

**GEF II PROJECT:
NATIONAL PROJECT PREPARATION REPORTS
TONGA**

Foreword

This brief report was prepared by Les Clark and Colin Brown during a visit to Nuku'alofa from 21 to 26 June 2004. It aims to assemble information relating to Tonga necessary for the preparation of the GEF SAP II Project.

The main aims of the report are:

- To make an assessment of the implications of the WCPF Convention for Tonga
- To identify possible interventions to support implementation by Tonga of the WCPF Convention
- To make an analysis of the incremental costs to Tonga of activities related to the Convention
- To undertake an analysis of stakeholders in Tonga with interests in the regional oceanic fisheries resources
- To identify relevant consultative mechanisms in Tonga for the GEF SAP II Project
- To collect information relating to available indicators of performance in areas related to the WCPF Convention and to the financial sustainability of Tonga's participation in the Commission and implementation of the WCPF Convention

The report is based on available published information and information provided in the consultations with stakeholders listed in Annex 3.

1. Background

1.1 Status of Oceanic Fisheries

The Tongan commercial oceanic fisheries longline fleet grew rapidly from one vessel catching around 200 tonnes annually in the early 1990s, to around 20 vessels catching around 2,000 tonnes by 2002. The catch is mainly albacore, with smaller but valuable amounts of bigeye and yellowfin. Most of the longline catch is landed in Nuku'alofa, the only outlet for air freight, although some domestic vessels also discharge catch in Pago Pago. Over 90% of the catch is taken in Tongan waters but more recently there has been a small amount of fishing by Tongan vessels in neighbouring areas of high seas and national waters. Tonga does not licence foreign vessels directly – they operate only under Tongan control, and are considered as part of the Tongan domestic fleet..

In recent years, the commercial offshore fishery has become a large and important industry in Tonga, with the value of output reaching T\$15 million in 2001.

Falling albacore catch rates apparently related largely to oceanographic conditions undermined the viability of the fishery in 2003, and caused uncertainty about the future of the commercial tuna fishery in Tonga. A gradual recovery in catch rates is reported at June 2004.

Subsistence and small scale fishing for oceanic species, based mainly on trolling and FADs, remains important for food security and income generation. There is also a small but increasingly important sport fishery targeting a range of large pelagic fish operating from Nuku'alofa and Vava'u.

1.2 Oceanic Fisheries Management

The major objectives of tuna management and development policy set out in the Tonga Tuna Management and Development Plan are to:

- “ensure that the utilisation of Tonga’s national tuna resource is compatible with the sustainable harvesting of the tuna stocks throughout their range;
- maximise economic benefits to Tonga from the utilisation of its tuna resources, including harvesting and processing; and
- contribute to the food security of Tongan subjects and, through the sustainable utilisation of the tuna stocks, the global community.”

The commercial tuna longline fishery is managed under a limit to numbers of licensed vessels, currently set at 50 vessels.

Closed areas protect smaller scale fisheries. Currently, larger commercial vessels are prohibited from fishing within 12 miles of islands and major reefs, and the Government is considering a more comprehensive closure around the main island archipelago.

1.3 Oceanic Fisheries Institutional Arrangements

The Ministry of Fisheries is the primary agency responsible for oceanic fisheries management. The Ministry has an establishment of 104 posts (93 filled) , and an annual operating budget of T\$1 million. Oceanic fisheries is the major focus of the work of the Ministry, but inshore fisheries and aquaculture are also important in Tonga. Within the Ministry, responsibilities for oceanic fisheries include:

- Economic & Finance Division responsible for economic analysis and planning, and commercial services
- Research & Management Division, responsible for resource assessment and development, port sampling and community development; and
- Access & Compliance Division, responsible for fisheries management planning, compliance and certification, licensing and monitoring

Revenue from oceanic fisheries is around \$700,000 per year,

A 4 year, A\$5.7 million AusAID fisheries project is currently programmed to finish in January 2006. The Project has 4 components covering institutional capacity building, small scale fisheries development, commercial fisheries development and community-based management.

The other government organisation with a significant role in oceanic fisheries management is the Tongan Defence Services which is very well equipped.

