

# **TONGA NATIONAL TUNA FISHERIES MANAGEMENT AND DEVELOPMENT PLAN (2022 – 2026)**



October 2022

Jointly prepared and funded by Tonga Ministry of Fisheries,  
Pacific Islands Forum Fishery Agency (FFA)  
and Pacific Community (SPC)

## **FOREWORD**

*Tuna fisheries have been identified as one of Tonga's most important natural resources. In recent years, we have experienced challenging times with our domestic longline operations. The COVID-19 pandemic, rising fuel prices, declining South Pacific albacore prices, low catch rates and economic pressures create a very difficult environment for domestic operators to remain viable, even with technical and policy support, and advice by His Majesty's Government. That said, progress in developing the tuna resources of Tonga for the benefit of our people is vital.*

*The Tuna Fisheries Management and Development Plan (TFMDP) has been prepared in line with Tonga's Fisheries Management Act 2002 and National Strategic Development Plan 8. This is a revised plan that will replace the previous TFMDP that recently expired. It is a high-level policy document that provides guidance to the conservation, management and development of tuna fisheries in Tonga for the period 2022-2026.*

*The TFMDP draws from a number of reports and policy documents including the previous plan, the Tonga Fisheries Sector Plan 2016-2024, Corporate Plan of the Ministry of Fisheries and fisheries related regulations. The TFMDP presents key management, development and compliance strategies, and future guidance frameworks. The Implementation Schedule of this plan provides strategic directions upon which the management actions will be implemented. The execution of this plan is timely to fulfil our national and international obligations, and to further provide for the sustainable development and management of our domestic tuna fishery.*

*My Ministry acknowledges the financial and technical assistance from the Pacific Islands Forum Fisheries Agency (FFA) towards developing this plan. The TFMDP is the result of many stakeholder consultations and meetings, and it reflects the views and wishes of our people.*

*This plan requires full support and cooperation of the tuna fishing and processing sectors with the Ministry of Fisheries and shall ensure that your investment and our resources are managed in the most effective and sustainable way.*

.....  
*Honourable*  
***Minister of Fisheries***

*October 2022*

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## **ACRONYMS**

CMMs	– Conservation and management measures
FFA	– Pacific Islands Forum Fisheries Agency
F <sub>MSY</sub>	– Fishing mortality at Maximum Sustainable Yield (MSY) levels
FMAC	– Fisheries Management Advisory Committee
FM Regs	– <i>Fisheries Management (Conservation) Regulation 2008</i>
FM Act	– <i>Fisheries Management Act 2002</i>
IUU	– Illegal, unregulated and unreported
MCS	– Monitoring Control & Surveillance
MTCs	– Minimum terms and conditions
MSY	– Maximum sustainable levels
NPOA	– National Plan of Action
SB <sub>MSY</sub>	– Spawning stock biomass at MSY levels
SIDS	– Small Island Developing States
SPC	– Secretariat of the Pacific Community
TAC	– Total Allowable Catch
TAE	– Total Allowable Effort
TFMDP	– Tuna Fisheries Management and Development Plan
WCPFC	– Western and Central Pacific Fisheries Commission

## **Preamble**

### **VISION**

- Sustainable, optimum utilisation and development of the tuna fisheries in Tonga.

### **MISSION**

- Ensure ecosystem-based, precautionary and rights-based management principles are incorporated in the management and development of the tuna fisheries;
- Ensure tuna catch does not exceed sustainable levels;
- Obtain national revenues from foreign fishing licensing agreements;
- Support development of Tongan-owned and/or Tongan-based foreign fishing enterprises;
- Encourage sound investment in enterprises related to the tuna fisheries;
- Promote good governance and strengthened fisheries institutions;
- Ensure growth in employment opportunities and other tangible benefits;
- Promote close collaboration with the fishing industry and other stakeholders in the private sector;
- Enhance international relationships, including meeting international obligations;
- Ensure sustainable economic benefits from the utilisation of tuna resources; and
- Promote food security through accessibility, affordability and sustainable utilisation of tuna resources.

### **OUTCOME**

Ecosystem-based, sustainable and economically efficient national tuna fisheries.

### **APPROACH**

Section 7(2) of the *Fisheries Management Act 2002* provides that each fishery plan shall indicate: (i) the present state of exploitation of the fishery; (ii) the objectives to be achieved in the management and development of the fishery; (iii) the management, licensing, permitting or other authorisation and development of measures to be applied; (iv) the statistical and other information to be gathered on the fishery; and (v) the amount of fishing, if any, to be allowed to foreign fishing vessels and such other detail as may be prescribed by the Chief Executive Officer of Fisheries.

Toward this end, the TFMDP aims to provide:

- a clear statement of strategic policies and directions for achieving goals for the management and development of Tonga's tuna fisheries;
- transparent procedures for participation and decision-making in these tuna fisheries; and
- relevant guidelines and processes to achieving the management strategies through clear objectives and goals.

The approach taken by the Kingdom of Tonga towards achieving these common thematic areas is through the efforts of the Ministry of Fisheries to:

Common Theme	MINISTRY OF FISHERIES adds value by:
1. Determine an allowable level of fishing, participatory rights and impose licensing fees.	<ul style="list-style-type: none"> <li>▪ <b>Ensuring</b> that the tuna catch does not exceed sustainable levels;</li> <li>▪ <b>Ensuring</b> the economic benefits generated by the fishery to the Tonga economy are maximised;</li> <li>▪ <b>Obtaining</b> national revenue from domestic and locally-based foreign fishing vessels;</li> <li>▪ <b>Ensuring</b> effective allocation of participatory rights in a fishery; and</li> <li>▪ <b>Ensuring</b> effective data collection programs in support of relevant assessments on stocks, and costs-benefit structures of fishing operations.</li> </ul>
2. Promote economic benefits from fisheries development.	<ul style="list-style-type: none"> <li>▪ <b>Supporting</b> development of locally-owned and/or locally-based foreign fishing enterprises;</li> <li>▪ <b>Encouraging</b> investment in Tonga's domestic tuna fishery that includes fishing, onshore processing, value-adding and supporting activities; and</li> <li>▪ <b>Promoting</b> employment opportunities.</li> </ul>
3. Derive economic benefits from outside the fishery.	<ul style="list-style-type: none"> <li>▪ <b>Enhancing</b> fisheries relationships beneficial to Tonga; and</li> <li>▪ <b>Explore</b> alternative management and partnership arrangements that may generate socio-economic benefits.</li> </ul>
4. Promote an effective Monitoring Control and Surveillance (MCS) strategy.	<ul style="list-style-type: none"> <li>▪ <b>Encouraging</b> development of a national MCS strategy or equivalent policy that seeks to address Illegal, Unreported and Unregulated (IUU) issues;</li> <li>▪ <b>Promoting</b> transparent and effective delivery of monitoring, control and surveillance tools; and</li> <li>▪ <b>Supporting</b> development and implementation of national Vessel Monitoring System (VMS) and observer programs.</li> </ul>

# PART 1: INTRODUCTION

The tuna fisheries of Tonga consist solely of longline fishing vessels that typically target South Pacific albacore (*Thunnus alalunga*), yellowfin (*Thunnus albacares*) and bigeye tuna (*Thunnus obesus*). These fisheries also catch skipjack tuna (*Katsuwonus pelamis*) in smaller numbers and tuna-like species such as dolphin fish (*Mahi mahi*), wahoo (*Acanthocybium solandri*) and various species of billfish and marlin (*Istiophoridae* spp.).

These fisheries are an important source of revenue for the government, contributing an estimated of US\$2 million in 2020 in licence access fees (this includes proceeds from the US Treaty and fishing licences)<sup>1</sup>. In addition, the total employment related to tuna fisheries including in the processing and ancillary services was estimated at around 268 in 2020. These fisheries are also an important source of food security for the citizens of Tonga, with an estimated 102 metric tonnes of marine resources such as tuna and bycatch sold at the domestic market for the period July 2020 to June 2021 for local consumption<sup>2</sup>.

## 1.1 GOAL

Given the obvious importance of this natural resource to the Tongan economy, the overall goal of the TFMDP is to manage the tuna fisheries of Tonga through an ecosystem-based, precautionary and rights-based approach in order to maximise the benefits to the economy and people of Tonga, while ensuring the biological and economic sustainability of these fisheries.

## 1.2 OBJECTIVES

This TFMDP seeks to achieve this overall goal by providing a set of objectives that are complementary to the objects outlined in section 7 of the *Fisheries Management Act 2002*. These include:

- (i) **Ensuring** that the utilisation of Tonga's tuna longline fisheries resources is compatible with sustainable development measures;
- (ii) **Maximising** economic benefits and ensuring ownership of the fisheries resources to the people of Tonga from optimum utilisation of its tuna resources, including fishing, processing and value-adding;
- (iii) **Ensuring** that any fisheries legislation supports national priorities and interests, and all necessary requirement of regional and international binding frameworks, and measures;
- (iv) **Exploring** alternative fisheries management arrangements that generate economic benefits;
- (v) **Providing** clear and transparent fishing licensing procedures;
- (vi) **Ensuring** that non-target species are not discarded or dumped;
- (vii) **Promote** the use of mitigation measures that address IUU and minimise bycatch of species of special interest; and
- (viii) **Contributing** to capacity-building, technology transfer, growth in local employment and the food security of Tongan subjects.

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<sup>1</sup> FFA Estimates and Data Collection Project (T. Ruaia 2022, *pers.comm.*).

<sup>2</sup> Ministry of Fisheries Annual Report FY2020-21.



These objectives are consistent with elements in the preamble and aspire to support national priorities and interests, as well as regional agreements and international obligations. This set of objectives also seeks to ensure that an appropriate balance exists between the need to ensure the long-term sustainability of tuna and tuna-like stocks in Tonga and both economic and social factors such as the optimum utilisation of stocks between current and future generations and the contribution to food security for Tongan citizens.

### 1.3 SCOPE

The scope of the TFMDP covers and includes, *inter alia*, the following:

1. fish species mainly found offshore, including:
  - (i) all highly migratory tuna species<sup>3</sup>;
  - (ii) all other non-target, associated or dependent species taken in the course of fishing for tuna (e.g. marlin, billfish, dolphinfish, wahoo and numerous shark species); and
  - (iii) those taken under fisheries research or test-fishing operations.
2. all of Tonga's 'fisheries waters'<sup>4</sup>, including:
  - (i) internal waters;
  - (ii) territorial waters; and
  - (iii) such other waters over which the Kingdom of Tonga from time to time claims sovereignty, sovereign rights or jurisdiction with respect to the marine living resources by legislative enactment or by Royal Proclamation. These waters do not include the special management areas (SMAs), marine protected areas (MPAs) and no-take zones outlined in the *Tongan Ocean Management Plan 2021* or other relevant policies and legislation, where fishing restrictions apply.
3. fishing gears that specifically target tuna and tuna-like species, including, but not necessarily limited to, longlines.
4. all tuna fishing and related activities, as defined in the *Fisheries Management Act 2002*, including, but not necessarily limited to:
  - (i) trans-shipping;
  - (ii) use of fish aggregation devices;
  - (iii) bunkering;
  - (iv) bait fishing;
  - (v) aircraft support operations;
  - (vi) provisioning; and
  - (vii) all other services relating to the tuna fisheries, including on-shore processing and the provision of port facilities.
5. all licensed, locally-based and foreign vessels fishing in the Tongan Economic Exclusion Zone (EEZ) and Tongan-flagged fishing vessels targeting highly migratory tuna and tuna-like species, in areas outside of Tonga's fisheries waters.

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<sup>3</sup> The three key tuna species of Tonga are South Pacific albacore, bigeye and yellowfin tuna. The conservation, management and development strategies under the TFMDP will concentrate on these species.

<sup>4</sup> Territorial waters and EEZ of Tonga as defined in the *Territorial Sea and Exclusive Economic Act 2007*.

## 1.4 LEGAL CONTEXT

The overarching legal basis of this plan is enshrined in relevant provisions of the *Fisheries Management Act 2002*. One of the most important provisions of this Act is section 3, which provides for the conservation, management and sustainable utilisation and development of the fisheries resources in the fisheries waters of Tonga.

Under the *Fisheries Management Act 2002*, the Chief Executive Officer of Fisheries, in exercising his Conservation and Management powers, is obligated to:

- (i) **Ensure** the long-term conservation and sustainable use of fishery resources and to this end adopt management measures which promote the objective of optimum utilisation and to achieve economic growth, human resource development, employment creation and sound ecological balance (section 4(a)); and
- (ii) **Prepare and keep** under review plans for the conservation, management, sustainable utilisation and development of fisheries in the fisheries waters and ensure the implementation of such fishery plans (section 7(1)).

### 1.4.1 Policy Framework

The following management and policy documents provide further guidance to the TFMDP:

- *Tonga Fisheries Sector Plan 2016-24*;
- *Corporate Plan for the Ministry of Fisheries*;
- *Regional Longline Strategy*;
- *National Infrastructure Investment Plan*; and
- *Tonga Strategic Development Framework II*

## 1.5 GUIDING PRINCIPLES

The following guiding principles are provided in the *Fisheries Management Act 2002* and are used to guide the development of management strategies and actions to achieve the targets and objectives of the TFMDP:

- (i) the application of the precautionary approach in fisheries management;
- (ii) agree, as appropriate, on participatory rights such as allocations of allowable catch or levels of fishing effort, and that such allocations follow acceptable standard criteria, as well Tonga's needs and development aspirations;
- (iii) determination of a total allowable level of fishing effort and catch, which are based on best scientific information, and qualified by economic and environmental factors;
- (iv) the need to protect the ecosystem as a whole and the general aquatic environment and adopt where necessary conservation and management measures;
- (v) the need to have an efficient MCS network under the purview of a national MCS strategy; and
- (vi) promoting and protecting the existing domestic fishing industry from IUU.

## **1.6 EVALUATION & REPORTING**

Pursuant to section 7(3) of the *Fisheries Management Act 2002*, the Chief Executive Officer of Fisheries shall, in the preparation and review of each fishery plan, consult as appropriate with key stakeholders such as other government departments and agencies, and any entity, person or group of persons, coastal community, private organisation who has an interest in the fishery concerned or is affected by the plan.

The progress of implementing the management, development, regulation and policies, and other matters related to, and as provided in, the TFMDP shall be reported in the Annual Report of the Ministry of Fisheries, including major difficulties and departures from the plan by the Tuna Management and Development Committee (TMDC; see section 4.2.1).

## **1.7 TERM AND REVIEW OF THE TFMDP**

The TFMDP applies from October 2022 for a period of four (4) years. A comprehensive review of this management and development plan for the purpose of determining whether the plan should be amended, replaced or reinstated without amendment, will be undertaken two (2) years after the commencement of the plan. This includes the implementation schedule of this plan (Appendix 1).

The review will be undertaken with the support of the Secretariat of the FFA and pursuant to section 7(5) of the *Fisheries Management Act 2002* shall be submitted to the Minister of Fisheries for approval.

If new ideas and initiatives become available during the life of this plan, they will be considered for incorporation into the TFMDP.

## **PART 2: STATE OF TONGA'S TUNA FISHERIES**

The tuna fisheries in the Western and Central Pacific Ocean (WCPO) are diverse, ranging from small-scale, artisanal operations in the coastal waters of Pacific states, to large-scale, industrial purse seine, pole-and-line and longline operations in the EEZs of Pacific states and international waters (high seas).

In 2021, the total catch in the Western and Central Pacific Fisheries Commission (WCPFC) Convention Area (WCPFC-CA) was estimated at 2,493,571 metric tonnes. Of this, the purse seine fishery accounted for an estimated 1,740,370 metric tonnes (69.7% of the total catch), while the longline and pole-and-line sectors accounted for an estimated 191,666 metric tonnes (7.7%) and 123,528 metric tonnes (5%).

Skipjack tuna dominated the catch in the WCPFC-CA, accounting for 62% of the total catch. This was followed by yellowfin (27.8%), bigeye (6.8%) and albacore tuna (3.3%). The albacore tuna catches in the WCPFC-CA north of the equator (i.e. North Pacific albacore) was 29,243 metric tonnes in 2021, while those south of the equator in the WCPFC-CA totalled 52,173 metric tonnes.

The tuna fisheries of Tonga consist solely of longline fishing vessels targeting tuna and tuna-like species. Most of the activity is concentrated within the EEZ of Tonga except for foreign-flagged vessels that can access high seas with a permit from flag states. These foreign-flagged vessels primarily target large South Pacific albacore, whereas local and locally-based foreign vessels of the Tongan longline fleet target yellowfin and bigeye tuna in national waters. The total tuna harvested in the EEZ of Tonga is insignificant relative to the region and WCPO-wide catch ( $<0.1\%$ ), and is unlikely to have any major impact on the stock in the region and the WCPO.

