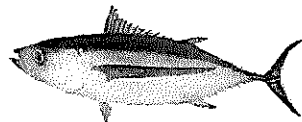


FFA

TONGA NATIONAL TUNA FISHERY MANAGEMENT AND DEVELOPMENT PLAN (2018 – 2022)



March 2018

*Jointly prepared and funded by Ministry of Fisheries and
Pacific Islands Forum Fishery Agency (FFA)*

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 rising fuel prices, declining 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 Government. That said, progress in developing tuna resources for the benefit of our people is vital.

This Tuna Fishery Management and Development Plan (TMDP) have been prepared in line with Tonga's Fisheries Management Act 2002 and Tonga Strategic Development Framework II. This is a revised plan that will replace the current TMDP. It is a high level policy document that provides guidance to the management and development of tuna fishery in the period of 2018-2022.

A participatory process that ensures broad consultation with relevant stakeholders was the key in the preparation of the plan. The Plan draws from a number reports and policy documents including the current Tuna Plan, Tonga Fisheries Sector Plan (TSDF), Ministry of Fisheries Corporate Plan, fisheries related regulations and other regional and international treaties in which Tonga is a parties to. The Plan presents key management, development and compliance strategies and future guidance frameworks. The Implementation Schedule of the plan provides strategic directions upon which the management actions will be implemented. The implementation of this plan is timely to fulfill our national and international obligations and to further provide for the sustainable development and management of our domestic tuna fishery.

The Ministry of Fisheries acknowledges financial and technical assistance from the Pacific Islands Forum Fisheries Agency (FFA) towards developing this plan. The Plan 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 and the Ministry of Fisheries. This plan shall ensure that your investment and our resources are managed in the most effective and sustainable way.


.....
Honourable Semisi Taelangi Fakahau
Minister of Agriculture & Food, Forests & Fisheries

(March 2018)



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ACRONYMS

CEO	- Chief Executive Officer
CMMs	- Conservation and management measures
EAFM	- Ecosystem approach to fisheries management
EEZ	- Exclusive Economic Zone
FFA	- Pacific Islands Forum Fisheries Agency
F _{MSY}	- Fishing mortality at MSY levels
FMAC	- Fisheries Management Advisory Committee
FM Regs	- Fisheries Management and Conservation Regulation 2008
FMAct	- Fisheries Management and Conservation Act 2002
HMAF	- His Majesty's Armed Forces
IUU	- Illegal, unregulated and unreported
MCS	- Monitoring Control & Surveillance
MTCs	- Minimum terms and conditions
MSY	- Maximum sustainable levels
NPOA	- National Plan of Action
NSDP	- National Strategic Development Plan
NTFSR	- National Tuna Fisheries Status Report
SB _{MSY}	- Stock biomass at MSY levels
SIDs	- Small Island Developing States
SPC	- Pacific Community
TAC	- Total Allowable Catch
TAE	- Total Allowable Effort
TMC	- Tuna Management Committee
TMDP	- Tuna Management and Development Plan
TSDF	- Tonga Strategic Development Framework
VMS	- Vessel Monitoring System
WCPFC	- Western and Central Pacific Fisheries Commission

Preamble

VISION

- Sustainable, optimum utilization and development of tuna fisheries in Tonga

MISSION

- Ensure ecosystem, precautionary and rights based management principles are incorporated in the management & development of tuna fisheries;
- Ensure tuna catch does not exceed sustainable levels;
- Obtain national revenues from foreign fishing licensing agreements;
- Support development of Tonga-owned and/or foreign Tonga-based fishing enterprises;
- Encourage sound investment in enterprises related to 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 utilization tuna resources; and
- Promote food security and improve health status of the Tongan through accessibility, affordability and sustainable utilization of tuna resources.

OUTCOME

Ecosystem-based, sustainable and economically efficient national tuna fisheries

APPROACH

The Plan, consistent, with the principles of the Fisheries Management Act 2002 (FMAct.), is aimed 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 tuna fisheries; and
- Relevant guidelines to achieving the management strategies through clear objectives and goals.

The Kingdom's approach towards achieving common thematic areas is through the Ministry of Fisheries' effort to:

Common Theme	MINISTRY OF FISHERIES adds value by:
1. Determine allowable level of	▪ Ensuring that the tuna catch does not exceed sustainable

<p>fishing, participatory rights & impose licensing fees.</p>	<p>levels;</p> <ul style="list-style-type: none"> ▪ Ensuring the economic benefits generated by the fishery to the Tonga economy are maximized ▪ Obtaining national revenue from domestic and locally-based foreign fishing vessels; ▪ Ensuring effective allocation of participatory rights in a fishery; and ▪ Ensuring effective data collection programs in support of relevant assessments on stocks, and cost-benefit structures of fishing operations
<p>2. Promote economic benefits from fisheries development</p>	<ul style="list-style-type: none"> ▪ Supporting development of locally-owned and/or foreign locally-based fishing enterprises; ▪ Encouraging investment in Tonga's domestic tuna fishery that includes fishing, onshore processing, value-adding, and supporting activities; and ▪ Promoting employment opportunities.
<p>3. Economic benefits deriving from outside the fishery</p>	<ul style="list-style-type: none"> ▪ Enhancing fisheries relationships beneficial to Tonga; and ▪ Explore alternative management and partnership arrangements that may generate socio-economic benefits.
<p>4. Promote effective MCS strategy</p>	<ul style="list-style-type: none"> ▪ Encouraging development of a National Monitoring Compliance and Surveillance (MCS) Strategy or equivalent policy that seeks to address Illegal Unreported Unregulated (IUU) issues; ▪ Promoting transparent and effective delivery of monitoring, control and surveillance tools; and ▪ Supporting development and implementation of National Vessel Monitoring System (VMS) and Observer programs.

PART 1: INTRODUCTION

1.1 GOAL

The overall goal of this Plan is to manage Tonga's tuna fisheries resources through an ecosystem-based, precautionary and rights-based approach in order to maximize the benefits to Tonga's economy and people while ensuring the biological and economic sustainability of the fishery.

1.2 OBJECTIVES

Pursuant to Sec. 7 of the FMA Act 2012, and consistent with elements in the preamble and the overall goal, the objectives of the Plan aspire to support national priorities and interests, and give effect to the ecosystem-based, precautionary and rights-based approaches to fisheries management, towards:

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

1.3 SCOPE

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

1. Tuna species covered under this Tuna Plan include:
 - (i) all highly migratory tuna species¹;
 - (ii) all other non-target, associated or dependent species taken in the course of fishing for tuna; and
 - (iii) test fishing operations.
2. All Tonga's "fisheries waters"², including:

¹ Three key tuna species for Tonga Longline are albacore, bigeye and yellowfin. Conservation, management and development strategies under the Tuna Plan will concentrate on these key species. Catch of billfish and related pelagic/ semi-pelagic species are specifically managed under the Game fishing policy and plan.

- (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.
3. Types of fishing gears that are specifically fishing for tuna and tuna-like species, including but not necessarily limited to fresh and frozen longlining.
4. All tuna fishing and related activities, as defined in the FMAct 2002, including but not necessarily limited to:
- (i) transshipping;
 - (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 fishery, including on-shore processing and provision of port facilities.
5. All licensed locally-based and foreign vessels fishing in Tonga EEZ and Tongan flag fishing vessels targeting highly migratory tuna and tuna-like species, non-target and associated species, in areas outside Tonga's "fisheries waters".

1.4 LEGAL CONTEXT

The overarching legal basis of this plan is enshrined in relevant provisions of the FMAct.2002. Generally Part II Sec. 3 of the FMAct of 2002 provides for the conservation, management and sustainable utilization and development of the fisheries resources in the fisheries waters and ensures the implementation of management and development.

In particular, the Act stipulates that the Secretary in exercising his Conservation and Management powers under the Act is obligated to consider the following, among others, to:

- (i) **Ensure** the long term conservation and sustainable use of fishery resources (Sec.4(1)); and
- (ii) **Establish and keep** under review plans for the conservation, management, sustainable utilization and development of fisheries in the fisheries waters' (Sec.7 (1)).

² Territorial waters and EEZ of Tonga Act 2007

1.5 GUIDING PRINCIPLES

The following key areas are the guiding principles as stipulated in the FMA Act 2002. It should guide the development of goals and strategies and its management to achieve the objectives of the plan.

- (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 Monitoring Compliance and Surveillance network under the preview 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(1) of the Act, the Secretary is responsible for the review and implementation of the plan. This includes organizing consultations with key stakeholders in the review of such plan. Consistent with the objectives of the Plan, the reviews shall take place at any time deemed necessary by the Secretary including annually and at the mid-term of the plan.

