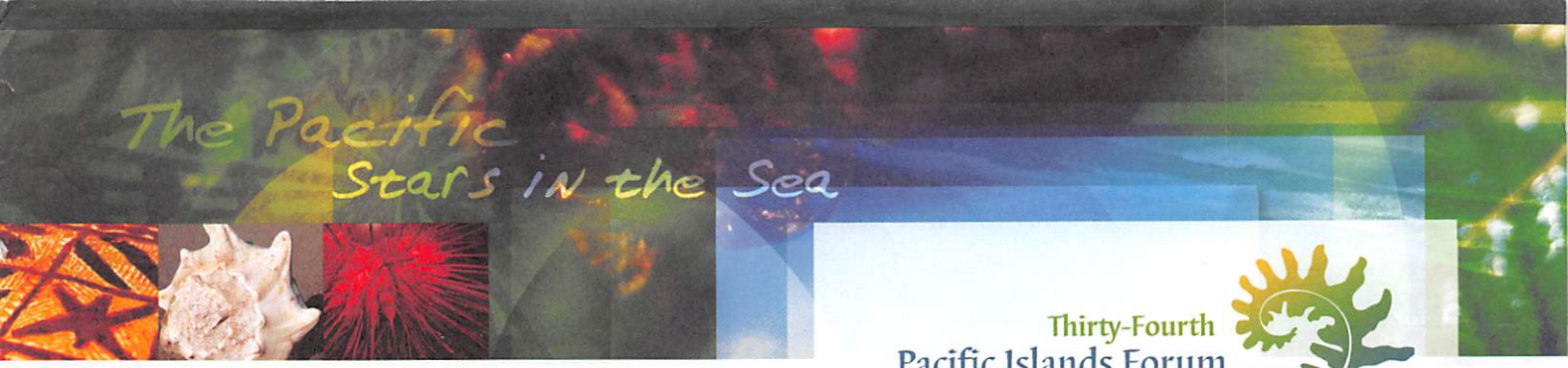

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Pacific Islands Forum
New Zealand 2003

Noel Levi

8-12-03

Lorin Robert - FSM - Dep Sec of External Affairs
Lorrin Robert - FSM
Andy Rongtoy ?
Josefa Maiava
Tuvalu - F
Amb Gallen FSM
RMI -

< Jimmy Lantes >
(Fishery)

Phil Goff - NZ F Minister -

Recent - Mtgs in Okinawa
Papeete
Sydney

NZ last hosted Forum - 20 yrs ago
Auckland - largest Polynesian city -

Julian
Bill Rammell (UK) is coming for the post-Forum dialogue -

Julian is concerned that if we pursue other options - it will discourage UK re the dialogue
Forum Working Group is open to all.

Drafting Committee -
5 nominations - Kiribati, Fiji, Niue, NZ, PNG, Samoa
Mtg adjourned at 5:30 pm. Solomon Islands - all are welcome

Johnston Island airstrip -
US govt is firm on its closing date - Forum wants it to stay open for emergencies!
Issue will be raised again in post-Forum dialogue w/ US
Kiribati regrets that the US is so stubborn on these issues.

alternative - Christmas I.

Solomon Islands - on invitation of Solomons
UN SG has approved?
Is UN SC approval needed?

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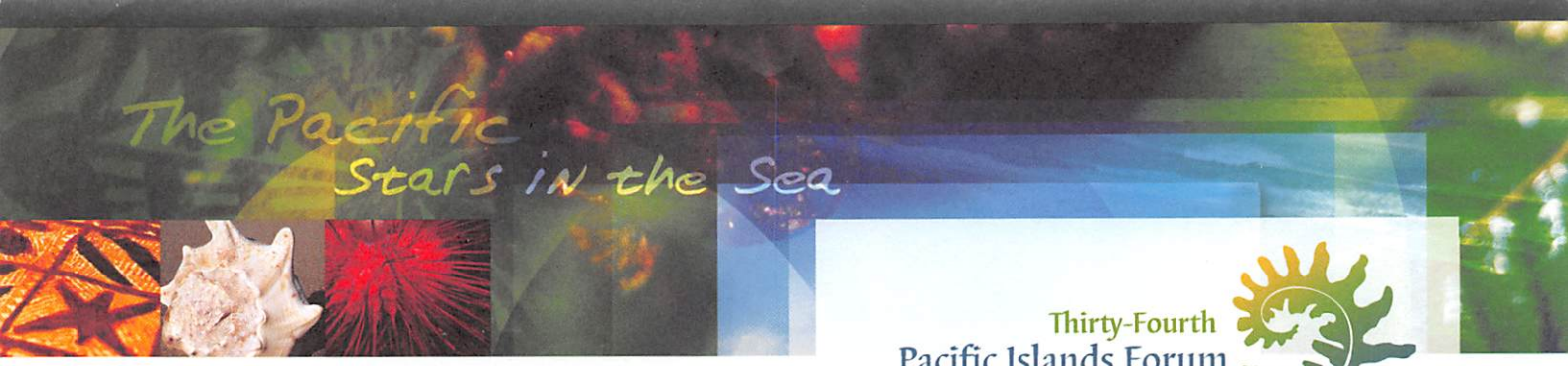

