

Halafononga Ki Ha Ngatai Tu'uloa
Tonga: Pathway to Sustainable Oceans (TongaFish Pathway) Project
World Bank: P164941



Environmental and Social Management Framework
VERSION: Final, December 2018

Table of Contents

1	Introduction	8
2	Purpose and Scope of the ESMF	9
3	Description of the Project Components and Typology of Sub-Projects	10
3.1	Project Subcomponents	10
3.2	Types of Subproject Activities	17
4	Environmental and Social Context	18
4.1	Economy	18
4.2	Coastal and Marine Ecosystems	18
4.3	Fisheries	18
4.4	Aquaculture	19
4.5	Marine Protected Areas	19
4.6	Special Management Areas (SMAs)	19
4.7	Gender Roles in Fishing	23
4.8	Climate Change and Natural Hazards	23
5	Legal, Policy Framework and Regulatory Requirements	25
5.1	World Bank Policies	25
5.2	Applicable Legislation, Policies and Regulations	26
5.2.1	International Institutional Context	26
5.2.2	National context	27
5.3	Gap Analysis	33
6	Potential Environmental and Social Impacts and Measures to Mitigate	35
6.1	Cumulative Impacts	44
7	Environmental and Social Screening of Subprojects	47
7.1	Overview of Screening Process	47
7.2	Screening of Subprojects	47
8	Land Access and Resettlement Policy Framework	51
9	Responsibilities for Safeguards Implementation	63
9.1	Key Responsibilities	63
9.2	Capacity Building	65
10	Consultation and Disclosure	67
11	Grievance Redress Mechanism	69
12	Annexes	71

Annex I TongaFish Pathway Project Stakeholder Engagement Plan	72
Annex II Tongan Environmental Approvals Framework	80
Annex III Voluntary Land Donation Procedures.....	81
Annex IV MEIDECC Environmental Approval Process.....	86
Annex V Ministry of Fisheries Safeguards Officer Position Terms of Reference	88
Annex VI Checklist 1 – Screening Process	93
Annex VII Checklist 2 - Construction and Renovation Screening Checklist.....	94
Annex VIII Checklist 3 – All Other Projects Screening Checklist.....	98
Annex IX Terms of Reference for Technical Advisory	104
Annex X Guideline 1 - ESIA for Aquaculture	105
Annex XI Guideline 2 - MoF Vessels	107
Annex XII Guideline 3- SMA Community Investments	108
Annex XIII Summary of Pre-Appraisal Consultations	112
Annex XIV Grievance Mechanism	136
Annex XV Physical and Cultural Change Find Procedure	139

List of Abbreviations

CBD	Convention on Biological Diversity
CCMP	Coastal Community Management Plans
CEO	Chief Executive Officer
CMS	Convention on the Conservation of Migratory Species of Wild Animals
CSU	Central Services Unit
EA	Environmental Assessment
ECOP	Environmental Codes of Practice
EEZ	Exclusive Economic Zone
EHS	Environment, Health and Safety
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESSIP	Environmental and Social Safeguard Instruments for Pacific Island Countries
FFA	Pacific Islands Forum Fisheries Agency
FMAC	Fisheries Management Advisory Committee
FPIC	Free, prior and informed consultation
GDP	Gross Domestic Product
GRM	Grievance Redress Mechanism
GoT	Government of Tonga
IDA	International Development Association
IUU	Illegal, unregulated and unreported (fishing)
MAFFF	Ministry of Agriculture and Food, Forests and Fisheries
MEIDECC	Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications
MFNP	Ministry of Finance and National Planning
MLNR	Ministry of Lands and Natural Resources
MoF	Ministry of Fisheries
MOI	Ministry of Infrastructure
MPA	Marine Protected Area
NBSAP	National Biodiversity Strategies and Action
NFC	National Fisheries Council
NGO	Non-government Organisation
OP	Operational Policy (of the World Bank)
PDO	Project Development Objective
PIC	Pacific Island Countries
PMU	Project Management Unit
RPF	Resettlement Policy Framework
SEP	Stakeholder Engagement Plan
SMA	Special Management Area
SPC	Pacific Community
SPREP	Secretariat of the Pacific Regional Environment Programme
TAC	Total Allowable Catch
TFSP	Tonga Fisheries Sector Plan

TOR	Terms of Reference
WB	World Bank

List of Figures

Figure 1 - Eua SMAs	20
Figure 2 - Ha'apai SMAs	21
Figure 3 - Tongatapu SMAs	21
Figure 4 - Vava'u SMAs	22
Figure 5 – Key Subproject Screening Steps	47
Figure 6 – Ministry of Fisheries Organizational Chart.....	63

List of Tables

Table 1 - Proposed Subproject Activities under TongaFish Pathway.....	17
Table 2 - Ineligible Activity List.....	50

1 Introduction

The Government of Tonga (GoT) is seeking funding from the World Bank for the Tonga: Pathway to Sustainable Oceans project (TongaFish Pathway) (World Bank P164941) to strengthen sustainable management and development of Tonga's commercial, aquaculture and community fisheries.

The TongaFish Pathway project is structured as a multiphase program to strengthen the shared management of select commercial and coastal community fisheries in Tonga. The project is designed to support long term sector reforms to catalyze opportunities for jobs and growth in a transparent, inclusive and sustainable manner. The key driver for the project is the Tonga Fisheries Sector Plan (TFSP).

The TongaFish Pathway project is proposed to be financed through an International Development Association (IDA) grant and credit resources: USD 10 million in Regional IDA and USD 10 million in National IDA, with USD 5 million allocated from both the regional and national envelopes for each phase of the project.

2 Purpose and Scope of the ESMF

This Environmental and Social Management Framework (ESMF) sets out the principles, policies and procedures for environmental and social protection that the GoT will employ in the context of TongaFish Pathway. The rationale of using an ESMF is that specific activities for all projects/phases of the project were not identified during the project preparation and therefore, not all of the environmental and social impacts are known. The Environmental and Social Safeguard Instruments for Pacific Island Countries (ESSIP) were used to guide the development of this ESMF.

The purpose of this ESMF is to provide a framework to guide the environmental and social screening of project activities during project preparation and implementation. This is to ensure that potential adverse environmental and social impacts that may be generated as a result of each project activity are identified, and appropriate safeguard instruments are prepared to avoid, minimize, mitigate and, in such cases where there are residual impacts, offset adverse environmental and social impacts.

The ESMF outlines the project, its components, the environmental and social context, possible environmental and social impacts, and their management. It provides an overview of the types of subproject activities to be assessed, the environmental and social screening process and the subproject-specific safeguard instruments that will be prepared once the project locations and other details are known. Monitoring and reporting is also addressed to ensure ongoing adherence to environmental and social safeguards. Annexes include a Stakeholder Engagement Plan (Annex I), Screening Forms and Guidelines for Activities (Annexes VI-XII), and a Voluntary Land Donation (Annex III). The Ministry of Fisheries (MoF) has the overall responsibility for ensuring that environmental and social issues are adequately addressed within the project cycle.

The ESMF meets the requirements of the relevant World Bank Operational Policies and laws of Tonga to describe the procedural responses to identifying and managing impacts throughout the project. The World Bank safeguard policies are available at www.worldbank.org/safeguards.

3 Description of the Project Components and Typology of Sub-Projects

The **Project Development Objective** (PDO) of TongaFish Pathway is to strengthen sustainable management and development of Tonga's offshore, coastal, community and aquaculture fisheries.

3.1 Project Subcomponents

The proposed TongaFish Pathway components and Sub-components are:

Component 1: Strengthening Fisheries Compliance to Combat IUU Fishing

The objectives for this component are to improve fisheries compliance in Tonga's oceanic, deepwater and coastal fisheries through a variety of strategies and interventions, including strengthening licensing, requiring licensing or registration, and implementing fishing rights frameworks where adopted under a management plan.

Tonga's current fisheries compliance context involves:

- a. Ensuring it meets its regional and international law obligations and policy commitments under the WCPFC, and associated Conservation and Management Measures (CMMs); and the FFA's Minimum Terms and Conditions (MTCs) for licensing, and regional Vessel Monitoring System (VMS).
- b. Ensuring compliance with Tonga's domestic fishery legislation that involves general regulatory provisions such as gear controls and fish size limits, and the provisions of fishery management plans such as licensing or registration.
- c. Effectively delivering a large-vessel licensing system.

Specific activities proposed under the Tongafish Pathway project will include support for:

- a. Implementing Tonga's Operational Compliance Strategy (OCS), with compliance resources, assets, and training, necessary to conduct operations at a level that will effectively deter illegal fishing.
- b. Reviewing and updating the Tonga National Plan of Action for IUU (NPOA IUU) fishing and the OCS to provide a strengthened strategic operating framework, to include:
 - i. coastal fisheries compliance
 - ii. supporting Special Management Area (SMA) compliance with regulations, and
 - iii. implementing the Port State Measures Agreement (PSMA).
- c. Conducting an E-monitoring and E-reporting scoping study for Tonga's fisheries to identify potential opportunities for cost effective technology solutions for compliance, including the specific goal of identifying a reliable, low cost, and effective monitoring and communication system for use by small scale fishing

vessels for both safety and resource management purposes; including a small-scale pilot program (goods, technical assistance, capacity building, monitoring);

- d. Conducting an independent review of Tonga's fisheries observer program to identify strategies for program improvement, additional training and observer engagement opportunities (such as regional programs or in-country data collection), a review and update of the observer manual to ensure adoption of best practice, in particular with regard to observer safety at sea. The review will ensure a review of opportunities for women participation in the program, and related work roles.
- e. Conducting a study of options for community engagement in SMA compliance activities, including development of a compliance manual, training, and compliance support material to improve compliance at the community level.

Proposed infrastructure and asset procurement for the component will include the purchase of three rigid hull inflatable patrol vessels, three vehicles for coastal compliance activities, compliance operations sheds, and safety equipment to support safe compliance operations.

Tonga licensing context currently involves licensing vessels involved in the tuna, and deepwater snapper fisheries. To support effective compliance, specific activities proposed are:

- a. A program to identify and license or register all commercial fishers under the new coastal commercial fishery management plan, and/or to register fishing vessels; and license key supply chain participants to support traceability.
- b. A rights-based fishery management framework to be implemented as part of the licensing system for commercial fisheries under statutory management plans, to increase industry security, and to provide an improved environment for long-term involvement in decision making.

Component 2: Enhancing Tonga's Fisheries Science Program

This component consists of three core activities. The objectives for sub-component 2.1 are to improve fisheries science for decision-making to underpin offshore and coastal fishery management plans and policies, and support decision makers to make the best informed decisions; sub component 2.2 aims to develop high potential aquaculture technologies with support for industry, and undertake studies to assess feasibility of species with potential for future development; and, sub-component 2.3 aims to strengthen Tonga's Special Management Area (SMA) Program with significant expansion of SMAs, improved support for existing SMA communities, increased assessment and monitoring, and investment in small assets, to progressively make SMAs more effective and SMA communities more self-sufficient in their fishery management activities.

Sub-component 2.1: Improving fisheries science for decision making in offshore and coastal fisheries.

Tonga's current fisheries science context is compliant with obligations to provide tuna fishery data

to the Pacific Community (SPC) to inform monitoring and stock assessment services to the WCPFC. Additional work includes monitoring and assessment studies of coastal and deepwater fisheries to support management decisions.

Specific activities proposed are:

- a. Provide advice to support management decision making through providing equipment and leadership for biology and lifecycle studies (key commercial species, threatened and endangered species, and iconic species); stock assessments; fishing gear reviews (selectivity, by catch, and environmental impacts); and capacity building for staff.
- b. Undertaking periodic surveys of offshore and coastal fisheries, reviewing data collection activities, and development of a standardized monitoring program for collection of catch, effort, biological, and environmental data for coastal fisheries.

Sub component 2.2: Developing high potential aquaculture technologies.

Tonga's current aquaculture context is developmental. A small industry is emerging involving mabe pearls, and giant clams can be produced for small scale export sale into the aquarium sector, and for stock enhancement of depleted reefs.

Specific activities proposed are:

- a. Update the mabe pearl industry development plan to support the ongoing commercial expansion and development of the mabe pearl industry, including a code of practice.
- b. Support for the mabe pearl industry association to support its operation and expansion (in particular Ha'apai), including establishment of an incorporated entity, connection of utilities, provision of tools and equipment, capacity building, and supporting a safe working environment.
- c. A feasibility study to be undertaken to:
 - i. Identify species with potential for aquaculture, and optimal investment opportunities and strategies, including for round pearl oysters, seaweeds, sea cucumbers, and tilapia, to ensure development investment by industry and government is targeted at the best opportunities; and
 - ii. for stock enhancement of beche-de-mer, clams, and other species with potential.
- d. Upgrade of the Sopa shellfish hatchery to improve production for giant clams, pearl oysters, and other species with potential, including hatchery design (with potential support from other development partners for planning and engineering).
- e. Training for Ministry staff with a particular emphasis on aquaculture production techniques, equipment, industry development and opportunities, diseases and

parasites, biosecurity, and extension, training and capacity development, with consideration of graduate-certification level qualifications (with potential support from Australia and New Zealand scholarship programs).

- f. Aquaculture extension projects (including best practice and hygiene); producing aquaculture guidelines for fish farmers; and aquaculture as an alternative livelihood strategy for SMA communities. Industry development support will be provided including business management and planning training (including programs for women); and support equipment and assets.
- g. An assessment will be undertaken into the need for expanded government aquaculture hatchery production to support commercial scale production of mabe pearls, giant clams, sea cucumbers, and other aquaculture commodities with potential along with the potential for additional satellite hatcheries to be located on outer islands to manage juvenile stock risks and support efficient development of local industries.

Sub-component 2.3: Strengthening Tonga's Special Management Area (SMA) Program.

Tonga's community-based fishery management context currently involves the establishment of and support for the Special Management Area Program. Communities are invited to express interest in the establishment of a small area of coastal waters over which they will exercise direct control, with the ability to manage their local fisheries and control access and harvest.

The SMA Program is a critical tool to develop community understanding of the need for and benefits of fishery management as new regulations are progressively introduced to support sustainable coastal fisheries.

Specific activities proposed are:

- a. Expand the SMA program with significantly accelerated implementation in the outer islands with a goal to implement 30 additional SMAs in 6 years, taking the total to 70.
- b. Revisit established SMAs and where necessary review management plans with a goal to improve governance, planning, compliance, and monitoring to support the achievement of SMA management plan goals.
- c. Review and streamline SMA implementation procedures, including support for minor assets for new SMAs such as marker buoys, safety equipment and equipment to support SMA monitoring.
- d. Developing and implementing a community-based monitoring program for SMAs, including collection of catch and effort data to support community involvement and engagement and encourage informed decision making at the community level.
- e. Training and capacity building programs will be implemented for SMA communities (including leadership training, governance, planning, compliance,

monitoring, and women and youth participation in value chains) to support higher standards of SMA management.

- f. Based on management plan reviews of established SMAs, consideration will be given to funding a range of assets including small outboard powered vessels (to support monitoring and compliance programs), local meeting halls, and for other minor assets such as buoys and FADs.

Component 3: Investing in Sustainable Offshore, Coastal, and Aquaculture Fisheries Management and Development.

This component consists of supporting sustainable commercial fishery and aquaculture management and development through a comprehensive review of existing management plans, the development of a new management plan for coastal fisheries, an improved legislative framework, and investigating potential infrastructure that would support fisheries development.

Tonga's fisheries management and development context involves strong supporting legislation for statutory management plans for the tuna, deepwater snapper, sea cucumber and marine aquarium fisheries. Cabinet recently approved development of a coastal fishery management plan. The aquaculture industry needs an effective policy and regulatory framework to support investment and development.

Specific activities proposed are:

- a. A progressive review of three commercial fishery management plans during this project. These reviews will include establishing a consensus vision for each fishery, designing a fishing rights regime, and supporting implementation. Specific tasks under the tuna fishery will involve investigating development of a regional approach to tuna licensing and investigating linking activities of the tuna longline fishery to local economies.
- b. Developing and implementing a new coastal fishery management plan, with all commercial fishers identified, and either licensed or registered, to ensure this fishery continues to be a key source of sustainable food security and livelihoods and including women and youth participation in the fishery's value chains.
- c. Support for legal governance frameworks including a full review of the Act and Regulations to support project implementation, to give effect to the implementation of the Port State Measures Agreement, to implement improved SMA management, and ensure compliance with regional and international obligations. As well transparency will be improved by placing lists of license and concession holders, fees paid or outstanding, and fishery offence convictions into the public domain to enhance public confidence in fishery management.
- d. Developing a Tonga Code of Conduct for Responsible Fisheries, using the FAO Code of Conduct for Responsible Fisheries as a guide, and investigating the potential

cost benefits of supporting development of new markets through ecolabelling.

- e. Investigating a new model for collection and analysis of economic data on each fishery, including reporting on cost and earnings, remittances from exports and impact of changes in the fishery (e.g. fuel prices, market conditions, transport and logistics) to support fishery management decisions aimed at optimizing economic performance.
- f. Preparing a competent authority development plan as the first step towards investigating a competent authority to support export product quality and assist the industry to gain access to overseas markets.
- g. Development of tuna and snapper marketing strategies for domestic operators to maximize economic returns, including assessment of new overseas markets for value-added products, exploring ways to expand participation in the domestic fish (fresh and frozen) markets, and the potential to add value in country, including opportunities for women youth participation in marketing.
- h. Investigating the potential for small-scale local fishing and processing for tuna and coastal pelagics to spread the flow of benefits available from fishery resources to more citizens, including opportunities for women.
- i. The development of a Master Plan and Feasibility Study to investigate a range of potential options for strategic fisheries infrastructure investments. The study will take into account the applicable master plans and developments of other Ministries, Departments, and Authorities, as well as the Tongafish Pathway project, to identify potential supporting infrastructure activities for funding during stage 2 of the Tongafish Pathway project (years 7 to 12). Projects for consideration will include:
 - iii. Aquaculture satellite-hatcheries for Vava'u and Ha'apai, with a focus on support for mabe pearl oyster, giant clam, and sea cucumber production.
 - iv. Cooperative arrangements on air freight, including cold room facilities at Fua'motu airport to improve the efficiency and effectiveness of airside operations.
 - v. Improvements to port and airport infrastructure for tuna handling, value-added processing, and storage to support industry effectiveness, efficiency and profitability.
 - vi. Renovations to the Tu'imatamoana Fish Market and fisheries wharves.
 - vii. Ministry infrastructure requirements including establishing new or expanded office facilities at the Sopa head office, hatcheries to support viable aquaculture opportunities and operational facilities for Ha'apai, and Vava'u to more effectively support industries and communities.

- j. A key component of investigating infrastructure opportunities will be industry involvement, in particular the National Fisheries Council, and the potential for private public partnerships.

Tonga's sustainable aquaculture and development context is one of high level government interest and support, a small emerging industry in mabe pearls, but a poor supporting policy and legislation framework. A key challenge is to create the supporting legislation and policies that will support the emerging industry, encourage investment in those aquaculture industries identified as having potential, and ensuring women are participating in the industry at all levels.

Specific activities proposed are:

- a. A review of the aquaculture commodity development plan, including a review of investment and commercialization policies (incentives, foreign investment, spatial planning, licensing, marine leases, and environment and social management guidelines).
- b. Development of aquaculture biosecurity, translocation, and animal health strategies to support industries and manage risks.
- c. Development of potential markets, including an understanding of market requirements, market development, and the potential need for certification and branding to underpin and support industry development.

Component 4: Supporting Effective Project Management

This component consists of effective and efficient Tongafish Pathway project management through the establishment of, and support, for a Project Management Unit.

The current context for project management is a Project Management Unit (PMU) established as a new division of the Ministry's corporate structure to ensure the PMU is fully integrated into day-to-day Ministry operations and functions.

Specific activities proposed include:

- a. Meeting World Bank standards and policies with project services for procurement, finance, safeguards and monitoring and evaluation, as well as stakeholder communications and engagement, and ensuring women and youth participation opportunities in all project components.
- b. Support for improved inter-agency engagement and cooperation through MOUs to encourage improved collaboration on joint activities in the fisheries sector.
- c. Oversight of the FFA review of stakeholder engagement with ongoing support for the development of advisory and consultation bodies, and a strategy for engagement with other (non-fisheries) stakeholders through advisory groups and civil society, to ensure effective stakeholder engagement.
- d. Support for the Development Partner Working Group to inform development partners of progress with implementation of the sector plan and to minimize risk

of overlap and duplication of projects.

- e. Establishment and implementation of a training and capacity development program for Ministry staff and stakeholders, including for women and youth.