Consultation with stakeholders is undertaken through the Tuna Management Committee, which has representation from the Ministry of Fisheries, other relevant Government Ministries/Divisions, other island districts, the Tongan Export Fisheries Association, the commercial sport fishing industry; and non-government organisations.

Under the new Fisheries Management Act, a statutory Fisheries Management Advisory Committee will be established, with provision for management committees for individual fisheries to be established in fishery plans.

1.4 Donor Involvement

There is no other significant donor involvement in oceanic fisheries management besides AusAID.

1.5 Other Oceanic Fisheries Management Issues

Other oceanic fisheries management issues that arose in the mission to Tonga include:

- Bilateral access: recent oceanographic changes and growth of the Tongan fleet have highlighted the need for Tongan vessels to have access to other waters for oceanic

fishing, including the waters of some neighbouring states. Tonga plans to secure this access with bilateral agreements with some neighbouring states.

- Declaration of EEZ and delineation of maritime zones; Tonga is in the process of formally declaring its EEZ, and will then need to delineate its EEZ boundaries – this will involve boundary agreements with five neighbouring states and territories.

2. Tonga and the WCPF Convention

2.1 Overview

With a tuna industry based on longlining, Tonga's primary aims in the MHLC and Prep Con process have been:

- i) to ensure the application of measures to ensure the sustainability of the region's tuna stocks and fisheries. Key elements of this for Tonga have been:
 - ensuring the long term sustainability of the longline fishery targeting albacore, but with important catches of bigeye and yellowfin; and
 - implementing controls on the impact of purse seine fishing on juvenile bigeye and yellowfin because of the effects this could have on catches by Tonga's longline fleet.
- ii) to ensure that Tonga secures at least a fair share of access to the region's tuna resources.

As a Member of the Commission and a Party to the WCPF Convention, four major short term areas of implications for Tonga are seen as follows:

- i) legal reforms, which are substantially completed as discussed below:
- ii) strengthened arrangements for management of fishing in Tongan waters, particularly enhanced monitoring and control efforts to improve information for scientific purposes and address IUU fishing;
- iii) the introduction of new arrangements for management of Tongan vessels outside Tongan waters, including the high seas and the waters of other States; and
- iv) participation in the processes related to the Commission, including involvement of non-government interests, especially the offshore fishing industry.

As part of a broader institutional strengthening programme, Tonga has made substantial progress towards developing the capacity to implement its obligations under the Convention, and has plans in place to complete this process. If this progress can be sustained, Tonga should provide a "best practice" model of the approach to realignment, reform and restructuring that a Pacific Island country can adopt to both prepare it for the implementation of the Convention and to build a base for benefiting from sustainable oceanic fisheries development.

2.2 Implications of the Convention

2.2.1 Legal

The new Fisheries Management Act is now in force. It includes all necessary powers for implementation of the UN Fish stocks Agreement and the WCPF Convention, and regulations are in the process of being promulgated. This will complete the immediate legal needs by Tonga for implementation of the Convention.

The National Environment Act governs environmental activities. The work of the Department of Environment in marine conservation is focused largely on protection of endangered species in inshore waters, particularly through education and awareness raising activities. There are no environmental NGOs active in fisheries.

The table below summarises the status of Tonga’s adoption of relevant international legal instruments and declarations.

Instrument	Status
WCPF Convention	Ratified
UN Convention on the Law of the Sea	Ratified
UN Fish Stocks Agreement	Ratified
FAO Code of Conduct	Principles included in new legislation and Tuna Management Plan
WSSD fisheries targets	Not formally adopted
Convention on Biological Diversity	Acceded
FAO Compliance Agreement	Accepted (check??)
FAO International Plans of Action	Not implemented
FFA Minimum Terms & Conditions	Implemented
Driftnet Convention	Ratified

Tonga has substantial legal capacity in its government legal offices, but the Crown Law office is overloaded, and Tonga needs assistance for major technical initiatives in fisheries law. Assistance in the revision of the Fisheries Act was provided by FAO and Commonwealth Secretariat. A post for a legal officer has now been created in the Ministry. Recent experience has shown a need to build understanding among offices such as Crown Law and Police of the need to take account at the local level of the global significance of moves against IUU fishing, including capacity building in the area of prosecution.