The Majuro Plot in Figure 1 depicts the relative status of the four (4) major tuna stocks in the WCPO against two biological reference points (black lines). All of these stocks are in the healthy green zone, well above the limit reference point of 20% of the estimated recent average spawning biomass in the absence of fishing ( $SB_{F=0}$ ), and with fishing mortality less than that which would support MSY ( $F_{MSY}$ ). This is supported by the stock assessments undertaken by SPC, which show that all four major tuna species in the WCPO are not overfished, nor is overfishing occurring.

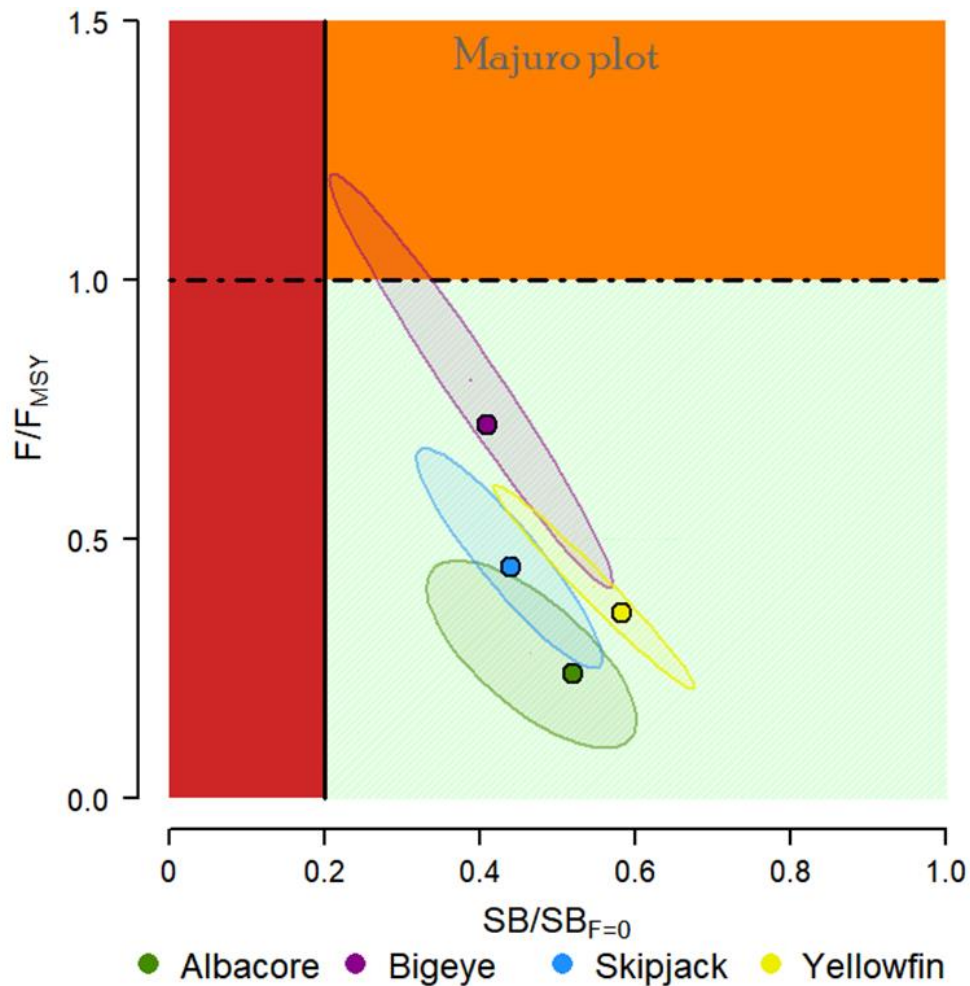


Figure 1: Majuro plot for the four (4) main species of tuna caught in the Western and Central Pacific Ocean in 2021.

## 2.1 PRESENT STATE OF TUNA FISHERIES IN TONGA

### 2.1.1 Status of the fishery

#### Fleet size

The size of the longline fleet fishing in the fisheries waters of Tonga has fluctuated widely since 1990, ranging from one (1) vessel in 1995 to a peak of thirty-six (36) vessels in 2004. While most of the vessels in the longline fleet prior to 2010 were local, there were years when a large number of foreign vessels would enter the fishery (e.g. 1998, 1999 and 2004).

In 2004, the year when the size of the fleet peaked, a moratorium on foreign fishing vessels was implemented by the Kingdom of Tonga to address declining catch rates and profitability. This moratorium resulted in the size of the longline fleet declining to six (6) vessels at the end of 2011. The lifting of this moratorium in 2011 resulted in the number of vessels in this fleet spiking to twenty-five (25) vessels in 2013, of which twenty-four (24) were foreign vessels re-entering the fishery (see Figure 2).

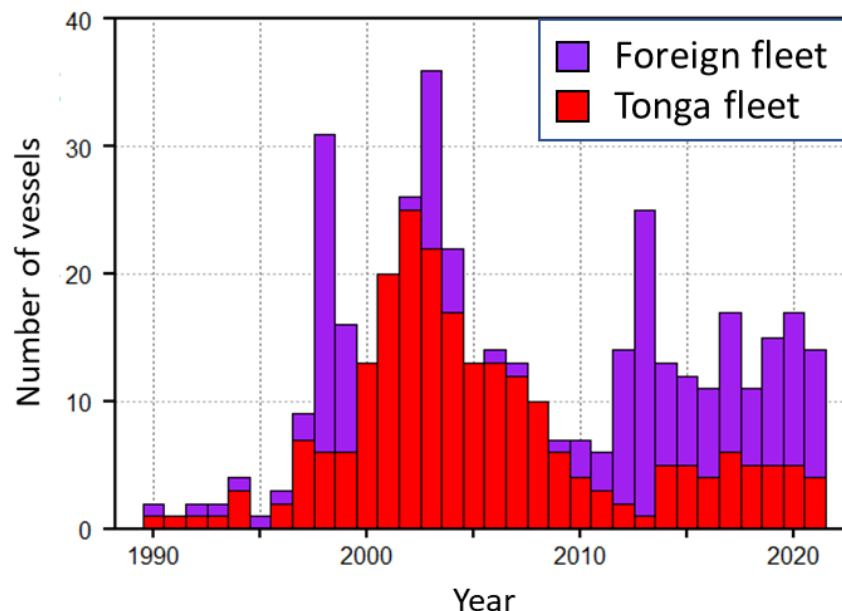


Figure 2: The number of foreign and local longline vessels licensed to fish in the tuna fisheries of Tonga between 1990 and 2021 with a minimum number of ten (10) sets per year.

When the previous TFMDP was implemented in 2018, there were a total of eleven (11) vessels in the fishery. By 2021, this number had increased to fourteen (14) vessels, consisting of ten (10) foreign vessels and four (4) local vessels. (Figure 2). Of these vessels, only one (1) active vessel is enlisted on the WCPFC Record of Fishing vessels.

The composition of the foreign fleet has changed over the least five years. In 2016 and 2017, it comprised solely of Chinese Taipei longline vessels, but since then, several Fijian longline vessels have been licensed to fish in the EEZ of Tonga. In 2021, Fijian vessels made up 41.7% of the foreign fleet.

### Catch and Effort

The catch of the local fleet has closely followed that of fishing effort (in terms of number of hooks deployed) since 1990. When catches by this fleet peaked in the early- and mid-2000s (Figure 3A) in the WCPFC Convention Area, so did fishing effort (Figure 3B). Similarly, both the catch and effort of the local fleet declined to its lowest level for over a decade in the late 2000s and early 2010s in the WCPFC Convention Area before gradually increasing from 2013 to 2017 and then declining again in 2021.

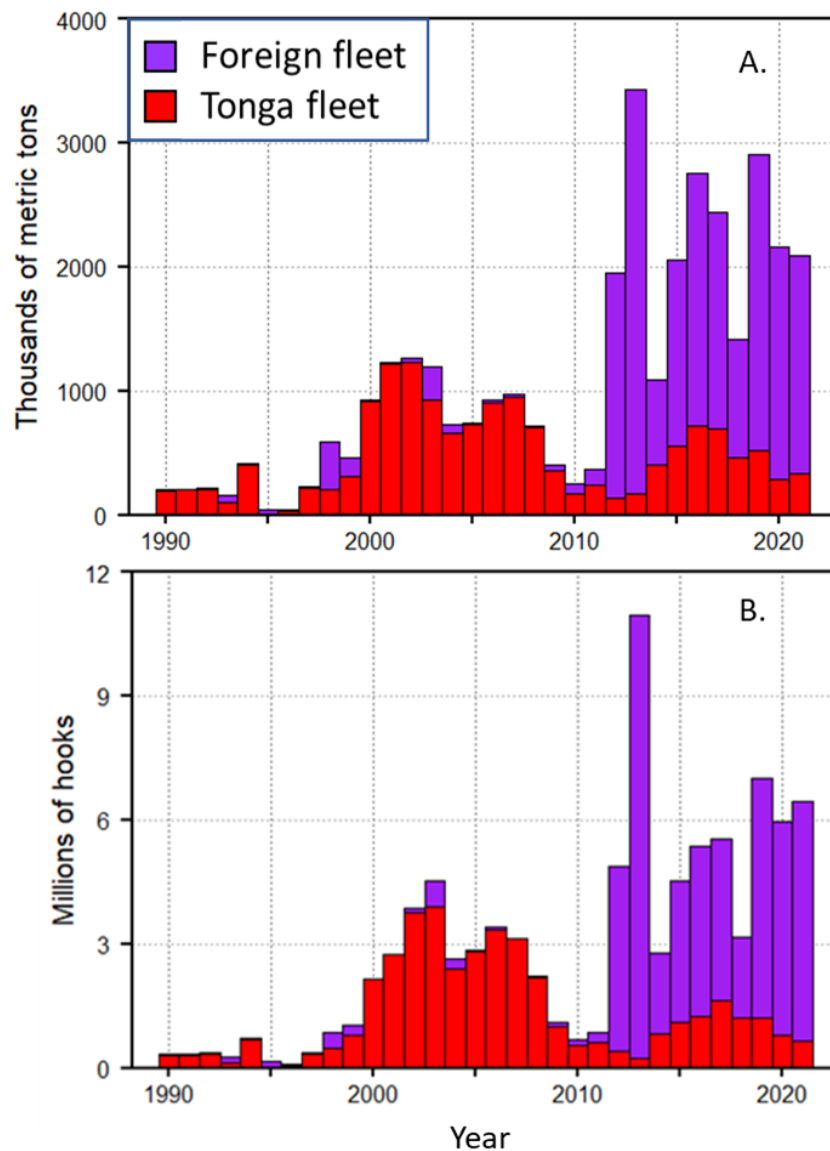


Figure 3: Estimates of (A) annual catch and (B) fishing effort for the local longline vessels<sup>5</sup>, in the WCPFC Convention Area for the period 1990 – 2021 based on log sheet data held at SPC.

<sup>5</sup> Only refers to local vessels or vessels flagged to Tonga.

In 2021, the total effort in the WCPFC-CA in 2021 by local vessels was approximately 658,243 hook sets (Figure 3B). This corresponded to a drop of 59.2% in fishing effort from the recent peak in 2017 and an overall catch of 327.6 metric tonnes (Figure 3A).

In comparison, there were 774,284 hook sets in 2020 (Figure 3B) and an overall catch of 284.7 metric tonnes (Figure 3A). The relatively low catches in 2020 and 2021 was thought to be mainly due to the COVID-19 pandemic crisis, with border closures hindering both the number of trips made by active vessels and hooks sets.

Of the 327.6 tonnes of total catch landed by the local fleet in 2021, over 92% of this catch consisted of the three target tuna species and billfishes. Yellowfin tuna was the easily the most dominant species caught by this fleet, comprising 62% of the total catch. The next most dominant species of 2021 was blue marlin (12.7% of the total catch), followed by bigeye tuna (4.5%), South Pacific albacore (3.2%) and striped marlin (3.2%). In the same year, this fleet also recorded a catch of 2.2 metric tonnes of Mako shark and 0.3 metric tonnes of other species within the WCPFC-CA. Not that these are self-reported catches and, historically, have represented underestimates relative to observer estimates

Approximately 54 tonnes of non-target species were caught by local vessels in 2020. By far, the most dominant species of this group was dolphin fish (*Mahi mahi*), with 38 metric tonnes (70.3%). This was followed by sailfish and wahoo with 6 metric tonnes and 5 metric tonnes, respectively (Tongan Annual Report to the Commission-Part 1 Information on Fisheries, Research and Statistics 2022).

An analysis of the observer data indicated that there were no interactions with species of special interest (e.g. turtle, marine mammals and seabirds) by the longline fleet of Tonga in 2021. This is probably because the local vessels use circle hooks and fish baits (and avoid squid bait that attracts turtles) in their fishing operations in order to reduce sea turtle mortality (Tongan Annual Report to the Commission-Part 1 Information on Fisheries, Research and Statistics 2021).

The estimated yield of foreign-flagged vessels licensed to fish in the EEZ of Tonga was 1,768 metric tonnes in 2021 (Figure 3A). This was 25.9 % less than the 2,384.5 metric tonnes in 2019 and 45.7% less than the peak catch by this fleet of 3,258.8 metric tonnes in 2013.

A total of 799 metric tonnes of South Pacific albacore was caught in 2021, representing 45.2% of the total catch by this fleet. The species composition of the remainder of the catch was similar to that of the local vessels in the fleet, comprising large catches of yellowfin tuna (33.1%) and smaller catches of bigeye tuna (6.3%).

Further information on the catch and effort of the longline fleet Tongan can be found in the Annual Reports to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean submitted each year to the Scientific Commission.

## **Markets**

A total of 58 metric tonnes of fresh, chilled tuna (yellowfin and bigeye tuna) were exported in 2021, worth approximately US\$450,000<sup>6</sup>. The main export markets for this fresh, chilled tuna were Japan (for sashimi and sushi), the United States of America (Los Angeles, Hawaii), and to a lesser extent New Zealand and Australian markets.

The majority of tuna caught by longline vessels operating in the fisheries waters of Tonga in 2020, were exported as frozen fish. The most significant portion of this export was American Samoa (Pago Pago) with 55%. This was followed by Taiwan with 36%, and both Vietnam and Fiji with 3% each. Japan received 2% of the total export volume, but it was a combination of frozen and fresh chilled yellowfin and bigeye tuna. Mainland United States of America also contributed 1% of the total export volume (Tongan Annual Report to the Commission-Part 1 Information on Fisheries, Research and Statistics 2021).

South Pacific albacore dominated the individual species exported in 2020, with 54% of the total volume, followed by yellowfin tuna with 26%, 'other species' (6%), shark (5%), bigeye tuna (4%), skipjack tuna (2%), marlin (2%) and dolphinfish (1%) (Tongan Annual Report to the Commission-Part 1 Information on Fisheries, Research and Statistics 2021).

Fish landed in Tonga are typically sorted and repacked into shipping containers for export to foreign markets. This contributes to government revenue collection through a resource rent charge on exported marine products.

The total yield exported in 2020 was 1,392 metric tonnes, a considerable drop compared to 2,288 metric tonnes exported in 2019. This massive drop in the export quantity of longline catch in 2020 was due to a large extent to the COVID-19 pandemic restricting fishing effort (and impacting catch) in the fisheries waters of Tonga.

The total estimated freight on board (FOB) revenue collected from fish exported during 2020 was Tongan Pa'anga (TOP) 7,436,910.00. This represented a 66% decline from the TOP 12,358,782.00 collected in 2019 (Tongan Annual Report to the Commission-Part 1 Information on Fisheries, Research and Statistics 2021).

Apart from export value, the local market continued the supply of fish to local people for domestic consumption. Due to increased local demand and low international market value for South Pacific albacore, the amount of fresh, chilled product sold at local markets and retail stores was higher in 2021 than in previous years.

The licensing of fishing vessels (domestic and foreign) and resources rent from landing and export catches continue to provide an additional revenue stream to the domestic fisheries sector. All the catches unloaded by foreign vessels were unloaded in port Nuku'alofa, then repacked into a shipping container and export to overseas markets with a portion of their catch sold locally.

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<sup>6</sup> Japan Customs (<https://www.customs.go.jp/toukei/info/index.htm>) (excludes frozen whole tuna) and NMFS and ([http://www.st.nmfs.noaa.gov/st1/trade/monthly\\_data/TradeDataCountryMonth.html](http://www.st.nmfs.noaa.gov/st1/trade/monthly_data/TradeDataCountryMonth.html)).



