



**TONGA NATIONAL TUNA FISHERIES MANAGEMENT
AND DEVELOPMENT PLAN
(2012 – 2015)**



August, 2012

FOREWORD

Tuna fisheries have been identified as one of Tonga's most important natural resources. Until recent years, we have experienced challenging times with our domestic longline operations. The rising fuel prices, declining and low catch rates and global economic crisis puts all of us in a very difficult situation to stay above water in our operations and for the technical and policy support and advice the government can offer. That said, we must progress forward in developing this resource for the benefit of our people.

This Tuna Fishery Management and Development Plan (TMDP) has been prepared in line with Tonga's Fisheries Management Act 2002 and Tonga Strategic Development Framework. This is a revised Plan that replaces the expired TMDP. It is a high level policy document that provides guidance to the management and development of tuna fisheries in the period 2012-2015.

This Plan was prepared using the process of ecosystem approach to fisheries management (EAFM), and through broad consultations with relevant stakeholders. The Plan draws from a number of reports and policy documents including Tonga EAFM Report & Operational Plan, National Tuna Fisheries Status Report (NTFSR), and fisheries related regulations. The Plan presents the key management, development and compliance strategies and future guidance frameworks. Stemming from this Plan, the Operational 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 further provide for the sustainable development of our domestic tuna fishery.

My Ministry 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 through the EAFM process 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 Fisheries Division. This plan shall ensure that your investment and our resources are managed in the most effective and sustainable way.

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Honourable Sangster Saulala
Minister of Agriculture & Food, Forests & Fisheries.

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ACRONYMS

EAFM	– Ecosystem approach to fisheries management
OP	– Operational Plan
TMDP	– Tuna Management and Development Plan
FFA	– Pacific Islands Forum Fisheries Agency
SPC	– Secretariat of the Pacific Community
WCPFC	– Western and Central Pacific Fisheries Commission
NSDP	– National Strategic Development Plan
FAC	– Fisheries Advisory Committee
MCS	– Monitoring Control & Surveillance
NTFSR	– National Tuna Fisheries Status Report
MSY	– Maximum sustainable levels
F_{MSY}	– Fishing mortality at MSY levels
F_{MSY}	– Stock biomass at MSY levels
CMMs	– Conservation and management measures
NPOA	– National Plan of Action
MCS	– Monitoring, control and surveillance
MTCs	– Minimum terms and conditions
SIDs	– Small Island Developing States
TMC	– Tuna Management Committee
FM Regs	– Fisheries Management and Conservation Regulation 2008
FMAct	– Fisheries Management and Conservation Act 2002
TAC	– Total Allowable Catch
TAE	– Total Allowable Effort

Preamble

VISION

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

MISSION

- Ensure ecosystem 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 investment in enterprises related to tuna fisheries;
- Promote good governance and strengthened fisheries institutions;
- Promote employment opportunities;
- Enhance international relationships incl. meeting international obligations;
- Promote close collaboration with the fishing industry;
- Ensure sustainable economic benefits from utilization tuna resources; and
- Promote food security through 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, is aim to provide;

- A clear statement of strategies for achieving goals, objectives and administration of management and development of the tuna resources;
- A transparent procedures for participation and decision makings in tuna fisheries;
- Relevant guidelines to achieving the management strategies through clear objectives and goals; and
- Strategic policies and directions for the development of Tonga's tuna fisheries

The Kingdom's approach towards achieving common thematic areas is through the Fisheries Division's efforts to:

Common Theme	FISHERIES DIVISION adds value by:
1. Determine allowable level of fishing, participatory rights & impose licensing fees.	<ul style="list-style-type: none">▪ Ensuring that the tuna catch does not exceed sustainable levels;▪ Obtaining national revenue from domestic and locally-based foreign fishing vessels;▪ Ensuring effective allocation of participatory rights in a