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

Pursuant to Section 7(5), each review thereof shall be submitted to the Minister for approval.

PART 2: STATE OF TONGA'S TUNA FISHERIES

2.1 CURRENT STATE OF TUNA FISHERIES IN TONGA

2.1.1 Status of the fishery

- a) **Fleet size** - Prior to 2004 the longline fleet consisted of around 15-25 local and locally-based foreign vessels. Following the implementation of a moratorium on foreign fishing vessels in 2004 the size of the fleet declined to its lowest at 3 vessels at the end of 2011. The lifting of the moratorium on foreign fishing vessels in 2011 saw vessel numbers increase dramatically in 2012 and 2013 with 25 vessels being licensed between February and April of 2013 as locally-based foreign and foreign vessels entered the fishery.

The introduction of a cap of 15 licenses in 2015 stabilized the level of fishing efforts in the fishery including maximizing economic benefits. (Table 1). In 2016, Tonga national fleet consists of 4 domestically-based longline vessels that operate entirely within Tonga EEZ. Of these vessels one active vessel enlisted on the WCPFC Record of Fishing vessels (RFV). The Chinese Taipei fleets dominate foreign longline vessels licensed to fish in Tonga EEZ since 2015.

Table 1: Number of licensed longline vessel³, 2012-17

Years	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Foreign	-	-	-	-	-	-	-	-	19	19	14	5	8	4
Local	20	13	11	12	9	6	6	3	4	3	4	4	4	6

Note: The number provide reflect the number of licensed vessels published in WCPFC-SC13-AR/CCM-25

- b) **Catch and Effort** - Between 2008 and 2013 the total catch taken by Tonga vessels declined as local vessel numbers declined. The re-opening of Tonga's water for locally based and foreign fishing vessels in 2011 resulted in a significant increase in total catch in Tonga's EEZ in the subsequent years. Catch estimates of primary species for Tonga longline fleet in 2016 amounted to 511mt, which is about 10% increase from the previous year, and more than double than 2013. The significant increase in catch was influenced relatively large by very high levels of fishing efforts (hooks) in recent years and the active operation of domestic vessels throughout the year..

³ In all categories of local vessels, locally-based foreign vessels (Chinese-Taipei flagged) and foreign vessels (China, Chinese Taipei & Fiji flagged)

Table 2: Annual catch (mt) and effort (hooks) estimates for the Tonga longline vessels⁴, by primary species, for the WCPFC Convention Area, 2012 – 2017
(Source: Tonga Part 1 Report, 2017)

YEAR	Effort	Catch in metric tons									
	Total no. hooks (100s of Hks)	Albacore	Bigeye	Yellowfin	Pacific Bluefin	Black Marlin	Blue Marlin	Stripe Marlin	Swordfish	Skipjack	Total
2012	9774	20	10	140	0	2	47	8	19	1	247
2013	7786	13	7	126	0	0	48	2	26	1	223
2014	8234	25	22	195	0	10	13	12	37	8	322
2015	10916	29	25	297	0	13	23	30	42	6	465
2016	12265	42	27	322	0	20	43	12	39	6	511

The composition of the 2016 catch taken by Tongan longline vessels was dominated by yellowfin (63%), albacore (8%), bigeye (5%) and skipjack (1%) with no recorded catch of black marlin. Swordfish takes up 8% of the total catch of primary species followed by striped marlin (2%) and blue marlin (8%).

The catch of the foreign longline fleet in recent years is similar in species composition as that of local vessels. The highest caught species in-zone was albacore tuna with 1,216 mt (54% of total catch), followed by yellowfin with 574mt (25%) and with lesser 6% of bigeye tuna. In 2016 there was considerable increase by 55% of the total catch of foreign flagged vessels (2,268mt) compared to the previous year 2015 which levelled at 1,465mt (see details in Tonga WCPFC SC Part 1 Report, 2017).

The highest albacore catch rates from the Tonga EEZ are generally reported during the middle of the year when Tonga has its cool season, with a smaller peak at the end of the year. Albacore catch rates are relatively high in the central and the northern side of the EEZ during the second and the last quarter of the year. For Tonga vessels, yellowfin tuna dominate the annual catch distribution for the last four years, and both yellowfin and bigeye catches were primarily reported from central to south of EEZ. All licensed longline vessels are required to unload 100% of their catch in Nuku'alofa port.

c) Markets

Tonga's main markets for its tuna exports are Taiwan, Japan, US (Los Angeles, Hawaii), New Zealand and Australia. They are mostly exported as fresh chilled tuna. Pago Pago used to be a target market for frozen albacore. At present,

⁴ Only refer to Tonga vessels, local vessels or domestic vessels – i.e. vessels flag to Tonga and Chinese-Taipei

albacore and bycatch are sold locally due to increased local demand and low international market value.

Fish landed is sorted and repacked into shipping containers for export to foreign markets, which contributes to government revenue collection through a resource rent charge on exported marine product. A small portion of this catch is sold at local market and retail stores. The FOB value used to calculate this charge is TOP\$6.00 for bigeye and yellowfin tuna and TOP\$5 for the rest of the catch. The FOB value calculated according to the average prices of fish being sold out at the local markets, which is lower than export prices on overseas markets. This amount was based on the average prices of fish sold in the local market. The total estimated FOB revenue collected from exports increased by 41% from TOP\$7,813,716 in 2015 compared with TOP\$11,036,651 in 2016.

2.1.2 Domestic tuna fishery

Overall catch in Tonga's EEZ by all licensed fishing vessels (local, locally-based and foreign) in 2016 was the highest on record at 2,624 mt. A large proportion of this catch was taken by licensed locally-based foreign vessels catching mainly albacore and yellowfin tunas and sharks. The value of the catch and contribution to the local economy has also increased many folds largely driven by change of policy to lift the moratorium and allowed limited number of licensing foreign vessels in Tonga's EEZ. These economic trends will be closely monitored against several performance indicators of Tonga domestic tuna fisheries.

Moreover, the Ministry of Fisheries continues to work closely with the Offshore Fisheries Program (OFP) of SPC on issues regarding the status of tuna resources in the Tonga EEZ relative to the whole stock in the Western and Central Pacific Ocean (WCPO). The total tuna harvested in Tonga's EEZ in 2016 while at record levels is still insignificant relative to the region and WCPO wide catch and is unlikely to have any major impact on the stock in the region and the WCPO. High operating costs and a lack of adequate infrastructure has restricted the development of a locally based fleet.

The main artisanal tuna fishing activities concentrate on surface trolling around FADs and free schools associate with birds using outboard motor boats. Vertical line (for tuna) and mini longline were also introduced to fishing associations and communities to encouraging them to shift fishing to deeper waters rather than over exploiting coastal and near shore species. A significant game-fishing sector exists also in Tonga, fishing largely in territorial waters, and sometimes further offshore. The artisanal, small-scale and semi-commercial fishing confine largely to internal and territorial waters of the Kingdom.

2.1.3 TAC & TAE Setting

Pursuant to Section 5, the Minister shall, in consultation with the Fisheries Management Advisory Committee⁵, determine the Total Allowable Catch (TAC) or Total Allowable Effort (TAE). The Fisheries Management Advisory Committee, set up by the FMA Act 2012, shall seek scientific and economic advice from the SPC and FFA Secretariats to help the Committee making informed decisions. The Fisheries Management Advisory Committee shall take into account the advice from the Tuna Management and Development Committee on this matter. The recommended TAC and TAE shall be qualified by economic and environmental factors including development aspirations.

The final decision on setting of the management limits including the TAC and TAE (e.g. limits on vessel numbers) rests with the Minister, and are based on recommendations from the CEO for Fisheries and FMAC. These limits shall be reviewed regularly, as new stock assessment results and data become available, on the advice of the Secretary responsible for Fisheries. In addition, pursuant to Section 6, the Minister may determine and allocate participatory rights.

The new limits set under this Plan were determined taking into account⁶:-

- (i) the objective of maximizing the economic benefits generated from the fishery;
- (ii) the objective to increase production and 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 utilized for domestic consumption and food security;
- (v) historical catches and effort in and around our EEZ;
- (vi) the fact that Tonga's economy, food supply, livelihood and health 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 Convention Area;
- (viii) Tonga's strong record of compliance with WCPFC conservation and management measures;
- (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 (WCPFC)

Tonga is party to the WCPFC. In order to fulfill its obligations under this convention, Tonga will implement conservation and management measures under this Plan where appropriate. Tonga is a small island developing state (SIDS) and the Convention provides for their special requirements, which includes responsible domestic developments of their tuna fisheries. Tonga has taken this opportunity on SIDS exemptions to advance growth in its domestic fisheries.