### **2.1.2 Domestic tuna fishery**

The value of the catch and contribution to the local economy has also increased since the change of policy to lift the moratorium and allow a limited number of foreign vessels in the EEZ of Tonga. Tuna are also important for food security and income generation for artisanal fishers, who usually concentrate on surface trolling around FADs and free schools associated with birds using outboard motor boats. Much of the artisanal, small-scale and semi-commercial fishing in Tonga is confined to the internal and territorial waters of the Kingdom. A significant game-fishing sector also exists in Tonga. This sector operates from Nuku'alofa and Vava'u and targets a range of large pelagic fish (including tuna), largely in territorial waters, but sometimes further offshore.

High operating costs and a lack of adequate infrastructure have restricted the further development of the local fleet. Tonga aspires to strengthen the capabilities for the development and domestication of its tuna fisheries under this TFMDP. To help achieve this aspiration, the cap on the number of longline vessels authorised to fish within the EEZ of Tonga has been increased from twenty (20) to thirty (30) in this TFMDP, of which a minimum of fifteen (15) of these vessels need to be local vessels.

Measures are also introduced through this TFMDP to slowly phase out foreign-based or foreign vessels and increase the proportion of local vessels. This will hopefully help in the domestication of the fleet, a major goal of this TFMDP. To ensure the catch of the longline fleet is sustainable, management limits for South Pacific albacore, bigeye and yellowfin tuna remain in place (see Table 1). These limits will ensure that even if all thirty (30) licences permitted under this TFMDP are issued, the catch of these species will be restricted to a sustainable level.

### **Collaboration with the Ministry of Fisheries**

The Ministry of Fisheries collaborates with a number of organisations to help in the management of the tuna fisheries of Tonga. For instance, it works closely with the Offshore Fisheries Program (OFP) of the SPC on issues regarding the status of tuna resources in the EEZ of Tonga relative to the whole stock in the WCPO.

The Ministry of Fisheries also collaborates with the National Fisheries Council (NFC). The role of this council is to work with the Ministry of Fisheries and respective stakeholders in developing different fisheries in Tonga, including the tuna fisheries. Within this partnership, the NFC plans to help overcome many challenges, especially those involving improvements to infrastructure such as the development of fisheries wharf, airport cold storage and packing facilities that provide low fees for fishers, as well as equipment needs (e.g. vessels, fishing gears, etc).

### **2.1.3 TAC and TAE Setting**

Pursuant to section 5 of the *Fisheries Management Act 2002*, the Minister of Fisheries shall, in consultation with the Fisheries Management Advisory Committee (FMAC), determine the Total Allowable Catch (TAC) or Total Allowable Effort (TAE) with respect to any stock of fish subject to the provisions of this Act or as provided in a fisheries management agreement. This includes the key species under this TFMDP such as South

Pacific albacore, yellowfin and bigeye tuna. To help provide advice to the Minister on any recommended TAE or TAC, the FMAC shall seek scientific and economic advice from the SPC and the Secretariat of the FFA. This advice should be qualified by economic and environmental factors, including development aspirations. The FMAC shall also consider the advice from the TMDC and the Chief Executive Officer of Fisheries on such matters.

The final decision on the management limits set rests with the Minister of Fisheries. These limits shall be reviewed regularly, as new stock assessments and other relevant data become available, on the advice of the Chief Executive Officer of Fisheries. In addition, pursuant to section 6 of the *Fisheries Management Act 2002*, the Minister may determine and allocate participatory rights.

The limits set in this plan were determined after considering the following<sup>7</sup>:

- (i) the objective of maximising the economic benefits generated from the fishery;
- (ii) the objective to increase production and the level of employment;
- (iii) the status of the stocks, biomass estimates and the existing level of fishing effort in the fishery;
- (iv) past, present and future fishing patterns and the extent of the catch being utilised for domestic consumption and food security;
- (v) historical catches and effort in, and around, our EEZ;
- (vi) the fact that the economy, food supply and livelihood of Tonga are strongly interlinked and dependent on the exploitation of marine living resources;
- (vii) the contributions Tonga has made and, will continue to make, to conservation and management of the stocks, including the provision of accurate data and support for scientific research in the WCPFC-CA;
- (viii) Tonga's strong record of compliance with WCPFC conservation and management measures (CMMs);
- (ix) the needs of our communities and traditions regarding fish stocks; and
- (x) Tonga's legitimate fisheries development aspirations.

## **2.2 THE WESTERN CENTRAL PACIFIC FISHERIES COMMISSION**

Tonga is a small island developing state (SIDS) and member of the WCPFC. The latter was established by the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the WCPO. Several articles of this Convention enhance the ability of SIDS to develop their own fisheries for highly migratory fish stocks in the WCPFC-CA.

Tonga uses these articles (e.g. exemption from the limits on swordfish in CMM 2009-03) to advance the growth of its domestic fisheries. In order to fulfil its obligations under this convention, Tonga will implement WCPFC CMMs under the TFMDP, where appropriate. CMMs describe binding decisions relating to conservation and management measures addressed to members of the Commission and Cooperating non-members. This includes complying with the measures related to the collection and provision of catch and effort data, observer placement, operational VMS, and various limits for vessels actively fishing in the EEZ of Tonga and Tongan-flagged vessels operating in the high seas and other zones.

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<sup>7</sup> Declared purse seine fishing days (i.e. 250) allowed in the EEZ of Tonga under para 24 of CMM 2021-01

These measures have been incorporated into licence minimum terms and conditions (MTCs), and will be regularly reviewed and updated to ensure they remain current.

CMMs are normally adopted at the annual WCPFC meeting, which typically occurs in December. These CCMS usually become binding 60 days after they are adopted. A list of the current CCMS and Management Measures and Resolutions of the WCPFC is provided at the link [WCPFC CMMs](#).

One of the most important CMMs for Tonga is CMM 2014-06. This CMM provides for the development and implementation of a harvest strategy approach for each of the four key tuna fisheries or stocks under the purview of the Commission. Under the current interim harvest strategy workplan, these harvest strategies are schedule to be implemented in the WCPFC-CA by the end of 2024.

The implementation of these harvest strategies, particularly that for South Pacific albacore, may result in provisions that limit the take of this species under national jurisdictions, including the fisheries waters of Tonga. This TFMDP therefore needs to be flexible to ensure that any changes brought about by the implementation of these harvest strategies, or indeed any other CMMs (e.g. the tropical tuna measure CMM 2021-01), can be accommodated.

Tonga is committed to comply, appropriately, with the implementation of CMMs and resolutions for key tuna fisheries or stocks, and as well as non-target species. The WCPFC measures complement Tonga's own management measures under current regulations. Examples specific to bycatch and marine environment measure include:

- (i) **Shark:** sharks are managed under the Tongan National Plan of Action (NPOA) for Sharks and licence MTCs.
- (ii) **Turtle:** there are current regulatory measures specified in the *Fisheries Management (Conservation) Regulations 2008*, including seasonal closures, size limitation and prohibited species that have been in place since 1994. In addition, CMM 2008-03 provides the requirements for the management of sea turtles by the WCPFC – measures that are reflected in the licence MTCs (e.g. need for longline vessels to follow the 'safe-release guideline' using de-hooking equipment, where appropriate, and record and report catches of any sea turtles).
- (iii) **Sea Birds:** fishers are required to adopt appropriate measures to safeguard sea birds. This includes the requirement to report the capture of any sea bird during fishing in the catch logbook; and
- (iv) **Safeguarding the marine environment:** there shall be no dumping, discarding or polluting the marine environment with chemicals or with volatile substances. Any biodegradable wastes may be dumped at a distance of 6nm from land. All environment related measures are reflected as fishing licence conditions.

## PART 3: LICENSING FRAMEWORK

All vessels participating in the tuna fisheries of Tonga have to be registered and licensed by the Ministry of Fisheries to fish outside the 12 nm zone and within the EEZ. Fishing in the high seas also requires a special licence.

### 3.1 LOCAL FISHING VESSELS

All applicants wanting a new and /or annual endorsement of a fishing licence are required to provide the following:

- (i) sea worthiness of vessels. Local fishing vessels (LFV) must first receive a sea worthiness inspection certificate from the Marine and Ports Division before it can be used, whereas foreign fishing vessels must produce a valid original certificate from their own country of registry, which can be verified in Tonga ports;
- (ii) proof of ownership and/or details of shareholder;
- (iii) a completed application form;
- (iv) a Business Plan for the year the Operator plans to be licensed;
- (v) approved MCS requirements and MTCs for Tonga fishing licences;
- (vi) contributions to domestic fisheries development and economy;
- (vii) compliance history of the fishing vessel;
- (viii) advice of the Tuna Management Committee; and
- (ix) consideration of the Chief Executive Officer of Fisheries.

A schematic diagram of the licensing process and procedure is appended as Appendix 2. Each application shall have a maximum of ten (10) working days to allow for the administration and screening process. The Chief Executive Officer of Fisheries shall inform the applicant by writing and/or telephone as to whether the applicant is successful or not. These criteria may be reviewed from time to time to ensure they remain current and relevant.

#### 3.1.1 Participatory rights

Determination of participatory rights to fishery is stipulated in section 6 of the *Fisheries Management Act 2002*. Fishing licence holders shall comply with all requirements provided by the licence MTCs, *among other things*, including:

- (i) to cooperate fully with the Ministry of Fisheries to achieve the objectives of this plan;
- (ii) take effective actions and measures to control all activities of its vessel(s), including the Master and crews during the period of the licence;
- (iii) ensure it has a complete copy of the fisheries legislations and seek clarifications from the Ministry of Fisheries or legal representative on important sections of the *Fisheries Management Act 2002* and *Fisheries Management (Conservation) Regulation 2008*, which governs its fishing activities; and
- (iv) understand and cooperate with authorised fisheries officers including Port Samplers.

The Minister of Fisheries reserves the right to amend licence conditions and entitlements for the fishery if required to meet sustainability objectives of the *Fisheries Management Act 2002* and/or in this plan through the term of the plan.

### **3.2 LICENSING DOMESTIC TUNA FLEET**

No local fishing vessel shall be used for longline fishing for tuna species without a longline fishing licence. All applications (issued by the Licensing Section of the Ministry of Fisheries) for a local fishing vessel licence shall be issued under section 22 of the *Fisheries Management Act 2002*. The associated fees are given in the *Local Fishing Vessel Regulation 1995* (and Appendix 3).

No locally-based foreign fishing vessel shall be used for longline fishing for tuna species without a longline fishing licence. All applications (issued by the Licensing Section of the Ministry of Fisheries) for a locally-based foreign fishing vessel licence shall be issued under section 31 of the *Fisheries Management Act 2002*.

An upfront access fee must be paid before a vessel is permitted to fish. Following receipt of the invoice from the Chief Executive Officer of Fisheries (refer to Appendix 3), the Operator shall ensure payment of:

- (i) the value of catch charge within fourteen (14) days, and
- (ii) the observer fees within two (2) days.

### **3.3 FISHERIES RESEARCH & TEST-FISHING**

Section 32 of the *Fisheries Management Act 2002* has provisions that allow the issuing of permits for the purpose of fisheries research or test-fishing operations. To be issued this type of permits, applicants need to write to the Minister of Fisheries and submit a test fishing plan that indicates the gear used, the area to be fished and species targeted.

Any approved fisheries research or test-fishing operation will be subject to trial conditions set by, and included in, the authorisation issued by the Chief Executive Officer of Fisheries, or by the Minister of Fisheries (in the case of a foreign fishing vessel). Aside from a test-fishing plan, the following information may be requested for applicants of such trials:

- (i) size of vessel, the list of equipment on board, the number of crews, nationality of crews and the last employment for each of the crew;
- (ii) information on how the fisheries research or test-fishing operations will benefit Tonga. If there is potential for a fishery to be established, a full bio-economic analyses of that particular resource may need to be undertaken to help determine the management limits for the exploratory fishery;
- (iii) seaworthiness of the vessel, where the vessel was last used, when was the last activity of the vessel, has the vessel been caught for illegal activity and the last owner of the vessel;
- (iv) the intentions of the trial; and
- (v) any other useful biological and economic information, and analyses that may be useful for the consideration of future exploitation potentials.

### **3.4 AUTHORISATION FOR HIGH SEAS TUNA FISHING**

The TFMDP encourages Tongan-flagged vessels to participate in high seas fisheries, as well as fisheries in other jurisdictions. For an application for a high seas fishing permit, the Operator, Master, Owner or Charterer are required to comply with Part VIII – High Seas

Fishing of the *Fisheries Management Act 2002* and requirements of relevant regulations and CMM 2018-06. Tonga, as a member of the WCPFC, shall register all its fishing vessels that are authorised to fish in the high seas on the WCPFC Register of fishing vessels. The procedure for the registration of all fishing vessels above 15 meters in length is provided in Appendix 4.

### **3.5 FISH PROCESSING FACILITY & EXPORT**

The *Fisheries Management Act 2002* requires that any fish processing establishment must undergo a formal process of licensing. The establishment of fish processing facilities shall meet all the legal requirements for fish processing and exporting as stipulated in Part VI – Fish Processing and Exports of the *Fisheries Management Act 2002* and the *Fisheries (Process and Export) Regulation 2008*. The conditions of this licence are provided in Appendix 5a.

### **3.6 DENYING OF NEW APPLICATION**

Applications for any licence mentioned above may be denied for a range of reasons, including the:

- (i) Owner or Operator has committed an offence against the laws of Tonga;
- (ii) Owner or Operator has failed in the past to satisfy the Ministry of Fisheries in previous applications without good reasons;
- (iii) current licence system is subject to a TAE or a TAC, where participation exceeds the allocated catch for the year; and
- (iv) employment of a Captain or Master Fishermen who has been in breach and non-compliance of the *Fisheries Management Act 2002* and fisheries-related regulations.

### **3.7 FORMAL PROCEDURE FOR DEALING WITH GRIEVANCES**

When an application is denied, the Fisheries Council, fisheries associations or individual companies should meet with the Ministry of Fisheries and seek clarification of the decisions made. To organise a meeting with the Ministry of Fisheries, all types of communication (including letters of complaint) from the tuna industry should be directed to the Chief Executive Officer of Fisheries.

As provided in section 28 of the *Fisheries Management Act 2002*, any person aggrieved by the:

- (i) refusal of the Chief Executive Officer of Fisheries to issue or renew a licence in respect of a local fishing vessel; or
- (ii) cancellation or suspension of a licence issued in respect of a local fishing vessel,

may within thirty (30) days of the receipt of notification appeal to the Minister. However, foreign vessels operators or entities may lodge in their grievances within thirty (30) days of the receipt of notification appeal to Cabinet, whose decisions shall be final. Grievances from local vessel operators and agents shall be dealt with the Minister responsible for Fisheries.

## PART 4: THE MEASURES OF THE PLAN

The following management measures shall be implemented in order to realise the goal and objectives of the TFMDP.

### 4.1 CATCH AND EFFORT LIMITATIONS

Establish catch and effort limits to ensure the sustainability and optimal utilisation of the tuna fisheries in the EEZ of Tonga, such that:

- (i) the total number of longline fishing vessels (including local, local-based and foreign) licensed to fish at any given time does not exceed thirty (30);
- (ii) the number of foreign-based or foreign longline fishing vessels licensed to fish at any given time does not exceed fifteen (15);
- (iii) preference shall be given to local vessels when issuing licences;
- (iv) all licensed fishing vessels shall offload their entire catch in the authorised ports of Tonga;
- (v) a total of up to 250<sup>8</sup> fishing days of purse seine effort will be allowed in the fisheries water of Tonga;
- (vi) the permitted gear types will be set by the licence MTCs;
- (vii) fishing will be restricted in SMAs, MPAs and no-take zones outlined in the *Tongan Ocean Management Plan 2021* and other relevant related policies and legislation;
- (viii) levels of permitted bycatch will be set by the licence MTCs, such as those already in place for sharks, seabirds and sea turtle<sup>9</sup>; and
- (ix) catch limits for South Pacific albacore, bigeye and yellowfin tuna as provided in Table 1 of the TFMDP

Table 1: Catch target limits in metric tonnes per year imposed under the Tuna Fisheries Management and Development Plan for key species in the EEZ of Tonga and how they will be managed.