3.2 Types of Subproject Activities

The general types of Subcomponent activities can be summarized into the following general activities which will be assessed and screened for their environmental and social risks:

Table 1 - Proposed Subproject Activities under TongaFish Pathway

Project Subtype	Description
Technical Advisory	These may include regulatory reviews, feasibility studies, fisheries management plans and frameworks, ecosystem monitoring, and a Fisheries Infrastructure and Assets Master Plan.
MoF assets	These may include small scale construction and/or renovation activities, such as: • Maintenance to fisheries infrastructure. • Upgrade of aquaculture facilities. • Compliance operations sheds. • Building/office refurbishment. • Cool store facilities. • Market renovations. Purchase of vessels. Development of small scale aquaculture facilities.
Special Management Area (SMA) implementation	Expansion of the existing SMA program with a goal to implement 30 more SMAs in 6 years taking the total to more than 70.
Small scale infrastructure development/assets for SMA communities.	Construction e.g. community meeting halls. Community assets - Fish Aggregating Devices. Community assets - Marker buoys. Community assets - Vessels.

4 Environmental and Social Context

4.1 Economy

Given the scarcity of natural resources, Tonga's development hinges predominantly on the utilization of its biodiversity both in the marine and terrestrial environment¹. Agriculture remains the mainstay of the economy employing various technologies for subsistence and commercial farming. Fisheries development has increasingly become important given the need for foreign earnings and development of the local economy. Tourism is a rising sector utilizing the pristine nature of the local environment as its main attraction.

In common with many other Pacific Island Countries (PICs), Tonga is heavily dependent on its fisheries and ocean resources for food, transport, economic development and culture. Like other PICs, Tonga's economy is characterised by a lack of economies of scale due to its small size, costly market access due to its distance from markets, a weak manufacturing base and limited labour pool.

Rural communities are particularly dependent on agriculture and fisheries and many are highly vulnerable to extreme weather events and market changes. Isolation and scale also means that Tonga and rural communities face challenges in access to markets, high costs of transport and energy. About 25% of households in Tonga are estimated to currently live below the basic needs poverty line and poverty is most prevalent in the more isolated island communities heavily reliant on subsistence and cash fishing and farming.

4.2 Coastal and Marine Ecosystems

Coastal and marine ecosystems such as mangroves, coral reefs, seabed grasses and lagoon areas serve important functions in Tonga, such as spawning and feeding areas for many species, habitats for others and offer coastal protection from storm surges and tidal activities. The ability of Tongan coastal and marine ecosystems to perform these functions have been severely impaired by poorly planned development activities including infrastructure, land reclamation, sand mining, waste disposal and settlements. Pollution from land-based activities including residues of agricultural chemicals threatens not only soil micro-organisms but also coastal and marine habitats and species. Discharges of ballast water from ships not only pollute coastal environments but also often introduce new species that often become invasive².

4.3 Fisheries

In 1875, the constitution became effective which declared that all land and sea belonged to the King. Tonga's sea areas were defined by Royal Proclamation in 1887 to be all islands, rocks, reefs, foreshores and water lying between 15 and 23.5 degrees south latitude and between 173 and 177 degrees west longitude. In other words, Tonga was defined as being all that inside a boxed area and that all geographic features are owned by the King. The Land Act of 1927 further reinforced this ownership. With respect to fishing, this has resulted in two consequences: (1) all Tongans have equal fishing access

¹ Department of Environment. 2006. *The Kingdom of Tonga, 2003. First National Report*.

² Tonga Department of the Environment, 2006. *Kingdom of Tonga, National biodiversity Strategy and Action Plan*

to all Tongan waters and (2) any traditional claim of local control or management authority over fishing areas was abolished³.

Both commercial and subsistence fishing is undertaken in Tonga. The commercial fishery targets tuna, deepwater snapper, commercial sport, seaweed and the aquarium trade. Subsistence fisheries common throughout Tonga target mostly reef fish by a variety of methods such as night spearfishing, gillnetting, hand-line fishing and the use of fish fences. Small boats of various types are used including canoes, and both outboard and inboard engine-powered small vessels.

In the past, mullet, beche-de-mer (sea cucumber), lobster and giant clam have had commercial value but severe population declines have resulted in these species being mostly absent from both commercial and subsistence fishing. Some commercial fisheries have virtually collapsed while some species are close to extinction. Fishery exports are dominated by tuna and deep-water snappers (red snapper (*Etelis coruscans*) and pink snapper (*Pristopomoides filamentosus*)) which are air-freighted fresh mainly to Hawaii.

The inshore fishery is dominated by four main methods: diving/spear fishing, gill netting, bottom fishing and reef gleaning. Spear fishing targets reef fish while the registered bottom fishing vessels in Tonga target deep water snappers, groupers, trevallies, jacks and jobfish. Reef gleaning is traditionally undertaken by the women of the community and surveyed coastal households showed that most women carried out some form of gleaning.

4.4 Aquaculture

Currently Tonga has aquaculture programs focusing on pearl-wing oyster (*Pteria penguin*) farming, giant clam (*Tridacna derasa*) cultivation, live rock and coral cultivation and the cultivation of other edible species such as urchins (*Tripneustes* sp.) and seaweed ('Limufuofua'). Mozuku (*Cladosiphon* sp.). The Ministry of Fisheries has developed an aquaculture program in Vava'u primarily focusing on the customary significance and improvement of livelihood that this program can bring. Mabé pearl farming is currently the most promising aquaculture activity in Tonga.

4.5 Marine Protected Areas

A number of marine parks and reserves have been established under the Parks and Reserves Act and are managed by the Environment Department. They include Hakaumama'o Reef, Pangaimotu Reef, Monuafe Island Park and Reef, Ha'atafu Beach, Malinoa Island. 'Eua National Park has also been established on 'Eua Island.

4.6 Special Management Areas (SMAs)

Unlike the situation in other Pacific Island countries, coastal communities in Tonga have no preferential access to adjacent resources. This open-access situation may have worked reasonably well in the era of subsistence fisheries, but more recently has collided with commercial pressures and the carrying capacity of inshore resources. In the mid-1990s the idea arose that coastal communities should be given powers to regulate fisheries in their nearby marine areas. That concept gained momentum and in the early 2000's a change in Tonga's fisheries legislation allowed for fisheries management by local

³ Gillett, R. 2017. *A Review of Special Management Areas in Tonga*. FAO Fisheries and Aquaculture Circular No. 1137

communities, through Special Management Areas (SMAs). Since that time the Ministry of Fisheries has worked with coastal communities to establish 40 SMAs in Vava'u, Ha'apai, and Tongatapu⁴.

Communities request the establishment of an SMA and after the necessary planning, mapping, survey and consultations, ministerial approval is given and the community establishes its SMA management committee to implement an agreed SMA plan. SMA committees are required to have women and youth representatives on them. Consultations take place with neighbouring communities to discuss and mitigate impacts, for example allowing them to continue to fish in the SMA but only for home consumption. National consultation and awareness raising also takes place through TV and newspaper campaigns. Once approved, the SMA community is responsible for managing compliance and enforcement. The Ministry of Fisheries provides capacity building, training and technical assistance such as research.

Maps of SMAs

The following maps depict the extent of the existing SMA network. Red are the existing SMAs, yellow are current SMAs being established, green are SMAs that have expressed interest in joining the SMA program and white are coastal communities that have not yet formally expressed interest to join.

Figure 1 - Eua SMAs



⁴ Gillett, R. 2017. *A Review of Special Management Areas in Tonga*. FAO Fisheries and Aquaculture Circular No. 1137

Figure 2 - Ha'apai SMAs



Figure 3 - Tongatapu SMAs



4.7 Gender Roles in Fishing

As identified in the Fisheries Sector Plan, women have virtually no role in the large-scale fisheries. However, women (and children) account for a substantial proportion of the gleaning (hand collection on reef top) of which the surplus to auto-consumption is marketed by women. Giant clam, octopus and cockles form a significant part of the subsistence diet and are of particular importance for women fishers, for example, in some areas women account for over 75% of invertebrate harvests⁸. There is provision for women's representation on the SMA committees and women have a voice with respect to their allotted SMA task.

4.8 Climate Change and Natural Hazards

Over the course of the 21st century Tonga's surface air temperature and sea surface temperature are projected to continue to increase (very high confidence); wet season rainfall is projected to increase (moderate confidence); the intensity and frequency of days of extreme heat are projected to increase (very high confidence); the intensity and frequency of days of extreme rainfall are projected to increase (high confidence); and mean sea-level rise is projected to continue (very high confidence)⁹. Changes to the ocean currents (including an increase in strength of the South Pacific gyre) and reductions in nutrient supply are also expected to occur (due to increased stratification and shallower mixed layer)¹⁰.

The fisheries sectors will be significantly affected by climate change. The projected changes in average and extreme temperature and precipitation, are slightly offset by the fact that Tonga has the potential to diversify oceanic fisheries, coastal fisheries (nearshore) and aquaculture. However, the combination of increased sea temperature and ocean acidification will result in a gradual deterioration of the coral reefs, altered reef ecology, a likely reduction in the abundance and diversity of reef species and a change in the fish catch composition. Some effects could be positive, but the scientific consensus favors a reduction in reef productivity with respect to most commercial and food fish species. The main risk to the marine environment is the loss of a high proportion of Tonga's coral reefs due to a combination of rising ocean temperatures, ocean acidification, overfishing exploration for deep sea minerals and pollution. Over a third of Tonga's coral reefs are already threatened by overfishing (moderate risk or higher)¹¹. Climate change is also likely to negatively impacts aquaculture. Commodities grown in coastal waters, such as pearls and clams, are projected to shown declines by 2100¹².

Tonga and its fishing communities are also in the front line of climate change - threatened by erratic rainfall, extreme weather events, sea-level rise, and loss of coral reefs from rising oceans temperatures, ocean acidification and local environmental degradation. In 2014, Tropical Cyclone Ian hit Tonga, mainly affecting the Ha'apai group and causing economic and physical losses estimated to be US\$49.5 million (or about 11% of Tonga's GDP). Models suggest that, on average, Tonga may incur losses of US\$15 million per year (4% of GDP) due to natural disasters, including earthquakes and cyclones. In February 2016, tropical cyclone Winston was the most intense tropical cyclone in the southern hemisphere on

⁸ The Kingdom of Tonga: *Fisheries Sector Plan 2016-2024*.

⁹ The Kingdom of Tonga: *Fisheries Sector Plan 2016-2024*.

¹⁰ Pacific Community (SPC), 2011. *Vulnerability of Tropical Pacific Fisheries and Aquaculture to Climate Change. Summary for Pacific Island Countries and Territories*.

¹¹ The Kingdom of Tonga: *Fisheries Sector Plan 2016-2024*.

¹² Pacific Community (SPC), 2011. *Vulnerability of Tropical Pacific Fisheries and Aquaculture to Climate Change. Summary for Pacific Island Countries and Territories*.

record, as well as the strongest to make landfall in the southern hemisphere, hitting Tonga's north twice in one week. In February 2018, severe tropical cyclone Gita was the most intense tropical cyclone to impact Tonga since reliable records began. Tonga was the hardest-hit country in Gita's path, with severe damage occurring on the islands of Tongatapu and 'Eua; two fatalities and forty-one injuries occurred in the kingdom. At least 171 homes were destroyed and more than 1,100 suffered damage.

5 Legal, Policy Framework and Regulatory Requirements

5.1 World Bank Policies

The TongaFish Pathway project has been screened as Category B as the environmental and social outcomes are mostly beneficial and the residual risks are low to moderate and readily mitigatable. Relevant Bank policies triggered for the TongaFish Pathway program include OP 4.01 Environmental Assessment; OP 4.04 Natural Habitats; OP 4.36 Forests; and OP 4.10 Indigenous Peoples. Detailed information on Bank safeguard policies are available at <http://go.worldbank.org/4D2JSWFIW0>.

The safeguard operational policies (OPs) that apply to the program are:

- **OP 4.01 Environmental Assessment** – This policy requires the conduct of an environmental assessment (EA) of projects/programs proposed for Bank financing to help ensure that they are environmentally and socially sound and sustainable. This is the umbrella policy for the Bank's environmental and social safeguard policies. The aim of the TongaFish Pathway project is to help improve environmental and resource quality in Tonga in order to increase the economic benefits generated by the goods and services from healthy coastal and ocean ecosystems. As such, the overall impacts are expected to be highly positive. None of the proposed physical investments or technical advisory include activities that would generate significant risk or irreversible impacts. Some investments may generate moderate, site-specific and time bound adverse impacts which can be readily mitigated through standard mitigation measures, if screened and managed properly.
- **OP 4.04 Natural Habitats** - This policy aims to support the protection, maintenance and rehabilitation of natural habitats and promotes the conservation of natural habitats for long-term sustainable development through a precautionary approach. The project aims to strengthen the shared management of oceanic and coastal fisheries and the habitats upon which they depend. Most of the program activities will be in the marine areas (coastal and ocean) of Tonga, with variable states of modification and exploitation, but overall will have high biodiversity. The ESMF contains measures to properly screen and manage the risk of any unforeseen adverse environmental impact on natural habitats, including critical natural habitats, as well as measures to enhance positive environmental impacts.
- **OP 4.36 Forests** - The policy aims to reduce deforestation, enhance the environmental contribution of forested areas, promote afforestation, reduce poverty and encourage economic development. For Tonga, communities who engage in the SMA programme may choose to conserve or manage mangroves as part of their resource management plan. Specific sites and activities in Tonga, if any, will be identified during the project implementation. The ESMF includes a screening form to ensure that the negative impacts on mangrove forests of any downstream activities are addressed, and any positive impacts are enhanced. TOR for the studies proposed will integrate policy requirements of OP 4.36.
- **OP 4.10 Indigenous Peoples** - This policy aims to protect the rights and culture of Indigenous Peoples who may live in the project area. In Tonga, the population is almost entirely homogenous and indigenous. The policy is triggered but a separate instrument will not be required as the beneficiaries are overwhelmingly Tongan. The key elements of an Indigenous Peoples' Policy Framework have been integrated into the ESMF, Stakeholder Engagement Plan and project design.

Key for this project is the consultation processes and integration of community level knowledge and cultural norms into the design process.

- **OP-4.12 Involuntary Resettlement** - This policy aims to restrict the involuntary taking of land or any form of economic displacement of populations affected by or participating in World Bank financed activities; and where displacement is unavoidable, to assist persons to improve (or at least restore) their incomes and standards of living; and to identify and accommodate the needs of vulnerable groups. Chapter 8 below concluded that OP4.12 is triggered as a precautionary measures to ensure land issues are addressed in all future studies under Component 1. for the following reasons: no land will be involuntarily acquired for the project; crown land will be allocated for Project use where possible; and where this is not possible, a voluntary lease arrangement will be sought with the land owner, or, for community asset purposes (such as community halls or jetties), land may be voluntarily donated by the owner. To manage this issue, the ESMF includes a process for screening land impacts at each site, in consultation with all affected parties. Any livelihood impacts not related to land acquisition will be managed through the existing SMA implementation process which includes consultation within the community and with neighboring communities.

5.2 Applicable Legislation, Policies and Regulations

5.2.1 International Institutional Context

Tokelau Arrangement. Tonga is a signatory of the Tokelau Arrangement (TKA). The TKA provides a framework for development of cooperative zone-based management of the South Pacific Albacore Tuna fishery, including wider implementation of the Harvest Strategy agreed in 2013. The purpose of the TKA is to foster agreement on and implementation of stock management measures for South Pacific Albacore Tuna, whether targeted or as bycatch, within the EEZ of participant countries, based on the framework of the species Harvest Strategy. The TKA came into effect in October 2014.

Convention on Biological Diversity (CBD) (1998). The CBD has three main goals: conservation of biodiversity; sustainable use of biodiversity; and the fair and equitable sharing of benefits arising from the use of genetic resources. The CBD was opened for signature at the Earth Summit in Rio de Janeiro in 1994 and was ratified by Tonga in 1998. As part of its obligations to the CBD, Tonga has developed a National Biodiversity Strategies and Action Plan (NBSAP) in which Tonga identifies several actions under the CBD in respect to the protection of marine ecosystems.

Convention on the Conservation of Migratory Species of Wild Animals (CMS). The CMS aims to conserve terrestrial, marine and avian migratory species throughout their range. It is an intergovernmental treaty under the United Nations Environment Program concerned with conservation of wildlife and habitats on a global scale. Tonga is not yet a party to the CMS, however it has signed a Memorandum of Understanding (2010) with regard to Pacific Island Cetaceans. Within Tongan waters there are 14 species that are related to the CMS, including the humpback whales, and several shark and turtle species.

Convention for the Protection of the World Cultural and Natural Heritage (2004). This convention founded the UNESCO World Heritage Site List (the List). To be a site on this List, it must be a place of special cultural or physical significance. The programme catalogues names and conserves sites of outstanding cultural or natural importance to the common heritage of humanity. Tonga became a

signatory to this convention in 2004. It does not have any approved sites on the List but does have two tentative items for consideration for the List.

Forum Fisheries Agency Convention (1979). The FFA Convention is the founding document of the Pacific Islands Forum Fisheries Agency, which was established and signed by 12 countries in 1979 in Honiara, Solomon Islands. Since its inception, this membership has increased to 17 countries. The FFA consists of the governing body - the Forum Fisheries Committee (FFC), which meets annually to approve the budget and work programme, and the FFA Secretariat. Tonga plays an active role in the FFA, and the current Director General is a Tongan citizen and a former Ministry of Fisheries employee. The central function of the FFA is to enable member countries to manage, conserve and use the tuna resource through enhancing national capacity and strengthening regional solidarity.

United Nations Convention on the Law of the Sea (UNCLOS). The convention lays down a comprehensive regime of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources. It enshrines the notion that all problems of ocean space are closely interrelated and need to be addressed as a whole. With specific regard to the protection and preservation of the marine environment, Part XII includes the following Articles:

- 192: a general obligation of States to protect and preserve the marine environment.
- 204: requires States to endeavour, as far as possible to monitor the effects of any activities that they permit in order to determine whether these activities are likely to pollute the marine environment.
- 206: provides for States to conduct Environmental Impact Assessments of planned activities that have the potential to cause substantial pollution or significant and harmful changes to the marine environment.

Western and Central Pacific Fisheries Convention (WCPFC). The WCPFC entered into force on 19 June 2004 and is based on the 1995 UN Fish Stocks Agreement. It addresses the specific characteristics of the western and central Pacific Ocean tuna fisheries and established conservation and management measures by consensus of its members. Tonga is an original signatory of the convention and is an active participant in the Commission and its scientific and technical committees.

5.2.2 National context

Tonga has a well-established regulatory framework that provides measures to protect and preserve the environment from abuse, pollution and degradation, to manage the environment for sustainable development, and to promote environmental awareness. There is no stand-alone policy on Environment. Instead, policies are fragmented amongst different sectors for coordinating implementation and reporting. This includes the national biodiversity action plan, waste management strategy, land use policy, forest management policy, an energy roadmap, environmental impact assessment (EIA) process and a consolidated climate change adaptation and disaster management¹³ initiative, all of which addresses key environmental challenges.

Legislation concerning the protection and preservation of the environment is found in a number of Acts and is the responsibility of a number of different Ministries according to their focus. Amongst these, are the following key legislations:

¹³ The Kingdom of Tonga: *Fisheries Sector Plan 2016-2024*.

- Environmental Impact Assessment Act 2003 and Environmental Impact Assessment (EIA) Regulations 2010
- Environmental Management Act 2010
- Fisheries Management Act 2002
- Aquaculture Management Act 2003
- Marine Pollution Prevention Act 2002
- Parks and Reserves Act 1976 (revised 1988)
- Bird and Fish Preservation Act 1988
- Public Health Act 2008

The Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications (MEIDECC) is the principal agency responsible for the management of the environment, and in administering environmental-related legislation in Tonga. It provides environmental assessments, reports and recommendations to the responsible Ministry, as well as being mandated under the Environmental Impact Assessment Act 2003 and the EIA Regulations 2010 to require environmental impact assessments and impose conditions for development projects within Tonga.

Activities funded under the TongaFish Pathway project will follow the GoT's established procedures and associated guidelines established under the Environmental Assessment Act 2003, and environmental legislation of the relevant Ministry.

5.2.2.1 Environmental Approvals Framework

In broad terms, the environmental approval framework in Tonga involves:

- Land acquisition and lease approval (Ministry of Lands and Natural Resources “MLNR”);
- Building Permit approval (Ministry of Infrastructure “MOI”); and
- Environmental approval (“MEIDECC”).

The Environmental Approvals Framework is detailed in Annex II.

5.2.2.1.1 Land Acquisition and Lease Approvals

Chapter 8 contains a land access review and resettlement policy framework; a voluntary land donation process is included in Annex III.

5.2.2.1.2 Building Permit Applications

The “Building Control and Standards Act No.39 of 2002” Section 10 requires every person intending to erect a building to obtain a building permit, which in this context, means applying to the MOI. Minor structural repairs are exempt from building permits.

5.2.2.1.3 Environmental Approvals

Proposals for *all* development activities must be notified to the MEIDECC for approval under the Environmental Impact Assessment Act 2003 and Environmental Impact Assessment Regulations 2010. The Secretariat and the Minister determine whether the proposed development is a “minor” or a “major” project, and this determination is to be advised to the proponent within 30 days. Proponents of major projects are required to submit a full Environmental Impact Assessment for review by the Secretariat. If the Project is deemed to be a minor project, approval is granted usually under the provisions of an Environmental Management Plan and the Project may proceed.