	<p>fishery; and</p> <ul style="list-style-type: none"> ▪ Ensuring <i>effective data collection programs in support of relevant assessments on stocks, and costs-benefit structures of fishing operations</i>
2. Promote economic benefits from fisheries development	<ul style="list-style-type: none"> ▪ Supporting development of locally-owned and/or foreign locally-based fishing enterprises; ▪ Encouraging investment in Tonga’s domestic albacore fishery that includes fishing and processing enterprises; and ▪ Promoting employment opportunities.
3. Economic benefits deriving from outside the fishery	<ul style="list-style-type: none"> ▪ Enhancing fisheries relationships beneficial to Tonga; and ▪ Explore alternative management arrangements that generate economic benefits
4. Promote effective MCS strategy	<ul style="list-style-type: none"> ▪ Encouraging development of a national MCS strategy reflecting on the Regional MCS strategy; ▪ Promoting transparent and effective delivery of monitoring, control and surveillance tools; ▪ Supporting development and implementation of national VMS and observer programs

PART 1: INTRODUCTION

1.1 LEGAL CONTEXT

The overarching legal basis of this plan is enshrined in relevant provisions of the Fisheries Management Act, 2002 (FMA2002). Generally the Act provides for the conservation, management and sustainable utilization and development of the fisheries resources in the fisheries waters and ensure the implementation of management and development plans (Sec.7(1)).

In particular, the Act stipulates that the Minister 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)).

Furthermore, the FMA 2002 provides other specific details in Sections 3, 4, and 7 with regard to what the Plan entails. Maritime Zones Act 2009 provides similar useful guidance towards effective management and development of the Kingdom's tuna fisheries.

1.2 PURPOSE

Consistent with the vision and mission in the preamble, the main purpose of the Plan is to provide a clear direction of goal, objectives and measures in the overall management and development of Tonga's tuna fisheries.

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:
 - (i) internal waters;
 - (ii) territorial waters; and

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.

² Maritime Zones Act 2009

- (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:
- (i) 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 FMA 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 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 GOAL

The overall goal of this Plan is to manage Tonga’s national tuna fisheries resources through an ecosystem-based, sustainable use and economically efficient tuna fisheries business.

1.5 OBJECTIVES

Consistent with the vision, mission and approach in the preamble and the high level goal, the objectives of the Plan aspire to give effect to the ecosystem-based approach to fisheries management, towards:

- (i) **Ensuring** that the utilization of Tonga’s tuna longline fisheries resources is compatible with the sustainable development measures;
- (ii) **Ensuring** that any tuna legislation facilitates all necessary requirement of regional and international binding frameworks and measures;
- (iii) **Maximizing** economic benefits to the people of Tonga from optimum utilization of its tuna resources, including fishing, processing and value adding;
- (iv) **Exploring** alternative management arrangements that generate economic benefits;
- (v) **Providing** clear and transparent licensing procedures;
- (vi) **Ensuring** that non target species are not discarded or dumped; and
- (vii) **Contributing** to the food security of Tongan subjects.

1.6 GUIDING PRINCIPLES

The following key areas are the guiding principles as stipulated in the FMA 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 measure;
- (v) The need to have an efficient Monitoring Compliance and Surveillance (MCS) network; and
- (vi) Promoting and protecting the existing domestic industry

1.7 EVALUATION & REPORTING

This Plan shall be reviewed by the Secretary for Fisheries annually, if required. An Implementation work plan shall be the annual check mechanism for the performance of the 'Plans'. The Secretary for Fisheries shall organize consultations, with the purpose to evaluate the 'Plans', with key stakeholders in the Tuna Management Committee (TMC) at least once a year.

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

1.8 FORMAL PROCEDURE FOR DEALING WITH GRIEVIENCES

The existing Fisheries Associations or individual companies should meet with the Division if they need to clarify any issues. All form and type of communication (incl. letter of complains) from the tuna industry shall be directed to the Secretary for Fisheries and may be copied to the Fisheries Private Sector Development Officer.

As stipulated in Section 28 of the FMA 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 may lodge in their grievances within 30 days of the receipt of notification appeal to Cabinet, whose decisions shall be final.