Species	Target limit	Mechanism used to manage target catch limits
South Pacific Albacore	2500 mt	Managed by the TFMDP, Regional Longline Strategy and the harvest strategy developed under CMM 2014-06
Bigeye tuna	2000 mt	Managed by the TFMDP, Regional Longline Strategy and the harvest strategy developed under CMM 2014-06
Yellowfin tuna	2000 mt	Managed by the TFMDP, Regional Longline Strategy and the harvest strategy developed under CMM 2014-06
Skipjack tuna	-	Managed primarily by the TFMDP, CMM 2021-01 and the harvest strategy developed under CMM 2014-06
Swordfish	-	Managed by the TFMDP
Striped marlin	-	Managed by the TFMDP
Shark <i>spp.</i>	10% of total catch per fishing trip	Managed primarily by the Tongan NPOA for Sharks and various CMMs

<sup>8</sup> Tonga advice under para 14 of CMM 2012-01 on declared purse seine fishing days (250) allowed in EEZ.

<sup>9</sup> The *Fisheries Management (Conservation) Regulations 2008* stipulate closing seasons, size limitation, prohibited species and the catching of any female species.

It is important to note that catch targets provided in Table 1 may need to be amended during the life span of this plan to ensure they remain complimentary to future decisions made by the WCPFC (e.g. when the harvest strategies for each of the key tuna species are adopted).

## **4.2 GOVERNANCE & ADMINISTRATION**

Clear and transparent licensing guidelines and processes are needed for the effective administration and governance of the tuna fisheries of Tonga. Many of these have already been discussed in section 3 of the TFM DP. Listed below are some of the more commonly used guidelines and processes:

- (i) the licence process and procedures provided in Appendix 2;
- (ii) fees associated with access to the tuna fisheries are provided in Appendix 3;
- (iii) fees related to licensing of a fishing vessel are provided in the current *Fisheries Local Fishing Vessel Regulations 1995*;
- (iv) licence conditions to establish a processing facility and export fish are provided in Appendix 5a, while their associated fees are provided in Appendix 3;
- (v) licence conditions for fishing in the EEZ of Tonga and high seas permits are provided in Appendix 5b and Appendix 5c, respectively, while their associated fees are provided in Appendix 3; and
- (vi) provisions for the cancellation and suspension of a licence are provided under section 27 of the *Fisheries Management Act 2002*.

In addition, the Ministry of Fisheries will implement transparent and clear fisheries governance policies that safeguard and foster support towards maximum economic gains and development opportunities. For instance, the Corporate Plan of this ministry provides clear avenues in pursuit of good governance and implementing best practices in all of the fisheries of Tonga, including those of the tuna fisheries.

The Ministry of Fisheries will also continue to review and implement policy guidelines that attract foreign investment in the form of partnership arrangements (e.g. charters, joint-ventures) into sustainable expansion of its domestic tuna fisheries covering both onshore infrastructure and domestic fleets.

### **4.2.1 Tuna Management and Development Committee**

The TMDC was established under the *Fisheries Management Act 2002*. The functions of this committee are set out in section 7(4) of this Act and include:

- implementation and review of the TFM DP and provide recommendations to the Chief Executive Officer of Fisheries on this review;
- provide a forum for the discussion of any issues related to the plan and more broadly the tuna fisheries of Tonga; and
- assist to ensure transparent decision-making in regard to these tuna fisheries.

The TMDC shall be constituted as the Chief Executive Officer deems appropriate or as specified under the TFM DP. The Ministry of Fisheries will be responsible for providing secretariat services to the meetings of this committee.



#### **4.2.2 Fisheries Management Advisory Committee**

Section 8 of the *Fisheries Management Act 2002* provides for the formation of FMAC. The role of this committee is to advise the Minister of Fisheries on such matters relating to the conservation, management, sustainable utilisation and development of fisheries in the Kingdom. This includes providing advice on suitable TACs or TAEs. Further details of the membership and function of this committee are provided in Appendix 6.

#### **4.2.3 Inter-agency Relationships**

Consultative and participatory processes are essential ingredients to encourage transparency and accountability, as well as providing good advice to the Minister of Fisheries to make informed decisions on matters relating to the conservation, management, sustainable utilisation and development of fisheries in the Kingdom under section 8(1) of the *Fisheries Management Act 2002*.

The working relationships between the Ministry of Fisheries and other relevant agencies will be strengthened through regular informal exchanges and, if appropriate, through memorandum of understandings.

### **4.3 COMBATING IUU**

Tonga is serious on combating IUU and ensuring compliance of its domestic fisheries using a number of MCS tools available at its disposal. This includes the tracking of offshore vessels using the Vessel Monitoring System (VMS), the placement of observers on board fishing vessels through the National Observer Program, Port Sampling Program, Patrol Boat program and other surveillance activities. The Ministry of Fisheries continues to improve and enhance these monitoring tools by regularly reviewing their performance.

The Ministry of Fisheries also continues to upgrade its National Observer Program in order to take up employment opportunities for observers and skilled crews in the fishing industry. An aim of this program is to register under the WCPFC Observer Program.

The enforcement of conditions set out under fishing and processing licences, and permits pursuant to the laws of Tonga will be addressed through a program of surveillance and inspections and, where necessary, prosecutions for illegal fishing will be pursued to deter IUU occurring in the fisheries waters of Tonga.

Furthermore, the Ministry of Fisheries monitors for breach of terms and conditions set out under fishing licences, authorisation permits, research permits, processing plant permit, and export permits.

This ministry also relies on collaborators across multi-agencies of His Majesty's government and private sector to deliver MCS and enforcement services. This includes aerial surveillance by New Zealand Air Force and assistance by His Majesty's Armed Forces (HMAF) (see section 6.2). Tonga also benefits from other joint and collaborative surveillance operations coordinated by the Secretariat of the FFA.

#### **4.4 ACCESS AND CHARTER ARRANGEMENTS**

Falling South Pacific albacore catch rates, linked in part to oceanographic conditions, undermined the viability of targeting this species in the early 2000s and caused uncertainty about the future of the longline fishery in Tonga. Such oceanographic changes and the aspiration to increase the size of the Tongan fleet have highlighted the need for Tongan vessels to have access to other waters for oceanic fishing, including the waters of some neighbouring states.

Tonga plans to secure this access with bilateral agreements with some neighbouring states and shall, under the period of this plan and beyond:

- (i) explore and implement alternative bilateral, tri-lateral or multilateral arrangements that support growth and development in the domestic longline fishery (see also section 5.3); and
- (ii) implement the Bareboat Charter Policy a way that reduce risks of participation in fishing and processing to investors and encourages locals to participate (see next section). The Bareboat Charter policy framework and regulations was implemented in 2016 by Tonga to allow local fishing companies and entities to charter and, if appropriate, flag vessels to fish in its waters, high seas and other zones.

The number of fishing vessels allowed under these arrangements shall be within the cap of thirty (30) licences, and must also operate within the management limits set and conditions of licences out in earlier sections of this plan.

##### **4.4.1 Climate change**

Tonga has been rated the third most vulnerable country in the world to the combined threats of natural disasters and climate change - cyclones, droughts, sea-level-rise, land and ocean temperature changes and ocean acidification in the World Risk Report 2021. The increased frequency and intensity of tropical cyclones and associated storm surges, combined with sea level rise will also have detrimental impacts on the fishing industry through loss or damage to boats and productive infrastructure (e.g. fish processing and landing facilities).

In addition, the combination of increased sea temperature and ocean acidification may result in a reduction in the abundance of key species and a change in the fish catch composition. A better understanding of these impacts is needed to building sustainable fisheries, improve food security, and provide economic opportunities and sustainable livelihoods to the tuna industry.

Also important for Tonga's fisheries will be the continued engagement in regional fora and in SIDS on ocean issues and the climate change agenda.

## **PART 5: DEVELOPMENT ASPIRATIONS**

### **5.1 BAREBOAT CHARTER ARRANGEMENT**

Chartered fishing vessels support the development of nationally-owned fisheries businesses by allowing vessel-owners to increase the size of their fleet and profits, at a lesser risk than directly investing in additional vessels. These chartered vessels also provide opportunities for entry into the tuna fisheries by Tongan subjects, who would otherwise lack the capital to participate in the tuna fisheries. They also provide fish for onshore processing operations and local sales when national fishing ventures fall short of levels needed. Attribution of catches from these chartered vessels to Tonga could also be beneficial during allocation discussions (many of the major catch share fisheries in the world allocated the Total Allowable Catch solely on the basis of historical catch record).

The licensing procedure and process for the Bareboat Charter policy framework is provided in Appendix 2. The application for a charter arrangement will be assessed against a checklist and other relevant requirements endorsed by the Chief Executive Officer of Fisheries. All interests must comply with the Bareboat Charter policy framework and fisheries regulations. The arrangement and implementation guidelines shall be subject to an annual review, if deemed necessary.

### **5.2 INFRASTRUCTURE IMPROVEMENT AND SUPPORT**

The development of all proposed infrastructure mentioned in the TFMDP will be progressed in accordance with the Fisheries Infrastructure master plan, which is scheduled to be finalised by 2024.

#### **5.2.1 Loining Processing Facility**

Historical catches of tuna in the fisheries waters of Tonga have long been dominated by South Pacific albacore tuna. To further develop the take of this species in these waters, Tonga is currently exploring the possibility of establishing a small-scale loining processing facility. The establishment of such a facility has the potential to increase the volume of South Pacific albacore catch that would be offloaded in the ports of Tonga, increase value-adding opportunities and lead to a possible expansion of the longline fishery. Information from the establishment of a similar processing facility in the past, as well as market forces, will be instrumental in the review on whether there is merit to establish another loining processing facility under current market conditions.

#### **5.2.2 Airport Cold Storage Facility**

The lack of cold storage facilities at the airport often results in a loss of fresh fish quality while the fish are waiting to be transported. An airport cold storage facility is therefore essential for keeping tuna and other fish products in premium condition prior to them being exported. Such a facility will also make it easier to load-unload the fresh fish on air freight pallets, eliminating the high cost of transportation and waiting times.

The Ministry of Fisheries will continue to consult with the Fisheries Council and Airport Authority on establishing this facility. A consultative process between airlines and prime users of cargo and passenger space could also underpin cost-effective use of the cargo

capacity (see *Tonga Fisheries Sector Plan 2016-2024*). If successful, the Ministry of Fisheries will seek funding support towards the establishment of this facility.

### **5.2.3 Wharf Development**

The current fisheries wharf is inadequate to properly cater for the needs of the tuna fisheries in Tonga, with considerable burden placed on longline fishers in getting access to fuel, freshwater supplies, ice, slipway and berthing. One option being considered is to develop the Tu'imatamoana market as a designated fishery wharf. To maximise the benefits to the tuna fisheries of Tonga, this development would need to meet international standards and provide necessary utilities for foreign and local vessels demand. Funding support for the development of this fishery wharf will be sought from donor partners.

The Ministry of Fisheries is also planning to review current levels of infrastructure support for all commercial fishing in Tonga, and not just for tuna fisheries, as part of the formulation of a port management and development strategy.

Fisheries development in the country shall conform with the *National Infrastructure Investment Plan*, the *Corporate Plan for the Ministry of Fisheries*, the *National Strategic Development Plan 8* and the *Tongan Fisheries Sector Plan 2016-2024* to further its domestic fisheries development aspirations.

## **5.3 REGIONAL MANAGEMENT ARRANGEMENTS**

The tuna stocks in the WCPO are managed collectively by the Pacific Island countries in the region through the adoption of various international agreements and numerous regional arrangements to which Tonga is a Party. These include: UN Convention on the Law of the Sea (UNCLOS); UN Fish Stocks Agreement; FAO Code of conduct for responsible fisheries; Niue Treaty Subsidiary Agreement on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region and subsidiary arrangements; Te Vaka Moana (TVM) and Tokelau Arrangement to maximise social and economic returns from the tuna fisheries through cooperation on the sustainable use of their fisheries resources with a particular focus on the South Pacific albacore fishery; Nauru Agreement; Palau Agreement; and the United States Multilateral Treaty.

Tonga is also party to the Regional Longline Strategy, a sub-regional arrangement on the longline fisheries for South Pacific albacore, yellowfin and bigeye tuna.

Through these agreements and arrangements, Tonga will engage and strategically pursue its economic and development interests in other jurisdictions south of the equator. This includes aspirations to expand its local fleet, through charters and alternative joint-venture arrangements. Tonga will also continue to explore bilateral, tri-lateral and multilateral reciprocal arrangements with neighbouring FFA member countries and others to allow the extension of area for fishing by its flagged-fishing vessels (see section 4.4). Tonga will also send its flagged-vessels to participate in high seas fisheries.

To ensure compliance of these vessels in other jurisdictions, Tonga will link their commitment to incorporate, as appropriate, licence MTCs into their regulatory framework.

#### **5.4 FOREIGN AND LOCAL INVESTMENT**

The Ministry of Fisheries repealed the 2004 moratorium on foreign vessels in 2011 in order to attract foreign investment into the country, and ensure that economic returns from the tuna fisheries in the EEZ of Tonga are generated.

To further enhance economic development in Tonga, the Government of Tonga reformed its *Foreign Investment Act 2006*. In addition, the Ministry of Fisheries continues to strengthen the provision of business development services by helping to facilitate industry development incentives and provide access to soft loans from financing institutions. Improvements to basic onshore infrastructures and regular routes by air to markets abroad remain priority areas because they would attract investment into the Kingdom's fisheries.

#### **5.5 COMPETENT AUTHORITY**

The need for a Competent Authority is becoming a pressing requirement for not just Tonga, but for many Pacific Island countries, to ensure unimpeded market access, particularly to the European Union (EU). The Ministry of Fisheries will work with the Secretariat of the FFA to ensure the Competent Authority is established and meets the standards required by overseas markets for the export of tuna and tuna products. Export to the EU would also require compliance with their IUU Regulations.

Other traditional markets for Tonga fish products may require to meet their own set of standards. For instance, export to the US would require compliance with Hazard Analysis and Critical Control Points (HACCP) standards.

#### **5.6 ECO-LABELLING AND CERTIFICATION PROCESSES**

Eco-labelling of the Tongan tuna fisheries can add value and develop a market niche for development of new markets. Accessing potential markets such as the EU and United States of America require strict controls of standards in the fishing and processing sectors. The Ministry of Fisheries will seek assistance from the Secretariat of the FFA with regard to certification processes that may be required to access these and other potential overseas markets.

#### **5.7 POTENTIAL MARKETS**

The results of previously commissioned market studies by the Secretariat of the FFA and other organisations, along with a study on the types of value-added products that can be developed and exported from Tonga will be made available to those involved in the tuna fisheries of Tonga. This will help the fishing industry explore potential overseas markets that are easily accessible and provide good returns to exporters.

#### **5.8 CREW SAFETY AND LABOUR STANDARDS**

Ensuring that work in the fishing industry is safe and adequately paid is a priority for the government of Tonga. To achieve this, the Ministry of Fisheries will work with other relevant government agencies to ensure vessel safety is maintained to agreed standards and working conditions onboard all licensed fishing vessels meet the requirements of the FFA Crewing MTC, which is the agreed regional standard for the employment of crew on fishing vessels.

## **PART 6: COMPLIANCE STRATEGY**

### **6.1 MONITORING, CONTROL AND SURVEILLANCE STRATEGY**

Tonga will prepare its MCS strategy with assistance from Secretariat of the FFA. In the meantime, the Ministry of Fisheries will use the NPOA for IUU and other related MCS policies, tools and regulations to guide delivery of its MCS work.

### **6.2 MARINE PATROL**

The HMAF provides maritime patrol throughout Tonga's EEZ and proclaimed areas. The HMAF has three patrol boats that are used for boarding and inspection operations. The current operations of these patrol boats have been interrupted by their refitting program in Australia, but they are likely to resume their patrols soon. In the meantime, the HMAF will continue to provide maritime patrols and undertake onboard searches through smaller vessels. The Ministry of Fisheries will work closely with HMAF to ensure effective surveillance and patrol of the fisheries waters of Tonga. This includes helping in the preparation of guidelines/procedures of actions to be taken in the event of a potential offence detected by authorised officers.

### **6.3 AERIAL SURVEILLANCE**

The New Zealand Air Force conducts periodic aerial surveillance of an area that covers most FFA member countries, including the EEZ of Tonga, on average, once every two months under the Northern Patrol Program (NORPAT) mission. Such surveillance supports the TDS and Ministry of Fisheries in combating IUU fishing.

### **6.4 COOPERATION IN ENFORCEMENT**

Tonga participates actively in the FFA's coordinated surveillance operations. For instance, the Kurukuru Operation is a multi-national cooperation on enforcement that has over the years operated through Tonga and other FFA member countries. Through cooperation the HMAF are also empowered through the *Fisheries Management Act 2002* as an authorised officer. This also extends to Police officers, Customs and other in-line Ministries.