⁶ Tonga advice under CMM2012-01 para.14 on declared purse seine fishing days (150-250) allowed in its EEZ

However, Tonga will comply with the measures including collection and provision of catch and effort data and meet its reporting requirements. Other specific requirements include, *amongst other things*, observer placement, operational VMS, reporting and various limits for vessels actively fishing in Tonga's EEZ and Tonga flag vessels operating in the high seas and other zones. These requirements will be adapted appropriately as Terms and Conditions (MTC) of fishing licenses, and from time to time, in compliance with future decisions.

Moreover, Tonga is committed to comply, appropriately, with the implementation of conservation and management measures and resolutions for target tuna species primarily, and as well as non-target species. These WCPFC decisions complement Tonga's own management measures under current regulation, examples specific to bycatch and marine environment are as follows:

- (i) **Shark:** sharks are managed under the Tonga NPOA sharks and license terms and conditions. Operators shall ensure that their fishing vessels comply with all the relevant measures therein.
- (ii) **Turtle:** There are current regulatory measures specified in the FM Regulations 2008 including seasonal closures, size limitation and prohibited species which has been in place since 1994. Longline fishers must follow the 'safe release guideline' using de-hooking equipment where appropriate and shall record and report catches of any sea turtle. CMM 2008-03 provides the requirements on management of sea turtles by the WCPFC – measures are reflected in license conditions.
- (iii) **Sea Birds:** Fishers are required to adopt appropriate measures to safeguard seabirds. Reporting of any seabird caught during fishing is required to be noted in the logbooks;
- (iv) **Swordfish:** Tonga is exempted as a Small Island Developing States which may wish to pursue responsible level of development. CMM 2008-05; and
- (v) **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 license conditions

Tonga requires support and resources to carry out the above tasks and implement all Commission measures and resolutions. The implementation schedule appended to this plan provides strategic directions upon which management actions will be implemented.

PART 3: LICENSING FRAMEWORK

3.1 LICENSING TUNA FISHING VESSELS

Local fishing vessels must first receive a *sea worthiness inspection certificate* from the Marine & Ports Division. Foreign fishing vessels must produce a valid original certificate from their own country of registry, which can be verified in Tonga ports.

The sea worthiness inspection certificate is to be submitted with a complete application form (issued by the Ministry of Fisheries). A schematic diagram of the licensing process and procedure is appended as *Appendix 6*. The license application forms shall be submitted together with the criteria as set out below.

The criteria for new and annual endorsement of fishing licenses may be reviewed appropriately from time to time, and includes, *inter alia*:

- (i) Sea worthiness of vessels;
- (ii) Must provide proof of ownership and/or details of shareholder;
- (iii) Completed and submitted application forms;
- (iv) Business Plan for year to be license;
- (v) Approved MCS requirements and MTCs for Tonga fishing licenses;
- (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 CEO for Fisheries.

Each application shall have a maximum of ten (10) working days to allow for the administration and screening process. The CEO for Fisheries shall inform the applicant by writing and/or telephone as to whether the applicant is successful or not.

Determination of participatory rights to fishery is stipulated in Section 6 of the Fisheries Management Act 2002. Fishing license holders shall comply with all requirements provided by the license terms and conditions (MTC), *among other things*, including;

- (i) To cooperate fully with the Ministry of Fisheries to achieve the goal 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 license;
- (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 Act and Regulations which governs its fishing activities; and
- (iv) Understand and cooperate with authorized fisheries officers including Port Samplers.

3.2 LICENSING DOMESTIC TUNA FLEET

No local fishing vessel (LFV) shall be used for longline fishing for tuna species without a Longline fishing License. All application (issued by the Ministry of Fisheries' License Section) for a local fishing vessel license shall be issued under Section 22 of the FM Act 2002. The associated fees are given in the Local Fishing Vessel Regulation 2009 and appended in *Appendix 4*

No locally based foreign fishing vessel (LBFFV) shall be used for longline fishing for tuna species without a Longline fishing License. All application (issued by the Ministry of Fisheries' License Section) for a locally based foreign fishing vessel license shall be issued under Section 31 of the FM Act 2002.

An upfront access fee must be paid before a vessel is permitted to fish. 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

following receipt of the invoice from the Secretary (refer to *Appendix 4*).

3.3 FISHERIES RESEARCH & TRIAL FISHING

For the purpose of scientific research and fishing trials, all applicants shall apply in writing, addressed to the Minister and must include a detailed test fishing plan. Any approved exploratory or test fishing operations will be subject to such conditions as may be set by and included in the authorization issued by the Secretary, or by the Minister in the case of a foreign fishing vessel as set out in the provisions of Sect. 32 of the Act. Amongst other needed documents as may be requested includes:

- (i) Fishing Plan indicating the gear used, area the testing will be conducting, species targeted;
- (ii) Size of vessel, the list of equipment on board, the number of crews, nationality of crews, last employment of the crews;
- (iii) How trial and experimental fishing will benefit Tonga? If there is potential for a fishery then undertake a full bio-economic analyses of that particular resource to determine management limits for the fishery;
- (iv) 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, last owner of the vessel;
- (v) What are the intentions of the trial and experimental fishing; and
- (vi) Any other useful biological and economic information and analyses that may be useful for the consideration of future exploitation potentials.

3.4 AUTHORIZATION FOR HIGH SEAS TUNA FISHING

This Plan 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 shall comply with Part VIII of the FM Act 2002, and requirements of relevant regulations that set out measures for high seas fishing including fishing permits and conditions of those permits, and consistent with a requirement under CMM 2004-01. Tonga as a member of the WCPFC Convention, shall register all its fishing vessels that are authorized to fish in the high seas on the WCPFC Register of fishing vessels. Procedure for the registration of all fishing Vessels above 15m in length is appended as *Appendix 5*.

3.5 FISH PROCESSING FACILITY & EXPORT

The FMAct 2002 requires that 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 export as stipulated in Part 4 of the FMAct 2002 and the Fisheries (Process and Export) Regulation 2008. The Conditions of this license is appended in *Appendix 3*.

3.6 DENYING OF NEW APPLICATION

Application may be denied for reasons, *amongst other things*, that;

- (i) The owner or operator has committed an offence against the laws of Tonga;
- (ii) The owner or operator has failed in the past to satisfy the Ministry of Fisheries's application with good reasons;
- (iii) The current license system is subject to a TAE or a TAC of which its participation shall exceed the allocated catch for the year; and
- (iv) Employing of a Captain or Master Fishermen who has been in breach and non-compliance of Tonga Fisheries Management Act 2002 and fisheries related regulations.

3.7 FORMAL PROCEDURE FOR DEALING WITH GRIEVANCES

The existing Fisheries Council, Fisheries Associations or individual companies should meet with the Ministry of Fisheries if they need to clarify any issues. All form and type of communication (including letters of complaint) from the tuna industry shall be directed to the CEO for Fisheries.

As stipulated in Section 28 of the FM Act 2002, any person aggrieved by:

- (i) The refusal of the Secretary to issue or renew a license in respect of a local fishing vessel; or
- (ii) The cancellation or suspension of a license issued in respect of a local fishing vessel,

may within 30 days of the receipt of notification appeal to the Minister. However, foreign vessels operators or entities may lodge in their grievances within 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 measures shall be implemented in order to realize the goal and objectives of the Plan.

4.1 CATCH & EFFORT LIMITATIONS

Establish limits to ensure the sustainability of tuna fisheries in Tonga's EEZ, such as:

- (i) Catch target of 2,500 mt for South Pacific albacore;
- (ii) Total number of longline fishing vessel licenses (including local, local-based and foreign licenses) issued will be restricted so that the total number of vessels that are licensed to fish at any given time does not exceed twenty (20).
- (iii) The number of foreign longline fishing vessel licenses will be restricted so that the total number of foreign vessels that are licensed to fish at any given time does not exceed ten (10).
- (iv) In issuing licenses preference shall be given to local and then locally-based foreign vessels. Foreign licenses will be phased out over time when new local vessel applied for a license.
- (v) All licensed fishing vessels shall offload all catches, 100% in the authorized ports of Tonga.
- (vi) In the purse seine fishery, there will be annual limit within the range of 150–250⁷ fishing days allowed in the Kingdom's waters.
- (vii) Gear type may be determined by the Terms and conditions of the license (MTC);
- (viii) Area restrictions provided for under this Plan or any related policies and legislations; and
- (ix) By catch limitation as determined in the current Terms & Conditions of License (MTC) such as those already in place for sharks, seabirds and sea turtle⁸.