1.9 STATUS OF THE PLAN

The focus of fisheries management in the world has shifted to integrate more holistic form of management. Tonga is committed to a participatory, co-management and ecosystem-based management framework in tuna fisheries. The Plan encourages the involvement of stakeholders in decision making as an integral part of the new fisheries management known as the Ecosystem Approach to Fisheries Management (EAFM). In June 2008 an operational plan of Tonga's EAFM report was adopted by the government. Notwithstanding, the EAFM concept is not a change in direction of policy but builds on and adds value to what is already in place. The aim is to integrate all relevant information and strategic policies and directions relative to Tonga's tuna fisheries under one policy document.

Accordingly, this Plan incorporates ecosystem principles, best conservation and management practices and with support of an appropriate monitoring and compliance strategy. In this direction, the Plan focuses on the promotion of sustainable domestic development aspirations and optimizes utilization of catches in Tonga's tuna fisheries.

This revised Tuna Management and Development Plan (here forth known as the 'The Tuna Plan') is based on a number of important reports and consultations which has been conducted in Tonga. These include the Tonga's EAFM³ report, EAFM Operation Plan 2009, National Tuna Fishery Status Report 2008⁴, Western Central Pacific Tuna Commission Conservation and Management Measures, SDP8⁵ and recommendations from the two conferences namely the National Tuna Conference 2003⁶ and the Commercial Fisheries Conference 2007⁷. An implementation work plan shall keep in track the progress of 'The Tuna Plan'.

The Plan is consistent with the Tonga National Strategic Development Plan Eight (NSDP8) which aspires to promote sustained private sector-led economic growth and to create better governance environment.

³ A report conducted by the FFA in consultations with the Fisheries Department and fisheries stakeholders in 2007 - 2008

⁴ A status report compiled by the Oceanic Fisheries Programme of the Secretariat of the Pacific Community (SPC) to advice member countries and provides assistance to management of the tuna resources.

⁵ SDP8 is the National Strategic Development Plan 8 of the Kingdom of Tonga (2006/7-2008/9)

⁶ The first National Tuna Conference (Where to from Here?) aims at sourcing integration of all sectors for the development of tuna.

⁷ The Fisheries Division conducted a conference in 2007 to raise awareness of fisheries issues in Tonga.

The application and implementation of the Plan gives effect to and compliments mandatory requirements under Tonga's Fisheries Management Act 2002 and Regulations. The Plan shall be implemented upon the approval of the Honorable Minister Responsible for Fisheries. The Plan further guides the preparation of annual work-programmes of the Fisheries Division with respect to oceanic fisheries inc. tunas.

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** - During the life span of the 2001 Tuna Management Plan, the domestic longline fleet was of both local and locally-based foreign vessels until 2004 when a moratorium on foreign vessels was imposed to safeguard local business. The exception to the moratorium is the Multilateral Fisheries Treaty between FFA member countries and the US Government (UST) for purse seiner vessels, where Tonga is a Party. It allows UST vessels to fishing in areas under national jurisdictions of the Parties. The table below shows historical trends of Tonga's registered and licensed longline vessels. Vessel numbers peaked in 2002 during sustained period of high longline catches 2002-2004.

Years	2001	2002	2003	2004	2005	2006	2007	2008
Vessels	19	26	22	20	15	12	12	11

At present the moratorium on foreign fishing vessels is lifted. There are bilateral access agreements with foreign vessels to fish in Tonga's fisheries waters.

- b) **Catch and Effort** - Total catches from the Tonga EEZ have displayed similar trends to fishing effort, and dominated by albacore. Since 2001, total effort has fluctuated around a level of 4 million hooks per year, with a peak of more than 4.4 million hooks set in 2002. These years recorded highest total catch ever. An estimated 1.8 million hooks were also set outside the EEZ in 2002. Since 2003, longline vessels have shifted targeting from albacore to yellowfin and bigeye to export as fresh fish. This follows reasonably upswing in market prices for bigeye and yellowfin tunas and sharp decline in albacore landings. Switch targeting is an important aspect to the profitability of Tongan domestic fleets.

