule 1 of the Agreement) to ensure that all the amendments are included for ratification.

AGENDA ITEM 5: CLOSING

30. The Chair advised that the record of the meeting will be circulated to the Participants for comments before it is finalised.

31. The Director General delivered Closing remarks and thanked the Parties for their contribution to the meeting.

List of Participants

SPIP17 List of Delegation		
Representatives	Position	Email
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Fiji		
	(no one attended due to cyclone)	
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ADOPTED AGENDA

1. Introduction
2. Opening
 - Prayer
 - Welcome Remarks
3. Reconsideration of SPIP16 Decision
4. Other Matters
5. Closing
 - Closing Remarks
 - Record of Meeting