### **6.5 PORT SAMPLING**

The Ministry of Fisheries monitors what is landed through its port sampling program. All tuna longline fishing vessels are required by law to cooperate with authorised officers in collecting these data. Requirements for unloading data are provided in the current licence MTCs. Financial resources and training of staff are required to maintain this monitoring.

### **6.6 OBSERVERS**

Tonga's National Observer program is critical to obtaining a range of data, which are essential to inform research and management. The program is particularly aimed at monitoring the operations of the locally-based foreign vessels. The Ministry of Fisheries conduct periodic reviews of the National Observer program and the FFA regional observer strategy, and incorporate any updates of the standard operating procedures into the training of observers. This helps ensure compliance against WCPFC observer related measures and national laws.

Tonga is keen to have more Tongan observers achieve certification for regional programs. As it is currently not viable for Tonga to establish its own training programs for the small numbers involved, it will continue to rely on the regional organisations for this function.

## **6.7 VESSEL MONITORING SYSTEM (VMS)**

VMS data and information are sensitive to tracking vessel movements and therefore need to be protected. Such data will not be released without proper authorisation from the VMS Officer, who shall always consult with the Chief Executive Officer of Fisheries regarding any VMS related requests.

The Ministry of Fisheries will also ensure that all fishing vessels active in its EEZ are legally licensed to Tonga and will enter into an arrangement with the WCPFC to enable viewing of these vessels that are reporting to the Commission VMS.

## **6.8 MARITIME BOUNDARIES**

Tonga has several areas of dispute in relation to its EEZ boundary with neighbouring states and territories and will rely on assistance from the Secretariat of the FFA, SOPAC-SPC and other relevant agencies and institutions to assist Tonga in their delineation of its maritime boundaries and set up boundary agreements with all five neighbouring states and territories.

The Ministry of Fisheries will keep stakeholders and relevant agencies informed of progress in the work on maritime boundaries. This can be done through a number of forums including but not limited to meetings of the FMAC and its subcommittees, national fisheries summits, fisheries workshops and other related and relevant gatherings.

## Appendix 1: Implementation schedule of the Tuna Fisheries Management and Development Plan of Tonga

<b>Fisheries management &amp; Legal</b> <b>(limits, policies, legislations, boundary delimitation, partnership arrangements)</b>			
Target	Strategy	Management action	Timeframe
Ensure that the tuna catch does not exceed sustainable levels	<ul style="list-style-type: none"> <li>Implement limits that ensure the tuna resources of Tonga are sustainably fished and are consistent with national, regional and international laws</li> </ul>	<ul style="list-style-type: none"> <li>Implement an annual cap of 30 longline fishing vessels licensed to fish within the EEZ of Tonga of which a minimum of 15 of these vessels are local.</li> <li>Limit the annual catch of SPA, BET and YFT to a maximum of 2500 tonnes, 2000 tonnes and 2000 tonnes, respectively, until such time until such time as FFA Members agree to binding in-zone limits.</li> <li>Actively engage during WCPFC negotiations to establish harvest strategies for key tuna species.</li> <li>Update the national limit for SPA, BET and YFT when the WCPFC adopts a harvest strategy for these species.</li> <li>Ensure area restrictions are adhered to.</li> </ul>	<ul style="list-style-type: none"> <li>All ongoing</li> </ul>
	<ul style="list-style-type: none"> <li>Sufficient data are available to undertake stock assessments and inform management decisions</li> </ul>	<ul style="list-style-type: none"> <li>Collect relevant data through logbooks, observers and port sampling to help monitor the catch and effort.</li> <li>Review and update the data collected on a regular basis.</li> </ul>	<ul style="list-style-type: none"> <li>All ongoing</li> </ul>
Minimise impacts on the ecosystem	<ul style="list-style-type: none"> <li>Ensure sustainability of bycatch species</li> </ul>	<ul style="list-style-type: none"> <li>Avoid lethal interactions with Species of Special Interest (SSI) such as seabirds, mammals, sea turtles and shark species such as silky, ocean whitetip and whale sharks.</li> <li>Review, update and implement the NPOA for Sharks and ensure it is consistent with national, regional and international measures.</li> <li>Ensure that the collection of bycatch data for SSI and the shark species listed in the NPOA for Sharks remain a priority and measures to improve these data are considered (e.g. increase observer coverage and port sampling).</li> <li>Implement an annual cap of 30 longline fishing vessels licensed to fish within the EEZ of Tonga.</li> <li>Ensure area restrictions are adhered to.</li> <li>Actively engage in regional fisheries negotiations to manage the take of key bycatch species</li> <li>Training of Fisheries Officers, sea captains and crew on guidelines and procedures of handling safe release of by-catch species as provided by the CMMS</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> <li>2023</li> <li>Ongoing</li> <li>Ongoing</li> <li>Ongoing</li> <li>Ongoing</li> </ul>
	<ul style="list-style-type: none"> <li>Explore alternative management arrangements that ensure the tuna</li> </ul>	<ul style="list-style-type: none"> <li>Undertake high level dialogue with neighbouring countries on a regular basis regarding bilateral, trilateral and multilateral agreements to ensure the tuna fisheries of Tonga are sustainably fished</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>



<b>Fisheries management &amp; Legal</b> <b>(limits, policies, legislations, boundary delimitation, partnership arrangements)</b>			
Target	Strategy	Management action	Timeframe
Promote partnership arrangements	resources of Tonga are sustainably fished	<ul style="list-style-type: none"> <li>Continue to discuss alternative management arrangements for purposes of stock and long-term economic sustainability through the SC-SPTBF processes (and possibly PNA).</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>
	<ul style="list-style-type: none"> <li>Explore test-fishing operations</li> </ul>	<ul style="list-style-type: none"> <li>Encourage test-fishing trials to determine the potential to establish fisheries for other tuna-like species in the fisheries waters of Tonga.</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>
Ensure an economically- and socially-sound domestic fishery	<ul style="list-style-type: none"> <li>Develop and implement management arrangements that are socially-sound</li> </ul>	<ul style="list-style-type: none"> <li>Implement an annual cap of 30 longline fishing vessels licensed to fish within the EEZ of Tonga of which a minimum of 15 of these vessels are local.</li> <li>Support the Secretariat of the FFA's crewing initiative to protect human rights and safeguard the labour conditions for crew through the development of new minimum terms and conditions on crewing.</li> </ul>	<ul style="list-style-type: none"> <li>All ongoing</li> </ul>
	<ul style="list-style-type: none"> <li>Support the development of locally-owned fishing enterprises</li> </ul>	<ul style="list-style-type: none"> <li>Gradually increase the proportion of licences issued to local longline vessels over time by phasing out locally-based and foreign vessels, but stay within the cap of 30 licences (e.g. give priority for fishing licences to local vessels over by following criteria for the consideration and issuing of applications).</li> <li>Ensure that the cost of licensing for local vessels remains significantly cheaper than those for locally-based foreign vessels and foreign vessels.</li> <li>Ensure the Bareboat Charter Regulations are submitted to parliament for approval and then are implemented.</li> <li>Encourage the participation of foreign fishing companies in Bareboat charter arrangements, and aim to have at least one (1) charter arrangement in place before the TFMDP expires.</li> <li>Encourage the partnerships between local and foreign companies.</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> <li>Ongoing</li> <li>2026</li> <li>2026</li> <li>Ongoing</li> </ul>
	<ul style="list-style-type: none"> <li>Ensure sufficient economic information exists to make informed management decisions</li> </ul>	<ul style="list-style-type: none"> <li>Analyse revenue generated from licensing vessels and fisheries-related activities.</li> <li>Prepare briefs and economic trend analysis for the Chief Executive Officer and Minister on the performance of the tuna fisheries, when required.</li> <li>Partner with Secretariat of the FFA to undertake periodic bioeconomic analyses of the longline fishery in the EEZ of Tonga to assess economic performance and inform management.</li> <li>Seek training on economic statistics and analysis by the Secretariat of the FFA for the Ministry of Fisheries staff.</li> </ul>	<ul style="list-style-type: none"> <li>Annually</li> <li>Annually</li> <li>Periodically</li> <li>2023</li> </ul>
	<ul style="list-style-type: none"> <li>Ensure the economic benefits generated by the fishery to the Tonga economy are maximised</li> </ul>	<ul style="list-style-type: none"> <li>Ensure revenues to the government and the economy is gradually increased over time through the vessel licensing system and from fisheries related activities.</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>

<b>Fisheries management &amp; Legal</b> <b>(limits, policies, legislations, boundary delimitation, partnership arrangements)</b>			
Target	Strategy	Management action	Timeframe
		<ul style="list-style-type: none"> <li>Partner with the Secretariat of the FFA to review schedule of fees (for licensing of vessels) in consideration of changing priorities, market prices and investors interests.</li> <li>Review fees for fisheries related activities (e.g. trans-shipments, landing in ports and exports, etc.) in order to entice investors and fishing vessels back and regularly use Tonga's designated ports.</li> </ul>	<ul style="list-style-type: none"> <li>2024</li> <li>Annually</li> </ul>
Resolution of EEZ boundaries	<ul style="list-style-type: none"> <li>Clear definition of the EEZ boundaries resolved with neighbouring countries</li> </ul>	<ul style="list-style-type: none"> <li>Include the current definition of EEZ boundaries in the licensing minimum terms and condition.</li> <li>Consult closely with Legal Unit of the Secretariat of the FFA to progress and resolve boundary work.</li> <li>Engage with the Technical Group to progress a clear definition of EEZ boundaries with neighbouring countries.</li> </ul>	<ul style="list-style-type: none"> <li>All ongoing</li> </ul>
Update fisheries legislations	<ul style="list-style-type: none"> <li>Review the <i>Fisheries Management Act 2002</i> and regulations pertaining to oceanic fisheries</li> </ul>	<ul style="list-style-type: none"> <li>Review and amend the <i>Fisheries Management Act 2002</i> and <i>Fisheries Management (Conservation) Regulation 2008</i> pertaining to tuna fisheries, when necessary.</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>
Update the TFMDP	<ul style="list-style-type: none"> <li>Review the TFMDP</li> </ul>	<ul style="list-style-type: none"> <li>Review and monitor the performance of the TFMDP at any time and at least on an annual basis.</li> <li>With assistance from the Secretariat of the FFA undertake a major review of the TFMDP</li> </ul>	<ul style="list-style-type: none"> <li>Annually</li> <li>2024</li> </ul>
Update Tuna fisheries access agreements	<ul style="list-style-type: none"> <li>Review and update the Tuna fishery access agreements</li> </ul>	<ul style="list-style-type: none"> <li>Seek assistance from FFA to continue the update and review of the Tuna Access agreement</li> </ul>	<ul style="list-style-type: none"> <li>2023</li> </ul>

<b>Development Aspirations</b> <b>(basic infrastructure, food security, local participation, sustainability, economic growth in the fishing industry, market, etc.)</b>			
Target	Strategy	Management action	Timeframe
Improve basic onshore infrastructures that will in turn support economic developments in the fisheries sector	<ul style="list-style-type: none"> <li>Build a fisheries wharf</li> </ul>	<ul style="list-style-type: none"> <li>Prepare a proposal to build a fisheries wharf, where vessels can be accommodated and catches can be landed.</li> <li>Seek funding support from traditional donors and development partners to build this wharf.</li> </ul>	<ul style="list-style-type: none"> <li>2024</li> <li>2026</li> </ul>
	<ul style="list-style-type: none"> <li>Build a dry-docking facility for boat repair</li> </ul>	<ul style="list-style-type: none"> <li>Develop a proposal to construct a dry-docking facility for boat repair near the fisheries wharf.</li> <li>Seek funding support from traditional donors and development partners to build the dry-docking facility.</li> </ul>	<ul style="list-style-type: none"> <li>2024</li> <li>2026</li> </ul>
	<ul style="list-style-type: none"> <li>Explore the possibility of a small-scale loining processing facility</li> </ul>	<ul style="list-style-type: none"> <li>Prepare a proposal to explore the possibility of having a small-scale loining processing facility.</li> <li>If it is merited, seek funding support from traditional donors and development partners to build this facility.</li> </ul>	<ul style="list-style-type: none"> <li>2024</li> <li>2026</li> </ul>
	<ul style="list-style-type: none"> <li>Establish a cold storage facility at the airport</li> </ul>	<ul style="list-style-type: none"> <li>Prepare a proposal to establish a cold storage facility at the airport, where fresh fish can be kept in premium quality until they are sent to markets abroad.</li> <li>Ensure the Fisheries Council and Ministry of Fisheries continue to consult with the Aviation Authority on the establishment of this facility.</li> <li>Seek funding support from traditional donors and development partners to establish this cold storage facility.</li> </ul>	<ul style="list-style-type: none"> <li>2024</li> <li>2024</li> <li>2026</li> </ul>
Promote employment opportunities in the fishing industry	<ul style="list-style-type: none"> <li>Encourage employment in the fishing and processing sectors for Tongan nationals, particularly for women</li> </ul>	<ul style="list-style-type: none"> <li>Analyse the number of people employed in the fishing and processing sectors.</li> <li>Achieve an incremental increase in the number of Tongan nationals (especially women) employed in these sectors over time, including:               <ul style="list-style-type: none"> <li>Aim to employ a minimum of 7 new TNOP observers, 5 de-briefers and 5 High Seas boarding inspectors, with assistance from the Secretariat of the FFA and SPC;</li> <li>Ensure that it is mandatory to employ Tongan nationals on domestic vessels and for foreign vessels to have a minimum representation of 20% Tongan nationals on the crew;</li> <li>Provide opportunities for up to 30 Tongan nationals to work as crew/deckhands, with support from industry and government, and in collaboration with donor funds; and</li> <li>Provide opportunities for up to 10 Tongan nationals to work as engineers and skippers, using the funds from the NZAID training programme.</li> </ul> </li> <li>Monitor the progress of these employment targets and inform the Chief Executive Officer.</li> <li>Seek funding to support the employment of a Certified Officer in HACCP and MSC.</li> <li>Aim to employ at least four data monitors to collect data from licenced vessels.</li> </ul>	<ul style="list-style-type: none"> <li>Annually</li> <li>Ongoing</li> <li>Annually</li> <li>2024</li> <li>2026</li> </ul>

<b>Development Aspirations</b> <b>(basic infrastructure, food security, local participation, sustainability, economic growth in the fishing industry, market, etc.)</b>			
Target	Strategy	Management action	Timeframe
	<ul style="list-style-type: none"> <li>Encourage training opportunities for Tongan nationals in the fishing and processing sectors</li> </ul>	<ul style="list-style-type: none"> <li>Provide refresher training and upskilling for a minimum of 7 ROP observers (ensuring that updates of Observer Standing Operating Procedure are incorporated into training).</li> <li>Ensure that SPC provided training in ER, data collection, management and analysis.</li> <li>Ensure the Secretariat of the FFA provides training in the Port and Inspection application until it has been implemented by Tonga.</li> <li>Participate in the Secretariat of the FFA's trial of a regional Catch Documentation System (CDS)</li> </ul>	<ul style="list-style-type: none"> <li>Annually</li> <li>Annually</li> <li>2024</li> <li>2023</li> </ul>
Contribute to the food security of Tongan nationals	<ul style="list-style-type: none"> <li>Ensure a consistent supply of fish into the local markets and local population</li> </ul>	<ul style="list-style-type: none"> <li>Ensure some of fish landed by vessels in the ports of Tonga are sold directly to local market and individuals.</li> <li>Seek support from the Secretariat of the FFA to develop and implement a national policy and program to increase the contribution of tuna fisheries to food security.</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> <li>2024</li> </ul>
	<ul style="list-style-type: none"> <li>Support the Ministry of Fisheries fight against non-communicable diseases (NCD) initiative</li> </ul>	<ul style="list-style-type: none"> <li>All foreign vessels must provide a minimum of 2.5 tonnes of fish per trip at a lower price to fund the Ministry of Fisheries fight against NCD initiative. This product is sold to the local market or sent to outer island communities.</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>
Explore potential markets	<ul style="list-style-type: none"> <li>Explore potential markets for tuna and tuna products of Tonga.</li> </ul>	<ul style="list-style-type: none"> <li>Liaise with the Secretariat of the FFA on the results on previously commissioned market studies and reports.</li> <li>Ask the Secretariat of the FFA if they can assist with resources to help in the study or survey process.</li> <li>Support tuna fishing companies based in Tonga to undertake a study or survey of potential markets overseas on the types of fish and valued added products that can be developed and exported from Tonga.</li> </ul>	<ul style="list-style-type: none"> <li>2023</li> <li>2024</li> <li>Ongoing</li> </ul>
Market and certification requirements	<ul style="list-style-type: none"> <li>Ensure processing infrastructure meets market standards and certification process requirements</li> </ul>	<ul style="list-style-type: none"> <li>Seek assistance from the Secretariat of the FFA to help prepare policies and legislation that will support the establishment of a Competent Authority (who will help compliance with market standards and certification processes that will be required to access overseas markets).</li> <li>Ensure infrastructure meets EU and all other markets' standards and certification process requirements.</li> <li>Monitor progress of compliance with market standards and certification requirements.</li> </ul>	<ul style="list-style-type: none"> <li>2024</li> <li>Ongoing</li> <li>Ongoing</li> </ul>
	<ul style="list-style-type: none"> <li>Ensure fisheries products are Marine Stewardship Council (MSC) certified</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Fisheries to ask industry if they want their product to be certified by MSC.</li> <li>If industry agrees to be certified by MSC, seek assistance from the Secretariat of the FFA to:               <ul style="list-style-type: none"> <li>Prepare a MSC pre-assessment of Tonga's longline fishery; and</li> <li>Prepare and develop an Action Plan that reflects the result of pre-assessment and analysis.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>2023</li> <li>2026</li> </ul>