In 2005, the total tuna catch from Tonga's EEZ was estimated at approximately 900mt, dominated by albacore (~300 mt), with lesser amounts of yellowfin (~160 mt) and bigeye (~100 mt). Hooks effort has greatly fluctuated since 2002 to 2008 (2109300 hooks) which has further resulted in a total catch of 649.9mt but is still dominated by albacore 220mt and 290mt of yellowfin.

As most vessels operate from the port of Nuku'alofa, most effort is focused in the central area of the country's EEZ. Since 2000, the highest levels of effort have been reported during the second and third quarters of the year. The highest albacore catch rates from Tonga's EEZ are generally reported during the middle of the year, with a smaller peak at the end of the year. Albacore catch rates are relatively high in the northern and southern EEZ during the second and last quarters of the year. Highest catch rates of yellowfin and bigeye are reported from the northern EEZ, especially during the first and second quarters of recent years.

Yellowfin and bigeye catch rates from the Tonga EEZ are similar to those from other sub-equatorial EEZs in the WCPO. Since 2003, regional south pacific albacore catch rates (F_{MSY}) have been relatively low, and stocks remain sustainable and above (B_{MSY}) reference point.

The table briefly provides the historical catches 2001-2008 depicting annual variability but peaked domestic landings in 2001.

Years	2001	2002	2003	2004	2005	2006	2007	2008
Total Catch (mt)	1,763	1,430	935	636	924	1,038	940.8	649.6

c) Markets

Tonga’s main markets for its tuna exports are Japan, US (Los Angeles, Hawaii), New Zealand and Australia. They are mostly exported as fresh chill tuna. Pagopago use to be a target market for frozen albacore. At present albacore and bycatch are sold locally due to increased local demand and low international market value.

2.2 TONGA’S RESPONSIBILITIES TO THE WESTERN CENTRAL PACIFIC FISHERIES COMMISSION (WCPFC)

Tonga is party and signatory 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 and its responsible domestic developments are exempted and must not be undermined by current and future conservation and management measures of the WCPFC.

However, Tonga will comply with the measures incl. 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 non-target species. These WCPFC decisions complement Tonga’s own management measures under current regulation, as follows:

- (i) **Shark:** Operators shall ensure that tuna longline fishing vessels shall use circular hooks and maintain the 10% retention as stated in current terms and conditions (MTC) of the licenses. CMM 2008-06 requires members to formulate management plans or NPOA for shark. Tonga will develop and implement a shark NPOA during the period of this Plan;

- (ii) **Turtle:** There are current regulatory measures specified in the Fisheries Management (Conservation) Regulations 2008 including seasonal closures, size limitation and prohibited species which has been in place since 1994. Longline fishers must follow the ‘releasing 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. Tonga will manage its turtle as stipulated in the current legislations.
- (iii) **Sea Birds:** Fishers will be required to adopt appropriate measures to safeguard seabirds. Reporting of any seabird caught during fishing is required be made 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;
- (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; and
- (vi) **Tuna Regulations 2009⁸** have put regulatory measures to prohibit discarding, dumping of non target, associated or dependant species. These regulatory measures are also applied to license terms and conditions of all longline fishing vessels or any vessels targeting tuna.

Tonga requires support and resources to carry out the above tasks and implement all Commission measures and resolutions. The operational plan provides strategic directions and implementation schedule upon which management actions will be implemented (*see Tonga EAFM Operational Plan*)

2.3 FISHING VESSEL LICENSES REQUIREMENTS

Fishing vessels must first receive a *sea worthiness inspection certificate* (from the Marine & Ports Division) and submit complete application forms (issue by the Division of Fisheries). A schematic diagram of the licensing process and procedure is appended as Appendix 3. 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, however 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) Previous MCS and MTCs; and
- (vi) Consideration of the Secretary for Fisheries.

⁸ This Regulation is still in draft form

Each application shall have a maximum of ten working days to allow for the administration and screening process. The Secretary 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*, include;

- (i) To cooperate fully with the Division 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 Fisheries Legal Advisor 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.