2.2.2 Policy/Institutional

The Tongan fisheries administration is going through a major programme of realignment and strengthening, in many areas with the support of the AusAID Project. Key features of that reform include:

- Increased emphasis on fisheries management as the core focus of the Ministry and a reduced role for the Ministry in operational activities, achieved through commercialising some activities and using cost recovery processes and contracting arrangements to reduce the size of the fisheries Public Service establishment
- Strengthening of monitoring programmes (with assistance from the GEF IW Project through SPC), and economics, compliance, statistics, law and resource assessment programmes

At the same time, there has been a systematic reform of oceanic fisheries policies including:

- adoption of a Tuna Management Plan, consistent with the UN Fish Stocks Agreement, as the key instrument of oceanic fisheries policy. The Plan is to be reviewed, taking into account the coming into force of the WCPF convention among other things;
- establishment of a Tuna Management Committee, now given a statutory basis in the new Act – the committee is seen as needing streamlining to be more effective in its operations;
- review of licensing terms and conditions
- support for the strengthening of private sector stakeholder institutions

When these reforms are completed, the Tongan Government will have substantially completed the institutional reforms, policy reviews and strengthening of fisheries management programmes necessary to modernise its oceanic fisheries sector. This means

that Tonga will be well placed to implement the WCPF Convention and decisions of the WCPF Commission, and to continue to develop and benefit from its oceanic fisheries. There will however be a continuing need for capacity building in fisheries management and policy making, particularly in areas related to the work of the WCPF Commission to ensure that Tonga participates effectively in the work of the Commission, including being able to ensure that Tonga's interests are taken into account in this work; and to build support among stakeholders for the effective implementation of decisions of the Commission.

The cost of financial contributions for Tonga to the WCPF commission is expected to be in the range of US\$6-10,000 per year once the Commission is fully established.

2.2.3 Compliance

Within the overall institutional strengthening of the Ministry, substantial progress has been made in strengthening compliance activities, including:

- The establishment of a National MCS Committee aimed at improving coordination of MCS activities between fisheries and other agencies, and a Ministerial Council and Operational Task Force to coordinate compliance actions
- A new national VMS, and a new VMS section within the Access & Compliance Division financed by a new cost recovery scheme, and start-up of the FFA Regional VMS.
- Reform of the licensing activities and vessel register, and establishment of an inter-agency Licensing Committee

Tonga has a strong capacity to enforce its fisheries laws, using 3 patrol vessels (provided and supported through the Australian Pacific Island Patrol Boat Programme) and a patrol aircraft operated by the Tonga Defence Services. It is also assisted by regular surveillance flights by Australia, France and New Zealand (more regularly), and Germany has also recently indicated that it will provide air surveillance flights.

There are inspection programmes in place for transshipment and landings in Tonga. Further training of inspectors is important.

The strengthening of compliance activities has already been successful in apprehending several locally-based foreign vessels involved in illegal fishing.

Flag State Responsibilities

A major new responsibility for Tonga under the Convention is the need to regulate fishing by Tongan vessels outside Tongan waters. Some Tongan vessels fish outside Tongan waters, but control over these vessels is currently not well exercised. The extent of this fishing is presently limited because Tongan vessels are generally small, but may increase as larger vessels are used. The new Act includes a requirement for vessels to be authorised to fish outside Tongan waters, and this provision will be applied. Tongan vessels fishing outside Tongan waters are controlled by both the national and FFA VMS, and this is already improving control.

2.2.4 Monitoring

Tonga is involved in systematic strengthening of monitoring functions as part of the current fisheries institutional strengthening programme, with support from the AusAID project supplemented by assistance from SPC/OFP (including assistance under the current GEF IW Project), and from FFA. Features are:

- **Logsheets:** the level of logsheet coverage of the longline fleet has been improving in recent years and current logsheet coverage is considered high (about 80%).
- **Port sampling:** there is a high level of coverage (70-100%) of the longline fleet by the port sampling programme. A number of domestic vessels may discharge their catch in Pago Pago. These landings are covered by NMFS port sampling staff.