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Pacific Islands Forum
New Zealand 2003

8-13-03

Whales
FSM
Tuvalu
Palau
Kiribati
RMI
Solomon Islands
} all concerned about whales competing for food with tuna!!

NZ
Cooks
Australia
Vanuatu
Tonga
Nauru
} favor sanctuaries

[change "recommend" to "call on"]

SPREP has not completed its study - doesn't have resources - must work with other agencies.
(Asterio Takesy)

Emphasizes precautionary approach to protect biodiversity -

Kiribati wants to take a precautionary approach toward protecting its tuna resources!!

"Japan Study" presented to SPREP mtg in Apia. They have a wheelbarrow to push.

Kiribati is saddened that Vanuatu thinks its concerns are unfounded & wants an independent study.

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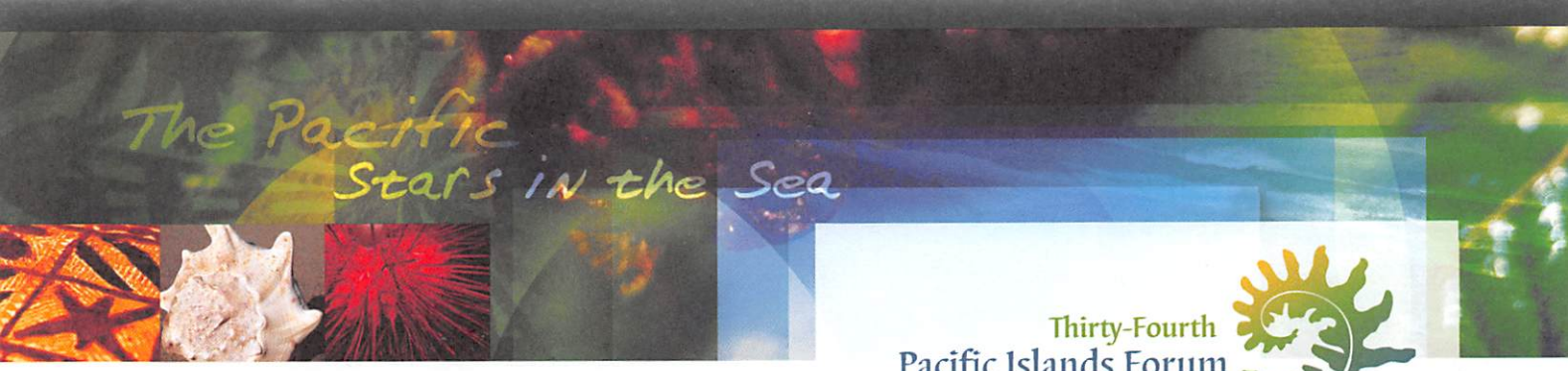

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New Zealand 2003

8.13.03

11:05

SG (Maiava) introduces paper
2002 continuing concerns.

Goal Advancement of technical dialogue to see if views of Forum members are considered seriously -

me - 10-15 minutes

Fiji: Our concerns have been Eloquently ~~co~~ expressed by Vanuatu & we support

Nauru Also supports Vanuatu's eloquent presentation.

N2
UK Response is constructive in tone
Sent at more senior level
He met w/ Rammell & he seemed engaged in Pac Island issues & further discussions may be fruitful.
Does not address all of our concerns
But there are difficult legal issues -
Drop that point would have a role.
This process we should capitalize on.
Use post forum dialogue to reiterate concerns.