2.4 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 Division's License Section) for a local fishing vessel license shall be issued under Section 22 and 29 of the FMA 2002 and section 7 of the Fisheries (Local Fishing) Regulations 2009.. The associated fees are given in the Fisheries (Local Fishing) Regulation 2009.

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 Division's License Section) for a locally based foreign fishing vessel license shall be issued under Section 31 of the FMA 2002. According to section 2 of the Act, locally based foreign fishing vessel is to be based, operated and fully controlled from Tonga, fish exclusively in Tonga waters, and land all or substantial amount of its catches in Tonga.

Locally based foreign fishing vessel licence is provided in the Table attached (**Annex 1**) and must be paid before it is permitted to fish. The licence is issued by the Secretary of Fisheries. The fee will be revised from time to time implement in the fishery.

No Foreign fishing vessel (FFV) shall be used for longline fishing for tuna species without a Longline fishing License. All application (issued by the Division's License Section) for a foreign fishing vessel license shall be issued under Section 38 of the FMA 2002. No foreign fishing vessel shall be used for fishing or related activities in the fisheries waters except under a current foreign fishing licence issued under a bilateral or multilateral access agreement or arrangement. Section 37(5) of the Act requires that an Agent is required and it must be a Tongan subject. Fishing access fee (license) is provided in the Table attached (**Annex 2**) and must be paid before it is permitted to fish. The fee will be revised from time to time implement in the fishery.

2.5 FISHERY 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 Minister as set out in the provisions of Sect. 32(1) 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? Provide full bio-economic analyses of that particular resource;
- (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.

2.6 AUTHORIZATION FOR HIGH SEAS TUNA FISHING

For an application for a high seas fishing permit, the operator shall comply with section 48 of the FM Act 2002, and *Fisheries (Local Fishing) Regulations 2009*. It is also a requirement under CMM 2004-01 that Tonga, as a member of the WCPFC Convention, shall register all its fishing vessels that 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 3**

2.7 TAC & TAE SETTING

The Minister shall, in consultation with the Fisheries Advisory Committee⁹, determine the Total Allowable Catch (TAC) and Total Allowable Effort (TAE). The Fisheries Advisory Committee, set up by the Fisheries Division, shall at best seek scientific and economic advice from the SPC and FFA Secretariats to help the Committee making informed decisions. The recommended TAC and TAE shall be qualified by economic and environmental factors including development aspirations. The final decision on TAC and TAE rests with the Minister on recommendations from the Secretary for Fisheries

⁹ An Advisory Committee made up of the Technical Officers of the Fisheries Division

Division. These limits shall be reviewed regularly on the advice of the Secretary for Fisheries Division.

Tonga national TAC is currently set at 8,000 mt for all target tuna and associated species in the longline fishery. The Fisheries Division currently intends to review its limit or cap on commercial fishing licenses which has been limited to only local fishing vessels since 2004. A previous cap of 50 vessels is still maintained. The current TAC has never been reached in any given year. Tonga will review its TAC (if possible by target species) and explore new TAE setting with assistance from the FFA and SPC Secretariats.

2.8 FISH PROCESSING FACILITY & EXPORT

The Act 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 FMA 2002 and the Fisheries (Process and Export) Regulations 2008. The Conditions of this license is appended in **Appendix 1**.

2.9 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 Fisheries Division in any 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.

3.0 FISHERIES GOVERNANCE

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

The Fisheries Division will prepare 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.

PART 3 THE MEASURES OF THE PLAN

The following measures shall be implemented in order to realize the goal and objectives of the Plan.

3.1 CATCH & EFFORT LIMITATIONS

Establish limits to ensure the sustainability of Tonga tuna fisheries such that:

- (i) Catch limit of 8,000 mt across all species of tuna and bycatch;
- (ii) Vessel number shall be limited to 50 vessels;
- (iii) Gear type may be determined by the Terms and conditions of the license (MTC);
- (iv) Area restrictions provided for in the *Regulations (Tuna Management and Development) Regulations 2009*¹⁰; and
- (v) By catch limitation as determine in the current Terms & Conditions of License (MTC) such as those already in place for sharks, seabirds and sea turtle¹¹.