- Landings: landings data are collected via the port sampling programme, although coverage is less than 100%.
- Observers: Tonga has recently commenced a national observer programme, with partial cost recovery financing. The programme is particularly aimed at monitoring the operations of the locally-based foreign vessels. The level of coverage is around 20-30%. Additional observers are being contracted and out-sourced, but within a system of improved conditions to improve the sustainability of the programme. Tonga is keen to have more Tongan observers achieve certification for regional programmes.

Overall, Tonga is preparing to meet expanded monitoring requirements under the WCPFC Convention and expects to be able to do so. The major assistance needed will be for continuing training for observers, port samplers and statistical staff. It is not viable for Tonga to establish its own training programmes for the small numbers involved, and Tonga sees itself continuing to rely on the regional organisations for this function.

2.2.5 Scientific Analysis

Tonga sees the development of a national capacity for scientific analysis on oceanic fisheries as an important priority. Tonga will continue to rely on SPC for stock assessment analysis and related advice – support in this area from SPC has improved but SPC’s capacity to provide this support still falls short of what Tonga needs. Tonga also wants to develop its own capacity to interpret and apply the regional results and to be able to interpret data from national monitoring programmes – there are two posts in stock assessment and one of these is a new post specifically for tuna research.

There is a national catch and effort database, but assistance will be needed to produce the verified estimates of annual catch by species, gear and fleet for Tongan waters expected to be required to meet the data standards established by the Commission.

3. Potential Contribution of SAP II Project

With the AusAID Project in place, continuing to commit substantial resources to institutional strengthening, there is not the same need for in-country assistance in this direction from the GEF SAP II Project in Tonga in the next year or two as in some other countries. Rather, Tonga’s needs are for continuing support from the FFA and SPC regional programmes in law, economics, science and compliance; with a potential role for the SAP II Project in contributing later on to the sustainability of some of the programmes being established or expanded under the AusAID Project. The specific areas in which assistance would be needed from the GEF SAP II Project will be clearer as the AusAID Project enters its final stage.

.Activity	Incremental Actions	Possible Assistance
Legal		
Revise Legal framework	Revise Act and Regs (Largely completed)	Attachments etc
Establish Fisheries Law programme	Train new legal officer	
Support Commission participation	Provide legal advice	Regional Legal Workshops
Implement Commission decisions	Provide legal advice, change regulations, licences	In-country Prosecution Workshop
Policy		
Participate in regional policy formulation	Commission financial contributions	Regional Fisheries Management Training/Consultations Attachments
	Commission meeting participation	
	Additional FFA Meeting participation	Regional Fisheries Management Training/Attachments/Workshops/

Compliance		Consultations
Increase IUU deterrence in-zone	Improve licensing, vessel register	Regional MCS Working Group participation
Ensure flag vessel control and compliance	Improve effectiveness of patrol, inspection, investigation, prosecution	In-country and regional Inspection, VMS staff training
Monitoring	New authorisation process; inform Commission	Regional Training on flag state responsibilities
Improve at-sea data	Expand Observers	Ongoing in-country and regional training of port samplers by SPC and observers by FFA/SPC
Improve catch composition data	Expand Port sampling	
Science		
Improve national statistical info.	Strengthen statistical capacity	Statistical support from SPC
Provide catch/effort estimates to the Commission		
Improve understanding of oceanic resources and ecosystem	Strengthen national capacity to analyse national data	Ongoing support from SPC
	Strengthen national capacity to interpret regional analyses	Training for national scientific staff to interpret stock assessments and oceanographic information
	Enhanced capacity to interpret oceanographic information	

ANNEXES

- Annex 1 Incremental Cost/Co-financing Analysis
- Annex 2 Stakeholder Inventory and Analysis (including consultative mechanism inventory)
- Annex 3 Record of Stakeholder Consultation
- Annex 4 Indicator Availability
- Annex 5 Sustainability Analysis

Annex 1 Incremental Cost/Co-financing Analysis

Summary

National Funding		
Theme	Total 2005-2009 Baseline	Total 2005-2009 co- financing
		(TP 000)
1 Law	18	77
2 Policy/Management	30	180
3 Compliance	4850	275
4 Monitoring	286	222
5 Science	36	109
Total	5220	863

Supported by a substantial AusAid-funded institutional strengthening project, Tonga has established several new posts in oceanic fisheries management areas.