Specific catch limits are provided in Table 3 below.

Table 3: Catch targets (metric tonnes per year) by species in Tonga's EEZ

Species	Target	Remarks
Albacore	2500	Manage through SP ALB harvest strategy plus tuna plan
Bigeye	2000	Manage through CMM2014-01 plus tuna plan
Yellowfin	2000	Manage through tuna plan
Skipjack	-	No limit and managed through tuna plan

⁷ Tonga advice under CMM2012-01 para. 14 on declared purse seine fishing days (150-250) allowed in its EEZ

⁸ The Fisheries Management Regulation 2008 stipulates closing seasons, size limitation, prohibited species and the catching of any female species.

Swordfish	-	No limit and managed through tuna plan
Striped marlin	-	No limit and managed through tuna plan
Sharks	10% of total trip catch	Manage through Tonga NPOA (sharks)

4.2 GOVERNANCE & ADMINISTRATION

Clear and transparent licensing guidelines and processes are needed for the effective administration of tuna fisheries in the Kingdom. This is provided elsewhere in this plan and also includes the following:

- (i) The license process and procedures are appended in *Appendix 6*;
- (ii) Fees associated with this fishery is appended as *Appendix 4*;
- (iii) Fees related to licensing of a fishing vessel are as in the current Fisheries Local Fishing Vessel Regulation 2009;
- (iv) The license conditions to operate a processing establishment facility and export fish are appended in *Appendix 3a* and a table of associated fees is appended as *Appendix 4*;
- (v) The license conditions for fishing in Tonga EEZ is appended in *Appendix 3b*, and high seas permit in *Appendix 3c*;
- (vi) A license suspension policy is provided under the Section 27 of the Fisheries Management Act 2002 and the grounds for suspension.

The Ministry of Fisheries will exercise transparent and clear fisheries governance policies that safeguards and fosters support towards maximum economic gains and development opportunities.

Furthermore, the ministry continues to implement or review 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.

Tuna Management and Development Committee (TMC)

Pursuant to Section 7(4) of the FMA Act, a Tuna Management and Development Committee shall be established to assist with the following:

- Review the performance of the Tuna Management and Development Plan, and provide recommendations to the Secretary on such review;
- Provide a forum for the discussion of any issues related to the plan and more broadly the tuna fishery;
- Assist to ensure transparent decision-making in regard to the tuna fishery.

Membership

The Committee shall comprise of the following members:

- (i) the CEO or his/her nominee as the Chair; and
- (ii) the technical staff of the ministry, as required;
- (iii) up to two representatives from the National Fisheries Council;
- (iv) up to two representatives from the Tuna industry sector.

The CEO may co-opt any other person to assist for a specific purpose.

Conduct of meetings

The Committee shall meet as necessary including at least once a year and further as required by the Chair to address specific matters. At any meeting of the Committee, a quorum shall consist of the Chairman and 3 members, with at least 1 from the Ministry of Fisheries, the National Fisheries Council and the tuna industry sector.

The Ministry of Fisheries will be responsible for providing secretariat services to the meetings.

Fisheries Management Advisory Committee (FMAC)

Section 8 of the FMA 2002 provides for the formation of Fisheries Management Advisory Committee (FMAC), which sets out its membership and functions (*see details in Appendix 2*).

Inter-agency Relationships

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.

The consultative and participatory processes are essential ingredients to encourage transparency and accountability, as well as providing good advice to the Minister for his/her informed decisions on matters relating to the conservation, management, sustainable utilization and development of fisheries in the Kingdom (Sec.8(1)).

4.3 COMBATING IUU

Tonga is serious on combating IUU and ensuring compliance in its domestic fisheries using a number of MCS tools available at its disposal. The Ministry of Fisheries continues to improve and enhance its monitoring tools including its Vessel Monitoring System (VMS), National Observer Program, Port Sampling Program, Patrol Boat program and other surveillance activities. The ministry also continues to upgrade its National Observer Program in order to take up employment opportunities as observers and skilled crews in the fishing industry. The program aimed to register under the WCPF Commission Observer Program.

The enforcement of conditions set out under fishing and processing licenses and permits pursuant to Tonga laws are adequate to minimize or avoid chances of IUU occurring in Tonga fisheries waters. The ministry monitors for breach of terms and conditions set out under fishing licenses, authorization permits, research permits, processing plant permit, and export permits. The ministry also relies on collaborators across multi-agencies of His Majesty's government and private sector to deliver MCS and enforcement services.

The ministry continues to seek both internal and external assistances including His Majesty's Armed Forces (HMAF) and the aerial surveillance by New Zealand Air Force. Tonga also benefits from other joint and collaborative surveillance operations coordinated by the FFA Secretariat.

4.4 ACCESS & CHARTER ARRANGEMENTS

Tonga shall, under the period of this Plan and beyond:

- (i) Explore and implement alternative bilateral, tri-lateral or multilateral arrangements that support growth in domestic longline fishing development; and
- (ii) Implement Bareboat Charter Arrangement in a way that reduce risks of participation in fishing and processing to investors and encourage locals to participate.

The number of fishing vessels allowed under these arrangements shall be within the national cap of 20 licenses, and must also operate within the management limits set and conditions of licenses out in earlier sections of this plan.

PART 5: DEVELOPMENT ASPIRATIONS

5.1 BAREBOAT CHARTER ARRANGEMENT

Tonga has a bareboat charter policy and Regulations that allow local fishing companies and entities to charter and, if appropriate, flag vessels to fish in its waters, high seas and other zones. The licensing procedures for Bareboat charter provided by the Marine & Ports are appended as *Appendix 5*. All interested charterer and operators must comply with the charter policy and regulations. The arrangement and implementation guidelines shall be subject to annual review, if deemed appropriate.

5.2 INFRASTRUCTURE IMPROVEMENT & SUPPORT

5.2.1 Loining Processing Facility

Tonga's historical catches are dominated by south pacific albacore tuna. In order to explore alternative development opportunities, Tonga will explore the possibility of a small-scale loining processing facility. Lessons will be drawn from a similar processing facility established in the past. The development of onshore facilities aims to increase volume of catch that would be offloaded in Tonga's port from possible expansion of the fishery. While Pago Pago has closed one of its canneries and the future of Fiji's PAFCO remains uncertain it presents Tonga with an opportunity to take up loining as an alternative.

5.2.2 Airport Cold Storage Facility

An airport cold storage facility is essential for the transportation and keeping tuna and other fisheries products in high quality. Such facility will eliminate high cost of transportation and waiting time. The Ministry of Fisheries will seek funding support towards establishing such facility.

5.2.3 Wharf Development

The current fisheries wharf needs to be further developed to properly cater for the needs of the tuna longline and other fisheries. Delivering and access to fuel, freshwater supplies, ice, slipway and berthing is a considerable burden. The development of the Tu'imatamoana market as a designated fishery wharf would require that it meets international standards and provide necessary utilities for foreign and local vessels' demand as fishing agreements need proper infrastructure, noting that this is included in the master plan prepared in conjunction with New Zealand. The Ministry of Fisheries will also review infrastructure support for commercial fishing as part of the formulation of a port management and development strategy. Funding support will be sought appropriately from donor partners.

5.3 REGIONAL MANAGEMENT ARRANGEMENTS

Tonga is party to the WCPFC, Niue Treaty Subsidiary Agreement, Tokelau Arrangement, TVM and FFA upon which Tonga will engage and strategically pursue its economic and development interests in other jurisdictions south of the equator. Tonga aspires to expand its domestic fleets, through charters and alternative joint-venture arrangements, as one strategy towards responsible development.

Tonga continues to explore bilateral, tri-lateral and multilateral reciprocal arrangements with neighboring FFA countries and others to allow the extension of area for fishing by its flag fishing vessels. Tonga will also send its flag vessels to participate in high seas fisheries. To ensure compliance in other jurisdictions, Tonga must link their commitment to incorporate, as appropriate, MTCs into their regulatory framework.

5.4 FOREIGN & LOCAL INVESTMENT

The Government of Tonga has reformed its Foreign Investment Act 2006 to be conducive to economic development. The Ministry of Fisheries has repealed the 2004 moratorium on foreign vessels in order to attract foreign investment into the country, and ensure that economic returns from the tuna stocks in Tonga's EEZ were generated.

The ministry continues to strengthen the provision of business development services, and to facilitate industry development incentives and access to soft loans from financing institutions. Basic onshore infrastructures and regular routes by air to markets abroad remain priority areas that would attract into the Kingdom investments in fisheries. Fisheries development in the country shall conform with the country investment strategy and the ministry corporate plan to further its domestic fisheries development aspirations.