3.2 ADMINISTRATION OF THE TUNA FISHERIES

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 3 & 4;
- (ii) Fees associated with this fishery is appended as Appendix 2;
- (iii) Fees related to licensing of a fishing vessel are as in the current Fisheries Local Fishing Vessel Regulation 1995¹²;
- (iv) The license conditions to operate a processing establishment facility is appended in Appendix 1 and a table of associated fees is appended as Appendix 2;
- (v) The license conditions for an export fish is appended in Appendix 1 with associate fees in Appendix 2; and
- (vi) A license suspension policy is provided under the Section 27 of the Fisheries Management Act 2002 and the grounds for suspension.

¹⁰ This Regulation is still in draft form

¹¹ The Fisheries Management Regulation 2008 stipulates closing seasons, size limitation, prohibited species and the catching of any female species.

¹² A new local fishing vessel licensing fee scheme and export licence fee are currently in draft form.(*Fisheries (local Fishing) Vessels Regulations 2009.*¹²)

3.3 COMBATING IUU

Tonga shall, in accordance with international law, and its Fisheries legislation endeavors to combat IUU activities in its fisheries waters. In order to do this, both internal and external assistances will be sought including the Tonga Defense Force (TDS) under the MCS Committee and the aerial surveillance by New Zealand Air Force. Tonga also benefits from other joint and collaborative surveillance operations coordinated by the FFA Secretariat. For instance, a successful use of the regional cooperation through the FFA and WCPFC provided the framework for a successful IUU case against a Chinese Taipei Vessel in 2008.

- (i) Tonga shall monitor fishing operations of all local and locally based fishing vessels in its fisheries waters and its flag vessels in other zones. Tonga will be improving and enhancing all its monitoring tools incl. its Vessel Monitoring System (VMS), National Observer Program, Patrol Boat program and other surveillance activities. Tonga will endeavor to work upgrade its National Observer Program in order to be eligible for registration under the WCPF Commission Observer Programme.

3.4 ACCESS & ARRANGEMENTS

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

- (i) Explore and implement alternative management measures such as bilateral, tri-lateral or multilateral arrangements that support domestic longline fishing development;
- (ii) Implement Bareboat Charter Arrangement to reduce risks of participation in fishing and processing to investors and encourage locals to participate and the current Fisheries wharf must have its own management committee and to ensure that processing infrastructure meets EU and all other markets' standards and certification processes requirements.

PART 4: DEVELOPMENT ASPIRATIONS

4.0 ASPIRATIONS

Several fisheries policies below will be implemented in the period of this Plan in order to meet its development aspirations. Other additional tasks relating to, but limiting to, cost of fuel, freight and repair parts will be closely studied by the government for remedial actions.

4.1 BAREBOAT CHARTER ARRANGEMENT

Tonga is having a bareboat charter arrangement. With assistance from the FFA Secretariat, Tonga will prepare a bareboat legal framework to allow local fishing companies and entities to charter and, if appropriate, flag vessels to fish in its waters, high seas and other zones. The licensing procedures for Bareboat charter provided by the Marine & Ports are appended as Appendix 3. To assist in the development of this arrangement the following guidelines, among others, shall be used;

- (i) Each existing license owner companies shall be eligible to apply for a maximum of three (3) license fishing vessel under the charter arrangement;
- (ii) Provided that the current license fishing vessel in the operators control have been actively fishing in the past two years;
- (iii) Any application for charter vessels shall be accompanied by a detailed fishing and business plan indicating how the arrangement will benefit the charterer and to Tonga;
- (iv) The charterer may apply to charter more vessels to operate beyond Tonga EEZ;
- (v) The charterer may apply for an onshore processing facility;
- (vi) The charterer shall meet all fees before they are permitted to operate; and
- (vii) All chartered vessels shall be registered on the FFA Vessel Register.

The arrangement and implementation guidelines shall be subject to annual review, if deem appropriate.