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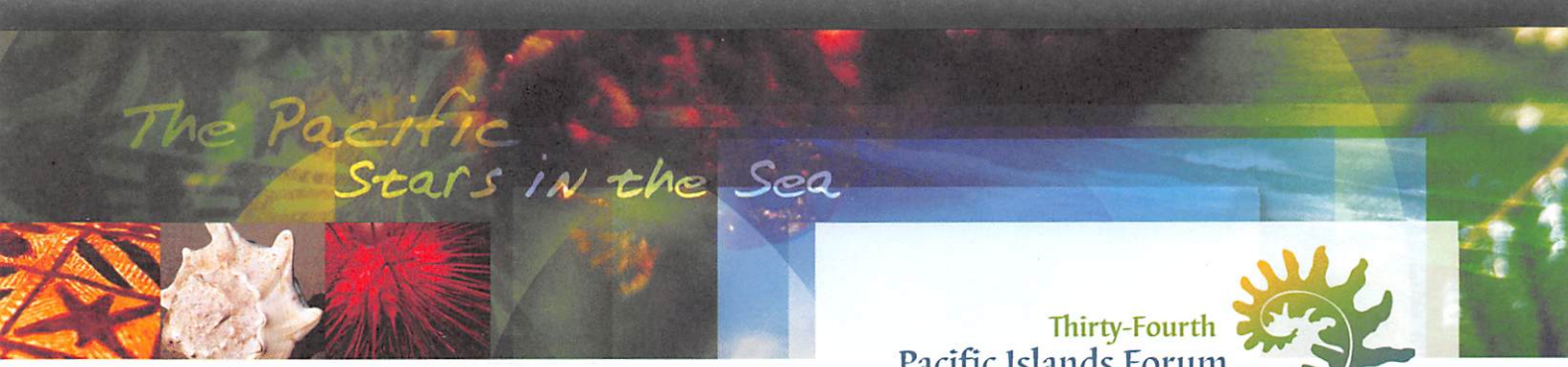

8-13-03

N2
Continue technical dialogue
IAEA - also at least a start

We should not divert & take risks by undercutting dialogue.

We are trying to achieve compensation & prior notification.

Alternative avenues are not promising.

This is a political process
We have evident good will.

We have nothing to gain & much to lose

⇒ He would favor excluding recommendation #3 from the 8/6 Addendum.

RMI - Appreciates Secretariat's reports.
We need to work w/ the shipping states & continue to negotiate with them.
Supports N2 proposal - only Recos 1&2!

If we jeopardize it . . .

Samoa
Thanks Vanuatu for its comprehensive background.
But clearly
What is Reco #3 actually asking for -
What are the practical options
May be they should be looked at to see what they are -

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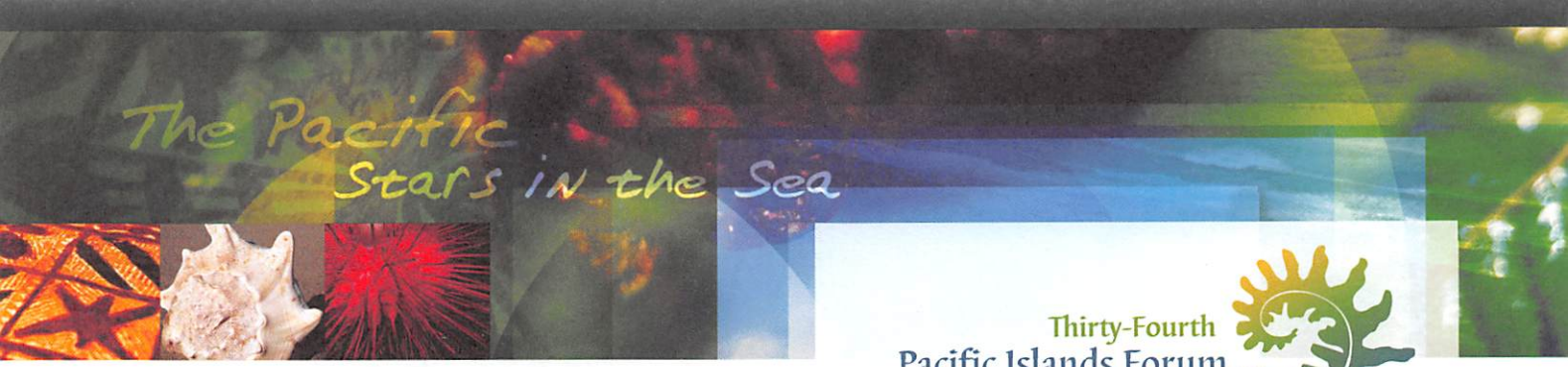