The environmental approval process is summarised in Annex II.

5.2.2.2 *Special Management Area's (SMAs)*

Coastal Community Management Plans. Coastal Community Management Plans (CCMP) are made under the Fisheries Management Act 2002 and Fisheries (Coastal Communities) Regulations 2009.

Tonga's Fisheries Management Act 2002 gives the power to the Minister responsible for fisheries to declare any area of the fisheries waters and corresponding subjacent area to be a SMA for purposes of coastal community management, application of certain conservation and management measures, subsistence fishing operations or other specified purpose. That declaration specifies:

- The persons or groups of persons or types or classes of vessels that may be allowed to fish or carry out a related activity;
- The methods of fishing that may be used;
- The terms and conditions of fishing or a related activity;
- Any activity that may be prohibited, regulated, exempted from regulation, subject to specified terms and conditions;
- Any other necessary conservation or management measure that apply;
- The Minister shall, in designating a community to be a coastal community, take into account the concerns of communities living adjacent to the Special Management Area;
- Any person who fishes or carries out a related activity in any Special Management Area in contravention of any Order made under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.
- The Secretary of the ministry is to maintain a record of Special Management Areas and any coastal community responsible for such Special Management Area or parts thereof.

Fisheries Management (Conservation) Regulations 2008 have one regulation concerning SMAs, specifically the SMA boundaries:

- The boundary of a special management area is to be measured seaward from the high-water mark of a coastal community; and not exceed a distance of 2500 metres from the high-water mark or a depth of 50 metres.
- Where the boundaries of any two coastal communities will overlap, the boundary is to be the equidistance between such communities.
- The Minister may, in consultation with that community's Coastal Community Management Committee and the Fisheries Management may alter the boundary for the purposes of ensuring habitat, conservation, management, sustainable utilisation and development of fisheries resources.

The Fisheries (Coastal Communities) Regulations 2009 includes provisions for:

- Establishing SMA boundaries.
- The SMA-related responsibilities of the Ministry.
- Functions of the Coastal Community Management Committee.
- The requirement that the Committee prepare a plan prepare a for the conservation, management, sustainable utilisation and development of fisheries resources for the SMA.
- Fish habitat reserves within the SMA.

- The establishment and maintenance of a Fishing Vessels Register and a Fishers Register, the latter containing the names and details of persons authorised by the Committee to fish in the SMA.
- Authorisations to fish in the SMA (subsistence fishing permit, small scale fishing permit, cladosiphon seaweed harvesting permit, yacht fishing permit).
- Fish Habitat Reserve.
- Giant clam and Lobster Protective Zone
- Conditions of fishing in the SMA.

5.2.2.3 Other relevant legislation:

Act of the Constitution of Tonga. The Act establishes the Crown's ownership of the beach frontage including all the area from fifty feet above high-water mark, to allow for the government to lease any portion of the beach frontage for erecting a store, jetty or wharf.

Aquaculture Management Act 2003. This Act provides for the control (including authorisations) for aquaculture, management and development of aquaculture and related activities, whether on land or in any aquatic area including marine areas of the Kingdom.

Bird and Fish Preservation Act 1988. This Act defines species of birds and fish (including turtles) that are protected from being killed, shot, captured, taken or destroyed within their defined protected time period. The Act also defines protected areas within which it is prohibited to:

- Discharge or cause to be discharged into the protected area any effluent or noxious or toxic liquid or substance.
- Erect any harbour, wharf, pier, jetty or other building works, temporary or permanent.
- Cut, damage, remove or destroy any mangrove.

Fisheries Management Act 2002. This Act provides for the sustainable management and extraction of fisheries resources and governs all aspects of the fishery industry within Tonga. It recognizes the importance of protecting marine ecosystems as a whole. This Act also governs the creation and management of SMAs within the Kingdom. Regulations for the provision of this Act include those for local fisheries, for processing and export of fisheries resources, for the conservation of fisheries resources and the designation of SMAs.

Marine Pollution Prevention Act 2002. This Act provides for the prevention of and response to marine pollution and the dumping of wastes and other matter and to give effect to international marine pollution conventions. The Act, as a whole provides, for marine pollution prevention, marine pollution response, marine casualties, liability and compensation for oil pollution damage and regulates dumping and incineration of waste at sea.

Parks and Reserves Acts 1976 (revised 1988) (CAP 89). This Act provides for the establishment of a Parks and Reserves Authority and for the establishment, preservation and administration of parks and reserves. It enables the Parks and Reserves Authority to seek permission to declare any area or land or sea to be a protected area. The attached schedules to this Act define five marine reserves: Hakaumama'o Reef, Pangaimotu Reef, Monuafu Island Park and Reef, Ha'atafu Beach and Malinoa Island. The Parks and Reserves Declaration Amendment (1992) established the 'Eua National Park on 'Eua Island.

Public Health Act 2008. This act deals with public health services in Tonga. It outlines controls and functions of the Minister of Health in regard to the control of air pollution, noise pollution and health and safety at work.

Waste Management Act 2005. Tonga had established a Waste Authority (under the Waste Management Act 2005) to address the problem of solid waste collected under a tariff scheme. Sewage is handled by septic tank systems. Of particular note is the effort to arrest the degradation of Fanga'uta Lagoon.

5.2.2.4 Other relevant plans and policies:

Tonga Fisheries Sector Plan. The Tonga Fisheries Sector Plan (TFSP) for 2016 - 2024 presents the strategic direction and guides investment planning for Tonga's commercial and coastal community fisheries. The TFSP identifies three long-term goals for the sector: (i) sustainable community fisheries and use of coastal marine ecosystems; (ii) profitable, sustainable and responsible commercial fisheries and aquaculture; and (iii) efficient, knowledge-based government services that collaborate effectively with industry and civil society. The TFSP has secured strong government ownership and will require firm coordination by the MoF to effectively implement priority investments in the prescribed multi-phased approach.

The Tonga Strategic Development Framework 2015–2025 (TSDFI). The Tongan Strategic Development Framework 2015-2025: A more progressive Tonga: Enhancing Our Inheritance (TSDFI), presents the Kingdom's new development framework. TSDFI provides an overarching framework for the long-term development of Tonga. Sector plans, ministry corporate plans and annual management plans detail actions to deliver these strategies and their respective budget allocations. The preparation of the Fisheries Sector Plan was a contribution to the TSDFI.

Oceans Management and Planning. On 22 July 2015, Tonga's Cabinet decided to initiate a project to develop a holistic spatial plan for Tonga's ocean (Cabinet Decision 716). It was decided that the relevant ministries would collaborate to implement the marine spatial plan. The National Environment Coordinating Committee (NECC) was identified to oversee the process and the Department of Environment has established a Marine Spatial Planning Technical Working Group, comprised of technical experts within relevant ministries of the NECC, to progress the Cabinet decision.

Marine Spatial Planning. The Government of Tonga is taking an Integrated Marine Spatial Planning approach, which will use and bolster existing consultative and coordination structures to limit the additional burden upon both the government and her people of this new planning process. The Marine Spatial Planning Technical Working Group (Oceans 7) was established as Tonga's marine spatial planning technical working group. It is co-chaired by three ministries (MEIDECC, MNL and MAFF) that prepared the original cabinet paper and also includes four other ministries.

The Ocean's 7 group has been preparing a Marine Spatial Plan for Tonga. The plan includes waters from the high-tide mark out to the Exclusive Economic Zone. It is a process that goes beyond the traditional ways of planning and managing activities on an individual sectoral basis. Integrated marine spatial planning is the only way that Tonga can achieve both its economic and social goals alongside its aspirations for retention of the cultural and traditional values and uses tied to her ocean resources. Integrated marine spatial planning will support sustainable and environmentally sensitive development and shall provide the Kingdom of Tonga, for the first time, a framework that facilitates integrated strategic and holistic planning in relation to all activities within its coastal and marine area.

In partnership with Macbio, the Oceans 7 have prepared a draft Marine Spatial Plan for the Kingdom of Tonga and will consult with communities during the latter part of 2018. The plan is scheduled to be in place by 2020.

Tonga Deepwater Fisheries Management Plan 2017–2019. The Tonga Deepwater Fishery Management Plan (TDFMP) 2017-2019 is the third plan for this fishery and is based on the Tonga Deepwater Fisheries Management Plan 2014 -2016 and the previous Snapper Fisheries Management Plan (SFMP) 2007. The Tonga Deepwater Fishery Management Plan guides the management and development of the deep slope resources of snapper, grouper and emperors in Tonga fisheries waters. The plan covers the fisheries activities and entities that engage in the Tongan drop line bottom, deep-water drop line and deepwater snapper fisheries and includes exploratory and test fishing and marine scientific research.

Tonga National Tuna Fisheries Management and Development Plan (2018–2022). The National Tuna Fisheries Management and Development Plan meets the requirements of the Fisheries Management Act, which provides for the conservation, management and sustainable use and development of the fisheries resources in Tongan fisheries waters and ensures the implementation of management and development. The plan's goal is to manage Tonga's tuna fisheries resources through an ecosystem-based, precautionary and rights-based approach to maximise the benefits to Tonga people while ensuring the biological and economic sustainability of the fishery.

Tonga National Sea Cucumber Fishery Management and Development Plan (undated). The Sea Cucumber Plan relates to the sea cucumber fishery in Tonga and is comprised of three components – fishing activities, processing activities and exporting industries including the export product that is known as bêche-de-mer.

Tonga National Aquaculture Management and Development Plan (2014–2019). The plan was designed to be used as a guideline for the Ministry of Fisheries and future stakeholders to establish commercial aquaculture in Tonga. The plan establishes mechanisms for the development of a licensing procedure and selection, licensing criteria and establishment of committees.

Environmental Management Plan for Fanga'uta Lagoon System. The Environmental Management Plan (EMP) for Fanga'uta Lagoon System was prepared following local community concerns raised over the future of the lagoon system: catching smaller and fewer fish; rubbish and litter; loss of mangroves and erosion that threatens properties; loss of seagrass; sedimentation; pollution; and loss of species and habitats.

The EMP was developed to manage these impacts by regulating use through zoning. The EMP was designed to improve existing conditions in the lagoon and to ensure that the lagoon provides the maximum goods and services in the future.

Joint Action Plan on Climate Change Adaptation and Disaster Risk Management (JNAP). Tonga has a combined climate change and disaster risk management action plan. The Joint Action Plan on Climate Change Adaptation and Disaster Risk Management (JNAP) consolidates the climate change and disaster management activities and focuses on several key actions: (i) improved governance, including decision-making and policy frameworks; (ii) improved technical knowledge and popular education; (iii) vulnerability assessments; (iv) efficient, renewable energy; and (v) strong national and international

partnerships. Implementation of the TongaFish Pathway project will need to contribute to and be closely coordinated with these activities through existing arrangements.

Climate Change Policy 2016 – A Resilient Tonga by 2035. The purpose of the Tonga Climate Change Policy is to provide a clear vision, goal and objectives to direct responses to climate change and disaster risk reduction over the next five years. The policy and associated revised Joint National Action Plan for Climate Change Adaptation and Disaster Risk Management are not intended to replace or duplicate sector-specific policies and plans. Rather, the policy is intended to provide an overarching context and guiding framework with policy objectives that for the most part will require multisector coordination. This recognises that climate change is the single biggest issue that will determine the future of Tonga over coming decades and will require a ‘whole of Tonga’ level of cooperation and coordination.

National Biodiversity Strategies and Action Plan (NBSAP). Tonga has developed a National Biodiversity Strategies and Action Plan (NBSAP) in which Tonga identifies several actions in respect to the protection of marine ecosystems. The biodiversity action plan targets healthy and sustainably managed priority marine ecosystems and habitats including coral reefs, slope and seamount fisheries areas, priority spawning and feeding sites. Each objective is supported by a range of strategies and actions. Actions include:

- Increasing the number of marine conservation areas
- Promoting sustainable management of marine biodiversity.

5.3 Gap Analysis

The gap analysis presents the gaps between the applicable Bank safeguard policies and Tonga’s laws, standards and regulations and how the gaps will be filled on this project.

In current general development practice in Tonga there are no operative social safeguards. The absence of operative social safeguard mechanisms in general development practice means that the focus of current social safeguards capacity is normally at project level. Customary and formal grievance mechanisms are approved on a project-by project basis. A GRM is a requirement of World Bank Policies. To fill this gap a Grievance Redress Mechanism (GRM) has been developed and is included in Annex XIV of the ESMF to enable issues to be addressed in a transparent and responsive manner.

Neither the EIA Act nor the EIA Regulations make any specific reference to public consultation. Public involvement at the review stage is a requirement of a major project EIA under the Environmental Impact Assessment Regulations 2010. However, the mechanisms are not defined. Public consultation including formal consultation with affected persons is not compulsory in the environmental assessment process for minor projects. Further, there is no specific policy in Tongan law on consultation with affected peoples. However, customary practice is to consult with all affected and potentially affected people. The disclosure of all documents is required under the Bank’s safeguards policies. Activities under the TongaFish Pathway project will require participation and consultation of affected persons for prepared safeguard instruments and disclosure of documents as set out in the Stakeholder Engagement Plan (SEP) found in Annex I.

There are no specific provisions for vulnerable people in Tongan law. However, such practice is embedded in the customs and traditions of Tonga. Under World Bank Safeguards, particular attention is

paid to the needs of vulnerable groups. Activities will require participation and consultation of vulnerable groups as set out in the SEP found in Annex I.

Projects assessed to be minor projects under Tongan law are not required to provide an EIA. Approval is granted with or without conditions and the Project may proceed, usually under the provisions of an Environmental Management Plan (“EMP”) which is binding on the Proponent. The EMP addresses environmental management and protection measures and will be specific to the development under consideration. Farms for the propagation of marine, estuarine or freshwater organisms are listed as major projects under the EIA Act 2003 and would require the development of an environmental impact assessment. Under World Bank OP4.01, there is flexibility as to the instrument required, depending on the nature and the scale of risks. The project will complete an ESIA where Tonga law requires it, and incorporate any World Bank documents as required, such as an ESMP.

The processes will be harmonized as much as possible, so that the requirements of Tonga and the World Bank will be met with any safeguard instrument that is prepared. The minimum will be that Tongan law will be adhered to and then any gap filling for World Bank policies and processes will be done. The greatest requirement in terms of safeguards instruments will prevail. For example, where EIA is required under Tongan law, and ESMP for the World Bank, the EIA would prevail and an ESMP integrated in the ESIA.

6 Potential Environmental and Social Impacts and Measures to Mitigate

The overall impact of the TongaFish Pathway program is expected to be highly positive and none of the eligible investments on the menu of options include activities that would generate significant risk or irreversible adverse environmental or social impacts.

Project typologies that have been identified as requiring environmental and social screening and management during implementation include 1) Technical Advisory (regulatory reviews, feasibility studies, fisheries management plans, ecosystem monitoring; infrastructure master plan); 2) MoF assets (aquaculture hatcheries, operations shed, office refurbishment); 3) Special Management Area (SMA) implementation; and 4) small scale infrastructure/assets for SMA communities (community halls, markers, buoys, fish aggregating devices (FADs)). The impacts of these activities can be readily mitigated through standard mitigation measures, if they are screened and managed properly.

The following tables provide a preliminary analysis of the type of project activities identified, potential social and environmental impacts that may result from the project activities, key mitigation methods for residual impacts, and safeguard tools that may need to be required.

Activity	Significant Potential Impacts	Key Mitigation Methods	Safeguard Tools
Technical Advisory			
General policy, regulatory and management advice: regulatory reviews, feasibility studies, fisheries management plans/frameworks.	Lack of citizen / stakeholder engagement leading to ill-informed policy not meeting the needs of the industry or communities. Longer term issues of unfair outcomes or loss of livelihoods or subsistence opportunities for vulnerable people/communities if no integrated social impact assessment or socio-economic assessment. Longer term issues such as biosecurity incursions or ecosystem changes/ impacts if there is no integrated environmental impact assessment. Recommendations for future investments in physical infrastructure (processing facilities, wharf facilities, cool stores, small or large-scale aquaculture) that could: change land ownership and land use requiring resettlement, create ongoing water pollution, increase safety risks to water users, change foreshore environments, affect livelihoods and subsistence lifestyles.	Sub-component 1.1 7(d) include safety measures and stakeholder engagement in the TA. Sub-component 3.1 13(i) studies to be carried out concurrently and integrated into other subproject activities. Sub-component 3.2 15(b) environmental and social management guidelines to be prepared to influence future investments in aquaculture. Sub-component 3.2 15(e) to develop biosecurity management strategies to avoid / minimize future incursions. As a minimum, include environmental and social safeguards clauses and the requirement for meaningful stakeholder and citizen engagement into the consultants Terms of Reference (TOR) and activities and review the approaches and outcomes for compliance with the ESMF and the World Bank policies. For TA influencing downstream physical investments: Include environmental and social screening and scoping processes or	N/A

Activity	Significant Potential Impacts	Key Mitigation Methods	Safeguard Tools
		preliminary impact assessments in the TOR, to be prepared by specialists. For fisheries management plans, aquaculture development etc., include ecological impact assessment (particularly of new species) and socio-economic impact analysis (particularly of vulnerable groups) and citizen engagement in the TOR, to be prepared by specialists.	
Aquaculture extension projects	Downstream impacts that are contrary to good environmental management and community well-being. Aquaculture facilities such as pilot farms may need an EIA under Tongan law.	Best practice environmental and social management included in process. Ensure extension projects are gender-equitable and involve stakeholder engagement principles / consistent with SEP.	N/A
Training and capacity building programs for SMA communities .	Downstream impacts that are contrary to good environmental management and community well-being.	Include environmental and social best practices into training. Citizen engagement , using Tongan cultural norms, when developing the program.	N/A
Tuna and coastal pelagics processing investigations	Downstream investments in infrastructure that could change land use and require land leases, create ongoing water pollution, increase safety risks to water users, and / or change foreshore environments. Facilities may require an ESIA.	Include environmental and social assessment, including requirements for permits and approvals, as part of the process. Safeguards Officer contributes to writing of the TOR and reviews outputs.	N/A

Activity	Significant Potential Impacts	Key Mitigation Methods	Safeguard Tools
Investigations into future developments: Fisheries infrastructure and Assets Master Plan and Feasibility Study	Downstream investments in infrastructure.	Include Environmental and Social Specialist on the Master Plan team. Include Environmental and Social assessment in the Master Plan and Feasibility Study and in recommendations for future investments. Safeguards Officer contributes to writing of the TOR and review of deliverables to check for compliance with ESMF and World Bank Policies.	N/A

Activity	Significant Potential Impacts	Key Mitigation Methods	Safeguard Tools
MoF Assets			
Small scale construction and/or renovation of existing buildings, such as: -Maintenance to fisheries infrastructure. -Upgrade of aquaculture facilities. -Operations sheds. -Building/office refurbishment. -Cool store facilities. -Market renovations.	General construction impacts such as pollution from improperly stored and disposed waste, pollution from discharge of sediment, nuisances from dust and noise, hazardous substance spills e.g. oil, health, safety risks for workers and/or community Asbestos may be present in old buildings.	Waste minimization and management measures detailed in Waste Management Plan. Health and Safety management plan will be required. Building inspection that identifies whether asbestos is present prior to demolition/ construction. Asbestos containing materials to be wrapped/contained to avoid creating dust and buried in a demarcated area in an approved landfill.	<u>Construction</u> EIA or ESMP (WB) as defined through the screening process. <u>Renovation</u> ECOP as defined through the screening process.
Purchase of vessels	Health and safety risks for vessel operators and users. Specifications of vessels are inadequate for purpose. Vessel operators are not properly trained.	Project design contains strategies to improve safety in the sector for example, the communication system identified and safety equipment for observers and fisheries officers. Vessels meet all requirement including safety specifications and are operated by trained, and where required, qualified persons. Vessels are maintained and stocked with safety equipment to international standards. All users are trained to operate safety equipment, and safety procedures are followed every outing.	EHS Plan

Activity	Significant Potential Impacts	Key Mitigation Methods	Safeguard Tools
Development of small scale aquaculture facilities.	Discharges from aquaculture facilities. Community safety issues e.g. drowning from unfenced ponds. Land acquisition.	Identify Crown Land as a priority (consult with Lands Dept). Otherwise identify land owner willing to enter into a lease. Treatment prior to discharge. Fence all facilities.	EIA (Tonga) incorporating an associated ESMP (WB).

Activity	Significant Potential Impacts	Key Mitigation Methods	Safeguard Tools
Special Management Area (SMA) Implementation			
Expansion of the existing SMA program.	Changes to livelihood opportunities and disruption of subsistence sources from changes in fisheries in SMA community and in non-SMA communities. Conflict between communities. Changes to access for commercial fishers and adjacent communities. Transfer of overfishing to new areas e.g. overexploitation of unprotected areas adjacent to SMA's. Community lack resources to police SMA. Cumulative social impacts from many SMA eventually occupying large areas of the inshore areas, closing out fishing opportunities to land-locked (or non-SMA) communities and possibly non-take activities	The SMA manuals to be prepared will manage the impacts of the SMA expansions. The manuals will include consultations, engagement, GRM, environmental monitoring, safeguards monitoring and oversight etc. Special consideration should be given for gender equity, landlocked communities, vulnerable groups, non-take users, tourism and commercial operators. Continue the existing consultation and engagement approaches of MoF, using Tongan cultural norms of deliberation and consensus (Refer to the SEP). Provide an acceptable grievance mechanism (complaints handling process) for affected groups.	Stakeholder Engagement Plan Grievance Redress Mechanism (complaints handling process).