<b>Development Aspirations</b> <b><i>(basic infrastructure, food security, local participation, sustainability, economic growth in the fishing industry, market, etc.)</i></b>			
Target	Strategy	Management action	Timeframe
Adaptation pathways to climate change for the tuna fisheries	<ul style="list-style-type: none"> <li>Prioritise, facilitate and promote ways to make the Tongan tuna industry better able to adapt to climate change impacts</li> </ul>	<ul style="list-style-type: none"> <li>Seek assistance from the Secretariat of the FFA to develop methodologies to allow for the assessment of the economic impact of climate change in relation to tuna fisheries.</li> <li>With the support of the Secretariat of the FFA develop a report within the duration of the plan that prioritises, facilitates and promotes ways to mitigate climate change impacts on the tuna industry.</li> <li>Continue to support the work of the Secretariat of the FFA and FAO on Climate Change in fisheries.</li> </ul>	<ul style="list-style-type: none"> <li>2024</li> <li>2026</li> <li>Ongoing</li> </ul>
Raise awareness of the tuna fisheries of Tonga	<ul style="list-style-type: none"> <li>Develop awareness programs for the tuna fisheries of Tonga</li> </ul>	<ul style="list-style-type: none"> <li>Seek assistance from Strategic Communication Unit to help develop information sheets on the tuna fisheries of Tonga to help educate the public, including, but not limited to:               <ul style="list-style-type: none"> <li>Status of the Tuna Fisheries in Tonga; and</li> <li>Importance of the Tuna Fisheries to Tonga.</li> </ul> </li> <li>Seek assistance from the Secretariat of the FFA to help train the Ministry of Fisheries media section to develop awareness material (NPOA for Sharks, TFDMP).</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> <li>2023</li> </ul>
Promote Investment opportunities	<ul style="list-style-type: none"> <li>Encourage investment in the tuna fisheries of Tonga that includes fishing, onshore processing value-adding and supporting activities</li> </ul>	<ul style="list-style-type: none"> <li>Identify and seek opportunities with relevant stakeholders (line ministries, industry and donor partners) that will encourage investment for the further development of the tuna fisheries in Tonga.</li> <li>Seek funding from industry and donor partners to improve infrastructure and processing facilities.</li> <li>Provide incentives to both fishers and processors to encourage landing of whole fish for local processing and downstream value addition.</li> <li>Promote value-adding in the longline fishery (e.g. fresh fish are sent to markets in Australia, US and Japan).</li> </ul>	<ul style="list-style-type: none"> <li>All ongoing</li> </ul>
Enhance strategic fisheries relationships	<ul style="list-style-type: none"> <li>Explore alternative management arrangements and partnership arrangements that may generate socio-economic benefits</li> </ul>	<ul style="list-style-type: none"> <li>Continue to explore bilateral, trilateral and multilateral reciprocal arrangements with neighbouring FFA countries and others to allow the extension of area for fishing by Tongan flagged-fishing vessels in other jurisdictions, including the high seas.</li> <li>Seek at least 1-2 licensing arrangements to allow Tongan flagged-vessels access to fish in the neighbouring EEZs to generate economic benefits.</li> <li>Encourage the expansion of the local vessels through charters and joint venture arrangements.</li> <li>Support the extension of the US Treaty, and look at ways to maximise the benefit of this treaty to Tonga.</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> <li>2026</li> <li>Ongoing</li> <li>2023</li> </ul>

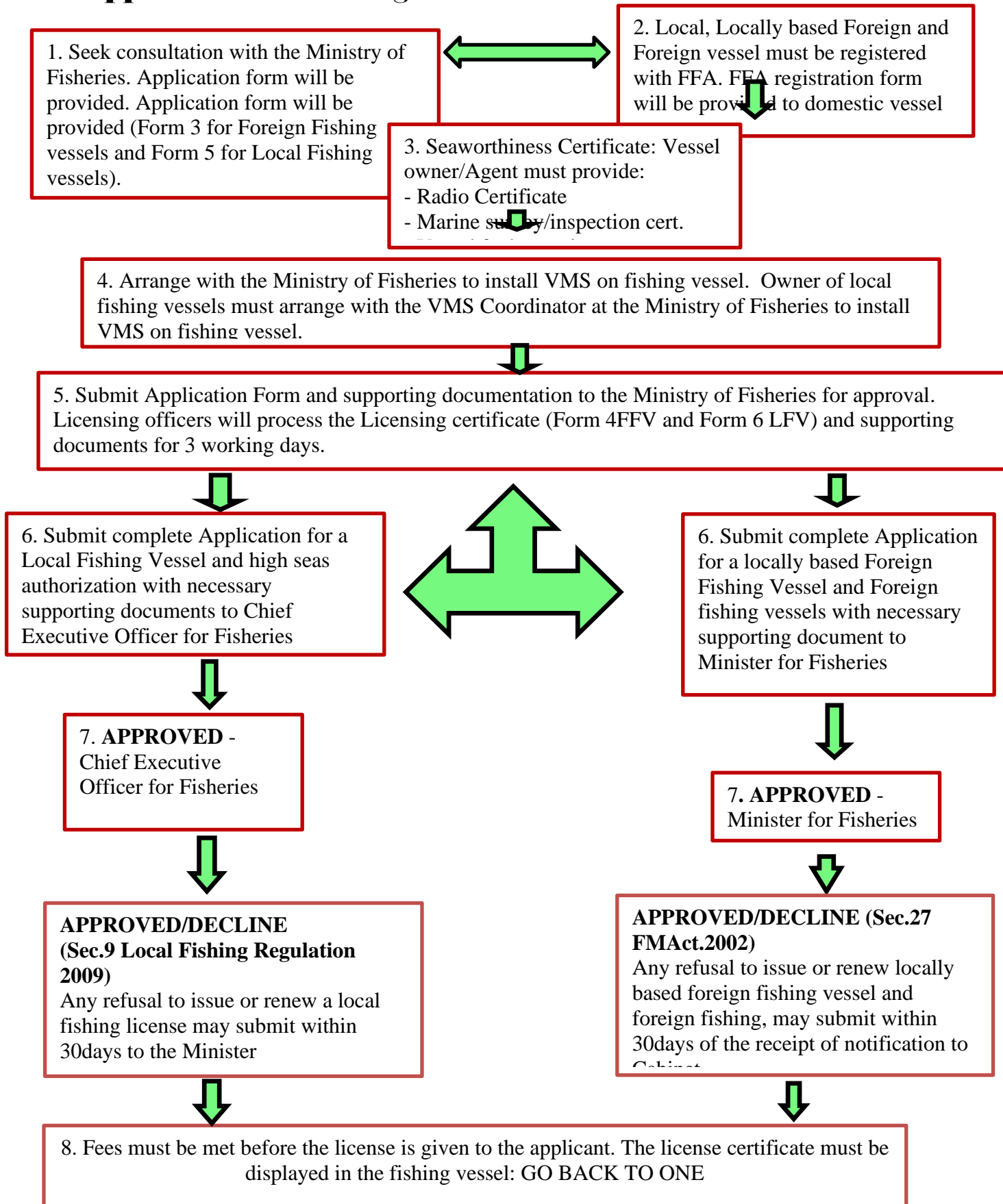
<b>Information Management &amp; Monitoring Control &amp; Surveillance (MCS)</b> <b>(VMS, Observer, Port Sampling, Aerial/ sea patrols, dbases, e-monitoring &amp; other MCS issues)</b>			
Target	Strategy	Management action	Timeframe
Implement an effective Vessel monitoring system (VMS) reporting system	<ul style="list-style-type: none"> <li>Ensure a high proportion of licensed vessels with VMS installed and operating</li> </ul>	<ul style="list-style-type: none"> <li>Ensure that VMS units installed and operating on 100% of all licensed vessels.</li> <li>Ensure ongoing monitoring of VMS units and implement penalties such as fines or cancellation of licence on vessels who are found to tamper with or for non-reporting through VMS or manual reporting.</li> <li>VMS team to work closely with Secretariat of the FFA to ensure regular reconciliation of VMS data and set up geo-fences for no fishing areas.</li> <li>Prepare a letter requesting an arrangement with the Commission to enable viewing of fishing vessels that are reporting to the WCPFC VMS.</li> </ul>	<ul style="list-style-type: none"> <li>All ongoing</li> </ul>
Ensure effective data collection programs in	<ul style="list-style-type: none"> <li>Maintain the Observer program to ensure that vital sources of information are properly verified, and observer reports improved</li> </ul>	<ul style="list-style-type: none"> <li>Ensure that observer coverage is at 100% for all foreign licensed longline vessels in Tonga's EEZ.</li> <li>Ensure that observer coverage is at least 20% for all local or locally-based foreign longline fishing vessels</li> <li>Ensure that observer coverage is at least 5% under Commission rule and Tongan-flagged vessels fishing in the high seas and other jurisdictions.</li> <li>Provide adequate resources to implement the Tongan National Observer Program effectively and to ensure compliance against WCPFC observer related measures, and national laws.</li> <li>Implement measures to reduce the number of incomplete and missing data from observer reports (i.e. reduce missing data).</li> <li>Provide refresher training for 7 current ROP observers each year (e.g. workshops on species identification and understanding WCPFC obligations).</li> <li>Provide training to recruit 7 observers per year, 5 MSC certified observers and 5 High Seas boarding inspectors.</li> <li>Review the latest generation of Observer Standing Operating Procedure (SOP) and update it, where necessary, and ensure any updates are incorporated into training of TNOP Observers.</li> <li>Ensure reconciliation of observer data between Ministry of Fisheries and SPC, and possibly other countries where tuna caught in the Tongan EEZ are being landed to meet regional reporting obligations within required deadlines.</li> <li>Phase out the use of manual logsheets with ER to improve the timely submission of observer logsheets.</li> </ul>	<ul style="list-style-type: none"> <li>All ongoing</li> </ul>
	<ul style="list-style-type: none"> <li>Maintain the Port Sampling program to ensure that vital sources of information are</li> </ul>	<ul style="list-style-type: none"> <li>Provide adequate resources to implement the Port Sampling program effectively and ensure a timely provision of catch data (e.g. ensure a minimum of 2-5 port samplers available each year to monitor port sampling.</li> <li>Aim to maintain 100% landing port sampling coverage for local vessels.</li> </ul>	<ul style="list-style-type: none"> <li>All ongoing</li> </ul>

<b>Information Management &amp; Monitoring Control &amp; Surveillance (MCS)</b> <b>(VMS, Observer, Port Sampling, Aerial/ sea patrols, dbases, e-monitoring &amp; other MCS issues)</b>			
Target	Strategy	Management action	Timeframe
	properly verified, and observer reports improved	<ul style="list-style-type: none"> <li>Aim to increase the landing port sampling coverage for foreign vessels to 100%</li> </ul>	
	<ul style="list-style-type: none"> <li>Active management of log sheet information</li> </ul>	<ul style="list-style-type: none"> <li>Ensure there is 100% coverage of log sheet reporting for vessels that are active in the EEZ of Tonga and they are submitted in a timely manner.</li> <li>Ensure regular reconciliation of log sheets between Ministry of Fisheries and SPC, and possibly other countries when tuna caught in EEZ of Tonga are being landed.</li> <li>Implement measures to reduce the number of incomplete and missing data from log sheets.</li> <li>Actively engage with Secretariat of the FFA and WCPFC to implement standards for EM/ER.</li> </ul>	<ul style="list-style-type: none"> <li>All ongoing</li> </ul>
	<ul style="list-style-type: none"> <li>Active management of catch data</li> </ul>	<ul style="list-style-type: none"> <li>Continue to work with the Secretariat of the FFA to develop an effective regional CDS for Tonga (including participation in the FFA CDS trial).</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>
Adopt effective MCS measures to prevent, deter and eliminate illegal, unregulated and unreported (IUU) fishing.	<ul style="list-style-type: none"> <li>Coordination of aerial and surface patrols</li> </ul>	<ul style="list-style-type: none"> <li>Ensure the Ministry of Fisheries is adequately resourced to support routine aerial/sea patrols and participation in joint regional operations and other MCS activities.</li> <li>Ensure ongoing coordination and liaison between Ministry of Fisheries, His Majesty's Armed Forces (HMAF) and Secretariat of the FFA (e.g. regular meetings, briefings and debriefings).</li> <li>Ensure clarity in roles of Ministry of Fisheries and HMAF relative to understanding legal grounds to forcing a fishing boat to port – e.g. unlicensed, breach of fishing licence conditions and Tonga laws, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>
	<ul style="list-style-type: none"> <li>Improved enforcement of licensing terms and conditions</li> </ul>	<ul style="list-style-type: none"> <li>Undertake active MCS to ensure all vessels licensed by Tonga comply with national, regional and international laws.</li> <li>Provide refresher training on licensing conditions and understanding of national, regional and international obligations.</li> <li>Review compliance arrangements and enforcement mechanisms for the tuna fisheries of Tonga on a regular basis and update them, when necessary, to ensure they are effective and deter IUU activities.</li> <li>Undertake regular meetings with vessel operators and fishing agencies to ensure operations are done in accordance to laws and avoid breaching fishing licence conditions.</li> <li>Develop and implement arrangements that promote voluntary compliance and assist with successful enforcement.</li> <li>Work with the Secretariat of the FFA to:</li> </ul>	<ul style="list-style-type: none"> <li>All ongoing</li> </ul>

<b>Information Management &amp; Monitoring Control &amp; Surveillance (MCS)</b> <b>(VMS, Observer, Port Sampling, Aerial/ sea patrols, dbases, e-monitoring &amp; other MCS issues)</b>			
Target	Strategy	Management action	Timeframe
		<ul style="list-style-type: none"> <li>○ Develop an effective regional CDS for Tonga (and participate in the FFA CDS trial); and</li> <li>○ Address misreporting by prioritising support for ongoing monitoring and analysis of key IUU metrics to ensure the systematic collection, analysis and understanding of IUU fishing.</li> </ul>	
	<ul style="list-style-type: none"> <li>• Encourage development of a national MCS strategy that seeks to address IUU issues</li> </ul>	<ul style="list-style-type: none"> <li>• Finalise and then implement the National MCS Strategy of Tonga.</li> <li>• Work with Secretariat of the FFA to update the NPOA for IUU based on the finalised National MCS Strategy of Tonga.</li> <li>• Review the performance of the National MCS Strategy of Tonga on a regular basis and update it, when necessary.</li> <li>• Seek assistance from Secretariat of the FFA, FAO, WCPFC and bilateral development partners to develop standard operating procedures (e.g. boarding and inspection; reporting of non-compliance to flag states) to implement the measures within the FAO Agreement on Port State Measures.</li> </ul>	<ul style="list-style-type: none"> <li>• 2022</li> <li>• 2023</li> <li>• Annually</li> <li>• Ongoing</li> </ul>
	<ul style="list-style-type: none"> <li>• Negotiate MCS agreements with neighbouring countries</li> </ul>	<ul style="list-style-type: none"> <li>• Renew the Memorandum of Understanding with Cook Islands in the deployment of Tongan observers on Cook Island tuna fishing vessels.</li> <li>• Liaise with, and seek opportunities from, neighbouring countries to deploy Tongan observers and skilled crews on fishing vessels.</li> <li>• Develop and implement a MCS agreements with neighbouring countries and SPG members, including members such as Australia and New Zealand.</li> </ul>	<ul style="list-style-type: none"> <li>• 2026</li> <li>• Ongoing</li> <li>• 2023</li> </ul>



## Appendix 2: Licensing Procedure & Process



### Appendix 3: Associated Fees for the Tuna Fisheries

Section 4a and its subsequent sub-paragraphs 4-9 and 12 of the *Fisheries Management (Processing & Export) Regulations 2008*, provide the associated fees for exporting tuna. These fees are summarised below in Schedule 4A and 4B.