Co-financing cost estimates based on::

Law: recruitment of a legal officer

Policy/Management: participation in the activities of the Commission, annual contribution to the Commission

Compliance: 2 new staff for MCS, especially VMS, high seas patrol costs

Monitoring: additional observers/port samplers to be hired

Science: two additional research staff – tasks include preparation of data for the Commission

Donor Funding				
Theme	Donor	Project	Total 2005-2009 Baseline	Total 2005-2009 Incremental
				(TP 000)
Compliance	Germany	Aerial Surveillance		400
Management	AusAID	Institutional Strengthening		600

Base Data

Institution	Programme	Theme	2004 Budget	%OFM	2004 OFM Budget
Fisheries D	ExecutiveMgmt	Policy/Mgmt	48	25%	12
Fisheries D	Offshore Fisheries	Monitoring	179	40%	71.6

		Science	179	5%	9.0
Fisheries D	Reg&Enforce	Compliance	100	80%	80
Police	Maritime	Compliance	1000	100%	1000
For Aff		Policy/Mgmt	500	1%	5
A.G.		Law	500	1%	5
Total					1182.6

Annex 1 Incremental Cost/Co-financing Analysis

Details

Theme	Institution	Programme	2004 OFM budget	2004 WCPF Increment	2004 Non-WCPF Baseline	2005-2009 Baseline	New WCPF Increment						Total Incr	
							2005	2006	2007	2008	2009	Total		
1 Law	A.G.	Law	5	1.5	3.5	17.5	14	14	14	14	14	70	77.5	
2 Policy/Mgmt	Fisheries D	ExecutiveMgmt	12	6	6	30	20	20	20	20	20	100	130	
	For Aff	Pacific	5	5	0	0	5	5	5	5	5	25	50	
3 Compliance	Fisheries D	Compliance	80	10	70	350	15	15	15	15	15	75	125	
	Police	Maritime	1000	0	1000	4500	30	30	30	30	30	150	150	
4 Monitoring	Fisheries D	Offshore Fisheries	71.6	14.32	57.28	286.4	30	30	30	30	30	150	222	
5 Science	Fisheries D	Offshore Fisheries	8.95	1.79	7.16	35.8	20	20	20	20	20	100	109	
			1182.6	38.61	1143.94	5219.7							670	863

Annex 2 Stakeholder Inventory and Analysis (including consultative mechanism inventory)

Country: Tonga

Date: 24 June, 2004

Data Recorder: Colin Brown, cibn@oyster.net.ck

Stakeholder	Representative/ post	Contact details	Description of Interests [factors that may influence participation]	Stakeholder analysis and preliminary participation plan		
				1 ^o s/holder [role in decision- making]	2 ^o s/holder [2-way flow of information]	Other [Keep informed]
Ministry of Fisheries	Secretary	Tel: 21399	National fisheries authority	X		
Department of Environment	Director	Tel: 25050	GEF Focal Point	X		
Ministry of Finance	Secretary		Financial architecture		X	
Marine and Ports	Secretary		National ports authority		X	
Ministry of Labour, Commerce & Industries	Secretary		National industry authority		X	
Department of Planning	Director		National planning authority		X	
Tonga Defence Services	Commander		Surveillance		X	
Ports Authority	Manager		Ports operations		X	
Tonga Game Fishing Association	Representative		Game fishing		X	
Chamber of Commerce	Representative		Business sector		X	
Export Fisheries Association	Representative		Tuna fishing interests	X		
TANGO	Representative		NGOs		X	
Snapper Fishery operators	Representative		Inshore fisheries		X	

Fishing Companies			fishing		X	
Small scale fishers			fishing		X	
General Public						X