	(whale watching, diving).	Fish surveys and habitat monitoring on SMA and adjacent areas. Support, equipment and training provided to participating communities for management, monitoring and surveillance activities. The review of SMA should include a risk assessment of the social and environmental impacts of each SMA, and cumulative impacts where this may be an issue within or beyond the lifetime of the project (more detail in Section 6.1). The regulations and policies will need to address these issues. Any technical outputs need to ensure these impacts are addressed. Strategic Environmental Assessment as part of future SMA planning is also discussed in Section 6.1.	
--	---------------------------	---	--

Activity	Significant Potential Impacts	Key Mitigation Methods	Safeguard Tools
Small Scale Infrastructure Development/Assets for SMA Communities			
Minor infrastructure for SMA communities e.g. meeting halls	General construction impacts such as pollution from improperly stored and disposed waste, pollution from discharge of sediment, nuisances from dust and noise, hazardous substance spills e.g. oil, health and safety risks for workers and/or community.	Consult with land owner to confirm land lease or voluntary land donation for community land use purposes. VLD is common in Tonga for small community assets, through consultation and agreement. VLD agreement or land lease to be in place prior to works commencing.	EIA or ESMP (WB) as defined through the screening process. Chance find procedure (Annex XV) as defined through the screening.

Activity	Significant Potential Impacts	Key Mitigation Methods	Safeguard Tools
	Damage to physical cultural resources, including graves. Unable to find suitable land or get agreement from land owners, causing delays or conflict.	Waste minimization and management measures detailed in Waste Management Plan. Consult with land owners and occupiers regarding the potential for existing PCR and ensuring these are avoided, and otherwise follow <i>chance find</i> procedure.	
Minor assets for SMA communities: Vessels	Health and safety risks for vessel operators and users. Specifications of vessels are inadequate for purpose. Vessel operators are not properly trained.	Vessels meet all requirement including safety specifications and are operated by qualified persons. Vessels are maintained and stocked with international standard safety equipment. All users are trained to operate safety equipment, and safety procedures are followed every outing.	EHS Plan
Minor assets for SMA communities: Buoys	Death or drowning or near drowning during installation or maintenance. Disturbances to sea bed / coral from mooring / anchor and marine debris.	Health and Safety training for all personnel including divers. Divers have appropriate qualifications. Locate buoy moorings on sand, not live coral. Regular maintenance of FADs.	EHS Plan
Minor assets for SMA communities: FADs	Death or drowning or near drowning during installation or maintenance. FADs get lost or break their moorings	Health and Safety training for all personnel including vessel operators and FAD deployers.	EHS Plan

Activity	Significant Potential Impacts	Key Mitigation Methods	Safeguard Tools
	causing damage to reefs, or ocean debris. If not managed properly can lead to overfishing.	FADs are community asset and are managed as part of the SMA. Community are trained in fish stock management as part of SMA Planning. Regular maintenance of FADs.	

6.1 Cumulative Impacts

Cumulative impacts are changes in the environment resulting from the combined, incremental effects of human development activities, environmental change processes and/or physical events. The activity that is most likely to result in cumulative impacts that need to be managed is the expansion of the SMA program. Under this component, the number of SMAs will increase from 40 currently, to 70 over 10 years under this project, with possibly more funded under separate projects. The scheme is the primary policy approach of the Government to manage fish stocks and fishing activities and has also proven to be popular in coastal communities. Most of the current SMAs are individual and not located next to another SMA.

The main cumulative impacts that may result from increasing the number of SMAs and need to be considered include:

- The continued transfer of overfishing to new areas outside of the SMA's, leading to overexploitation of unprotected areas adjacent to SMA's. This will become more of a problem as the number of SMA's continues to increase and less unprotected area exists.
- The cumulative impact of restricting access to resources to commercial fishers who may then overfish other areas. Because fishing for commercial purposes is not allowed in the SMA, this may cause commercial fishers to accumulate in areas not protected, increasing the risk that those increasingly smaller areas become overfished. Options will become more and more limited as the SMA program expands.
- The cumulative impacts of restricting access to resources on adjacent communities e.g. land-locked communities who do not have their own SMA. Land-locked communities will have less and less access or more restricted access to coastal fishing areas as the number of SMAs increases and may cease fishing for subsistence or commercial activity as a result.

The recent hotspots for SMA establishment are in Ha'apai and Vava'u as a number of communities have already established SMAs, have SMAs in the pipeline or have expressed an interest in having an SMA. However, new SMAs are mostly being proposed in Tongatapu.

The SMA system already has in place some methods for managing the cumulative impacts of the SMA network. For example, the Fisheries Management (Conservation) Regulations 2008 include regulations regarding the SMA boundaries, and mapping and consultations with neighboring communities are already an integral part of the SMA implementation process. During consultations affected adjacent communities have the opportunity to be involved in the process and discuss their concerns, such as no longer being able to fish in the SMA. Communities can, and regularly do, adopt mitigation measures which accommodate consultation feedback, for example allowing non SMA community members (e.g. in adjacent community) to access the SMA for personal consumption, but not for commercial purposes. Furthermore, proposed revisions to the legislation to be developed under this project would allow 3-4 communities, including land-locked communities, to join and establish one SMA. This will give the opportunity for land-locked communities to join the SMA program. MoF also works with communities who ask for alternative livelihood opportunities such as aquaculture, in order to assist them to access necessary advice and skills, including connecting them to other relevant ministries.

Ongoing monitoring of biological resources and fishing will provide insights into medium/longer term impacts and will inform any necessary management measures as they emerge. Monitoring and assessment studies of coastal and deepwater fisheries proposed under the TongaFish Pathway project

should be expanded to include fishing impacts e.g. how are people catching fish and the socio-economic impact of the expanded SMA system. A specific cumulative impact assessment study and/or a strategic environmental assessment should be part of this study. These could be aligned to significant milestones, such as every five new SMA established and could begin in the areas with many established SMAs such as Vava'u and Ha'apai. Strategic environmental assessments and / or cumulative impact assessments should be integrated into SMA planning as necessary for the outer Islands (Ha'apai and Vava'u). Any cumulative assessments and ongoing monitoring will need to be a MoF responsibility, rather than a responsibility of the SMA communities.

A key action under the sector plan and the TongaFish Pathway project is the establishment of a coastal fishery management plan. This plan will aim to regulate and control fishing pressure in non-SMA coastal waters, will encompass an overarching regulatory framework of size limits and fishing gear controls that applies to all coastal waters, including SMAs. It is recognised that fishing activity will be reduced both within and outside SMAs and that there will be short term impacts on both individuals and communities. Extensive consultations and awareness raising with communities will be carried out by MoF in order to provide plenty of time for individuals and communities to understand the proposed changes, have their say in the process and find alternative livelihoods if necessary.

7 Environmental and Social Screening of Subprojects

7.1 Overview of Screening Process

The screening process will be used to screen all subproject activities for risks and then identify the safeguard instruments that need to be prepared. The screening process may include completing a screening form, undertaking a site visit, and consulting with stakeholders. Responsibilities for implementing these procedures are outlined in Section 9 of this ESMF. The screening process and checklist should be reviewed after 18 months of project implementation to ensure that the process is appropriate.

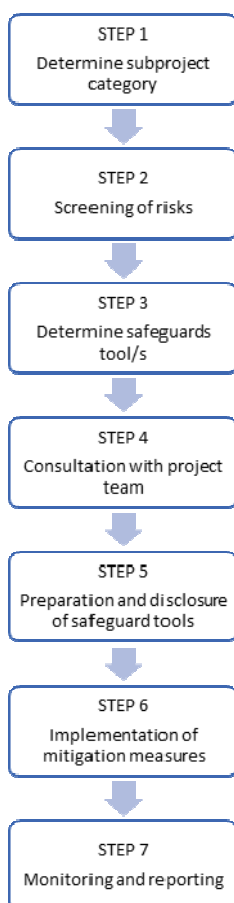
The project typologies identified as requiring environmental and social screening and management during implementation of TongaFish Pathway include 1) Technical Advisory; 2) MoF assets; 3) SMA implementation; and 4) small scale infrastructure and assets for SMA communities. Screening templates for specific activities have been developed and are included in the Annexes.

7.2 Screening of Subprojects

The following provides the steps in the assessment of subprojects that will be undertaken. The screening of subprojects will take place either during the annual work plan or on ad hoc basis as subprojects and activities are defined by the Project Team/s.

The screening process will follow the key steps shown in Figure 5:

Figure 5 – Key Subproject Screening Steps



Step 1 - Determine Subproject Category

The first step of screening is to determine what type of subproject or activity is being proposed and determine the immediate next step. To determine the subproject category, refer to Checklist 1 in Annex VI. Checklist 1 will determine whether a subproject screening checklist needs to be completed or whether a subproject guideline needs to be followed.

Step 2- Screening of Risks

The next step is to complete the subproject screening checklist or refer to the appropriate subproject guidelines, as determined in Step 1. The checklists will determine what safeguard tool/s are required (if any) under World Bank and GoT safeguards requirements (e.g. ESMP, EIA).

Note: If Checklist 3 – All Other Projects Screening Checklist in Annex VIII is completed, also check Table 2 - Ineligible Activity List.

Step 3 – Determine Safeguards Tool/s

The third step is to determine what safeguards tool/s are required, if any, under World Bank and GoT safeguards requirements (e.g. ESMP, EIA) as a result of the risk screening. The subtype screening forms will assist in determining the safeguard tools need to be prepared.

Step 4: Consultation with Project Team

If required, the screening outcomes will be discussed with the project team and design personnel to identify ways to reduce or avoid any adverse impacts. Any adjustments to the subproject design, categorisation or safeguard instrument can be refined following this process.

Step 5: Preparation and Disclosure of Safeguard Tools

If required, the next step is to prepare the relevant instruments, both for GoT and the WB processes. This process may include site visits and data gathering, consultation, and public disclosure of the documents in accordance with the SEP (Annex I). Instruments that cover groups of subprojects by geographical area or procurement may be used where appropriate e.g. EHS plans for SMA investments.

Step 6: Implementation of Mitigation Measures

The implementation of the safeguards tools and conditions of any environmental approvals will need to be implemented, monitored and enforced. For MoF assets and infrastructure, training of other fisheries staff may be needed to ensure that conditions of the safeguard instruments are met. For contractors, monitoring and supervision will be needed to ensure that conditions of the safeguard instruments are met. For SMA community infrastructure and assets, training will be needed to ensure that conditions of safeguard instruments are met.

Step 7: Monitoring and Reporting

Monitoring is required to gather information to determine the effectiveness of implemented mitigation and management measures and to ensure compliance with the approved safeguard tools.

Environmental indicators will be defined in the safeguards tools and compliance with these indicators will need to be monitored. Monitoring methods must provide assurance that safeguard measures are undertaken effectively.

Regular reports on environmental indicators and any incidents that may have adversely impacted on the environment arising from subproject activities will need to be prepared. These will be included into semi-annual safeguard monitoring reports to the World Bank. The reports to the Bank will include: (i) the status of the implementation of mitigation measures; and (ii) the findings of monitoring programs.

Table 2 - Ineligible Activity List

Activities will be deemed ineligible for TongaFish Pathway project funding if they:

1. Are not aligned to the objectives of the TongaFish Pathway project.
2. Are large-scale infrastructure projects, or studies that will lead to large-scale infrastructure projects that would trigger Category A under World Bank Policy OP4.01.
3. Involve the conversion, clearance or degradation of critical natural habitats forests, environmentally sensitive areas, significant biodiversity and/or protected conservation zones.
4. Will cause, or have the potential to result in, permanent and/or significantly damage non-replicable cultural property, irreplaceable cultural relics, historical buildings and/or archaeological sites.
5. Will result in involuntary land acquisition or physical displacement of affected communities.
6. Require or involve:
 - Political campaign materials or donations in any form;
 - Weapons including, but not limited to, guns and ammunition (e.g. for maritime police or fisheries surveillance);
 - Purchase, application or storage of pesticides or hazardous materials (e.g. asbestos);
 - Building structures that will alter coastal processes or disrupt breeding sites including sand mining, land reclamation or seawalls;
 - Any activity on land or coastal areas that has disputed ownership (private, communal or customary).
 - Trade in wildlife or wildlife products regulated under CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora);
 - Fishing in the marine environment using electric shocks and explosive materials;
 - Production or activities involving harmful or exploitative forms of forced labor / harmful child labor.

8 Land Access and Resettlement Policy Framework

8.1 Introduction

The Government of Tonga (GoT) is seeking funding from the World Bank for the TongaFish Pathway Project to strengthen sustainable management and development of Tonga's commercial, aquaculture and community fisheries. The project consists of four main components and nine subcomponents each with a set of activities.

The purpose of this Land Due Diligence Report is to assess and report on the impact of the project's subcomponent activities with regards to people's lands, and associated assets. It is focused on determining the applicability of the Bank's policy on involuntary resettlement (OP4.12), particularly in relation to para 3(a) (involuntary taking of land); and if so, recommend additional documents or plans that will be required to manage the associated issues. Regardless of whether OP4.12 is triggered, this report aims to make sure that impacts associated with changes in access to land or assets (including natural resources) are appropriately minimized and mitigated.

8.2 Background

The land and tenure system in Tonga is complex and Tonga's land tenure system has unique features relative to other Pacific countries.

Key aspects of the land and tenure system are:

- All land in Tonga belongs to the Crown.
- Sale of land is prohibited.
- The rights or interests are individualised and life interest only.
- The Land Act forbids land holders (registered allotments) from entering into any agreement for profit or benefit from the use of his holding other than that prescribed by the Act.
- Non-Tongans can only obtain land under leasehold tenure, subject to the approval of the Cabinet.
- Estate-holders and individual landholders are allowed to lease out all or part of their estates or allotment respectively.
- If there is no male heir, then the unmarried daughter(s) may inherit or jointly inherit their father's land until they all get married. If there is no heir at all, then the land reverts to the estate holder for re-granting.

Land and land ownership is multifaceted within the Tongan societal context. Land is perceived to have many different values (political, economic, social and cultural, and religious). Consequently, land may be a sensitive subject for some people. Generally, the relationship between people and land has two primary dimensions in Tonga namely, spiritual and material.

8.3 World Bank Requirements

World Bank Operational Policy 4.12 – Involuntary Resettlement.

This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by (a) the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location.

This policy requires siting of project infrastructure to be so chosen as to avoid these impacts altogether or to minimise them to the extent possible. Where these cannot be avoided, the policy requires the preparation of either or both of these instruments: (i) Resettlement Policy Framework, (ii) Resettlement Action Plan, and for meaningful consultations with potentially affected people.

Relevant Tongan Legal Framework

The following table provides a list of legislations that are relevant for the purpose of the TongaFish Pathway project.

Table 1: List of relevant Tongan legislations¹⁴

Tongan Legislations	Brief Description of the Legislation
Constitution	The Tongan Constitution states in its Declaration of Freedom (Section 1) that <i>“...all men may use their lives and persons and time to acquire and possess property and to dispose of their labour and fruit of their hands and to use their own property as they will.”</i>
Land Act	Prescribes the nature and size of land tenure; permissible land use (for public purposes, utilities and services) such as roads, public ways, use by Government Departments or for other public purposes; permissible use on Crown land (timber cutting and sand and limestone quarrying with permit); prescribed use like the responsibility of a landholder to plant coconut trees on his tax allotment.
Environmental Management Act	The Act defines the Government’s role in relation to all environmental management and decision-making processes. It also defines the functions and powers of the Ministry in relation to its obligations towards environmental management.
EIA Act	The EIA Act is administered by the Environment Department (MEIDECC). It empowers the ministry to form the Environmental Assessment Committee (EAC) and defines the conditions under which an EIA is required.
National Spatial Management Act	Tongan land tenure is complemented by the National Spatial Planning and Management Act, which establishes the National Planning Authority, which is the Minister for Lands. The Act is a landmark progression towards integrated land use in Tonga
Park and Reserves Act	Provides for the establishment of parks and reserves both on land and marine reserve. The authority rests with the Minister of Lands, with consent of Privy Council.
Fishing Management Act	This Act provides for the sustainable management and extraction of fisheries resources and governs all aspects of the fishery industry within Tonga waters.

¹⁴ Landcare Solutions Limited 2018. *Land Due Diligence Report*. Tonga Climate Resilient Transport Project. August 2018.

	Further, it recognises the protecting of marine ecosystems as a whole.
Bird and Fish Preservation Act	The Act defines species of birds and fish (including turtles) that are protected from being killed, shot, captured, taken or destroyed within their protected time period. It also defines the protected areas.

8.4 Country Context

Land Use in Tonga

People use land for various purposes mainly for food production and residential use, and to lesser extent, commercial and services such as public utilities, recreation, etc. Categorisation of land use in Tonga is loose. There is no zoning in Tonga partly due to the individual land rights in Tonga. However, these are characterised by arrangements with regards to ownership, access, and use, for a particular land allotment. The rights to use and/or access land allotments rests on the landholder, either allowing other people to use and/or access his allotment. This is either through formal contractual arrangements, like a leasing agreement, or informal arrangements, such as customary agreement. Associated payment, if required, is by mutual agreement between the owner and the user.

Land Tenure in Tonga

Land tenure refers to the terms and mode under which land and natural resources are held or occupied by individuals or groups. These are rules, usually formal, but informal arrangements are common, these define the nature and content of property rights in land or other resources and the conditions under which those rights are to be held and enjoyed.

In respect of any crown lands in Tonga, the authorized landholder is the Minister of Lands who may grant any portion of land to a person or entity by way of a lease or permit. Such Crown Land includes the Foreshore and Beach Frontage.

The foreshore¹⁵ in Tonga belongs to the Crown, and the Minister of Lands may, with the consent of the Cabinet, grant permits or a lease to erect “stores or wharves or jetties.” Although the purposes are specified or restricted, there have been town allotment and commercial leases in Tonga allocated or granted on these areas.

Land Leases in Tonga

Lease terms are summarised as follows¹⁶:

Crown land	Generally, the Minister, with consent of Cabinet may grant a lease of a crown land to a person or entity for a period not exceeding 99 years or a renewal of a lease provided the period not exceeding 99 years from the original lease.
------------	--

¹⁵ The Foreshore Area is defined as the land adjacent to the sea alternately covered and left dry by the ordinary flow and ebb of the tides and all land adjoining thereunto lying within 15.24 metres of the high-water mark of the ordinary tides.

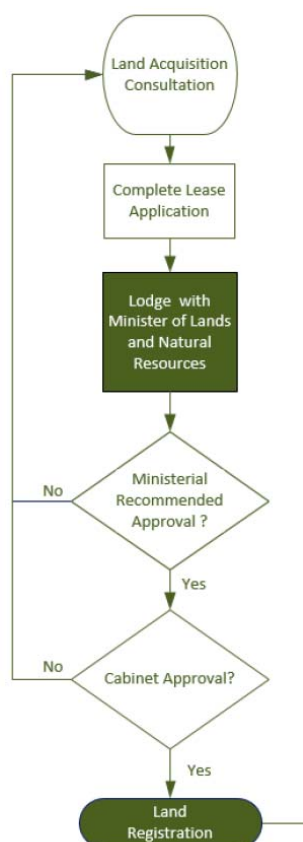
¹⁶ Landcare Solutions Limited 2018. Land Due Diligence Report. Tonga Climate Resilient Transport Project. August 2018.

Noble's estates	Generally, a Noble may grant leases provided it does not exceed 5% of his total area of that estate. However, it may exceed if such lease is for religious bodies, charitable institutions, and the Tonga Electric Power Board/Tonga Power Limited.
Tax and Town allotments	The landholder of the allotment may grant a lease of his registered allotment or part of it, with consent of Cabinet.
Leaseholders	The Lessee may grant a sublease of his or her leased property, either in whole or part of it, for sublease. Otherwise, he or she may elect to sell the lease outright for the purpose of the development project.

Any request in writing for a new lease must be served on the Landholder not less than six months before the expiration of the lease.

Tonga's Land Acquisition Process

Land acquisition and lease approval is done by Ministry of Lands and Natural Resources (MLNR). The Minister of Lands is the representative of the Crown in all matters concerning land in the Kingdom of Tonga. The Land Acquisition process is detailed in Figure 1.

Figure 1: Land Acquisition Process¹⁷

Involuntary Resettlement

Compulsory land acquisition in Tonga is governed by the Constitution of Tonga, Government Act, and the Land Act, all of which provide the fundamental basis for acquiring land for public purposes, and compensation. In general, the King or the Minister of Lands can compel a landholder to relinquish his allotment or part of his allotment for public use. In fact, the Minister of Lands, with consent of Cabinet, has the power to acquire Crown Land for public purposes. In such cases, the Minister shall provide compensation in respect of the crops being grown on the land; provide other land in its place or pay compensation; and/or pay compensation in respect of any buildings erected.