#### SCHEDULE 4A

##### TEPILE 2

##### FEES

##### NGAAHI TOTONGI

1.	Application for registration of a fish processing establishment <i>Tohi kole ke lesisita ha fale ngaohi'anga ika</i>	\$5.00
2.	Certificate of registration of a fish processing establishment <i>Tohi Fakamo'oni kuo lesisita ha fale ngaohi'anga ika</i>	\$10.00
3.	Application for a fish processing establishment licence <i>Tohi kole ki ha laiseni fale ngaohi'anga ika</i>	\$50.00
4.	Application to renew a fish processing establishment licence <i>Tohi kole ke fakafo'ou ha laiseni fale ngaohi'anga ika</i>	\$10.00
5.	Fish Processing Establishment Licence <i>Laiseni 'o e Fale Ngaohi'anga Ika</i>	\$100.00
6.	Application for a fish export licence <i>Tohi kole ki ha laiseni ke hu atu ki tu'apule'anga 'a e ika</i>	\$50.00
7.	Application to renew a fish export licence <i>Tohi kole ke fakafo'ou 'a e laiseni ke hu atu ki tu'apule'anga 'ae ika</i>	\$10.00

#### SCHEDULE 4B

1. Application for the issuance or renewal of a High Seas Fishing Vessel Permit - \$30.00
2. Licence for a High Seas Fishing Vessel Permit - \$3,000.00
3. Application for the issuance or renewal of a Foreign fishing vessel licence - \$50.00
4. Application for the issuance or renewal of a Locally based foreign fishing vessel licence - \$20.00
5. Fishing licence category and licensing fee for Locally based foreign vessels and Foreign fishing vessels

--	Component 1: Upfront access fee	Component 2: Value of catch charge	Component 3: Observer fee
Tuna Longline (for all vessel sizes in GRT)	US\$15000	5% of the catch value (for every fishing trip)	TOP\$700 (83.3% to the observer and 16.7% to the government) per sea day TOP\$120 – Debriefee fees

Locally-based foreign vessels and foreign vessels of all sizes in GRT that are licensed to fish in Tonga's EEZ must land their catches 100% in Tonga authorised ports. Exports of

fish landed or offloaded from foreign fishing vessel are exempted from export resource rent charge.

## **Appendix 4: Procedure for Registration of All Fishing Vessels above 15 meters in length**

### **A. Procedures for Registration:**

- (i) Letter of application from owners or agent (with proof of power of Attorney);
- (ii) Copies of the latest Statutory Certificates and latest status of Class Certificate;
- (iii) Declaration of Ownership;
- (iv) Latest Bill of Sale;
- (v) Statement of time, place and court if vessel was condemned;
- (vi) Declaration vessel is free from maritime liens or mortgages;
- (vii) Tongan Radio Licence and call sign; and
- (viii) De-registration certificate.

### **B. Procedures for Bareboat Registration:**

- (i) Bareboat chartered to an Eligible Person;
- (ii) not a Tongan ship;
- (iii) not register in another Bareboat Charter Registry
- (iv) Application for Registration
  - Ship Registration Form No. 1
- (v) Letters from the following organisations:
  - authority of the Underlying Registry;
  - shipowner; and
  - all registered mortgagees

### **C. Responsibilities and Obligations of Shipowner or Charterer**

To comply with domestic legislation:

- (i) Ship Safety:
  - *Shipping Act (Cap. 136) 1988;*
- (ii) Ship Security;
  - *Shipping Act (Cap. 136) 1988;*
  - *Shipping (International Ship and Port Facility Security) Regulations 2002*
- (iii) Prevention of Marine Pollution from Ship; and
  - *Marine Pollution Prevention Act 2002.*
- (iv) Others
  - *Carriage of Goods by Sea Act 2008*

### **D. Deregister of Tongan Ship**

- (i) storage and transportation of illegal drugs;
- (ii) unlawful carriage of refugees;
- (iii) involvement in war or armed conflict between nations or parties;
- (iv) supporting civil unrest in any country or territory;
- (v) terrorism; and
- (vi) any activity which would be contrary to the laws of Tonga or any international treaty to which Tonga is a signatory.

## **E. Ship Certificates**

- (i) Registration Certificate:
  - Shipping Registration Form No. 14
- (ii) Survey Certificate:
  - Shipping Registration Form No.4
- (iii) Radio Certificate:
  - Survey conducted by Meteorological Services

## **Appendix 5a: Licence Conditions for a Fish Processing Establishment & Export of Fish**

Sections 4 and 5 of the *Fisheries Management (Processing & Export) Regulations 2008* provide the requirements of a Fish Processing Establishment.

This includes the holder of a fish processing establishment licence being required to:

- (i) complete the Fish Processing Log sheet in Form 1 of Schedule 3;
- (ii) submit all completed Fish Processing Log sheets to the Ministry in their original and unaltered form, weekly after the completion of the week to which the log sheet relates; and
- (iii) ensure that the fish processed at such establishment shall not exceed the total quotas allowed to that establishment, including those relating to species and quantity.

Sections 10 (1-3) and 11 of the *Fisheries Management (Processing & Export) Regulations 2008*, provide the requirements of a Licence to Export.

10 (1) A licence to export fish for commercial purposes shall be subject to the following conditions in addition to any other conditions required under the Act –

- (i) the objectives of the relevant management and development plan;
- (ii) fish products are processed in a licensed fish processing establishment pursuant to an effective HACCP system;
- (iii) the HACCP Plan was prepared and is monitored by a person who received training in the application of HACCP Principles or by a seafood safety inspector;
- (iv) the exporter demonstrating that they can consistently meet the appropriate standards regarding microbial and natural toxin contamination, chemical contamination and physical contamination;
- (v) every consignment of fish to be exported shall be accompanied by a health certificate which has been prescribed by the Secretary for Fisheries and published by Notice in the Gazette;
- (vi) comply with the export restrictions on selected species made in the *Fisheries (Conservation and Management) Regulations 2008*.

10 (2) Where a HACCP Plan has been prepared by a seafood safety inspector or where other work applicable is incurred, the fee specified in Schedule 2 shall be paid by the licence holder.

10 (3) A licence to export fish for domestic purposes shall be subject to –

- (a) any restrictions on export of selected species made in the *Fisheries (Conservation and Management) Regulations 2008*; and
- (b) any other conditions required under the *Fisheries Management Act 2002*.

**Fish export Log sheet**

A holder of a licence to export fish for commercial purposes is required to:

- 11 (a) complete the Marine Products Export Log sheet, in Form 2 of Schedule 3, for every day of export of marine product for commercial purposes, including-
  - (i) Licence holder's name;
  - (ii) Date of export;
  - (iii) Destination;
  - (iv) Scientific or common name of each species to export;
  - (v) Number of fishes by species;
  - (vi) Total weight by species; and
- 11 (b) submit all completed Marine Products Log sheets to the Secretary for Fisheries in their original and unaltered form no later than 24 hours after the completion of the day to which the log sheet relates.

**Appendix 5b: Fishing License Terms and Conditions**  
**(Local, Locally-based foreign and Foreign fishing vessels)**

**The Owner, Master, Charterer and Agent (s) of the vessel shall comply with the following terms and conditions at all times:**

1. This vessel ..... is authorized to fish for tuna and tuna-like species in the Exclusive Economic Zone of Tonga using longline gear.
2. The master shall keep this license or a duly certified copy and the vessel's certificate of good standing on the FFA Vessel Register or a duly certified copy on board at all times, and shall produce these documents for inspection upon the request of an authorized officer.
3. The operator must at all times comply with the Fisheries Management Act 2002 and regulations made thereunder, and all laws and regulations of the Kingdom of Tonga. In the case of a foreign vessel, the Master and crew of the vessel must also comply with the terms and conditions of the relevant access agreement.

**Crew**

4. In the case of locally-based foreign fishing vessels and foreign fishing vessels, except the senior officers on the vessel namely the captain, chief engineer and fishing master, at least twenty per cent (20%) of all crew must be Tongan nationals.

**Stowage of gear**

5. The fishing gear must be stowed in such a manner that it is not immediately available for fishing whenever the vessel is present in a Closed Area in the fisheries waters.

**Markings**

6. Markings and identification of the vessel shall be displayed in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels. The vessel shall display, on both sides and its deck, its International Radio Call Sign (IRCS) or the country (flag state) registration number.

**Reporting Requirements**

7. The master shall report in English by facsimile or electronic means to the CEO, Ministry for Fisheries, P.O. Box 871, Nuku'alofa or Telephone (676) 7400201, 7401201 Facsimile (676) 23 891) on information relating to the position of



the vessel catch<sup>10</sup> and observer on board the vessel, in the format specified hereunder, and in the manner as follows:

- (a) Each Wednesday;
  - (b) At least 48 hours before entry into and departure from the fisheries waters;
  - (c) At least 24 hours before entry into and exit from a port in Tonga.
8. The master shall provide 72 hours notice of a request to tranship fish, undertake bunkering or re-provision the vessel. The vessel may only undertake these activities in an approved port and shall operate under such conditions as specified by the CEO, including the provision of a report of the activity.
9. The master shall complete daily catch reports or logsheet (hard copy) and the electronic copy of the logsheet using the Onboard, in English on board the vessel in the form approved by the CEO. Upon arrival in an approved port in Tonga, these log sheets and the Onboard, along with true copies of the landing and out-turn documentation, and landing slips and dock receipts, shall be submitted by the Master in their original and unaltered form to the authorised officer in Tonga, who shall check such log sheets. No fish shall be landed unless the log sheets have been duly completed and submitted and the Onboard has been returned to the authorized officer upon arrival in port.
10. Within three days (3) of arrival in an approved port and having unloaded the catch, the owner, master, charterer or the agent (s) shall submit the unloading catch forms to the Ministry of Fisheries.

### **Closed Areas**

11. The vessel is not permitted to fish in designated closed areas, as follows:
- (i) within 12 nautical miles of any reef or island in the fisheries waters of Tonga, except with a specific exemption in writing from the CEO designating those areas within 12nm where the vessel may fish;
  - (ii) within 3 nautical miles from the centre of all underwater seamounts located in the fisheries waters, and where two or more seamounts are in close proximity, the distance of 3 nautical miles shall be measured from the centre of the nearest seamount; and
  - (iii) in Special Management Areas, Marine Protected Areas and no take zones outlined in the *Tonga Ocean Management Plan 2021* and other relevant related policies and legislation within the fisheries waters.

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<sup>10</sup> The term “catch” covers target and non-targeted species.

## **Bycatch**

12. The Operator shall prevent or minimise by-catch in the tuna fishery by:
- (i) setting the longlines in waters at least 1000 metres in depth;
  - (ii) using tuna circle hooks, whereby the first hook is at least 120 metres in depth and the deepest hook is at least 340 metres in depth.
  - (iii) complying with all national and international obligations for bycatch species, including but not limited to those managed under IPOAs, WCPFC CMMs, CITES Appendix listed species, IWC and ACAP measures
13. The operator:
- (i) is prohibited from using the vessel to target fishing or intentional setting for sharks and mobuild rays;
  - (ii) is prohibited from using wire trace as branch lines or leaders;
  - (iii) shall comply with shark by-catch limits currently set at 10% of total catch per fishing trip;
  - (iv) shall land sharks with all fins, including the tail fin, naturally attached. Fins may be cut so they can be folded but must remain naturally attached and not be completely severed from the carcass; and
  - (v) shall promote the live release and use of large circle hooks
14. Fishing, storing or retaining on board, transhipment or landing in whole or in part, any of the following sharks and mobuild rays listed below shall be prohibited:

Common Name	Scientific name
Oceanic whitetip shark	<i>Carcharhinus longimanus</i>
Scalloped hammerhead	<i>Sphyrna lewini</i>
Great hammerhead	<i>S. mokarran</i>
Smooth hammerhead	<i>S. zygaena</i>
Porbeagle shark	<i>Lamna nasus</i>
Silky shark	<i>Carcharhinus falciformis</i>
Mobuild Rays	
- Manta rays	<i>Mobula spp.</i>
- Mobula rays	<i>Manat spp.</i>

15. The operator shall ensure that where any shark listed in paragraph 14 or the Tonga NPOA for Sharks is unintentionally caught:
- (i) the necessary steps to ensure the safe release of the shark, including as soon as possible bringing the shark alongside the vessel in a manner that results in as little harm to the shark as possible; and
  - (ii) report all incidents of shark releases, including the status at the time of release; and

- (iii) allow any observer to collect biological samples from the oceanic white tip and silky sharks, and as appropriate any other listed shark species, that are dead on the haul back, provided that the samples are part of a research project approved by the Scientific Committee.
16. The operator is required to employ these methods to mitigate the capture of Sea turtles
- (i.) Use only large circle hooks, which are fishing hooks that are generally circular or oval in shape and originally designed and manufactured so that the point is turned perpendicularly back to the shank. These hooks shall have an offset not to exceed 10 degrees.
  - (ii.) To avoid encirclement of sea turtles, and if a sea turtle is encircled or entangled, take practicable measures to safely release the turtle.
  - (iii.) Release all sea turtles observed entangled in fish aggregating devices (FADs) or other fishing gear.
17. The operator shall take necessary steps to ensure prompt release alive and unharmed to the extent practical of mobuild rays as soon as possible and to do so in a manner that will result in the least possible harm to the individual captured:
- (i) Implement handling practices provided in Annex 5b 1 for safe release of mobuild ray
  - (ii) Keep on board all necessary equipment for the safe release of mobuild rays
  - (iii) Fishers are aware of proper mitigation, identification, handling and releasing technique for the safe release of mobuild rays
  - (iv) Allow observers to collect biological samples of mobuild rays caught in the WCPFC Convention area that are dead at the haul-back.

### **Unloading**

18. The operator shall ensure that one hundred percent (100%) of its catch is landed in an approved port in Tonga.

### **Verbal communication**

19. Unless the CEO otherwise directs in writing or unless the master of the vessel is able to communicate effectively in English, the vessel shall at all times carry a person who is able to communicate effectively in English, and in the language of the master of the vessel.
20. The Master and all members of the crew shall immediately comply with every lawful instruction and direction given by an observer or authorized officer and facilitate safe boarding, entry and inspection of the vessel, its license, gear, equipment, records, facilities, fish and fish products.

21. The master and all members of the crew shall take all measures to ensure the safety of an observer or authorised officer in the performance of his duties, and shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an authorised officer and the observer in the performance of his duties.
22. All costs for the placement (travel to and from the vessel), salary and full insurance coverage of authorized observers will be borne by the operator or agent, in accordance with instructions provided by the CEO.
23. In the case of a locally-based foreign fishing vessel or a foreign fishing vessel, the operator shall ensure one hundred percent (100%) observer coverage. In the case of a local fishing vessel, the operator shall ensure twenty percent (20%) observer coverage.

#### **Mode of location & communication**

24. The Master/operator/agents shall install, maintain and operate a registered FFA VMS or such other approved ALC/MTU at all times and in accordance with the manufacturer's specifications and operating instructions and FFA standards as approved by the CEO.
25. The Master/operator shall ensure that no person tampers or interferes with the automatic location communicator or mobile transceiver unit and that the unit is not altered, damaged or disabled.
26. The Master/operator shall ensure that the automatic location communicator or mobile transceiver unit is switched on and is operational at all times during the period of validity of this license. In order to ensure the unit is working at all times, the Master/Operator shall provide separate power to the unit to ensure that it can operate with its own battery when other electronic equipment is shut down. The operator of a foreign fishing vessel shall ensure that the ALC/MTU is not moved from the agreed installed position or removed without the prior permission of the licensing authority.
27. The Master/operator, upon notification by the Ministry that the vessel's automatic location communicator or mobile transceiver unit has failed to report, shall ensure that reports containing the vessel's name, call sign, position (expressed in Latitude and Longitude to minutes of arc), and date and time of the report, are communicated to the CEO at intervals of 4 hours or such shorter period as specified by the CEO, commencing from the time of notification of the failure of the unit. Such reports must continue until such time the unit is confirmed operational by the CEO.