Secretariat

Nauru - operative word is "investigate"
alternative legal options
Why wait another year?
Supports position of Vanuatu
, esp. to start the investigation

Alternatives
Prestige
Cluster Law
Regional Protocol
Code of Conduct
Claim using LOSC procedures

FSM
Full support for earlier statements (refers to all of them!)
Thanks to Vanuatu
No difficulty with the recommendations.
Wants "serious" put before "concern" in #1

Solomon
No position -
Rammell letter -
Another letter forthcoming on how a claim could be filed -
Supports N2 to drop Reco #3

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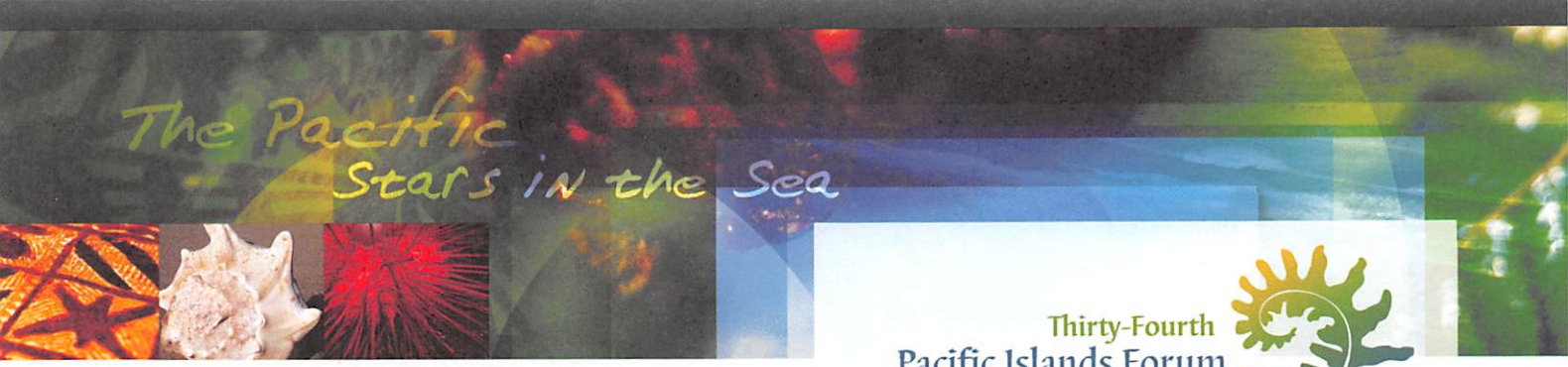

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New Zealand 2003

8-13-03

Kiribati
Dialogue should continue
Shipping states are now listening
Region should step up its representation.
No reason to refrain from investigating alternative measures (agrees w/Nauru).

SG – Noel Levi

Focus on the Window of Opportunity offered by Shipping States.

Investigations now could jeopardize good faith initiatives offered by UK

We should grasp the window of opportunity – let's see what happens during the coming year.

Kiribati

Suggest 1+2 be made public
Treat 3 as writing instructions for the Working Groups

Nuie

Supports SG & NZ
But should not preclude member govts for investigating in their own right.