Although not specifically expressed in the Tongan legal framework, high priority is assigned in practice to the principle of avoiding or minimising involuntary resettlement. In the context of resettlement, it is the first preference to *avoid* involuntary resettlement if possible, through alternative project location or design. Secondly, focus is given to *restoring or enhancing* affected people's livelihoods. In effect, individualised land rights in Tonga means that resettlement also means loss of land ownership so that suitable compensation arrangement must be considered for all parties subject to a need for relocation

¹⁷ Landcare Solutions Limited 2018. Land Due Diligence Report. Tonga Climate Resilient Transport Project. August 2018.

or disruption¹⁸. Furthermore, while there is not specific policy that requires consultation with affected peoples, it is customary practice to consult with all potentially affected people.

TongaFish Pathway Project Land Requirements

The TongaFish Pathway project will not involve any major civil works, though small-scale development activities may be included. Project activities may require small-scale land acquisition to establish fisheries-related facilities. Usual practice in Tonga means that there are a number of options for how land can be accessed: either via voluntary land donations, negotiated land lease arrangement under Tongan law, and use of existing government land. Preference would be to locate developments on government land. Using the existing decision-making structures is fundamental to the implementation of this project. Any voluntary land acquisition will also need to meet World Bank requirements.

Project Subcomponent Activities

In order to assess the applicability of OP4.12 on Involuntary Land Acquisition, a number of project typologies have been identified. Project typologies identified include 1) Technical Advisory (regulatory reviews, feasibility studies, fisheries management plans, ecosystem monitoring; infrastructure master plan), 2) MoF assets (aquaculture hatcheries, operations shed, office refurbishment); 3) Special Management Area (SMA) implementation; 4) small scale infrastructure for SMA communities (community halls, markers, buoys, Fish Aggregating Devices). These project typologies and their associated land needs are discussed in detail next.

Technical Advisory

These include feasibility studies, options studies, fisheries management plans, ecosystem monitoring, and the Master Plan and Feasibility Study (to investigate a range of fisheries infrastructure and asset activities). No land will be required for these activities. However, there is the risk that studies set up a future scenario or state where land access becomes a project delivery risk, and/or the Technical Advisory does not minimize or avoid involuntary land acquisition or resettlement, causing greater impacts in future. In particular, the Fisheries Infrastructure and Assets Master Plan which may indicate future expansion and land requirements.

Studies must consider the implications of their recommendations on land acquisition in accordance with OP4.12 and must minimize or avoid involuntary land acquisition or resettlement or involuntary restriction of access to assets. Any potential for future land acquisition as a result of the Technical Advisory must involve relevant stakeholder consultation. If necessary, the Technical Advisory must require the preparation of a Resettlement Policy Framework (RPF)/Resettlement Action Plan (RAP) for the implementation of any relevant recommendations. These requirements will be included as clauses in the Terms of References for Technical Advisory. Terms of Reference safeguard clauses are included as Annex IX of Environmental and Social Management Framework (ESMF).

MoF assets

These may include small scale infrastructure developments such as compliance operations sheds, maintenance to fisheries infrastructure, small-scale aquaculture facilities and building/office refurbishments to be owned and operated by MoF. Land may be needed for the development of these activities.

¹⁸ Landcare Solutions Limited 2018. Land Due Diligence Report. Tonga Climate Resilient Transport Project. August 2018.

Based on discussions with MLNR and MoF, these developments will be preferentially located on government land and the MLNR will facilitate this process by finding suitable government land. Early consultation with MLNR will help identify suitable sites. If there is no appropriate government land, then the government will negotiate an appropriate voluntary lease arrangement. No involuntary land acquisition will be required.

Land clearance for construction may involve the loss of trees or existing structures. As Government land is preferred, private assets are considered unlikely. In the event that any private assets are located on the land subject to a negotiated lease, removal, relocation and compensation will be discussed as part of the lease arrangements and agreement with affected asset owners will be reached for how such arrangements will be implemented.

Special Management Area (SMA) implementation

This activity is the expansion of the existing network of SMAs. This is a voluntary, community driven process. Communities request the establishment of an SMA and after the necessary mapping, survey and consultations, ministerial approval is given, and the community establishes its SMA management committee to implement an agreed SMA management plan. No land acquisition is required in the SMA implementation process and so this activity can be excluded from this assessment. Livelihood impacts are addressed in Section 6.

Small scale infrastructure development for SMA communities

MoF may provide assistance to existing SMA communities for a range of assets. This may include small-scale infrastructure such as local meeting halls. It may also include markers, buoys, and Fish Aggregating Devices. However, these can be excluded as they will not require any land acquisition or result in restriction of access to resources.

Based on discussions with MLNR and MoF, land for meeting halls or other small scale assets will be obtained through negotiated voluntary land donations or voluntary lease arrangements to an entity such as a community group. Signed agreements are made between parties before works are carried out. All lease arrangements will be entered into voluntarily, as outlined in Annex III. If acceptable arrangements are not met, alternative sites will be sought. No involuntary land acquisition will be undertaken.

Land clearance for construction may involve the loss of trees, crops or existing structures. Sites where significant clearance needs to take place or removal of crops or trees will be avoided, where possible. As this is a community driven process, the community will be involved in negotiating the location of the SMA infrastructure.

8.5 Responsibilities

In respect of the TongaFish Pathway project, MoF will be responsible for negotiating land access for any physical investments for the MoF and will work collaboratively with the Lands Department (MLNR). MoF will assist the communities to obtain voluntary land donations or leases for the Special Management Areas (SMA) infrastructure. MoF will work with communities to ensure that they negotiate what they need early (in terms of land through a voluntary land agreement) to avoid future challenges.

8.6 Mitigation Measures

In order to manage the impacts associated with accessing land required for project activities and to ensure compliance with Tongan law and with OP4.12, the following mitigation measures will be implemented through the life of the Project.

Technical Advisory

Terms of Reference for TA must include the following clause: “Recommendations must consider the impacts on land acquisition and access and where necessary, include a requirement for minimizing or avoid involuntary land acquisition, involuntary resettlement or involuntary restriction of access to assets. If necessary, the Technical Advisory must require the preparation of a Resettlement Policy Framework (RPF)/Resettlement Action Plan (RAP) for the implementation of any relevant recommendations.”

Terms of Reference safeguard clauses are included as Annex IX of the ESMF.

MoF assets

The following mitigation measures will need to be implemented by MoF to ensure compliance with OP4.12 and Tongan law:

- Consult with MLNR regarding land that will be needed for small scale infrastructure.
- Identify possible sites and screen for resettlement impacts before finalizing the chosen location.
- Preferentially locate the small-scale infrastructure on Government land.
- Avoid sites where significance clearance needs to take place.
- Avoid any land where private assets are present, but if this is not possible then relocation and compensation will be discussed as part of the lease arrangements and agreement with affected asset owners will be reached for how such arrangements will be implemented.
- If government land is not available, all lease arrangements will be entered into voluntarily. If acceptable arrangements are not met, alternatives will be sought.
- Consult with all affected communities, members of the community, and vulnerable groups who may be displaced and/or lose access to resources.
- Provide an acceptable grievance mechanism for affected groups.

Small scale infrastructure development for SMA communities

The following mitigation measures will need to be implemented to ensure compliance with OP4.12 and Tongan law:

- Land donation process will be facilitated by the Lands Department, MLNR and documented prior to works starting. The process and documentation will be in line with the Bank’s Voluntary Land Donation guidelines (see Annex III).
- Identify possible sites and screen for impacts before finalizing the chosen location.
- If acceptable voluntary land donation or voluntary lease arrangements are not met, alternative sites will be sought.
- Avoid sites that require significant clearance.

- Consult with all affected communities, members of the community, and vulnerable groups who may be displaced and/or lose access to resources. Compensate for any lost resources such as crops or small structures at replacement value.
- Provide an acceptable grievance mechanism for affected groups.

Table 2 summarizes the types of subprojects and identifies the land acquisition and resettlement processes, risks, and mitigations/actions in accordance with Tongan law and with OP4.12, and identifies whether OP4.12 is triggered.

Table 2 - Component Activities: Land Requirements and Potential Risks

Project Typology	Description	Land Acquisition and Resettlement Processes	Land Acquisition and Resettlement Risks	Action	OP4.12 Policy triggered
Technical Advisory	Regulatory reviews, feasibility studies, fisheries management plans, ecosystem monitoring, and an Fisheries Infrastructure and Assets Master Plan.	No land acquisition will be required. However, studies must consider the implications of their recommendations on land acquisition in accordance with OP4.12.	Studies could set up a future scenario or state where land access becomes a project delivery risk, and / or the TA does not minimize or avoid involuntary land acquisition or resettlement, causing greater impacts in future.	Include safeguard clauses (Annex IX of the ESMF) into Terms of Reference for Technical Advisory.	OP4.12 is triggered as a precautionary measure to ensure land issues are addressed in all future studies
MoF assets	These may include small scale construction and/or renovation activities.	Government land will be prioritized.	Land clearance for construction may involve the loss of trees or existing structures. It is unlikely that these will be private assets as this is existing government land. The suitable government land cannot be found.	Avoid sites where significance clearance needs to take place. Any private assets on the land, if present, will be relocated in negotiation with affected people with adequate notice and consultation. Compensation for lost assets at replacement value. Early consultation with MLNR to identify potential sites. If there is not appropriate government land, then the government will negotiate an appropriate lease arrangement.	No. Infrastructure will be preferentially located on government land. If suitable government land is not available a lease agreement will be negotiated in accordance with Tongan legislation.
Small scale infrastructure development for SMA communities.	These may include small scale infrastructure such as local meeting halls.	Negotiated lease arrangements or voluntary land donations will be made.	Land clearance for construction may involve loss of trees, crops or existing structures.	Avoid sites where significance clearance needs to take place. Avoid impacts to trees and crops wherever possible, otherwise compensate at replacement value. All lease arrangements will be entered into voluntarily. (see Annex x). If acceptable arrangements are	No. All land will be obtained through voluntarily negotiated land lease or voluntary land donation negotiated by the SMA community and facilitated by MLNR,

				not met, alternatives will be sought.	in line with Annex III.
--	--	--	--	---------------------------------------	-------------------------

Summary

At this stage, the exact nature and locations of activities that will be undertaken as part of the TongaFish Pathway project is unknown, though involuntary land acquisition can be avoided. The exact impacts associated with land acquisition and changes in access to assets can therefore also not be identified but are considered unlikely to be significant, since the location of assets is flexible to some extent and the footprints of infrastructure will be small.

In summary, OP4.12 is triggered as a precautionary measure to ensure land issues are addressed in all future studies under Component 1. Where land is required for the project activities, it will be subject to a negotiated lease arrangement, be voluntarily donated land or will be crown land allocated for this use. Land impacts will be screened at each site and this screening will be covered by the ESMF. Consultation with all affected parties will be undertaken and no one (including vulnerable groups) will be worse off.

9 Responsibilities for Safeguards Implementation

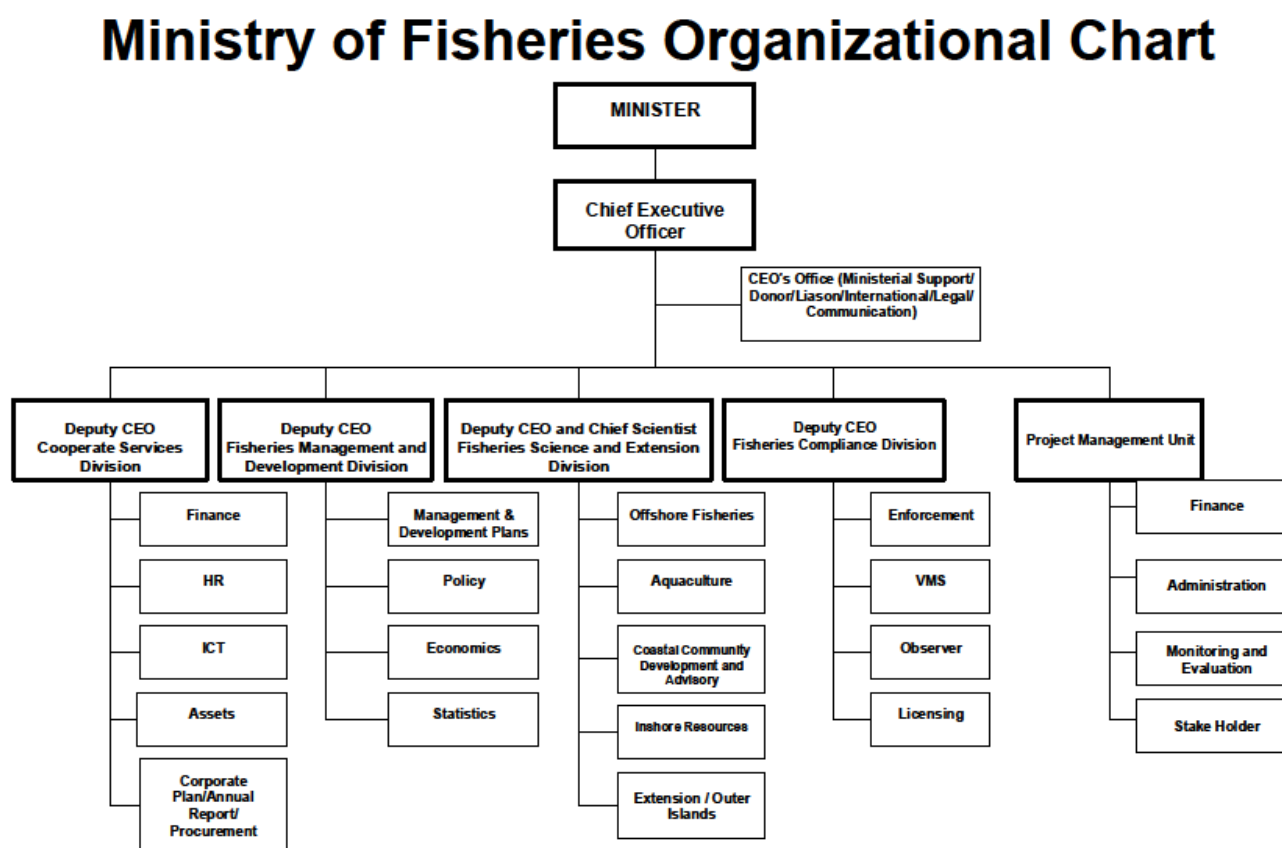
The Tonga Fish Pathway program is being implemented at the national level by the MoF. A Project Management Unit (PMU) has been established in MoF to implement the project and comply with safeguard policies. In addition, a central project support unit within the Ministry of Finance and National Planning (MFNP) will provide additional general oversight and backstopping services for all Bank projects in Tonga in the areas of safeguards compliance.

9.1 Key Responsibilities

Ministry of Fisheries

The Ministry of Fisheries will have the overall responsibility for ensuring that environmental and social issues are adequately addressed within the project. Arrangements for implementing the project are outlined in Figure 6.

Figure 6 – Ministry of Fisheries Organizational Chart



Deputy CEOs

The subcomponent structure mirrors the organization structure of the MoF. Each Deputy CEO will have oversight of the implementation of one of the four project sub-components.

PMU (Project Management Unit)

The PMU will have a full-time safeguards and stakeholder engagement specialist (Safeguards Officer).

Safeguards Officer

The Environment and Social Safeguards and Stakeholder Liaison and Engagement Officer (Safeguards Officer) is a full-time position (20% safeguards, 80% stakeholder liaison) located in the PMU and reporting to the Project Manager. This person will ensure the implementation, monitoring, review, and update of the Environmental and Social Management Framework (ESMF), and any other instruments prepared under the ESMF such as Environmental and Social Management Plans (ESMP). This person will be responsible for ensuring that project safeguards comply with the Financing Agreement, Tonga's laws, and the World Bank's Safeguard Policies, and for implementing the SEP and the GRM.

Specifically, the Safeguards Officer will undertake:

- (i) Contribution to the development of the project's annual planning processes;
- (ii) Contribution to project documents (including tenders, bids, Terms of References, and contracts) to ensure they have requisite safeguard documentation applied and attached as required;
- (iii) Screening of subproject activities for environmental and social risks;
- (iv) Preparation of safeguard instruments such as ESMPs;
- (v) Stakeholder consultation on draft safeguard instruments;
- (vi) Update of safeguard instruments to reflect stakeholder input;
- (vii) Public disclosure of final safeguards instruments;
- (viii) Implementing and documenting the implementation of safeguard measures;
- (ix) Monitoring and enforcement of safeguards compliance;
- (x) Monitoring and Evaluation Reports for both safeguards work and stakeholder engagement work; and
- (xi) Grievance redress management; and
- (xii) Updates to the ESMF, as required.

The Safeguards Officer will also ensure project staff receive appropriate safeguards and stakeholder engagement training and capacity building. For example, other fisheries branches may need to be trained to be able to liaise if stakeholder consultation meetings need to be conducted in Vava'u and Ha'apai.

The Terms of Reference for the Safeguards Officer position are attached as Annex V.

CSU (Central Support Unit)

A Central Services Unit (CSU) has been established in the Ministry of Finance and National Planning (MFNP). The CSU will have a full-time safeguards specialist. They will provide safeguards support for the TongaFish program on an ad hoc basis.

World Bank Safeguards Specialists

The Bank's Safeguard team will provide regular safeguards compliance support remote and during missions to Tonga, and to build capacity for ESMF implementation and stakeholder engagement.

9.2 Capacity Building

The PMU Safeguards Officer and the CSU Safeguards Specialist may have differing level of familiarity with WB Safeguard Policies and Procedures. Furthermore, the PMU Safeguards Officer may need support and training to implement the ESMF and prepare safeguard instruments, such as ESMPs and EIAs, during project implementation. The WB will provide ongoing support, as well as training sessions and technical assistance, to build MoF and MFNP capacity during missions to Tonga. The WB will also maintain a close dialogue with the PMU Safeguards Officer and ensure implementation support for Safeguards when needed.

10 Consultation and Disclosure

A Stakeholder Engagement Plan (SEP) for TongaFish Pathway has been developed and is included as Annex I. The SEP includes an analysis of the main stakeholders of the TongaFish Pathway project, consultation and engagement methods, the schedule of key activities, and records keeping and reporting requirements.

A summary of the pre-appraisal consultations is included in Annex XIII. capacity of MoF to implement the TongaFish Pathway program and ESMF, SMAs implementation and assets, vessel purchasing and health and safety, voluntary land donations, and fisheries compliance. Most stakeholders already had a good understanding of the project and its components due to the Fisheries Sector Plan consultations and SMA consultations. There were no changes made to the ESMF as a result of the consultations with respect to the mitigation and monitoring strategies. The Land Due Diligence Report was updated to reflect MLNR's comments regarding the need for town and community officers to ask for what they need through a voluntary land agreement early, in order to avoid future challenges.

11 Grievance Redress Mechanism

The Grievance Redress Mechanism (process for managing complaints) for the TongaFish Pathway program is included as Annex XIV.

12 Annexes

Annex I TongaFish Pathway Project Stakeholder Engagement Plan

Introduction

This Stakeholder Engagement Plan (SEP) forms part of the Environmental and Social Framework (ESMF) for the TongaFish Pathway Project. A key delivery principle for the TongaFish Pathway project is to provide opportunities for constant and ongoing engagement with the National Fisheries Council, coastal communities, industry and, interest groups, civil society, and non-governmental organisations to the fullest extent practical in all TongaFish Pathway project activities that are not inherently governmental functions so related to public interest that they require performance by government staff.

The purpose of the SEP is to identify stakeholders who may be interested in or affected by the project and identify the methods for engaging these stakeholders throughout the project lifecycle. The SEP has been prepared to ensure ongoing consultations and engagement in the project, and provides details on how to enable women, youth and other groups to effectively participate. Stakeholder liaison, consultation, and communication involves ensuring effective engagement with all stakeholders with respect to the project, including individuals, local communities, industry groups, committees, media, and schools, through the development and implementation of the SEP, and the development of strong relationships with key stakeholders. A key role is the effective planning of stakeholder engagement for the duration of the project. This will involve a hands-on approach to the establishment of consultative forums, developing terms of reference and meeting procedures, organising meetings, reporting on outcomes, and maintaining records.

The SEP will be updated as and when specific subproject details are decided, for example the specific locations, stakeholders, and schedule of activities. The Ministry of Fisheries (MoF) is responsible for updating and implementing the SEP.