28. If it is not possible to make any one or more of the further position reports as above, or when the CEO so directs, the master of the vessel must immediately stow the fishing gear and take the vessel directly to a port identified, and as soon as possible, report to the CEO that the vessel is being, or has been, taken to port with gear stowed. In the case of a local fishing vessel, if the vessel will continue to go fishing with no VMS units, the operator shall ensure 100% observer coverage until the VMS is installed and active.
29. The operator shall ensure the continuous monitoring of the international distress and calling frequency 2182 khz (HF), and the international safety and calling frequency 156.8 Mhz (channel 16, VHF-FM) to facilitate communication with the fisheries management, surveillance and enforcement authorities of Tonga.
30. The operator shall ensure that a recent and up-to-date copy of the International Code of Signals (INTERCO) is on board and accessible at all times.

### **Boarding and Inspection**

31. Fisheries authorized officer shall be allowed on board to inspect vessels operating in the Tonga exclusive economic zone, territorial Sea or internal waters:
  - i. Verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary.
  - ii. Verify, all relevant documents and records held onboard, including vessel monitoring system (VMS), logbooks, transshipment and trade documents, crew lists, stowage plans, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
  - iii. Verify, the document if there is clear evidence for believing that a vessel has engaged in IUU fishing-related related activities in support of such fishing.
  - iv. Briefing the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master prior departure

### **Marine Environment**

32. The operator or any crew member shall not directly or indirectly contaminate the high seas or the fisheries waters in any way, including by the discharge of any object or substance or by any act or omission that is likely to cause damage to or deterioration in the quality of the marine resources. The following is presumed to cause damage to or deterioration in the quality of the marine resources:

- (i) non-biodegradable rubbish or debris, including metals and plastics;
- (ii) discharge of a poison, chemical or noxious substance, including but not limited to oil, petroleum, solvents, or metals; and
- (iii) introduction of disease.

33. The operator or any member of the crew shall not dump or abandon any fishing gear or part thereof, and shall report any fishing gear lost at sea.

34. The operator shall ensure that any other objects and substances likely to cause damage to or deterioration in the quality of marine resources are stored on board the vessel and returned to port.

### **Other**

35. The operator shall ensure payment of:

- (i) the value of catch charge within 14 days; and
- observer fees within 2 days, upon receipt of an invoice from the Ministry of Fisheries.

**FAILURE TO COMPLY WITH THESE AND OTHER TERMS AND  
CONDITIONS OF THE LICENCE, NATIONAL LAWS AND REGULATIONS  
MAY, IN ADDITION TO ANY JUDICIAL PENALTIES THAT MAY BE  
INCURRED, RESULT IN THE SUSPENSION OR CANCELLATION OF THE  
LICENCE, EITHER TEMPORARILY OR PERMANENTLY**

## **Appendix 5c: High Seas Fishing Permit Terms and Conditions**

**The Owner, Master and Charterer of the vessel shall comply with the following terms and conditions at all times:**

1. This vessel ..... is authorised to fish for tuna and tuna-like species in the high seas of the Western and Central Pacific Ocean, and such other high seas areas approved in writing by the Secretary for Fisheries.
2. The Operator shall not allow any fishing methods or fishing gears other than tuna long line.
3. The Operator shall keep the high seas fishing permit or a duly certified copy on board at all times and shall produce the permit for inspection upon request by an authorised officer, or a high seas inspector accredited by the Western and Central Pacific Fisheries Commission.
4. Subject to sea safety conditions, the Operator shall permit a high seas inspector accredited by the Western and Central Pacific Fisheries Commission to carry out boarding and inspection on the high seas in accordance with that Commission's boarding and inspection procedures.
5. The Operator must at all times comply with the *Fisheries Management Act 2002* and regulations made thereunder, and all laws and regulations of the Kingdom of Tonga.
6. The Operator must comply with international conservation and management measures adopted by the Western and Central Pacific Fisheries Commission for species targeted and caught by the vessel, including non-target and bycatch species.

### **Stowage of gear**

7. The fishing gear must be stowed in such a manner that it is not immediately available for fishing whenever the vessel is present in a Closed Area in the fisheries waters.

### **Markings**

8. Markings and identification of the vessel shall be clearly displayed in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels. The vessel shall clearly display, on both sides and on its deck, its International Radio Call Sign (IRCS) or the country (flag state) registration number.

### **Reporting Requirements**

9. The Master shall report in English by facsimile or electronic means to the Secretary, Ministry responsible for Fisheries, P.O. Box 871, Nuku'alofa or Telephone (676) 21 399, 27 799 or Facsimile (676) 23 891) on information relating to the position of, catch<sup>11</sup> and observer on board, the vessel, in the format specified hereunder, and in the manner as follows:
- (i) Each Wednesday;
  - (ii) At least 48 hours prior to entry into and departure from the fisheries waters;
  - (iii) At least 24 hours prior to entry into and exit from a port in Tonga; and
  - (iv) At least 24 hours prior to the estimated time of entry into and departure from high seas areas identified as special management areas by a regional fisheries management organisation to which Tonga is a member.
10. The Master shall provide 72 hours' notice of a request to tranship fish, undertake bunkering or re-provision the vessel. The vessel may only undertake these activities in an approved port and shall operate under such conditions as specified by the Secretary for Fisheries, including the provision of a report of the activity.
11. The Master shall complete daily catch reports (log sheets) in English on board the vessel in the form approved by the Secretary for Fisheries. Upon arrival in an approved port in Tonga, these logsheets, along with true copies of the landing and out-turn documentation, and landing slips and dock receipts, shall be submitted by the Master in their original and unaltered form to the authorised officer in Tonga, who shall check such logsheets. No fish shall be landed unless the logsheets have been duly completed.
12. The Operator of every vessel that undertakes fishing operations in the area of high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to the east and Kiribati to the north shall notify the Director of Fisheries at least 6 hours prior to entry and no later than 6 hours prior to exiting the Eastern High Seas Pocket the following information: VID/Entry/Exit: Date/Time1; Lat/Long1; YFT/BET/ALB/SKJ/SWO/SHK/OTH/TOT(kgs)/TRANSHIPMENT (Y/N). Such a report shall also contain estimated catch (kilograms) on board.
13. Within three days of arrival in an approved port and having unloaded the catch, the Master shall submit the unloading catch forms to the Fisheries Division.

### **Sharks**

14. The vessel:
- (i) shall not target sharks;

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<sup>11</sup> The term "catch" covers target and non-targeted species.



- (ii) shall not use wire trace as branch lines or leaders;
- (iii) shall comply with shark bycatch limits (i.e. 10% of total catch per fishing trip);
- (iv) shall land sharks with all fins, including the tail fin, naturally attached. Fins may be cut so they can be folded but must remain naturally attached and not be completely severed from the carcass; and
- (v) shall promote live release and use of circle hooks.

15. Fishing, storing or retaining on board, transshipping or landing in whole or in part, any of the following sharks listed below shall be prohibited:

<b>Common Name</b>	<b>Scientific name</b>
Oceanic whitetip shark	<i>Carcharhinus longimanus</i>
Scalloped hammerhead	<i>Sphyrna lewini</i>
Great hammerhead	<i>S. mokarran</i>
Smooth hammerhead	<i>S. zygaena</i>
Porbeagle shark	<i>Lamna nasus</i>
Silky shark	<i>Carcharhinus falciformis</i>

16. The Operator shall ensure that where any shark listed in paragraph 14 or the Tonga NPOA for Sharks is unintentionally caught:
- (i) the necessary steps to ensure the safe release of the shark, including as soon as possible bringing the shark alongside the vessel, and to do so in a manner that results in as little harm to the shark as possible;
  - (ii) report all incidents of shark releases, including the status at time of release; and
  - (iii) allow any observer to collect biological samples from oceanic white tip and silky sharks, and as appropriate any other listed shark species, that are dead on the haul back, provided that the samples are part of a research project approved by the Scientific Committee.

#### **Unloading**

17. The Operator shall ensure that one hundred percent (100%) of its catch is landed in an approved port in Tonga.

#### **Verbal communication**

18. Unless the Secretary for Fisheries otherwise directs in writing or unless the Master of the vessel is able to communicate effectively in English, the vessel shall at all times carry a person who is able to communicate effectively in English, and in the language of the Master of the vessel.

#### **Observers and Authorised Officers**

19. The Master and all members of the crew shall immediately comply with every lawful instruction and direction given by an observer or authorised officer and facilitate safe boarding, entry and inspection of the vessel, its licence, gear, equipment, records, facilities, fish and fish products.
20. The Master and all members of the crew shall take all measures to ensure the safety of an observer or authorised officer in the performance of his duties, and shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an authorised officer in the performance of his duties.
21. All costs for the placement (travel to and from the vessel), salary and full insurance coverage of authorised observer will be borne by the Operator, in accordance with instructions provided by the Secretary for Fisheries.

22. The Operator shall ensure that the vessel carries an observer from the WCPFC Regional Observer Program.

**Mode of location & communication**

23. The Operator shall install, maintain and operate a registered FFA VMS or such other approved ALC/MTU at all times and in accordance with the manufacturer's specifications and operating instructions and FFA standards as approved by the Secretary for Fisheries.
24. The Operator shall ensure that no person tampers or interferes with the automatic location communicator or mobile transceiver unit and that the unit is not altered, damaged or disabled.
25. The Operator shall ensure that the automatic location communicator or mobile transceiver unit is switched on and is operational at all times during the period of validity of this licence. In order to ensure the unit is working at all times, the Operator shall provide separate power to the unit to ensure that it can operate with its own battery when other electronic equipment is shut down. The Operator of a foreign fishing vessel shall ensure that the ALC/MTU is not moved from the agreed installed position or removed without the prior permission of the licensing authority.
26. The Operator, upon notification by the Ministry that the vessel's automatic location communicator or mobile transceiver unit has failed to report, shall ensure that reports containing the vessel's name, call sign, position (expressed in Latitude and Longitude to minutes of arc), and date and time of the report, are communicated to the Secretary for Fisheries at intervals of 6 hours or such shorter period as specified by the Secretary for Fisheries, commencing from the time of notification of the failure of the unit. Such reports must continue until such time the unit is confirmed operational by the Secretary for Fisheries.
27. If it is not possible to make any one or more of the further position reports as above, or when the Secretary for Fisheries so directs, the Master of the vessel must immediately stow the fishing gear and take the vessel directly to a port identified, and as soon as possible, report to the Secretary for Fisheries that the vessel is being, or has been, taken to port with gear stowed.
28. The Operator shall ensure the continuous monitoring of the international distress and calling frequency 2182 khz (HF), and the international safety and calling frequency 156.8 Mhz (channel 16, VHF-FM) to facilitate communication with the fisheries management, surveillance and enforcement authorities of Tonga.

**Marine Environment**

29. The Operator or any crew member shall not directly or indirectly contaminate the high seas or the fisheries waters in any way, including by the discharge of any object or substance or by any act or omission that is likely to cause damage to or deterioration in

the quality of the marine resources. The following is presumed to cause damage to or deterioration in the quality of the marine resources:

- (i) non-biodegradable rubbish or debris, including metals and plastics;
- (ii) discharge of a poison, chemical or noxious substance, including but not limited to oil, petroleum, solvents, or metals; and
- (iii) introduction of disease.

30. The Operator or any member of the crew shall not dump or abandon any fishing gear or part thereof, and shall report any fishing gear lost at sea.

31. The Operator shall ensure that any other objects and substances likely to cause damage to or deterioration in the quality of marine resources is stored on board the vessel and returned to port.

**Other**

32. The Operator shall ensure payment of:

- (i) the value of catch charge within 14 days; and
- (ii) observer fees within 2 days;

upon receipt of an invoice from the Secretary for Fisheries.

**FAILURE TO COMPLY WITH THESE AND OTHER TERMS AND  
CONDITIONS OF THE LICENCE, NATIONAL LAWS AND REGULATIONS  
MAY, IN ADDITION TO ANY JUDICIAL PENALTIES THAT MAY BE  
INCURRED, RESULT IN THE SUSPENSION OR CANCELLATION OF THE  
LICENCE, EITHER TEMPORARILY OR PERMANENTLY**

## FORMAT FOR VESSEL REPORTING

### **(A) Weekly Reports (each Wednesday)**

- (i) report type (WEEK);
- (ii) date and time (GMT);
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) permit number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) intended action; and
- (ix) observer name and nationality.

as: WEEK/DDMMYY/TIME/VESSEL NAME/CALL SIGN/PERMIT NO/LA  
1111/LO11111/SJ xxx YF yyy OTH zzz/INTENDED ACTION/OBSERVER NAME  
AND NATIONALITY

### **(B) Zone Entry and Exit Reports**

- (i) report type (ZENT for entry and ZEXT for exit);
- (ii) data and time (GMT);
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) permit number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) intended action; and
- (ix) observer name and nationality.

as: ZENT (or ZEXT) DDMMYY/TIME/VESSEL NAME/CALL SIGN/PERMIT NO/LA  
111/LO 11111/SJ xxx YF yyy OTH zzz/INTENDED ACTION/OBSERVER NAME  
AND NATIONALITY

### **(C) Port Entry (including for unloading) Reports**

- (i) report type (PENT);
- (ii) date and time (GMT)
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) permit number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) estimated time of entry into port (GMT);
- (ix) port name;
- (x) intended action; and
- (ix) observer name and nationality.

as: PENT/DDMMYY/TIME/VESSEL NAME/CALL SIGN/PERMIT NO/LA 1111/LO  
11111/SJ xxx YF yyy OTH zzz/PORT/ETA/INTENDED ACTION/OBSERVER NAME  
AND NATIONALITY

**(D) Port Exit Reports**

- (i) report type (PEXT);
- (ii) date and time (GMT)
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) licence number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) estimated time of entry into port (GMT);
- (ix) port name;
- (x) intended action; and
- (ix) observer name and nationality.

as: PEXT/DDMMYY/TIME/VESSEL NAME/CALL SIGN/LIC NO/LA 1111/LO 1111/SJ xxx YF yyy OTH zzz/PORT/ETA/INTENDED ACTION/OBSERVER NAME AND NATIONALITY

**(E) RFMO Special Management Area Entry and Exit Reports**

- (i) report type (SMENT for entry and SMEXT for exit);
- (ii) data and time (GMT);
- (iii) vessel name; or
- (iv) international call sign or country (flag state) registration number; or
- (v) permit number;
- (vi) position (to one minute of arc);
- (vii) catch on board by weight by species;
- (viii) intended action;
- (ix) transshipment; and
- (x) observer name and nationality.

as: SMENT (or SMEXT) DDMMYY/TIME/VESSEL NAME/CALL SIGN/PERMIT NO/LA 111/LO 1111/SJ xxx YF yyy OTH zzz/INTENDED ACTION/TRANSHIPMENTY/N/OBSERVER NAME AND NATIONALITY

## **Appendix 6: The Fisheries Management Advisory Committee**

Pursuant to Section 8-12 of the *Fisheries Management Act 2002*:

- 8 (1) The Minister shall establish a Fisheries Management Advisory Committee which shall advise him on such matters relating to the conservation, management, sustainable utilisation and development of fisheries in the Kingdom.
- 8 (2) The Committee shall comprise the following members-
  - (a) the Chief Executive Officer of Fisheries as the Chairman;
  - (b) the Secretary for Lands or his nominee;
  - (c) the Secretary for Labour Commerce and Industries or his nominee;
  - (d) one member representing commercial fisheries interests nominated by the Tongan Fish Exports Association;
  - (e) one member representing women's interests nominated by the Minister;
  - (f) two members representing local fishermen nominated by the Minister;
  - (g) one member representing Coastal communities nominated by the Prime Minister;
  - (h) such other persons not exceeding two whom the Chief Executive Officer of Fisheries may think fit to appoint.
- 8 (3) The members other than ex officio members shall be appointed for a period of 3 years.
- 9 (1) Where the Chief Executive Officer of Fisheries refers a matter relating to an application for a licence, permit or authorisation or renewal thereof to the Committee for review, the Committee shall co-opt any person from the community that has responsibility for the subject of the application.
- 9 (2) The Committee may co-opt any person representing commercial fisheries interests, women's interests, local fisherman, coastal communities or other such persons as they think fit by reason of any particular expert knowledge or skill, to be a member to assist it for a specific purpose.
- 9 (3) A person co-opted shall not be entitled to vote on any question before the Committee.
- 10 (1) The Committee may regulate and establish procedures for the conduct of its meeting.
- 10 (2) At any meeting of the Committee a quorum shall consist of the Chairman and 2 members excluding the co-opted members.
- 11 (1) All acts of the Committee and all questions coming before the Committee may be decided by open voting and by the majority of the members present and voting.
- 11 (2) In the event in which the votes are equal, the Chairman shall also have a casting vote.
- 12 (1) The Committee may establish sub-committees for members of the Committee.
- 12 (2) A sub-committee established under this section shall be established for a specified term and responsibilities.
- 12 (3) The sub-committee shall make recommendations to the Committee.