4.2 INFRASTRUCTURE IMPROVEMENT & SUPPORT

4.2.1 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 domestic and flag fleets. While Pagopago has closed one of its canneries and Fiji's PAFCO remains uncertain it presents Tonga with an opportunity to take up loining as an alternative.

4.2.2 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 Fisheries Division will request FFA to seek funding support towards establishing such facility.

4.2.3 Wharf Development

The current fisheries wharf needs to be further developed to properly cater for the needs of the tuna longline and other fisheries. There are considerable burden in delivering and access to fuel, freshwater supplies, ice, slipway and berthing. 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 needs proper infrastructure. The Fisheries Division will also review infrastructure support for commercial fishing as part of the formulation of a port management and development strategy.

4.3 REGIONAL MANAGEMENT ARRANGEMENTS

Tonga is a member to the SC-SPTB¹³ and FFA upon which Tonga will engage and strategically pursue its economic and development interests in other fishing waters south of the equator. Tonga aspires to expand its domestic fleets, through charters and alternative joint-venture arrangements, as one strategy towards responsible development. Linking to this development, Tonga will explore bilateral and tri-lateral reciprocal arrangements with neighboring FFA countries to allow the extension of area fishing by its domestic and flag fishing vessels.

4.4 FOREIGN & LOCAL INVESTMENT

The Government of Tonga has reformed its Foreign Investment Act 2006 to be conducive to economic development. Tonga will develop, with assistance from the FFA Secretariat, a brief policy on fisheries foreign investment, consistent with the Foreign Investment Act 2006, with the purpose of attracting and controlling foreign investment into the fishing and processing sectors.

As part of the investment policy, the Fisheries Division will support existing competitive law with a view to introducing a prohibition on price fixing and eliminating any unnecessary competition prohibitions. The Fisheries Division will continue to strengthen

¹³ FFC Sub-Committee for South Pacific Tuna and Billfish Fisheries

the provision of business development services, and to facilitate industry development incentives and access to soft loans from financing institutions. Similarly it will continue to implement trade liberalization and facilitation policies in accordance with multilateral and regional trade agreements.

4.5 COMPETENT AUTHORITY

A national Competent Authority (CA) has not been resolved since the amalgamation of MAFFF. This is now becoming a pressing requirement under overseas markets for the smooth flow of exports of tuna and tuna products are being exported especially if Tonga is to export to the EU markets. At present the Competent Authority for seafood products is the Fisheries Division. The Fisheries Division will work with the FFA Secretariat to ensure the Competent Authority is well established and performs its functions satisfactorily and meeting standards required by overseas markets for export of tuna and tuna products.

4.6 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 Fisheries Division will seek assistance from the FFA with regard to certification processes that may be required to access overseas markets.

4.7 MARKET POTENTIALS

Tonga continues to explore market potential that allow smooth flow of tuna and tuna products. The results of market studies by the FFA will continue to be used by Tonga in view of revising market information available to stakeholders in the country.

PART 5: COMPLIANCE STRATEGY

5.1 MONITORING, CONTROL AND SURVEILLANCE

There is currently no National MCS Strategy for Tonga tuna fisheries in place yet. However, there already exist a number of regulations which deals with issues related to MCS. Of importance, the newly completed FFA Regional MCS Strategy will guide further development of Tonga MCS Strategy. The Fisheries Division will develop its national MCS strategy drawing from current national regulations and the Regional MCS Strategy.

5.2 MARINE PATROL

The Tonga Defense Service (TDS) provides maritime patrol throughout Tonga's EEZ and proclaimed areas with success. TDS has three patrol boats and their current operations are interrupted by its refitting programme in Australia. The patrol boats are also used for boarding and inspection operations. TDS will continue to provide maritime patrol and onboard search. The Fisheries Division continues to work closely with TDS to ensure effective surveillance and patrol of Tonga's fisheries waters.

5.3 AERIAL SURVEILLANCE

The NZ Air Force conducts periodic aerial surveillance under the NORPAT mission and covering most FFA member countries including Tonga's EEZ. The aerial surveillance conducts eleven (11)-flights a year. It continues to provide support to the TDS and Fisheries Division in combating IUU fishing.