5.5 COMPETENT AUTHORITY

The need for a Competent Authority is becoming a pressing requirement to ensure unimpeded market access, particularly to the EU. The Ministry of Fisheries will work with the FFA Secretariat to ensure the Competent Authority is established and performs its functions satisfactorily and meeting standards required by overseas markets for export of tuna and tuna products. Export to the EU would also require compliance with the IUU Regulation, and export to the US would require compliance with HACCP standards and the Seafood Import Monitoring Program when it is introduced in 2018. Other traditional markets of Tonga fish products may also require these same or different set of standards.

5.6 ECO-LABELLING & CERTIFICATION PROCESSES

Potential for accessing potential markets such as the EU and US require strict controls of standards in the fishing and processing sectors. The Ministry of Fisheries will develop certification processes that may be required to access overseas markets.

5.7 POTENTIAL MARKETS

Tonga continues to explore potential markets that are easily accessible and provide good returns to exporters. The results of market studies by the FFA and other organizations will continue to be used by Tonga to revise market information available to stakeholders in the country.

PART 6: COMPLIANCE STRATEGY

6.1 MONITORING, CONTROL AND SURVEILLANCE

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

6.2 MARINE PATROL

His Majesty's Armed Forces (HMAF) provides maritime patrol throughout Tonga's EEZ and proclaimed areas with success. HMAF has three patrol boats and their current operations are supported by the government of Australia. The patrol boats are also used for boarding and inspection operations. HMAF will also continue to provide maritime patrol and onboard search. The Ministry of Fisheries continues to work closely with HMAF to ensure effective surveillance and patrol of Tonga's fisheries waters. This will include the preparation of guidelines/procedures of actions to be taken in the event of a potential offence detected by authorized officers.

6.3 AERIAL SURVEILLANCE

The New Zealand Air Force conducts periodic aerial surveillance under the NORPAT mission and covering most FFA member countries including Tonga's EEZ. The aerial surveillance conducts one over-flight once every two months. It continues to provide support to the HMAF and the Ministry of Fisheries in combating IUU fishing.

6.4 COOPERATION IN ENFORCEMENT

Tonga continues to participate actively in FFA coordinated surveillance operations. The Kurukuru Operation is a multinational cooperation on enforcement which has over the years operated through Tonga and other FFA member countries. Through cooperation the HMAF are also empowered through the FMA Act 2002 as authorized officer. This also extends to Police officers, Customs and other in-line ministries.

6.5 PORT SAMPLING

The Ministry of Fisheries will continue its port sampling program and may require trained staffs and financial resources during this plan period. All tuna longline fishing vessels are required by law to cooperate with authorized officers in collecting data. Requirements for unloading data are provided in the current Terms and Conditions (MTC) of license subsequent terms and conditions of each license.

6.6 OBSERVER

Tonga's observer program is critical to obtaining real data and essential for research and management. The fishing vessel operator is required to cooperate with the placement of observers. The Ministry of Fisheries will conduct periodic review of its National Observer program drawing from lessons in the current program as well the FFA Regional observer strategy.

6.7 VESSEL MONITORING SYSTEM (VMS)

VMS data and information is sensitive to tracking vessel movements and therefore needs to be protected. VMS data shall not be released without proper authorization from the VMS Officer who shall always consult with the CEO of the Ministry of Fisheries regarding any VMS related requests.

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

6.8 MARITIME BOUNDARIES

Tonga has several areas of dispute within its EEZ boundary with neighboring countries. Tonga continues to rely on assistance from the FFA, SOPAC-SPC and other relevant agencies and institutions to provide guidance and assist Tonga in their maritime boundaries. 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. The ministry will seek to be included in the national boundaries technical work group, and have an awareness workshop on the current status of boundaries work/negotiations with line agencies.

IMPLEMENTATION SCHEDULE

Strategies	Measures	Targets	Current Status	Responsible Division
Information Management & MCS				
(VMS, Observer, Port Sampling, Aerial/ sea patrols, databases, e-monitoring & other MCS issues) Vessel monitoring system (VMS) on all licensed vessels	High proportion of licensed vessels licenses with VMS installed and operating	<ul style="list-style-type: none"> - Mandatory at 100% as condition of fishing licenses on all licensed vessels - Encourage VMS units installed on local vessels at least 20% of local fleet 	Continue with monitoring and sanctions for repeated violations (e.g. non-renewal of license, terminate license, fines) as per license conditions.	Fisheries Compliance Division (FSD) (Head of FCD, VMS Officer)
Tonga Observer Program	5% observer coverage for all longline fishing vessels under Commission rule; Tonga observer coverage is much higher	<ul style="list-style-type: none"> - Maintain coverage at 50% for all licensed longline vessels in Tonga's EEZ - Training of new observers and de-briefers, and refresher training of current observers. Target of 5 – 10 ROP observer and recruit 3 observer on the yearly recruitment by end of 2020 - Train 5 MSC certified observers, 5 High seas boarding inspectors - Tonga flag vessels fishing in the high seas and other jurisdictions must observe 5% coverage - Review Observer SOP Gen 3. - The program is maintained and adequately resourced to ensure a timely provision of catch data; e.g. 2-5 port samplers available each year. 	<p>Continue monitoring and ensure high observer coverage under the National Observer Programme is now up and running</p> <p>1 or 2 annual workshops on species identification and understanding WCPFC obligations</p> <p>Ensure adequate resources and implement National Observer program effectively thereby ensure compliance against WCPFC observer related measures, and domestic laws</p>	<p>Fisheries Compliance Division (FSD) (Head of FCD, Observer coordinator and staff),</p> <p>Seek assistance from regional organization (FFA)</p>
Port Sampling Program	Maintain the program to ensure that vital sources of information are properly verified, and observer reports improved		<p>Program is now up and running</p> <p>1 or 2 annual training in species identification and understanding WCPFC obligations</p>	Head of Fisheries Science Division (FSD), Head of Offshore Section, Head of ICT Section and Port samplers

Active management of log sheet information	Proportion of logsheets collected in a timely manner Ensure reconciliation of VMS, logsheet and observer data between MOF and SPC, and possibly other countries where tuna caught in Tonga EEZ are being landed. Ensure regular update of data for analyses	<ul style="list-style-type: none">-Improve observer reporting-Implement EL/ER program after endorsed by council <ul style="list-style-type: none">- Continue monitoring for timely submission of logsheet reporting for vessels active in Tonga EEZ at least by 100% coverage annually- Continue implemented of e-reporting on Tonga vessels, and collecting of Artisanal tuna data- Continue working with FFA on EM/ER observer reporting.	<ul style="list-style-type: none">- Regular reconciliation of logsheet and VMS data and observer data with assistance of SPC and FFA- Concerns over the use of raised data in the analysis and modelling because of the uncertainty in the raising factors.- Data are raised because of the missing information from logsheets and observer reports, coupled with low coverage of observers on longline vessels.- While this holds true the raised data appears to be grossly overestimating actual catches by species taken out of Tonga EEZ.- Maintain support and close collaboration with HMAF and other appropriate authorities- Ensure clarity in roles of MOF & 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.	Head of ICT Section and VMS Officer Seek assistance from regional organisation (FFA)
Coordination with aerial and surface patrols	Number of successful vessel interceptions	<ul style="list-style-type: none">- MOF to maintain support and collaboration with HMAF and NZ gov't in routine aerial/sea patrols and participation in joint regional operations and all other MCS activities-Improved coordination and liaison between Ministry of Fisheries and HMAF (e.g. regular meetings, briefings and debriefings)- MOF to conduct refresh training on licensing conditions and handling infringements- Conduct training of High seas inspector- Increase frequency of sea patrols of 3 new boats	<ul style="list-style-type: none">- Maintain support and close collaboration with HMAF and other appropriate authorities- Ensure clarity in roles of MOF & 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.	Head of FCD and compliance staff with assistance of HMAF and NZ gov't Seek assistance from regional organisation (SPC)
Negotiate MCS agreements with neighboring countries	Agreements in place with neighbouring countries incl. TVM members Australia, New Zealand, and Fiji	<ul style="list-style-type: none">- Renew MOU with Cook Islands in deployment of Tongan observers on their vessels.- Follow – up with HMAF the	Currently deploying observers in Cook Island tuna fishing vessels Renew MOU with Cook Islands in deployment of Tongan observers on their	Head of FCD, Observer Coordinator and senior management staff Seek assistance from regional organisation