Inventory of Project-related national consultative mechanisms

Consultative body	Parent/host body	Representative/ contact details	Area(s) of interest	Frequency of meetings	Members and affiliations
Tuna Management Committee	Fisheries Division	Tel: 21399	Tuna fishery		Govt agencies, fishing & processing companies, Chamber of Commerce, NGO representative,

Annex 3 Record of Stakeholder Consultation

GEF SAP II Country Mission

Tonga

Friday 25 June, 2004

Stakeholder Consultation

The Mission to Samoa, held a stakeholders consultation at the Fisheries Division headquarters to discuss the development of the SAP II project. Those present were: 'Apisake Soakai, Secretary for Fisheries; 'Ulunga Fa'anunu, Deputy Secretary for Fisheries, Dr Vailala Matoto, Fisheries Officer; Anitimoni Petelo, Principle Fisheries Officer; Peter Flewwelling (AusAID); Mark Wilson (AusAID); Secretary for Finance; Secretary for Marine and Ports; Secretary for Labour, Commerce and Industries; Director for Planning; Commander Tonga Defence Services; Heinz Koester, Tonga Game Fishing Association; Tonga Chamber of Commerce; Bill Holden, 'Alatini Fisheries; Lennie Niit, Tonga Marine Project; Naitilima Tupou, South Pacific Resources; TANGO Representative;

The consultation followed on from a detailed presentation with a broader group of stakeholders as part of a 4 day tuna conference held in Tonga in October 2003, with support from the GEF IW Project.

Issue raised during the consultation were:

- a discussion on WCPF Commission outcomes be included as an agenda item at all Tuna Management Committee meetings
- stakeholder input into the tuna management process is important and the project should develop mechanisms to facilitate this
- Tonga's input at meetings of the Tuna Commission would be enhanced with the involvement of stakeholders
- a sub-committee of the Tuna Management Committee to be comprised of a representative from MoF, the industry and one other member of the TMC should be set up to coordinate work related to the Convention/Commission and to be the National Consultative Committee for the SAP II Project
- the need for information on when the high seas boarding and inspection system would be applied to the various Parties

Other consultations held were:

Ministry of Fisheries:

- Ulunga Fa'anunu, Deputy Secretary
- Apisake Soakai, Deputy Secretary
- Vailala Matoto, Fisheries Officer
- Anitimoni Petelo, Principal Fisheries Officer

AusAID (MoF Project)

- Marc Wilson, Project Director
- Peter Flewwelling, MCS Adviser

Department of Environment:

- Uilou Samani, Director (GEF Operational Focal Point)

Tonga Defence Services (Navy)

- Commander Sione Fifita

Media coverage of the Convention and oceanic fisheries management generally was extensive during the Mission's visit to Tonga. The Broadcasting Corporation of Niue showed an extensive interview on the Convention with the acting Secretary of Fisheries, and a shorter interview with Les Clark on the Convention and the Project. This was associated with extensive publicity about the arrest of a locally-based foreign fishing vessel for targeting sharks inside a closed area, detected with the use of the new national VMS.

Annex 4 – Availability of National Indicators

Indicator	Availability	Current Value, if easily available
1. Coverage of:		
a) catch and effort logsheets: domestic fleet	✓	Around 80%
b) catch and effort logsheets: foreign fleet	Not applicable	
c) port sampling	✓	70-100%
d) observers: domestic fleet	✓	20-30%
2. Levels of budgets and staffing for these programmes	✓	
3. Levels of fleet capacity and fishing effort	✓	
4. Catch of target species,	✓	
5. Levels of mortality of related species, including bycatch and seabirds	×	

Note: this analysis does not include a range of national indicators which are known to be available for all countries such as status of legislation, undertaking of national reforms etc.

Annex V - Sustainability Analysis

Annual Government Revenue from Licensing: T\$700,000

Annual In-Zone Catch Value:

Annual Domestic Catch Value:

(Data above to be estimated by FFA)

Annual Production Value (including value of processing): T\$ 10-15 million

Expected Annual Commission Contributions: US\$6-10,000

Estimated Annual Government Incremental Costs: T\$170,000