5.4 COOPERATION IN PORT STATE 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 TDS and members of Police are also empowered through the Fisheries Management Act 2002 as fisheries authorized officer.

5.5 PORT SAMPLING

The Fisheries Division will continue its port sampling programme 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.

5.6 OBSERVER

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

5.7 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 Head of the Fisheries Division regarding any VMS related requests. The Fisheries (Vessel Monitoring System) Regulations 2009 came into force on 19th January 2010. Because of current problems with the ARGOS, future consideration shall be given towards linking to the FFA regional VMS program instead.

The Fisheries Division will want to see that all fishing vessels active in its EEZ are legally licensed to Tonga. However Tonga VMS will not able to see and track movements of unlicensed vessels and IUU activities in its EEZ. Similarly the WCPFC VMS can see all authorized vessels in the high seas but not in areas under national jurisdictions. The division will consider the issue cautiously with assistance from the FFA Secretariat with the view to find alternative ways to addressing it.

5.8 CONSULTATIVE & ADVISORY COMMITTEES

Section 7 of the FMA 2002 provides for the formation of Fisheries Management Committee. Its functions and members are provided in its TOR. The draft *Tuna Regulation 2009* gives effect to the Tuna Management Committee and its members and functions. The National MCS Committee exists and is working in sea patrol and air patrol surveillance. The Fisheries Division will revise the TOR and will work towards strengthening work of the Committees. The Tuna Management Committee members shall be notified to meet as and when issues need to be reviewed by the Tuna Management Committee. The composition of TMC membership is provided in the Tuna Regulations 2009. Because of financial constraints members will be notified by email and/or by letter as to time of meeting. Meetings shall not require the attendance of all members but rather it will require attendance in view of issues to be resolved. The Secretary for Fisheries may invite others as co-opted members when needed.

APPENDICES

Appendix 1: 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-

- (a) complete the Fish Processing Log sheet in Form 1 of Schedule 3;
- (b) 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
- (c) 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.

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 –

- (a) the objectives of the relevant management and development plan;
 - (b) fish products are processed in a licensed fish processing establishment pursuant to an effective HACCP system;
 - (c) 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;
 - (d) the exporter demonstrating that they can consistently meet the appropriate standards regarding microbial and natural toxin contamination, chemical contamination and physical contamination;
 - (e) 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;
 - (f) 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.

Appendix 2: Associated fees for the Tuna Fisheries

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.

SCHEDULE 2

TEPILE 2

FEES

NGAAHI TOTONGI

1.	Application for registration of a fish processing establishment <i>Tohi kole ke lesisita ha fale ngaohi'anga ika</i>	\$5.00
2.	Certificate of registration of a fish processing establishment <i>Tohi Fakamo'oni kuo lesisita ha fale ngaohi'anga ika</i>	\$10.00
3.	Application for a fish processing establishment 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

Appendix 3: Procedure for Registration of all Fishing Vessels above 15m in length:

A. PROCEDURES FOR REGISTRATION

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

B. Procedures For Bareboat Registration:

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

C. RESPONSIBILITIES and OBLIGATIONS OF SHIPOWNER or CHARTERER

To comply with domestic legislation

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

D. DEREGISTER OF TONGAN SHIP

- (i) storage and transportation of illegal drugs;
- (ii) unlawful carriage of refugees;
- (iii) involvement in war or armed conflict between nations or parties;
- (iv) supporting civil unrest in any country or territory;

- (v) terrorism; and
- (vi) any activity which would be contrary to the laws of Tonga or any international treaty to which Tonga is a signatory

E. SHIP CERTIFICATES

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

Appendix 4: Licensing Procedure & Process

To be eligible for fishing license to fish in Tonga’s EEZ or authorize to fish in the High Seas and in other EEZs under Tonga flag, the applicant must follow this process. As provided in Section 2.5 and elsewhere in the Plan, the schematic diagram provides a transparent process taken before a license is to be granted for tuna fisheries.