Stakeholder Analysis

Stakeholders with an interest in the TongaFish Pathway project were identified through discussions with MoF and are aligned with the Fisheries Sector Plan stakeholders. Key stakeholders and their interest/involvement in the TongaFish Pathway project include the following:

Stakeholder	Involvement/Interest in project
Ministry of Environment, Information, Disaster Management, Energy and Climate Change	Involved in Marine spatial planning and fisheries science. Involved in environmental approvals. Interested in 1) coordination of community engagement and outreach for biodiversity and ecosystem health; 2) coordination of ecological and environmental monitoring effort for SMA and MPA, and the Kingdom of Tonga's commitments to international conventions and State of the Environment monitoring and 3) support to prepare public resources to improve outreach and awareness raising on biodiversity and ecosystem

	health
Ministry of Infrastructure	Involved in Building permit approval process. Will process building permits.
Ministry of Lands and Natural Resources	Involved in Marine spatial planning. Will assist with land acquisition and lease approval.
Ministry of Marine and Ports	Interested in marine health and economic growth of fisheries.
Local Government authorities	Interested in SMA establishment.
Civil Society organisations	Interest in outcomes of technical reports and economic growth
The National Fisheries Council	Representative of fisheries sector stakeholders. Interest in fisheries compliance, outcomes of technical reports and economic growth.
Small and large scale commercial fishers and support services	Interest in licensing, infrastructure design and improved fisheries management
Aquaculture industry	Interest in outcomes of technical reports and opportunities to develop high potential aquaculture technologies.
SMA communities	May be interested in new infrastructure and assets.
Non-SMA coastal communities	May be interested in SMA process
Landlocked communities	Interest in effects of increased number of SMAs.
Tourism Department	Interest in increased number of SMAs.
Sector specific associations e.g. the Aquaculture Advisory Committee, Coastal Community Management Committees and other management committees for specific fisheries.	Infrastructure, finance mechanisms, and economic growth
The Pearl Farmers Association	Interest in infrastructure, finance mechanisms, and economic growth
Tonga International Game Fish Association (TIGFA)	Interest in infrastructure, finance mechanisms, and economic growth
Tonga Export Fisheries Association (TEFA)	Interest in infrastructure, finance mechanisms, and economic growth
Sport fishing clubs	Interest in infrastructure, finance mechanisms, and

	economic growth
Local fishing associations	Interest in increased number of SMAs and how this might restrict access.
Women's organizations	Interest in increased number of SMAs and what this may mean in terms of fishing access. Vulnerable group.
Youth organizations and groups	Interest in increased number of SMAs. Vulnerable group.
General public	Consumer of commercial and subsistence fisheries. Interest in increased number of SMAs.

The MoF already has well-established relationships with many of the identified stakeholders through various working groups and committees.

Good Practice Principles for Effective Stakeholder Engagement

The SEP will ensure that the following key stakeholder engagement principles are applied to all consultation and engagement activities:

- Timing and number of engagement events are designed to maximise stakeholder involvement and to avoid disruption to the 'daily business' of local stakeholders and stakeholder 'fatigue';
- Considers the needs of different groups within the community including gender, age and those with any form of disability;
- A senior MoF staff member is to be present and participate actively at all engagement events;
- Engagement events occur in line with the SEP schedule so that there is clear linkage between engagement activities and the key stages in the project;
- Ensure that engagement is managed so that it is culturally appropriate, adequate and timely information and opportunities are provided to all stakeholders to be involved/contribute; and
- Ensure that engagement is free from coercion, undertaken prior to key decisions and informed by provision of objective and meaningful information, and that feedback is provided to stakeholders after engagement has concluded.
- Stakeholders can participate in the engagement process at any time, even if they had not previously been identified as stakeholders.

Consultation and Engagement Methods

When selecting an appropriate consultation technique, culturally appropriate consultation methods, and the purpose for engaging with a stakeholder group should be considered. The following table summarizes the engagement technique that will be used during the project and when they will be applied:

Engagement Technique	How and when they will be applied
Correspondences (Phone, Emails)	Distribute information to Government officials, NGOs, Local Government, and organisations/agencies. Invite stakeholders to meetings and follow-up.
One-on-one meetings	Seeking views and opinions.

	Enable stakeholder to speak freely about sensitive issues. Build personal relationships. Record meetings.
Formal Meetings/Workshops	Present the Project information to a group of stakeholders. Allow group to comment – opinions and views. Disseminate technical information. Inclusive discussions. Record discussions.
Village Council meetings (Fono)/Public Meetings	Present Project information to a large group of stakeholders, especially communities. Allow the group to provide their views and opinions. Build relationship with the communities, especially those impacted. Distribute non-technical information. Facilitate meetings with presentations, PowerPoint, posters etc. Record discussions, comments, questions.
Focus group meetings	Present Project information to a group of stakeholders. Allow stakeholders to provide their views on targeted baseline Information. Build relationships with communities. Record responses.
MoF communication and outreach programmes e.g. website and radio broadcasts	Present project information and progress updates. Brief updates on project. Disclose ESMF and other relevant safeguards documentation.
Direct communication with affected persons	Share information on nature of impacts.
Project leaflet	Brief project information to provide regular update. Site specific project information.
Signs	Share information on project activities.

Gender and Youth Considerations

The proposed information sharing and participation mechanisms will be gender-and youth sensitive in their design. The MoF Officers undertaking the consultations will ensure they facilitate the active participation of women, youth and marginalized groups in project planning, implementation and evaluation. Some other aspects to consider during the consultation design:

- Consultations should allow for separate consultations with men and women where necessary to ensure that they can freely express their views.
- Ensure there are male/female facilitators who can disseminate information and collect feedback. Training of area coordinators and community facilitators shall include gender training and awareness raising information and materials.
- Ensure equal participation of women during project implementation including encouraging women's equal participation in decision-making, for example by establishing targets or specific initiatives (such as skills training). Core leaders and members of the various community-decision making committees should include a significant number of women.

- Youth groups will be included in consultations (where appropriate) and through outreach and engagement activities.

Key messages

The key messages that need to be delivered include:

- (a) The purpose, nature and scale of the project activities;
- (b) The duration of proposed project activities;
- (c) Potential risks and impacts of the project on local communities, and the proposals for mitigating these;
- (d) The proposed stakeholder engagement process highlighting the ways in which stakeholders can participate;
- (e) The time and venue of any proposed public consultation meetings, and the process by which meetings will be notified, summarized, and reported; and
- (f) Their rights and the process and means by which grievances can be raised and will be addressed.

Schedule of Key Activities

Before pre-appraisal

Engagement before the project goes to pre-appraisal should include the following:

- a. Dissemination of relevant project information, including explanations of intended project benefits;
- b. Stakeholder consultations on proposed project design, environmental and social risks and impacts, mitigation measures, the proposed SEP, and draft ESMF.

Consultations were held during the third project preparation mission in Nuku'alofa in September 2018. The summary of those meetings is included in Annex XIII of the ESMF. Pre-appraisal workshops/consultations will be held in Nuku'alofa, Vava'u and Ha'apai for the project and for the ESMF. Presentations at community meetings will be in English or Tongan (where appropriate), non-technical and include visual content. The expected outcome would be that the attendees should understand the legal framework within which the project will operate, their rights, and how to make comments or register grievances about any project using the GRM. The MoF staff will make sure that there is ample discussion time, and that the format is conducive to participation by all parties (men and women). A summary of the draft ESMF in English and Tongan will also be shared for consultation purposes.

After pre-appraisal

Engagement after pre-appraisal should include the following:

- a. Disclosure of information on how stakeholder feedback was incorporated into project design and environmental and social risk management instruments;
- b. Stakeholder consultations on implementation and supervision issues, consultations on any new project characteristics or environmental and social risks, and consultations on progress of environmental and social risk mitigation measures;
- c. Regular efforts to keep stakeholders informed on project implementation;
- d. Review of the adequacy of stakeholder identification in light of project implementation and related revisions to the SEP.

The ESMF will be publicly disclosed after pre-appraisal on the MoF Website. A summary of the ESMF will be provided in English and Tongan. The consultation period should be long enough to allow opportunities to comment. A summary description of the grievance mechanism; and contact information and process for seeking further information should also be provided in Tongan. The ESMF remains a draft until public disclosure and consultation has been completed. Disclosure and consultation is the responsibility of the MoF.

During project implementation

The TongaFish Pathway project will require the ongoing engagement of communities and other stakeholders at the national and community (village) level during project implementation. Extensive engagement will be carried out using customary protocols, inclusive of women and youth. Consultation sessions will include special outreach efforts and be tailored to the need of vulnerable groups such as women, elderly and disabled persons so that the process is socially inclusive, and a range of stakeholder views and perspectives are adequately represented. Consultation methods will be designed in consideration of the different sociocultural norms that inhibit the participation and input into decision-making from vulnerable groups and persons, particularly women. Engagement of communities and interested parties will be a key approach to ensuring that there is support for the projects and the projects meet the needs of the end users, with appropriate mitigation in place. Where possible, stakeholder engagement will utilize engagement structures within the national system e.g. community meetings (Fono).

Timing of engagement/consultations

Stakeholder engagement will begin once sub-projects have been identified, but before detailed design has been completed. Following the development of the subprojects and after safeguards instruments have been drafted, formal and documented public consultation and information disclosure will be required in accordance with the World Bank requirements for public consultations with project beneficiaries, affected persons and key stakeholders on safeguard documents; and consultation and information disclosure requirements required by Tongan law and custom. Safeguard instruments will be disclosed by MoF so that they are accessible to the public and civil society who may be interested in, or affected by, program activities.

Methods of engagement/consultations

A review of stakeholder engagement was carried out by the Forum Fisheries Agency (FFA) in 2017 which made several recommendations about the best way to engage MoF stakeholders. This SEP includes and builds upon those identified strategies and recommendations.

Engagement methods will include the following:

- Utilize the Ocean's 7 group as advisory panels or to collaborate on Government stakeholder liaison during implementation of the project.
- Continued MoF participation in regional tuna fora.
- Continue to engage with SMA communities through SMA committees.
- Develop initiatives to empower women in fisheries such as inclusion on SMA committees.
- SMA consultations that include adjacent landlocked communities, tourism operators and commercial fisheries.

- EIA and other safeguard consultations, with particular regard for vulnerable groups, as required.
- Provide information to commercial users e.g. through annual/quarterly reports.
- Continue dialogue with Management Advisory committees.
- Continue dialogue with Line Ministries on how to collaborate to integrate SMA engagement into other programs e.g. with Dept. of Climate Change and Dept of Environment programmes where possible and practicable.
- Use the MoF communications and outreach programmes such as the website and radio broadcasts to communicate key aspects of the project.
- Notices/posters/brochures posted and documents available to the public in suitable locations close to project sites (for example school offices).

Grievance Redress Mechanism

A Grievance Redress Mechanism (complaints process) was developed for the TongaFish Pathway project and is included as an Annex to the ESMF. The *purpose* of a Grievance Redress Mechanism (GRM) is to provide a centralized mechanism for the TongaFish Pathway project. The GRM is for people seeking satisfactory resolution of their complaints on the environmental and social performance of the project. The mechanism will ensure that (i) the basic rights and interests of every affected person by poor environmental performance or social management of the project are protected; and (ii) their concerns arising from the poor performance of the project are effectively and timely addressed. The GRM is designed to address concerns and complaints promptly and transparently with no impacts (cost, discrimination) on project affected people (APs).

The GRM is a standalone document that is publicly disclosed and widely circulated to ensure all stakeholders are aware of the process for documenting and resolving grievances arising from project works.

Record Keeping and Reporting Requirements.

Pre-appraisal consultations

Pre-appraisal community consultation and engagement activities will be well documented and included as annexes to the ESMF. In the reports there will be a review of the engagement activities conducted; levels of stakeholder involvement (particularly for affected communities, women and vulnerable people/groups); the issues discussed and outcomes; and the extent to which stakeholder issues, priorities and concerns are reflected in the ESMF, particularly with respect to mitigation and monitoring strategies. This information will be included in the final ESMF.

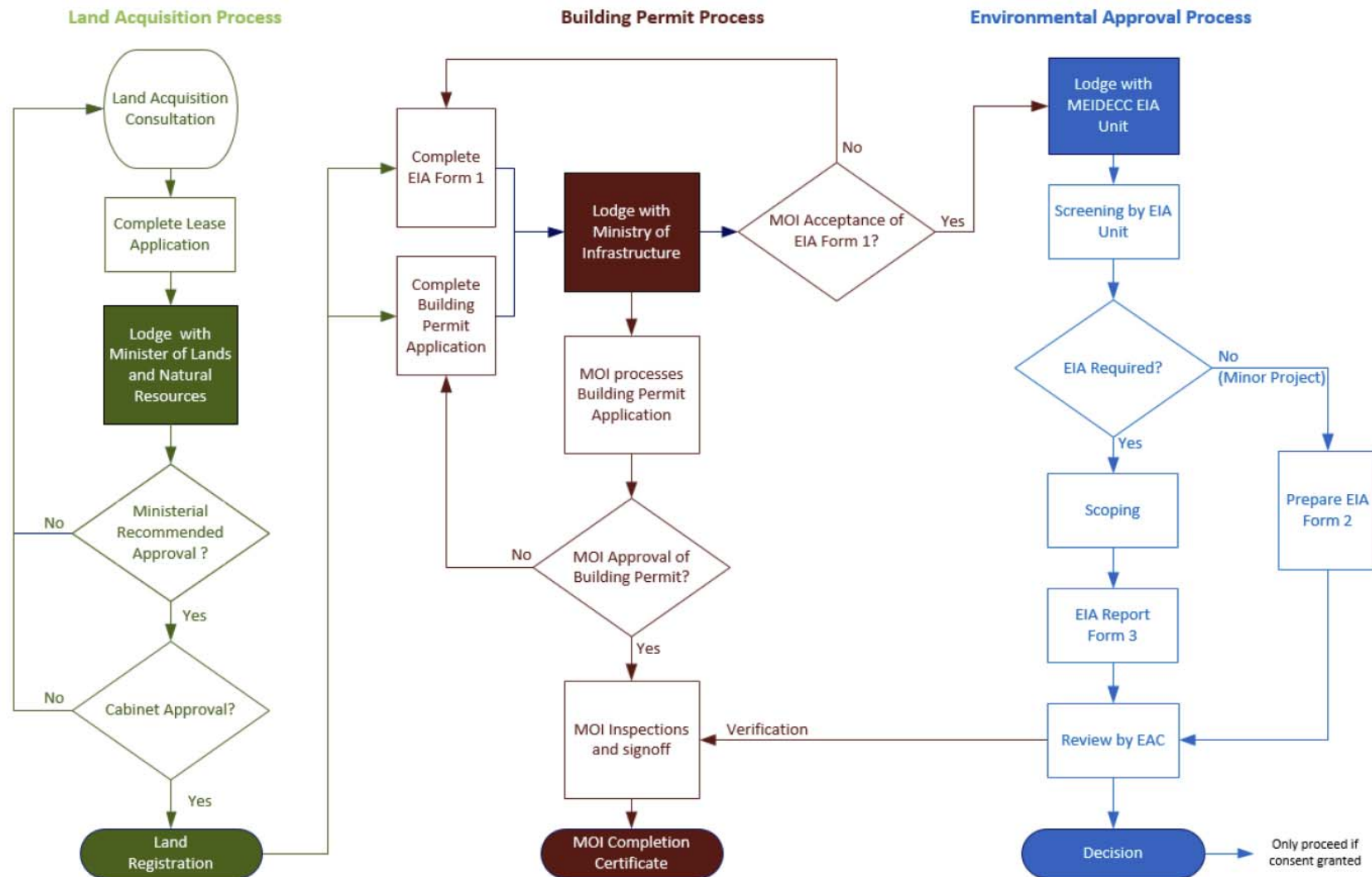
Project implementation consultations

Consultations held during the project will be well-documented to ensure the views of stakeholders are captured and incorporated into project design, addressed where necessary, and summarized in progress and/or monitoring reports. MoF staff will keep records of attendance, comments and any resolutions or agreements adopted at meetings of all kinds. The information will be summarized, and the document attached as an annex to the safeguard instrument e.g. EIA. These will be promptly fed back to technical team members as appropriate, reflected in project design and in reports on consultations that will form part of the regular project reporting structure. Budget provisions will be made to ensure follow-up with communities on the outcome/s of consultation and participatory activities and management decisions can occur where it is due.

SEP Updates

Because project circumstances and stakeholder concerns can change, or new ones may emerge, stakeholder engagement will continue throughout the project cycle. The SEP may need to be updated during project implementation. This allows improvement to project implementation based on stakeholder feedback, and proactive management of concerns. As implementation of a project progresses, new impacts may arise, while other impacts may be eliminated. MoF shall provide regular updates to stakeholders on project performance and changes in scope or schedule, following the procedures agreed upon in the SEP.

Annex II Tongan Environmental Approvals Framework¹⁹



¹⁹ Source: Tonga Climate Resilient Transport Project (TCRP). August 2018. *Port Infrastructure Environmental & Social Impact Assessment*

Annex III Voluntary Land Donation Procedures

1. Background

This Voluntary Land Donation Protocol (VLDP) has been prepared by the World Bank for the purpose of due diligence. For cases where communities and/or individual landholders have offered to donate their land for the project because it is of benefit to the broader community, the World Bank's Voluntary Land Donation Protocol (VLDP) should be followed. The project team is to exercise their best judgment where voluntary land is offered and conduct due diligence to avoid adverse impacts and reputational risks. Donations are based on the premise that the project benefit will offset or outweigh the loss of the land donated.

VLD is only suitable for projects where the landowner and/or community wish to 'gift' land parcels or small areas for small-scale community infrastructure that will be of direct benefit to the donor's community.

2. When VLD is Applicable

Voluntary donation of land by beneficiary households is acceptable where:

- It has been verified the donation did not result from any form of coercion or manipulation and is offered in good faith;
- The donation does not severely affect the living standards of the community and/or individual landholder responsible for the donation (i.e. impacts are marginal based on percentage of loss and minimum size of remaining assets);
- Alternatives and the viability of other locations or sites have been considered;
- The donation does not result in the displacement of households or cause loss of income or livelihood;
- The landholder/s making the donation will directly benefit from the project;
- Consultation has been conducted in an open and transparent manner and to a degree that the landholder/s can make an informed choice;
- The land is free from disputes regarding ownership or tenure;
- Land transactions are supported through the transfer of titles;
- Full and proper documentation of all consultations, meetings, grievances and actions taken to address grievances has been reviewed and made available;
- Where impacts are minor and other alternative sites are not viable.

3. When VLD is NOT Applicable

VLD is not applicable under the following scenarios:

- Medium/large-scale infrastructure particularly in cases where a government agency or entity that has a statutory obligation to provide the infrastructure and/or services for which the land is required
- Where inadequate consultation with donors results in lack of understanding about the terms and conditions of the donation;

- In lieu of formal procedures for land acquisition where these do not exist;
- Where donor property owners, landowners or customary rights holders do not support, or will not directly benefit from, the Project;
- Where conflicts over land exist, including customary collective ownership;
- Conflicting land titling that make it difficult to establish with certainty who has a right to own, donate and use a specific parcel of land;
- Where donors did not provide their informed consent and were subject to political or social pressure and coerced into making the donation.

4. Process for Voluntary Land Donation

This section outlines the process that should be followed once the threshold considerations set out in Section 2 and 3 above have been considered, and it has been determined that it is appropriate for the land to be provided to the project by voluntary donation.

It is necessary to follow a clear process for the donation, and to prepare and maintain documents that demonstrate such process. Each step set out below should be addressed in the context of the specific project, and fully documented.

(i) Determine and document that VLD is appropriate in the circumstances of the project.

The team should record the reasons why it thinks that the donation of land is appropriate for the project. In certain cases, only some of the land the project requires will be donated or alternatives to land donation exist. The project team should identify (in as much detail as possible):

- What the land will be used for;
- How much land the project will require on both a permanent and temporary basis;
- How much of the land will be donated;
- What alternatives to donation exist (e.g., right of use, right of way);
- The terms of the donation;
- The identities of the parties who intend to donate;
- The beneficiary of the donation; and
- Any details that are relevant to why donation may be appropriate.

(ii) Verify the requirements to transfer, and formalize the transfer of, the land

It is important to understand the process that should be followed to transfer the land, and appropriate ways to formalize the transfer so as to achieve certainty for both the transferee of the land and the project. In many countries this will require consideration of the legal and administrative requirements but also, particularly in the case of customary land, local and community processes. In some cases these will constitute two different but parallel (and overlapping) systems and a process will have to be established to ensure that the requirements of each system are satisfied. An important consideration will be how transparent the process and the decision making process actually is, and what can be done to enhance the process.

(iii) Conduct due diligence on who owns and uses the land

Given the specific issues surrounding land ownership and use in the PICs, it is important that the project team carries out careful due diligence to understand the type of land rights that exist in the project area, and to identify any particular issues relating to land ownership and use. Thereafter, a more specific due diligence must be conducted on each parcel of land proposed for donation to identify:

- The owner or owners of the land;
- The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities on the land);
- Any competing claims of ownership or use;
- Structures and assets on the land;
- Any encumbrances on the land.

It is important to: (a) identify the right that is being transferred (an ownership right, a use right, a right of way, etc.); and (ii) check whether the transferee actually has the right s/he claims to have. In many circumstances where careful due diligence has not been carried out, significant conflict has arisen at a later stage when another party claims that they have the same or a competing right. In some circumstances – but not all – the transferee will have documentary evidence of such right. Where no such evidence exists, the due diligence can establish rights by speaking with local community officials and neighbours.