		MOU - Commence discussion of Maritime boundaries delimitation at the ministerial level - Continue liaising and seeking opportunities from neighbouring countries to deploy Tongan observers and skilled crews on fishing vessels	vessels. - Follow — up with HMAF the MOU - Commence discussion of Maritime boundaries delimitation at the ministerial level	(FFA)	
Improved enforcement of fishing terms and conditions	Ensuring that all licensed, and Tonga flag vessels complying with national, regional and international laws	- Regular review of licensing terms and conditions - Continue monitoring of 100% compliance of all Tongan vessels with terms & conditions of the license - Continue to review enforcement mechanisms to ensure they are effective and deter IUU activities	- New staffs helped manage compliance levels of fishing vessels against their fishing licence conditions - Rapid and timely responses to requests from fishing agents and fishing vessel operators - Routine meetings with boat operators and fishing agencies to ensure operations are done in accordance to law and avoid breach of fishing licence conditions	Head of FCD and Compliance staff, Legal Officer, Policy Section	
Consolidated MCS measures	Prepare Tonga National MCS Strategy Implement the Tonga NPOA (IUU)	- Finalise internal consultation of the MCS Strategy before submitting for approval - Seek assistance if required to implement the measures on FAO, PSMA, (FFA, FAO WCPFC and bilateral of develop partners) - Prepare standard operating procedures to implement for PSMA	- Finalise internal consultation of the MCS Strategy before submitting for approval - Implement the MCS Strategy with regular updates - Seek assistance if required to implement the measures on FAO, PSMA, (FFA, FAO WCPFC and bilateral of develop partners) - Prepare standard operating procedures to implement for PSMA - Implement the FAO Agreement on Port State Measures	Head of FCD and staff Seek assistance from regional organisation (FFA, FAO)	
Management & Legal <i>(limits, policies, legislations, boundary delimitation, partnership arrangements)</i>					

Economically and socially sound domestic fishery	Implement the new sets of management limits, 2018 - 2020	<ul style="list-style-type: none"> - Annual cap of 20 licenses or fishing vessels issued each year for local and foreign vessels fishing in Tonga EEZ, which excludes vessels authorized by Tonga to fish in the high seas and other BEZs under its flag - Opted for the phased in of new licences over time and not necessarily filling in all the allocated licences at one time; and - No change to licensing fees. 	Close monitoring and ensure licenses issued remain within cap of 20 and in accordance with policy guidelines	Head of FMDD, Head of Economic Section and Marketing Officer
	<p>Undertake economic analysis on the increase on the 20-vessel gap to understand the economic effect on the fishery and Tonga economy</p> <p>Undertake economic analysis on the revenue provide by vessels to Tonga</p> <p>Undertake bio-economic analysis of longline fishery in Tonga EEZ to inform management limits after more datasets been collected in future years</p> <p>Review TAC and TAE setting</p> <p>Update analyses specific to Tonga vessels that target yellowfin and bigeye, and foreign vessels that target albacore primarily</p>	<p>Prepare brief reviews/ trends analysis for the CEO and Minister as appropriate on the performance of Tonga tuna fishery</p> <p>Maintain sustainable catches, catch rates and associated revenues generated each year; target of 15% of total catch revenues by 2020</p> <p>Update TAC/ TAE setting and bio-economic analyses in 2020</p> <p>Update analyses separating yellowfin/ bigeye targeted local vessels for fresh export, and albacore targeted foreign vessels, in 2020</p>	<p>Close monitoring annual estimates of proportion of revenues collected from fisheries related activities (e.g. landing in ports and export, other spin off benefits) other than total revenues generated from bilateral access licensing</p> <p><i>Analyses will focus on:-</i></p> <ul style="list-style-type: none"> - <i>Economic benefits generated to the Tongan economy by this fleet.</i> - <i>Estimates of proportion of revenues collected from fisheries related activities (e.g. landing in ports and export, other spin off benefits) other than total revenues generated from bilateral access licensing</i> - <i>The limit on the number of vessels that will maximise the total/ net economic benefit generated by these vessels to the Tongan economy</i> - <i>Contribution of the tuna fishery to GDP</i> 	Head of FMDD, Head of Economic Section and Marketing Officer

Optimum utilization/ maximum economic benefits)	Strengthen sub-sectors of fishing, processing and value-adding	Incremental increase number of local and locally-based vessels each year with gradual decrease in foreign vessels At least some level of value-adding by end of 2020 Seek funding to improve infrastructure and processing facilities for value adding and processing	Fresh fish landed are packed for air transport to markets in Australia, US and Japan Seek funding to improve infrastructure and processing facilities for value adding and processing	Head of FMDD, Head of Economic Section and Marketing Officer
	Support for (gradual) phasing out of foreign vessels and replaced with local vessels (and locally based foreign vessels). <i>Ensure revenues to government and the economy is gradually increased over time because of this new licensing system</i>	<i>Starting in 2018 impose license cap of 20 licenses or fishing vessels with no more than 10 licenses can be issued to foreign vessels at any one time.</i> <i>Gradual reduction of foreign licenses and increase local (and locally-based foreign) licenses over time but stay within the limit of 20 licenses; target by end of 2020 at least 50% of all licensed vessels active in Tonga EEZ are local and locally-based foreign vessels.</i> Undertake Cost Benefit Analysis of the current licensing fees for local fishing vessel	It has always been the intention that when there is sufficient capacity by Tonga as a Coastal State to exploit tuna resources within its EEZ, it can do so freely. However failing this Tonga must cooperate and grant access to foreigners to exploit the resources in areas under its jurisdictions, and Tonga has the right to enforce its laws against those foreigners (UNCLOS). Recognise that foreign vessels were only allowed in 2011 to increase socio-economic benefits because of domestic vessels no longer profitable to stay active in the fishery Undertake Cost Benefit Analysis of the current licensing fees for local fishing vessel	Head of FMDD, Head of Economic Section and Marketing Officer
		EEZ management limits: - i. cap of 2,500mt for SP ALB, 2000 mt each for yellowfin and bigeye ii. cap of 20 vessels or licenses	SP ALB catch limit currently negotiated through SC-SPTBF, at 2500mt; a little over 1000mt for all spp. landed in 2012 which is way less than catch limit	Head of FMDD, Head of Economic Section and Policy Officer

		<i>tii. area restrictions</i> <i>iv bycatch limits (sharks, seabirds, sea turtles)⁹</i>	Current catches and licenses or active longline vessels remain below the limits . Monitor catch limit to ensure it is not reached	
	Implement bycatch mitigation measures for sharks, seabirds and sea turtles	Implement the revised NPOA (sharks) 2018 – 2020	Shark measures are revised and reflected in the NPOA (shark); Interactions with seabirds and sea turtles remain low and negligible. Collection of data remains a priority and can be further improved. This includes increase in observer coverage and port sampling staffs.	Head of ICT Section, Head of Offshore Section and Port Samplers
Promote partnership arrangements	Explore alternative management arrangements (bilaterals, trilaterals, multilaterals) to generate economic benefits	Secured 1-2 bilateral arrangements noting the limit of 20 licenses with preference given to local and locally-based foreign vessels Continue seeking alternative arrangements with neighbouring EEZ to generate economic benefits. At least 1-2 licensing arrangements to allow Tonga flag vessels access and fish in neighbouring EEZs of Tokelau, Tuvalu, Wallis/Futuna, Fiji and Niue. Conduct high level dialogue with neighbouring country regarding bilateral agreements	<ul style="list-style-type: none"> - Close monitoring to ensure licenses issued do not exceed the cap - Discussion is continuing with other similar arrangements through the SC-SP/TBF processes (and possibly PNA). - Tonga continues enjoying the benefits flowing from the US Treaty. - Close monitoring of alternative management arrangements for purposes of stock and long term economic sustainability 	Senior Management team, Legal Officer, Licensing Section, Policy Section, Senior International Relations Officer