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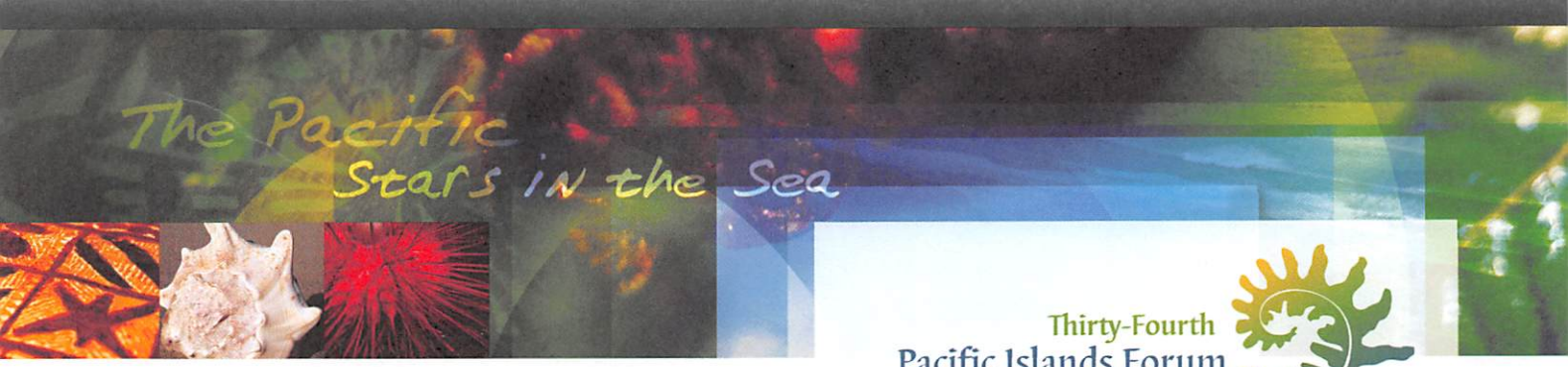

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New Zealand 2003

NZ
Resource implications

SG
The Committee tasked the WG at next year's mtg to investigate.

Delete [at next yr's Leaders mtg].

Solomon
Wait

Vanuatu
Supports. [in communiqué [or in the record]]

NZ
Prefers No 3
Could live w — "in light of

To reco to leaders that if SOTS progress is not made in the dialogue w shipping states, they consider tasking the Working Group with to investig etc

Australia
Wants to say as little as possible, for obvious reason
We don't like Reco 3 -
"Useful intervention of Vanuatu"
Positions of governments diverge widely.

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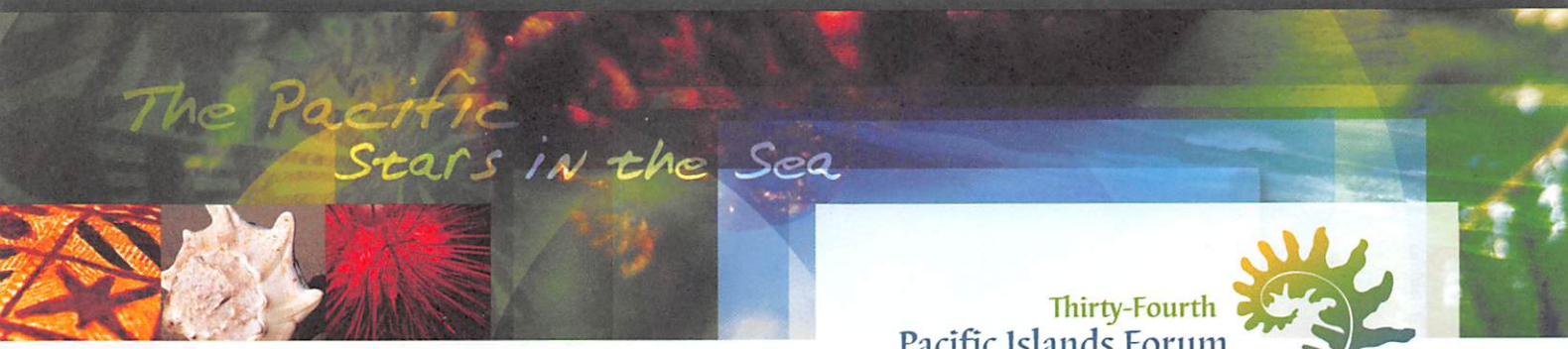

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New Zealand 2003

SG

Committee tasks the WG to investigate alternatives

Would stay in record of mtg rather than going to the leaders -

Nauru is flexible, but wants to get started on looking at alternatives.

Kiribati - now supports N2 proposal —

So it is adopted by consensus

So, what is the result.

Something like -

Rec #3 is rejected (?)!

And in the minutes of the mtg -- something like -

if satisfactory progress in the dialogue with flagging States, the Committee (ROC) tasks the Working Group to investigate alternatives - ??