(iv) Disclosure and Consultation

The decision to donate must be taken on the basis of a full understanding of the project and the consequences of agreeing to donate the land. Accordingly, the parties that will be affected by the donation (the owners and users of the land) must be provided with accurate and accessible information regarding what the land will be used for, for how long, and the impact the donation will have on them and their families. It is important that prior written notification indicating the location and amount of land that is sought be provided and that its intended use for the project is disclosed.

Where the intention is to deprive the parties affected by the donation of the land permanently, or for a significant length of time, this must be made clear. It should be noted that in many communities the concept of alienation of land is uncommon and difficult to understand, and care needs to be taken to ensure that the implications of this are fully understood. It is also important to decide who else should be consulted about the proposed donation; for example, spouses and older children.

There should be a clear agreement as to which party will pay the costs associated with the donated land. This could include measurement costs, documentation and notarial fees, transfer taxes, registration fees. It should also include the costs of re-measuring/re-titling the transferee's remaining land and any new documentation relating to it.

(v) Establishing Informed Consent

It is crucial that the project team is confident that the decision to donate was taken in circumstances of informed consent or power of choice. As discussed earlier, this means being confident that the owner(s) or user(s) of the land understand:

- What the land is going to be used for, by whom and for how long;

- That they will be deprived of the ownership or right to use the land, and what this really means;
- That they have a right to refuse to donate the land;
- Whether there are alternatives to using this land;
- What they will need to do to donate the land (e.g., execute documents, get spousal consents, pay taxes);
- The effect of the donation on their family, and what they can do if they (or their family or heirs) want the land back.
- The exact demarcation of land boundary for the project's use;
- Whether there are proposals which would allow other land to be used;
- What they will need to do to donate the land;
- The intergenerational effect of the donation on their family, what they can do if they (or their family or heirs) want the land back.

The terms and conditions of the land donation must be mutually agreed upon and detailing in a written agreement.

(vi) Documentation

It is necessary to distinguish between: (a) the agreement to donate the land; and (b) the document that carries out and evidences the legal transfer of the land. While it is important to have evidence of an intention and agreement to donate the land, it is equally important to ensure, where required and appropriate, that the land is legally transferred. While the process relating to the legal transfer of the land is frequently complicated and time consuming, it must be addressed. [In specific circumstances, for example where the land is being transferred to the community, it may not be necessary to legally transfer the land. However, experience indicates that lack of formal transfer can create significant uncertainty in the future, which impacts on the sustainability of the infrastructure and services, and can have a negative effect on community relations.]

To ensure that any land provided for the siting of subprojects is contributed voluntarily, in accordance with the requirements of the ESMF, two representatives of the landowners (family or clan) are asked to sign a Land Commitment Letter (see below). This certifies that the land is voluntarily donated for the purposes of the subproject and for the benefit of the community. The signature of the Letter is witnessed (as attested by their signature) by a suitable project representative.

The project team should:

- Identify the appropriate documentation, including the agreement to make the transfer and any legal documentation that may be required;
- Ensure that the agreement:
 - Refers to the consultation has taken place;
 - Sets out the terms of the transfer;
 - Confirms that the decision to transfer was freely made, and was not subject to coercion, manipulation, or any form of pressure;
 - Attaches an accurate map of the land being transferred (boundaries, coordinates);

- Sets out who will bear the costs of the transfer (e.g., notarial fees, taxes, title issues) and documenting the residual land rights.
- Ensure that all necessary parties sign the documents, including obtaining consent from spouses and children over a certain age;
- Ensure that the transfer and title is registered or recorded; and
- Ensure that the land remaining after the donated land is excised is properly titled, registered or recorded.

It is also important to maintain a record of the process that has been followed. Such documents could include the following:

- The notification indicating the location and amount of land that is sought and its intended use for the project, with a record of when and where this was made public;
- Records of the consultations that were held and what was discussed;
- A copy of the due diligence that was conducted;
- Copies of each of the formal statements of donation, establishing informed consent as described above, and signed by each owner or user involved;
- Copies of all documents, registrations or records evidencing the legal transfer of the land; and
- A map, showing each parcel of land.

The Project implementing agency should maintain a record with documentation for each parcel of land donated. Such documentation must be available for World Bank review, and for review in relation to any grievances that may arise.

(vii) Grievance Arrangements

Grievances may be referred to customary conflict mediation arrangements where they are not directly affiliated with traditional leaders who are a party to the donation process.

Annex IV MEIDECC Environmental Approval Process

Application and Initial Evaluation Phase

Submission of Application to EIA Unit

Proposals for **all** development activities when notified to MEIDECC must include a completed “**Form 1**” as set out in Schedule 1 of the Regulations. The Secretariat and the Minister use Form 1 to determine whether the proposed development is a “minor” or a “major” project, and they are required to advise the proponent of this determination within 30 days.

If Proponents don’t need any other permits the completed Form 1 may be delivered directly to the EIA Unit at the Environment Office of MEIDECC²⁰. The EIA Unit will check that the correct form has been used.

However, most construction development activities would require a building permit from the Ministry of Infrastructure (MOI) in which case the Form 1 would also be lodged with MOI.

Delivering the application to the EIA Unit involves two steps.

- 1) Delivering the application to the EIA Unit at the Environment Office. The EIA Unit will check that a Form 1 is attached to the building permit application.
- 2) Paying the registration fee to the EIA Unit at the Environment Office. They will issue a receipt and keep a photocopy of the receipt for their records. MEIDECC will not process the application until the fee has been paid.

Initial Screening Phase – MEIDECC EIA Unit

An initial screening evaluation is undertaken during consideration of the completed Form 1 provided pursuant to Schedule 1 of the EIA Regulations 2010. The main purpose of Form 1 is to help the Minister determine whether a project should be dealt with as a Minor or Major Project.

Determination of Major or Minor Project Status

Once the EIA Unit has received the completed Form 1 it is assessed against the criteria in the EIA Act and EIA Regulations to determine whether the development activity is a minor or major project.

The Schedule in the EIA Act classifies a range of activities as Major Projects including the following that are relevant for this project:

- (n) farms for the propagation of marine, estuarine or freshwater organisms;
- (q) the removal of trees (including mangroves) or natural vegetation of any area in excess of half a hectare;
- (r) construction of roads, wharfs, barrages, embankments or levees which affect the flow of tidal waters;

²⁰ Vuna Rd, Nuku'alofa, Tonga

If the project is a Major Project, MEIDECC will issue a Form 3 and explain the next steps of the EIA process to the Proponent. If it is a minor project, the Minister will issue a Form 2 – Minor Environmental Impact Assessment.

For a major project, the proponent is required to submit a full Environmental Impact Assessment for review. The Minister subsequently issues an approval (with or without conditions), a request for further information, or a rejection.

For a minor project, approval is granted with or without conditions and the Project may proceed, usually under the provisions of an Environmental Management Plan (“EMP”) which is binding on the Proponent. The EMP will address environmental management and protection measures and will be specific to the development under consideration.

EIA Preparation Phase - Major Projects

If the Project is defined as a major project or if the Minister otherwise so directs based on a risk assessment, the proponent will need to conduct an EIA in accordance with Form 3 (Major Projects) of the Regulations. The purpose of the EIA is to assess potential significant environmental issues associated with a project, and to develop appropriate methods to resolve those issues. Preparation of the EIA is the responsibility of the Project Proponent.

The EIA element of the process involves a Scoping Phase and a Preparation phase both undertaken by the proponent in collaboration with regulators and other parties as necessary. The comprehensive initial screening undertaken during preparation of the Form 1 appraisal will inform this Scoping exercise and will greatly streamline this stage of the process.

Scoping identifies existing sources of data, key individual contacts and important areas of field study. It increases local, regional and national awareness of the project, its environmental concerns and facilitates rapid data collection and analysis.

The findings of the scoping exercise (i.e. information recorded in the scoping checklist) provide a list of potential environmental issues, which should be considered and assessed in detail in the subsequent EIA.

EIA Regulation 12 sets out factors to be considered by the Minister and the Secretariat when considering the likely impact of an activity upon the environment.

Annex V Ministry of Fisheries Safeguards Officer Position Terms of Reference

Tongafish Pathways Environment and Social Safeguards and Stakeholder Liaison and Engagement Officer Position Terms of Reference

Background

The Ministry of Fisheries is responsible for ensuring sustainable management of fisheries resources. The Ministry is led by the Hon Semisi Fakahau, Minister for Agriculture, Food, Forests, and Fisheries. The Ministries Chief Executive leads the activities of four divisions, i) Fishery Management, ii) Fishery Science, iii) Fishery Compliance, and iv) Corporate Services, each of which is led by a Deputy Chief Executive.

A key activity for the Ministry is the delivery of the Tonga Fishery Sector Plan (TFSP), a long-term plan to maximise the sustainable contribution of the fisheries sector to food security and economic growth. The TFSP will be implemented with the support of development partner funding. A key source of funding will be from the World Bank, through the Halafononga Ki Ha Ngatai Tu'uloa | Pathway to Sustainable Oceans (Tongafish Pathways) Project.

A Project Management Unit (PMU) is being established under the Pathways project. The PMU will be responsible for the implementation of the overall Pathways project as well as having a broader role to oversee the implementation of other TFSP activities including securing funding from other development partners.

The PMU will be a fully integrated part of the Ministry's structure forming a new division that provides services to the other divisions, as well as providing planning, monitoring and evaluation, Safeguard evaluation and monitoring, progress reports, and financial reporting, in accordance with both World Bank and Tonga government requirements.

The PMU will include resources to deliver Pathways services and activities, including work planning, reporting, budgeting and financial management, procurement, monitoring and evaluation, Safeguards, training and capacity building, and communication.

Key tasks and responsibilities

Safeguards refers to the evaluation, and management or mitigation of the potential biophysical and socio-economic impacts of the project.

Stakeholder liaison, consultation, and communication involves ensuring effective engagement with all stakeholders with respect to the project, including individuals, local communities, industry groups, committees, media, and schools, through the development and implementation of an engagement strategy, and the development of strong relationships with key stakeholders. A key role is the effective planning of stakeholder engagement for the duration of the project. This will involve a hands-on approach to the establishment of consultative forums, developing terms of reference and meeting procedures, organising meetings, reporting on outcomes, and maintaining records.

Under the general control and direction of the Project Manager, and in liaison with the Ministry for Finance and National Planning's World Bank Central Services Unit:

Project establishment and Stakeholder engagement task

- Support the establishment of the Pathways project during its initial stages specifically with respect to project Safeguards, including the establishment of the Grievance Redress Mechanism (GRM), policies, procedures, manuals, and systems.
- Identify appropriate software to support Safeguards activities including assisting with the design of a custom project database.

Planning and Management

- Contribute to the development of the project's annual planning processes.
- Ensure the implementation, monitoring, review, and update of the Environmental and Social Management Framework (ESMF), and any instruments prepared under the ESMF such as Environmental and Social Management Plans (ESMP) for project activities.
- Develop a comprehensive stakeholder engagement strategy and work plan and implementation schedule for the project including timeline and key deliverables.

Safeguards

- Ensure project Safeguards comply with the Financing Agreement, Tonga's laws, and the World Bank's Safeguard Policies.
- Monitor legislation and policy requirements of both the Tongan government, and the World Bank for compliance and updates/changes.
- Implement the ESMF including providing support for project implementation consultations, monitoring projects to ensure staff are supported and have the necessary skills to comply with ESMF requirements, and ensuring project documents (including tenders, bids and contracts) have requisite Safeguard documentation applied and attached as required.

Safeguards Reporting

- Develop and maintain a Safeguard Reporting System for monitoring all Safeguard activities (including handling of grievances), evaluation, tracking and reporting progress.
- Provide Safeguard information and data as requested for management and review purposes.
- Contribute to the delivery of quarterly monitoring and evaluation reports.
- Contribute to the preparation of the six-monthly Progress Reports, for submission to the World Bank and the Project Steering Committee.
- Provide details on project Safeguards for the Ministry of Fisheries Annual Report.

Leading and supporting

- Lead the management of all project Safeguard activities.
- Maintain Safeguard records electronically and in hard copy.
- Ensure compliance in relation to the provisions of World Bank safeguard requirements, including with respect to Environmental Assessment (OP/BP 4.01), Natural Habitats (OP4.04), and Physical Cultural Resources (OP4.11).
- Lead the implementation of the stakeholder engagement strategy across all project activities. Design and deliver stakeholder engagement activities, interventions and outreach materials and manage reporting and monitoring of progress with delivery and impact of the engagement strategy and implementation plan across all project components.
- Ensure continuous media outreach and community engagement at the local level to promote the Tongafish Pathways project activities and benefits to project stakeholders.
- Design and lead engagement workshops and other outreach activities
- Design and track stakeholder engagement management and monitoring plan.
- Manage project grievances including maintaining the grievance database to track the progress of formal grievances for the duration of projects.

- Assist the Monitoring and Evaluation Specialist with respect to gathering data with respect Safeguards performance indicators.
- Support the development of the project risk management plan.

Organizing

- Ensure project staff receives appropriate Safeguards and stakeholder engagement training.
- Manage internal and external communications with respect to project Safeguards and all other project aspects related to stakeholder outreach and engagement.
- Manage internal and external communications with respect to the project.

Advice

- Provide strategic and operational level Safeguards and stakeholder engagement advice to the Minister, CEO and Deputy CEOs and Project Manager

Technical

- Maintain the necessary level of technical and operational skills to fulfil the duties outlined.

Other Duties

- Perform other relevant and related duties reasonably requested by the Project Manager.

Reporting

The position reports to the Project Manager and receives guidance and control with respect to the Ministry's operations and reporting requirements from the Ministry's Heads of Divisions.

Key deliverables

Activity	Timing
Screen environmental and social risks, and prepare Environmental and Social Management Plans, Resettlement Action Plans or other safeguards instruments.	As required for each project activity
Prepare Stakeholder Engagement Strategy, implementation work plan and timeline including key deliverables and activities	Upon commencement, prior to project appraisal
Prepare GRM	Upon commencement, prior to project appraisal
Contribute (c) to project documentation	Upon commencement and as required
Pathways Stakeholder Engagement and Safeguards Work Plan (c)	Upon commencement and annually
Pathways Stakeholder Engagement and Safeguards Progress Reports (c)	Every six months
Pathways Monitoring and Evaluation Report for both safeguards work and stakeholder engagement work (c)	Quarterly

Contract duration and conditions

- The contract will be for an initial period of up to three years, and may be extended for up to a further three years, subject to satisfactory performance.
- The contract is subject to a probationary period of six months and may be subject to satisfactory achievement of initial training goals.
- Performance will initially be reviewed at one month, three months, and six months, and thereafter to six monthly and annual reviews.
- This is a full-time position based in Nuku'alofa, Tonga but will involve extensive travel to Outer Islands for both aspects of the job (safeguards and stakeholder engagement).
- The position attracts a total financial package of around **TOP \$** per annum.
- The position is open to Tongan citizens or those eligible for a work permit in Tonga.
- Current Tongan public servants may apply, but appointment will be subject to approval under World Bank procurement regulations.

Essential criteria

Safeguards

- Graduate degree in sociology, anthropology, environmental management and/or science, planning or similar.
- Extensive skills and experience in the evaluation, management, mitigation, and reporting of environmental (biophysical) and socio-economic impacts.
- Significant experience in developing and implementing stakeholder engagement / consultation / outreach programs
- Demonstrated ability to prepare comprehensive and accurate reports, planning stakeholder engagement strategies, work plans and workshops and training courses as well as media outreach experience, and extensive experience with relevant software packages such as Microsoft Office Suite.

General

- Strong ethics, personal organizational skills, and ability to manage own workload.
- Excellent communication and interpersonal skills with the ability to design and deliver presentations to a broad range of audiences and stakeholders, with superior writing and multi-media skills and the ability to prepare accurate reports, and fluency (oral and written) in English.
- Ability and willingness to travel to Outer Islands.

Qualifications

- Relevant degree in environmental assessment, social management, and communications and/or similar equivalent qualification.

Desirable criteria

- Experience with donor-funded projects, especially projects involving international financial institutions such as the World Bank.
- Oral and written Tongan language skills.
- Relevant post graduate qualifications.
- Membership of a relevant professional organization.

Applying for this post.

Applications for the post should be made to:

Dr Tu'ikolongahau Halafihi

Chief Executive Officer

Ministry of Fisheries

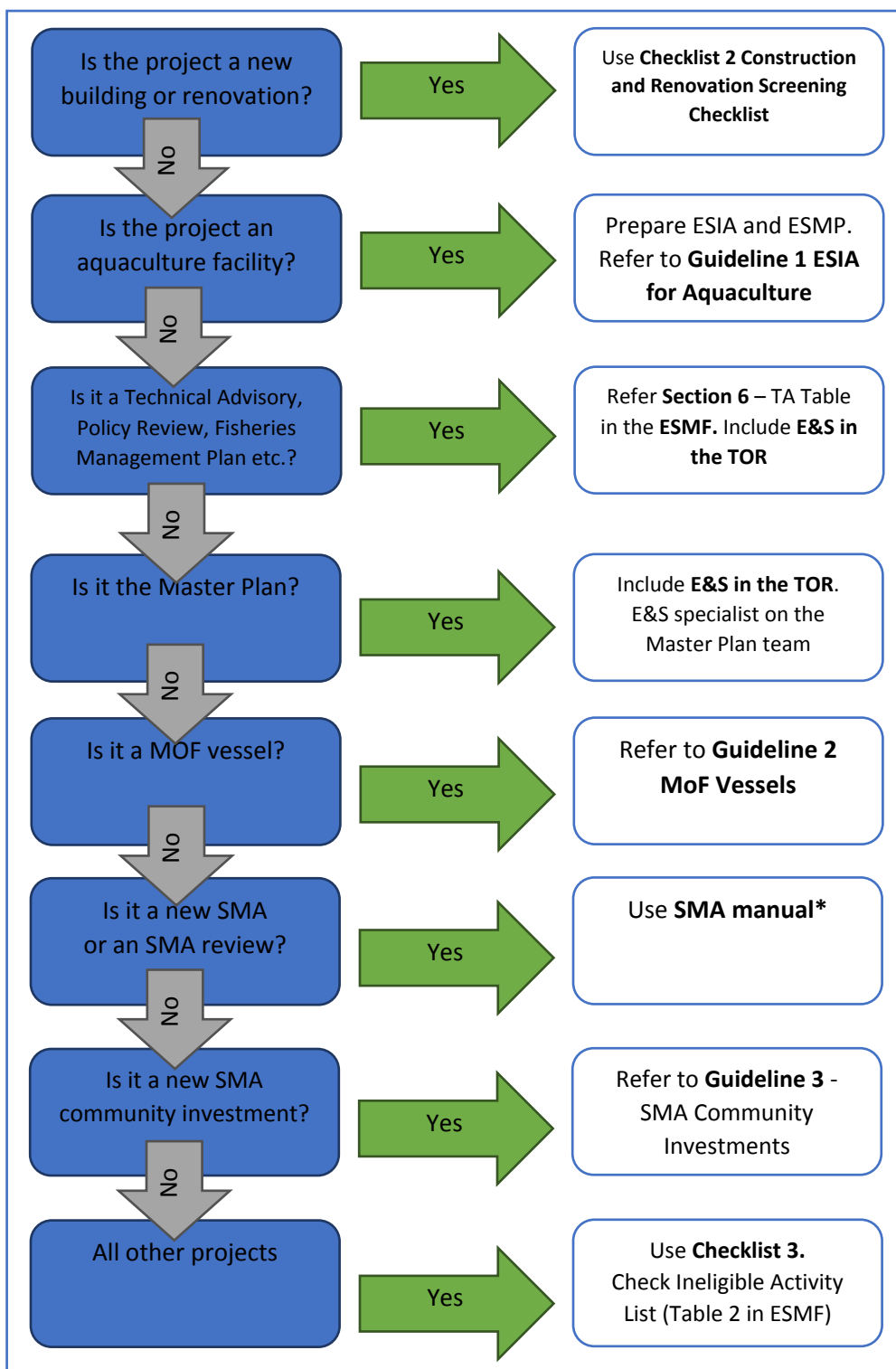
Tonga

By email to: pathways@tongafish.gov.to

Applications must include 3 parts with the following format and content:

1. A brief covering letter introducing yourself, and explaining why you are interested in this post (maximum 1 page).
2. A resume (CV) showing personal details, work experience, and education, along with the names of three work related references (maximum 3 pages).
3. A claim for the position (with each essential and desirable criteria as a sub-heading) that addresses how your experience is applicable to each criterion, and providing examples relevant to the post's key tasks and responsibilities (maximum 4 pages).