⁹Fisheries Management Regulation, 2008

	Implement bareboat charter policy. Ensure Bareboat Charter Regulation submitted to parliament for approval	At least 1 - 2 charter arrangements by 2020	Charter template would allow local fishing companies and entities to charter and, if appropriate, flag vessels to fish in its waters, high seas and other zones. Promote bareboat charter arrangement for local fishing companies and foreign fishing companies	Policy Section of FMDD
	Continue encouraging trial or current and new fisheries; monitoring of exploratory fishing And experimental fishing in Tonga EEZ	Trial fishing to determine potential for other tuna-like species in Tonga EEZ	Close monitoring in accordance to domestic laws and policies on exploratory and experimental fishing	Head of Science Division, Legal Office, Policy Section, Senior International relations officer
Update fisheries legislations	Review the Act and regulations pertaining to oceanic fisheries	Amendment to the primary Act and preparation of new regulations adopted early 2018 Complete legislative review by end of 2018	Legislative review current take place	Legal Officer, Policy Section
Update plan	Review the Plan at any time necessary, including annually and at the mid-term of the plan	Review completed before 2020 <i>Policy team will be responsible for the review, with assistance as appropriate from the FFA.</i>	Ensure that the reviews take place	Policy Section, Senior staff and assistance from FFA
Development Aspirations				
(basic infrastructure, food security, local participation, sustainability, economic growth in the fishing industry, market, etc.)				
Improve basic onshore infrastructures	Build and complete the fisheries wharf; the Tu'imatamoana wharf is no longer able to accommodate vessels berthing or landing catches	Complete proposal by early 2019 Complete construction and ready for use by end of 2019	Priority action is to formulate project proposals for potential donors to support infrastructure developments in the country that will in turn support economic development in the fisheries sector.	Senior Management team, staff of FMDD and Senior International Relations Officer
	Explore the possibility of a small scale loining processing facility	Prepare a proposal seeking funding support from donors, early 2018, if appropriate	Head of Fisheries with inputs from senior staffs, and in collaboration with other relevant line ministries and the Fisheries Council to prepare the proposal and transmit to donors Seek funding support from traditional	Senior Management team and staff of FMDD, Senior International Relations Officer

	Construct airport/ wharf cold storage facility Maintain cold chain for Tonga premium quality fresh tuna to markets abroad (Priority)	Interim proposal for a refrigerated container at the airport ASAP Prepare a proposal and seek funding support from traditional donors and development partners by 2019 Construction of the facility at least by end of 2018, ready for use in 2019	donors and development partners to build the wharf, cold storage facility at the airport, and loining facility	Senior Management team and staff of FMDD, Senior International Relations Officer
	Construct dry docking facility for boat repair	Consultation between Fisheries Council and Port Authority concluded by early 2015 – to formalise responsibilities and roles, etc. Prepare funding proposal in 2018 and commence construction work in 2019 Follow up consultation with Port Authority and Cabinet regarding the decision that was deferred)	Supporting facilities in addition to the wharf such as dry-docking facility for boat repair was not available in the country making it very un-attractive for FFV to use Tonga as their main port of operation.	Senior Management team and staff of FMDD, Senior International Relations Officer
Explore job opportunities	Encourage crewing and alternative job opportunities on fishing vessels and onshore processing	Target incremental increase each year from 50 in 2018 to over 200 jobs in 2020 – as observers, crews, engineers, skippers, deckhands, stevedores, packers, managers, office staffs, etc. - Continue explore job opportunities in the fishing and processing subsectors - Undertake analysis to see the number of employment and monitor trends of employment each year - Support the FFA crewing initiative incl. a new MTC on crewin	Close monitoring in the number of jobs each year	Economic Section

	<p>Encourage training opportunities for Tonga nationals in the areas of observers, crews/deckhands, engineers, skippers, packers, managers, office staffs, etc.</p> <p>-Carry out annual exercise to ascertain the target set out in the plan</p> <p>-Seek alternative resource to support training such as HACCP Training</p>	<p>Observers and de-briefers – FFA/SPC to assist achieve target of 20 by 2020</p> <p>Crew/deckhands – target 30 old and new crew by the end of 2020 - responsibility of industry, and government in collaboration with donor funds will support others</p> <p>Engineers and skippers – NZAID training programme target 10 by the end of 2020</p> <p>Office staff – Business college in Tonga – target of 10</p> <p>Processors and graders - SPC assistance – target of 10+ processors and 2-3 graders</p> <p>Certified Officer- HACCP, MSC etc</p> <p>Achieve the above targets by end of 2020</p>	<p>Encourage nationals to pursue training opportunities to obtain competent and qualifications as skilled crews, engineers, skippers, and other jobs in office, processing facilities etc.</p> <p>-Seek alternative resource to support training such as HACCP Training</p>	Head of Compliance Division
Contribute to food security in the country	<p>Consistent supply of fish into the local markets and local population</p> <p>Ministry of Fisheries fight against NCD initiative</p> <ul style="list-style-type: none"> - Regular review and update of the MOU between the Ministry of Fisheries and Ngatai (fish price, 5 tonnes of fish, 20cents per kilo to NFC) - Annual budget allocation to support implementation of the above 	<p>Target to maintain supply local market and local restaurants annually</p> <p>Expand distribution of fish to cover 100% by 2020 of Tonga communities</p>	<p>Bycatch and damaged fish as well as quality fish landed by vessels in port sold directly to local market and individuals</p>	Head of FMDD and staff, other staff of the ministry

Contribute to domestication of the fishery	Increase support for local ownership & participation in the fishery Encourage bare boat charter initiative	Priority for fishing licenses goes to locals or local and locally-based foreign vessels following criteria for the consideration and issuing of applications. At least 1 -2 bareboat charter arrangements that would encourage local investors participation	Policy Section, Legal Officer, Licensing Section
	Undertake study or survey of potential markets overseas on the types of fish and valued added products that can be developed and exported from Tonga. If required FFA could assist with resources.	Market officer and Economic Section undertake the study and a report completed by 2020	Marketing officer and Economic Section
Market and certification requirements	Ensure processing infrastructure meets EU and all other markets' standards and certification process requirements Establish a Competent Authority	In 2018 - 2020, Ministry of Fisheries will seek FFA assistance with respect to certification processes that be required to access overseas markets, including Competent Authority by 2020. - Prepare CA Policy and Legislation - Continue to explore potential market that allow smooth flow of tuna and tuna products	Head of FMDD, Marketing officer and Economic Section and Legal Officer
	Ensure fisheries products are MSC certified	During the period of 2018 - 2020, Ministry of Fisheries will seek FFA assistance in certification processes that will ensure Tonga product are MSC certified.	Head of FMDD, Marketing officer and Economic Section and Legal Officer
Governance & Administration <i>(stability, transparency, effective administration & cooperation)</i>			

Resolution of EEZ boundaries	<p>Clear definition of EEZ Boundaries resolved with neighbouring countries</p> <p>Prepare a formal letter seeking to be included in the Technical Group on Tonga boundary delimitation work</p> <p>Organize an awareness work on maritime boundary</p>	<p>Definition included in terms and condition</p> <p>Resolution with Fiji at least by 2020 Workshops for awareness on current efforts in 2018 - 2020</p> <p>Prepare the letter as soon as possible and send to the appropriate line ministry of the government</p> <p>Complete the workshop by 2020</p> <p>Regular meetings with the Ministry of Lands to progressing boundary work</p> <p>- Close consultation with FFA Legal Unit on progressing and resolving boundary work</p>	<p>No definition</p> <p>No boundaries formally resolved</p> <p>The Ministry of Fisheries is not part of the Technical Working group that work on maritime boundary for Tonga</p> <p>The work on maritime boundary is pursued through the Ministry of Lands. It is important for all relevant stakeholders to be aware on progress of this work.</p>	Senior Management team
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THE FISHERIES MANAGEMENT ADVISORY COMMITTEE

Pursuant to Section 8-12 of the FMA Act 2012:-

(1) The Minister shall establish a Fisheries Management Advisory Committee which shall advise him on such matters relating to the conservation, management, sustainable utilization and development of fisheries in the Kingdom.

(2) The Committee shall comprise the following members-

- (a) the CEO for Ministries of Fisheries as the Chairman;
- (b) the CEO for Ministry of Lands and Survey or his nominee;
- (c) the CEO for Ministry of Commerce, Trade, Innovation and Labour 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 Secretary may think fit to appoint.

(3) The members other than ex officio members shall be appointed for a period of 3 years.

9. (1) Where the Secretary 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.

(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.

(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.

(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.

(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.

(2) A sub-committee established under this section shall be established for a specified term and responsibilities.

(3) The sub-committee shall make recommendations to the Committee.

TUNA FISHERY LICENSING CONDITIONS

Appendix 3a: Fishing License Terms and Conditions (Local, Locally-based foreign and Foreign fishing vessels)

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 exclusive economic zone of Tonga using longline gear.
2. The master shall keep this licence 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 authorised 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, with the exception of the senior officers on the vessel namely the captain, chief engineer and fishing master, at least twenty percent (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 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

7. 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, catch¹⁰ 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 prior to entry into and departure from the fisheries waters;
 - (c) At least 24 hours prior to 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 Secretary, including the provision of a report of the activity.
9. The master shall complete daily catch reports (log sheets) in English on board the vessel in the form approved by the Secretary. 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.
10. Within three days of arrival in an approved port and having unloaded the catch, the master 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 Secretary 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 within the fisheries waters.