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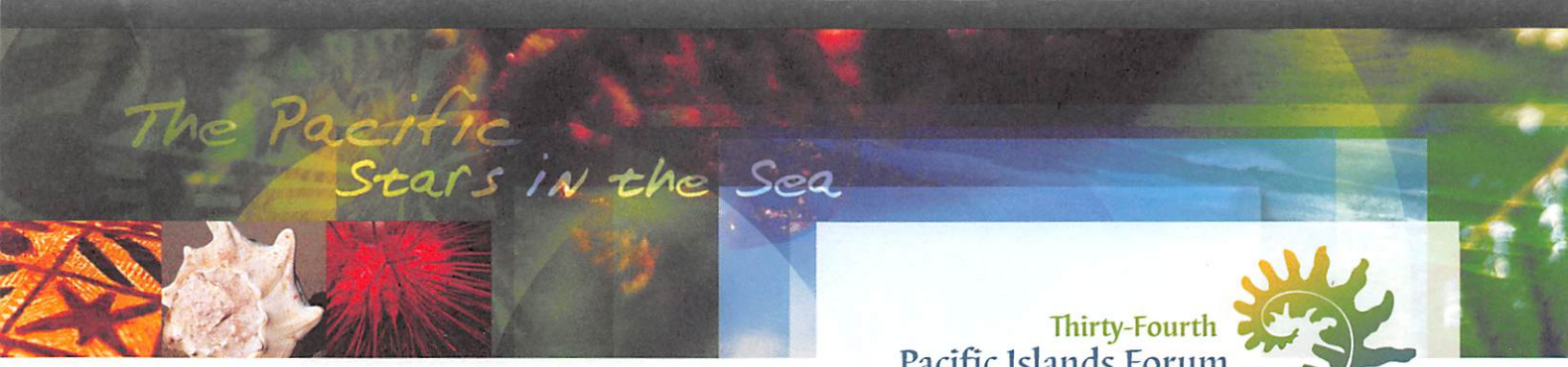

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Pacific Islands Forum
New Zealand 2003

Supporting Vanuatu

Fiji
Nauru
Kiribati (sort of, but normally)

Supporting NZ

RMI
Australia
Solomons

Niue (but individuals can act on their own)

FSM ??
Samoa ??

Saying nothing

PNG
Tuvalu
Tonga
Cooks (absent)
Palau

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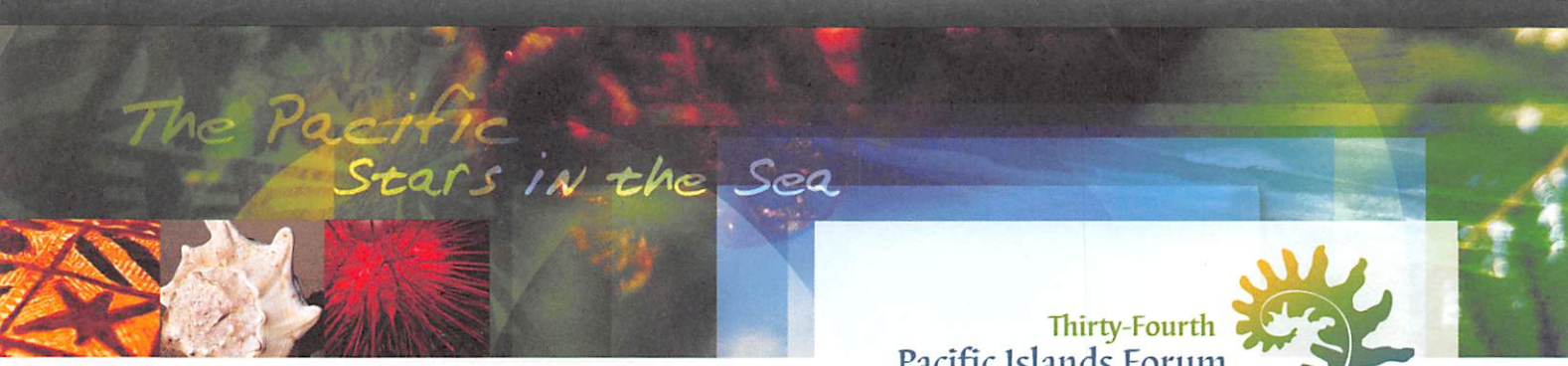

2004 Niue - hosts!! for Forum

Sir Kenneth Keith - NZ candidate for ICJ in 2005 -

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