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.
13. The operator:

¹⁰ The term "catch" covers target and non-targeted species.

- (i) is prohibited from using the vessel to target sharks;
 - (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 live release and use of circle hooks.
14. Fishing, storing or retaining on board, transshipping or landing in whole or in part, any of the following sharks 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>

15. The operator shall ensure that the where any shark listed in paragraph 14 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 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

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

Verbal communication

17. Unless the Secretary 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.

18. 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.
19. 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.
20. All costs for the placement (travel to and from the vessel), salary and full insurance coverage of authorized observer will be borne by the operator, in accordance with instructions provided by the Secretary.
21. 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

22. 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.
23. 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.
24. 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 license. 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.
25. 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 at intervals of 4 hours or such shorter period as specified by the Secretary, 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.

26. If it is not possible to make any one or more of the further position reports as above, or when the Secretary 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 that the vessel is being, or has been, taken to port with gear stowed.
27. 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.
28. 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.

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
observer fees within 2 days, upon receipt of an invoice from the Secretary.

**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 3b: 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 authorized 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.
2. The operator shall not allow any fishing methods or fishing gears other than tuna long line.
3. The operator shall keep this 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 authorized 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 by-catch 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, catch¹¹ 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 transship fish, undertake bunkering or re-provision of the vessel. The vessel may only undertake these activities in an approved port and shall operate under such conditions as specified by the Secretary, 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. 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 authorized officer in Tonga, who shall check these 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/Time; Lat/Long; 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;
 - (ii) shall not use wire trace as branch lines or leaders;
 - (iii) shall comply with shark by-catch limits currently set at 14% of total catch per fishing trip in 2015, 12% in 2016 and 10% by 2017;
 - (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

¹¹ The term "catch" covers target and non-targeted species.

(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:

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>

16. The operator shall ensure that where any shark listed in paragraph 14 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 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 Authorized Officers

19. 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.
20. The Master and all members of the crew shall take all measures to ensure the safety of an observer or authorized officer in the performance of his duties, and shall not

assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an authorized 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 authorized observer will be borne by the operator, in accordance with instructions provided by the Secretary.
22. The operator shall ensure that the vessel carries an observer from the WCPFC Regional Observer Programme.

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.
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 license. 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 at intervals of 6 hours or such shorter period as specified by the Secretary, 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.
27. If it is not possible to make any one or more of the further position reports as above, or when the Secretary 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 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.

**FAILURE TO COMPLY WITH THESE AND OTHER TERMS AND
CONDITIONS OF THE LICENSE , 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 1111/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 11111/SJ xxx YF yyy OTH zzz/INTENDED ACTION/TRANSHIPMENTY/N/OBSERVER NAME AND NATIONALITY

Appendix 3c: License Conditions for a Fish Processing Establishment & Export of Fish

As in accordance with the Fisheries Management (Processing & Export) Regulations 2008, Section 4 & 5 stipulates the requirement of a Fish Processing Establishment.

The holder of a fish processing establishment license shall-

- (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.

As in accordance with the Fisheries Management (Processing & Export) Regulations 2008, Section 10 (1, 2, 3) & 11 stipulates the requirement of a License to Export.

(1) A license 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 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.

(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 license holder.

(3) A license 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 Act.

Fish export Log sheet

A holder of a license to export fish for commercial purposes shall-

(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) License holder's name;
 - (ii) Date of export;
 - (iii) Destination;
 - (iv) Scientific or common name of each species to export;
 - (v) Number of fish by species;
 - (vi) Total weight by species; and
- (b) submit all completed Marine Products Log sheets to the Secretary in their original and unaltered form no later than 24 hours after the completion of the day to which the log sheet relates.

TUNA FISHERY ASSOCIATED FEES

Appendix 4a: Local Fishing Vessel

In Schedule 1 of the Fisheries (Local Fishing) Regulations 2009, it stipulates fees associated with registration and licensing of local fishing vessels.

SCHEDULE I

FEES

1. Application to register a local fishing vessel or commercial sport fishing vessel – **\$10.00**
2. Certificate of registration for a local fishing vessel or a commercial sport fishing vessel – **\$5.00** for the first 6 metres and every additional metre shall be **\$2.00**
3. Notification of change in ownership of a local fishing vessel or commercial sport fishing vessel – **\$10.00**
4. Notification of modification or addition to a local fishing vessel or commercial sport fishing vessel – **\$10.00**
5. Application for the issuance or renewal of a licence for a local fishing vessel or a commercial sport fishing vessel – **\$10.00**
6. Licence for a local fishing vessel –
Up to 10 metres – **\$200.00** for the first 6 metres and every additional metre shall be **\$5.00**
Between 10-20 metres – **\$500.00** for the first 6 metres and every additional metre shall be **\$10.00**
Over 20 metres – **\$800.00** for the first 6 metres and every additional metre shall be **\$20.00**
7. Licence for a commercial sport fishing vessel – **\$500.00** for the first 6 metres and every additional metre shall be **\$10.00**.
8. Observer fees - **\$50** sea days

Appendix 4b: Locally based foreign fishing vessel, foreign fishing vessel and fishery scientific research, test fishing or survey license fees

SCHEDULE 1

FEES

1. Application for the issuance or renewal of a Locally based foreign fishing vessel licence - **TOP\$50.00**
2. Application for the issuance or renewal of a Foreign fishing vessel licence - **TOP \$50.00**
3. Application for the issuance or renewal of a High Seas Fishing Vessel Permit - **TOP\$50.00**
4. High Seas Permit - **TOP\$3,000.00**
5. The following fees apply to the issuance or renewal of licences for any locally Based Foreign Fishing Vessel and Foreign Fishing Vessel:
 - (i) Upfront access fee – **US\$14,000.00**
 - (ii) Value of catch charge – 5% of the catch value (for every fishing trip)
 - (iii) Observer fees – **TOP\$60.00** (83.3% to the observer and 16.7% to the government) sea days
6. Application for the issuance or renewal of a fishery scientific research, test fishing or surveys, – **TOP \$50.00**
7. The following fees apply to the issuance or renewal of Authorization for fishery scientific research, test fishing or surveys –
 - (i). Authorization for all fishery scientific research, test fishing or survey on any marine species conducted by either students, companies or institution as per request or in collaboration with the Ministry- Free of charge
 - (ii). Authorization for all research or survey on any marine species by students not by request or in collaboration with the Ministry- bond of **TOP\$1000.00** which is refundable subject to complete fulfillment of either regulations 17(2) or 18(3) as applicable.
 - (iii). Authorization for fishery research, test fishing or survey by a company on *tuna and tuna like species* not by request or in collaboration with the Ministry- **US\$7000.00**
 - (iv). Authorization for fishery research, test fishing or survey by an institution on tuna and tuna like species not by request or in collaboration with the Ministry- **US\$3500.00**
 - (v). Authorization for fishery research, test fishing or survey by a company on any snapper species not by request or in collaboration with the Ministry- **TOP\$1000.00**
 - (vi). Authorization for fishery research, test fishing or survey by an institution on any snapper species not by request or in collaboration with the Ministry- **TOP\$500.00**

- (vii). Authorization for fishery research, test fishing or survey by a company on new fisheries resources not by request or in collaboration with the Ministry- **TOP\$10,000.00**
- (viii). Authorization for fishery research, test fishing or survey by an institution on new fisheries resources not by request or in collaboration with the Ministry- **TOP\$5,000.00**

Appendix 4c: Export and Fish Processing establishment license

SCHEDULE 4A

TEPILE 2

As in accordance with the Fisheries Management (Processing & Export) Regulations 2008, Section and its subsequent sub paragraph in 4, 5, 6, 7, 8, 9 and 12 stipulates associated fees in regards to Export.

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 license <i>Tohi kole ki ha laiseni fale ngaohi'anga ika</i>	\$50.00
4.	Application to renew a fish processing establishment license <i>Tohi kole ke fakafo'ou ha laiseni fale ngaohi'anga ika</i>	\$10.00
5.	Fish Processing Establishment License <i>Laiseni 'o e Fale Ngaohi'anga Ika</i>	\$100.00
6.	Application for a fish export license <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 license <i>Tohi kole ke fakafo'ou 'a e laiseni ke hu atu ki tu'apule'anga 'ae ika</i>	\$10.00

**PROCEDURE FOR REGISTRATION OF ALL FISHING VESSELS
ABOVE 15m IN LENGTH**

A. Procedures for vessel 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 License and call sign; and
- (viii) De-registration certificate.

B. Procedures for Bareboat registration

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

C. Responsibilities and obligations of ship owner 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 conduct by Meteorological Services

Appendix 6: Licensing Procedure & Process