Annex VI Checklist 1 – Screening Process



*For new SMA or SMA Reviews, this has been screened as a Category B. The SMA manuals to be prepared under Component 2.3 will manage the impacts. The manuals will include consultations, engagement, GRM,

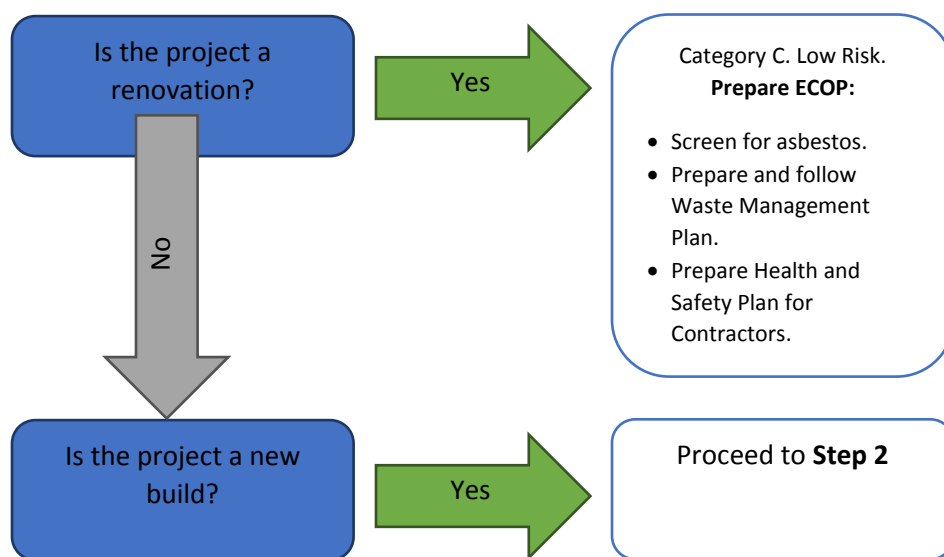
environmental monitoring, safeguards monitoring and oversight etc. No separate safeguard instrument needs to be prepared.

Annex VII Checklist 2 - Construction and Renovation Screening Checklist

Name of the Subproject: _____ Screening Date: _____

Locality: _____ Description of the area: _____

Step 1. Screen for Renovation or New Build



Step 2: Land Acquisition

1. Is the land required government land or private land?

- ☐ Government land. Work with MLNR to acquire land.
- ☐ Private land. Must be voluntary land donation or private land lease only. Involuntary land acquisition is prohibited. Exclude land with private assets or that needs significant clearance.

Step 3: Environmental Risks

2. Will this activity require clearance of trees, including mangroves, or natural vegetation in excess of half a hectare?

- ☐ Yes – Category B and Major project under Tongan Law
- ☐ No

3. Will this activity require any clearance of native vegetation?

- ☐ Yes – Category B
- ☐ No

4. Will there be any negative impact on any natural habitats?

☐ Yes – Category B

☐ No

5. Will there be any significant impact on any ecosystems of importance (especially those supporting rare, threatened or endangered species of flora or fauna)?

☐ Yes – Category B and Major project under Tongan Law

☐ No

6. Will this project result in the introduction of species of types not previously present that might adversely affect the environment and biodiversity?

☐ Yes – Major project under Tongan Law

☐ No

7. Will this activity require any land reclamation?

☐ Yes – Category B

☐ No

8. Will this activity result in any significant increase in pollution?

☐ Yes – Category B and Major project under Tongan Law

☐ No

9. Will this activity result in the occurrence, or increase the chances of occurrence, of natural hazards such as soil erosion, flooding, tidal inundation or hazardous substances?

☐ Yes – Category B and Major project under Tongan Law

☐ No

10. Are utility services unavailable and/or inadequate for the activity?

☐ Yes – Category B and Major project under Tongan Law

☐ No

11. Will this project result in the allocation or depletion of any natural and physical resources in a way or at a rate that will prevent the renewal by natural processes of the resources or will not enable an orderly transition to other materials?

☐ Yes – Major project under Tongan Law

☐ No

12. Will this project have features, the environmental effects of which are not certain, and the potential impact of which is such as to warrant further investigation?

☐ Yes – Major project under Tongan Law

☐ No

Step 4: Social Risks

13. Will this activity require compensation for crops and/or assets?

- ☐ Yes – Category B
☐ No

14. Will this activity significantly impact areas, landscapes and structures of aesthetic, archeological, cultural, historical, recreational, scenic or scientific value?

- ☐ Yes – Category B and Major project under Tongan Law
☐ No – ensure chance find procedures in place. Annex XV.

15. Will this activity significantly impact any land, water, sites, fishing grounds, or physical or cultural resources, or interests associated with such areas, which are a part of the heritage of the people of Tonga and which contribute to their well-being?

- ☐ Yes – Major project under Tongan Law
☐ No

16. Will this activity significantly impact the social and the economic well-being of communities?

- ☐ Yes – Major project under Tongan Law
☐ No

Step 5. World Bank and Tongan Risk Categorisation and Safeguards Instrument

Major Project (Tongan). If identified in Step 3 or Step 4, prepare a full Environmental Impact Assessment (EIA Form 3) incorporating an ESMP.

Category B. If yes to any of the questions in Step 3 or Step 4, but not identified as a major project under Tongan Law, ESMP required.

Minor project. If no's to all questions in Step 3 and Step 4. Minor risks. Prepare an EIA Form 2. Prepare Waste Management Plan. Prepare Health and Safety Plan for Contractors.

Step 6: Preparation of safeguard instruments

Before developing safeguard instruments, discuss design with Project Team (Step 4 of Screening of Subprojects Process, see Section 7 of the ESMF).

The subproject _____ located _____
has been assessed and the following safeguard documents/instruments will be prepared:

- | | |
|--|----------------------|
| ☐ EIA incorporating ESMP (Tonga & WB) | Date Complete: _____ |
| ☐ ESMP (WB) | Date Complete: _____ |
| ☐ EIA Form 2 (Tonga) | Date Complete: _____ |

☐ Waste Management Plan

Date Complete: _____

☐ Health and Safety Plan

Date Complete: _____

Annex VIII Checklist 3 – All Other Projects Screening Checklist

This form is to be used by the Ministry of Fisheries to screen potential environmental and social safeguards issues in subprojects, determine the level of risk and the type instrument to be prepared or follow-up action to be taken.

This form is for all ‘other’ activities not already screened in the ESMF. Before screening, check that the activity is not listed in **Ineligible Activity List** (Table 2 in the ESMF).

Subproject Name	
Subproject Location(s)	
Subproject Type	
Start/Completion Date	
Confirm the activity is not on the prohibited list (Table 2 in ESMF)	

Screening Questions for Subproject	Answer		If Yes WB Category of Risk and Policy triggered	Actions and Safeguards Documents Required if Yes
	Yes	No		

Screening Questions for Subproject	Answer		If Yes WB Category of Risk and Policy triggered	Actions and Safeguards Documents Required if Yes
	Yes	No		
Is the subproject likely to have significant adverse social or environmental impacts that are sensitive, diverse or unprecedented? <i>E.g.</i> <i>Removal, reclamation, damage or destruction of >10ha of Forest, mangrove or sensitive habitat – wetland, foreshore, etc.</i> <i>Removal, damage or destruction of any critical habitat (as per OP4.04).</i> <i>Will cause significant health and safety issues for 10's or 100's of people.</i> <i>This includes 'downstream' or future impacts from Technical Advisory studies.</i> Provide brief description and supporting documentation:			<i>OP 4.01</i> <i>Environmental Assessment</i> <i>Category A</i>	Ineligible for funding. This subproject is Category B and cannot fund Category A projects. Could the subproject be redesigned to avoid or reduce impacts?
Is the proposed subproject likely to have minimal or no adverse environmental or impacts? Please provide brief justification. <i>E.g. Providing goods (software, computers, tools, fishing rods), training, simple repairs to structures, signage).</i>			<i>OP 4.01</i> <i>Environmental Assessment</i> <i>Category C</i>	No action needed beyond screening

Screening Questions for Subproject	Answer		If Yes WB Category of Risk and Policy triggered	Actions and Safeguards Documents Required if Yes
	Yes	No		
Is the subproject neither a Category A nor Category C as defined above?²¹ This includes Technical Advisory. Please provide brief justification. <i>E.g. Removal, reclamation or destruction of <10ha of Forest, mangrove or sensitive habitat – wetland, foreshore, etc.</i> <i>Compensation required for loss of assets or access to access from land users (but no physical relocation), related to voluntary land donation or land leasing.</i> <i>Affecting livelihoods from the restriction of access to protected areas.</i>			<i>OP 4.01 Environmental Assessment Category B</i>	Further scoping required to determine actual scale of risk and identify opportunities to reduce risks. ESIA or ESMP, or mitigated through subproject design such as Technical Advisory TOR.
Will the subproject desecrate, destroy or damage physical cultural resources?²² Please provide brief justification.			<i>OP 4.11 Physical Cultural Resources</i>	Ineligible as OP4.11 is not triggered for this subproject. Recommend redesigning the subproject to avoid these impacts.

²¹ Projects that do not fall under Category A or Category C can be considered as Category B. Examples of Category B subprojects include small scale *in-situ* reconstruction of infrastructure projects such as road rehabilitation and rural water supply and sanitation, small schools, rural health clinics, etc.

²² Examples of physical cultural resources are archaeological or historical sites, including historic urban areas, religious monuments, structures and/or cemeteries, sacred locations (trees, rocks, landscapes), particularly sites recognized by the government or community, .

Screening Questions for Subproject	Answer		If Yes WB Category of Risk and Policy triggered	Actions and Safeguards Documents Required if Yes
	Yes	No		
Will the subproject involve the conversion or degradation of natural habitats (not defined as ‘critical habitat’ in the policy)? Please provide brief justification.			<i>OP 4.04 Natural Habitats</i>	
Will the subproject involve the significant conversion or degradation of critical natural habitats? ²³			<i>OP 4.04 Natural Habitats</i>	Not eligible for financing under the Policy. Recommend redesigning the subproject to avoid these significant impacts.
Will the subproject involve involuntary land acquisition, or the loss of assets or access to assets, or loss of income sources or means of livelihood as a result of involuntary land acquisition? Please provide brief justification.			<i>OP4.12 Involuntary Resettlement</i>	Ineligible for funding as OP4.12 is not triggered. Recommend redesigning the subproject to avoid involuntary land acquisition.

²³ Subprojects that significantly convert or degrade critical natural habitats such as legally protected, officially proposed for protection, identified by authoritative sources for their high conservation value, or recognized as protected by traditional local communities, are ineligible for Bank financing.

Screening Questions for Subproject	Answer		If Yes WB Category of Risk and Policy triggered	Actions and Safeguards Documents Required if Yes
	Yes	No		
Will the subproject have the potential to have impacts on the health and quality of forests >1ha or the rights and welfare of people and their level of dependence upon or interaction with forests >1ha (including mangroves); or does it aim to bring about changes in the management, protection or utilization of natural forests and mangroves? Please provide brief justification.			<i>OP4.36 Forestry</i>	Addressed in ESIA or Technical Advisory TOR.

Questions for Tongan Regulation	Answer		Actions and Documents Required if Yes
	Yes	No	
Is the subproject a major project under EIA regulations?			Permit application form and EIA incorporating an ESMP
Is the subproject a minor project under EIA regulations			Permit application form and ESMP

Conclusion and Safeguards Instruments Required

The subproject is classified as a Category _____ project as per World Bank OP 4.01, a Major/Minor (circle) project under Tongan EIA regulations and the following safeguard instruments will be prepared and / or actions taken:

1. _____
2. _____
3. _____
4. _____
5. _____

Annex IX Terms of Reference for Technical Advisory

The Terms of Reference for any Technical Advisory contracts should contain the following safeguard clauses as a minimum:

1. Analysis should include the environmental and social aspects and impacts, consistent with the safeguard policies of the World Bank and the Environmental and Social Management Framework (ESMF) of the TongaFish Pathway Project.
2. Outcomes and outputs (such as design, construction methods, training materials, recommendations and advice) should be consistent with the safeguard policies of the World Bank and the Environmental and Social Management Framework (ESMF) of the TongaFish Pathway project.
3. Recommendations must minimize or avoid negative impacts of any downstream activities on forests, including mangroves.
4. Recommendations must consider the impacts on land acquisition and access and where necessary, include a requirement for minimizing or avoid involuntary land acquisition, involuntary resettlement or involuntary restriction of access to assets. If necessary, the Technical Advisory must require the preparation of a Resettlement Policy Framework (RPF)/Resettlement Action Plan (RAP) for the implementation of any relevant recommendations.
5. Free, prior and informed consultation of potentially affected people, stakeholders and vulnerable groups shall be adequately delivered, gender and youth inclusive, and well documented and in compliance with the Stakeholder Engagement Plan.

Outputs of this contract must be screened by the Ministry of Fisheries Safeguards Officer.

Annex X Guideline 1 - ESIA for Aquaculture

Farms for the propagation of marine, estuarine or freshwater organisms are listed on the Schedule of Major Projects under the Environmental Impact Assessment Act 2003 and would require the development of an appropriate environmental impact assessment.

Under World Bank Policy OP4.01, aquaculture facilities are a category B and will require the development of an Environmental and Social Management Plan (ESMP) as part of a limited assessment.

The ESIA developed under Tongan law would incorporate the ESMP that is required by the World Bank. This combined document can be submitted both to Tonga Department of Environment and the World Bank for approval. No further screening is required.

This guideline details how to prepare an ESIA that meets Tonga and World Bank requirements:

Guideline

Prepare Terms of Reference for a consultant to prepare an ESIA and ESMP for Tonga and World Bank Approval.

As a minimum, the ESIA must follow the format listed on Form 3: Major Environmental Impact Assessment in Schedule 1 of the Environmental Impact Assessment Regulations 2010.

Specific Risks to Assess:

Specific risks to include and assess in an ESIA study that includes an ESMP:

- Land and building location and ownership (refer to **Checklist 2 - Construction and Renovation Screening Checklist**).
- Ecosystem impacts.
- Any introduction of species not previously present in Tonga.
- Water intake information such location of intake, rate of flow, and volume.
- Wastewater discharge information such as location of discharge, nature of discharge (contaminants), treatment required, rate of discharge, volume and testing regime.
- Any long-term effects upon the environment.
- Any identified cumulative effects.
- Solid waste handling, storage and disposal procedures.
- Storage, handling and disposal of chemicals.
- Methods to ensure construction materials and equipment are clean to avoid transmission of pest plants and invasive species.
- Health and safety procedures for construction workers.
- Health and safety procedures for operation. Including safety for workers and the community.
- Hours of operation.
- Nuisance e.g. odor or noise.
- Increases in traffic flow.
- Emergency procedures e.g. in the event of plant failure or natural disaster.
- Inspection and maintenance procedures.
- Consultation that is required, including special consideration for vulnerable groups.

- Complaints process (grievance redress mechanism).
- Disclosure of safeguard documents.

Annex XI Guideline 2 - MoF Vessels

Under World Bank Policy OP4.01, vessels have been screened as a Category C. The activity is likely to have minimal or no adverse environmental impacts. No further safeguard documents are required. However, the design and purchase of vessels by Ministry of Fisheries will need to follow this guideline to mitigate the health and safety risks identified through the environmental and risk screening process.

Design, procurement and operation process must ensure that:

- Vessel is appropriate for its intended use.
- Vessels meet all requirements including safety specifications and are operated by qualified persons.
- Vessels are maintained and kept stocked with the appropriate equipment.
- A Health and Safety Plan is developed and shared with vessel operators.
- Safety equipment such as life jackets are provided to all operators and users.
- All users are trained to follow safety procedures and safety procedures are followed every outing.
- Vessel inspection and maintenance records are kept and made available upon request.

Annex XII Guideline 3- SMA Community Investments

Guidelines for Boats and Boating Activities EHS plans

EHS guidelines will be prepared by the Ministry of Fisheries for purchasing of small boats and boating activities under the TongaFish Pathway project. The guidelines for preparing the EHS's are as follows.

EHS Plan Guideline for Purchasing Small Boats

Under World Bank Policy OP4.01, vessels have been screened as a Category C. The activity is likely to have minimal or no adverse environmental impacts. No further safeguard documents are required. However, the design and purchase of vessels by communities will need to follow a standard EHS plan developed by Ministry of Fisheries.

The standard EHS plan for purchasing small boats should include the following:

- Vessels meet all requirements including safety specifications and are operated by qualified persons.
- Vessels are maintained and kept stocked with the appropriate equipment.
- Safety equipment such as life jackets are provided to all operators and users.
- All users are trained to follow safety procedures and safety procedures are followed every outing.
- Vessel inspection and maintenance records are kept and made available upon request.

EHS Plan Guideline for Boating Activities including FAD Installation

The use of vessels by communities will need to follow a standard EHS plan developed by Ministry of Fisheries for the project.

The standard EHS plan for boating activities should include the following:

- Vessels meet all requirements including safety specifications and are operated by qualified persons.
- Vessels are maintained and kept stocked with the appropriate equipment.
- Safety equipment such as life jackets are provided to all operators and users.
- All users are trained to follow safety procedures and safety procedures are followed every outing.
- Vessel inspection and maintenance records are kept and made available upon request.

SMA Investment Screening Checklists

Applications for investment funding from the SMA communities will need to be *screened as they are received* by Ministry of Fisheries prior to allocation of the funding. Each time an SMA community applies to Ministry of Fisheries, the following SMA Investment Screening Checklist will need to be completed:

SMA Investment Screening Checklist

Name of the SMA community: _____ Screening Date: _____

Locality: _____ Description of investment: _____

1. Is the Investment in the SMA Plan for the community?

- ☐ Yes – proceed to question 2.
- ☐ No – update the plan and undertake consultations on the updated plan.

2. Is the Investment already identified and screened in Section 6 – Environmental and Social of Subprojects of the Environmental and Social Management Framework (ESMF)?

- ☐ Yes – proceed to question 3.
- ☐ No – use **Checklist 3 – All Other Projects**.

3. Which of the following investment is it?

- ☐ Building – complete **Checklist 2 – Construction and Renovation Checklist** located in the ESMF.
- ☐ Vessel – Screened as a Category C. Use standard **EHS Plan** for purchasing small vessels prior to purchase.
- ☐ Buoys/markers – Screened as a Category C. Use standard **EHS Plan** for boating safety prior to installation.
- ☐ FAD – Screened as a Category C. **Standard FAD EHS plan**. Continue to next page to **complete FAD checklist**.

FAD Screening Checklist

Name of the SMA community: _____ Screening Date: _____

Locality: _____ Description of the FAD location: _____

1. Is the FAD in the SMA Plan for the community?

- ☐ Yes – proceed to question 2.
- ☐ No – not eligible for funding unless the Plan is updated and community consultation completed.

2. Have consultations been undertaken with affected people outside of the SMA community?

- ☐ Yes – proceed to question 3.
- ☐ No - undertake consultations per the SEP or the SMA Manual.

3. Do affected people know about the project complaints process (GRM) and how to make complaints or provide feedback?

- ☐ Yes - proceed to question 4.
- ☐ No – share the GRM details as per the ESMF and inform affected people how it works.

4. Has the FAD location been surveyed?

- ☐ Yes - enter date of location survey: _____ then proceed to question 5.
- ☐ No – ensure the location is surveyed prior to installation.

5. Is the FAD being located where it is safely accessible to canoe fishers (<1km from shore)?

- ☐ Yes - proceed to question 6.
- ☐ No – discuss FAD location with community to confirm a safe location to access FAD.

6. Have all vessel operators and FAD deployers undertaken health and safety training as per EHS Plan?

- ☐ Yes – proceed under EHS Plan.
- ☐ No – ensure training is given first before FAD installation.

The FAD _____ located _____

has been assessed as Category C few, unlikely environmental and social risks that can be readily mitigated through training and operational procedures under a **standard FAD EHS Plan** to be prepared during project implementation, prior to any FAD installations.

Annex XIII Summary of Pre-Appraisal Consultations

Third Project Preparation Mission Consultations - September 2018

The Safeguards team met with stakeholders during the third Project Preparation mission to Tonga in September 2018. A summary of findings on Inter-Ministerial engagement and SMA research is below:

Biodiversity and Ecosystem Management Division, Department of Environment.

The mission met with the Principal Assistant Secretary of the Biodiversity and Ecosystem Management Division to provide a brief introduction to the project and to identify synergies with the Division's work program. The Division is responsible for the management and enforcement of Marine Protected Areas (MPA) and is managing the Tongan Marine and Coastal Biodiversity Management in Pacific Island Countries 'Macbio' project (www.macbio-pacific.info), responsible for preparing five new SMA and five new Marine Protected Areas (MPA).

The Department of Environment, Ministry of Fisheries, Ministry of Lands and Natural Resources and other Government Ministries have formed the Marine Spatial Planning Technical Working Group (called Oceans 7). In partnership with Macbio, the Oceans 7 have prepared a draft Marine Spatial Plan for the Kingdom of Tonga and will consult with communities during the next three months.

The interests of the Division in TongaFish Pathway include: 1) coordination of community engagement and outreach for biodiversity and ecosystem health; 2) coordination of ecological and environmental monitoring effort for SMA and MPA, and the Kingdom of Tonga's commitments to international conventions and State of the Environment monitoring and 3) support to prepare public resources to improve outreach and awareness raising on biodiversity and ecosystem health.

Ministry of Lands and Natural Resources

The mission met with the CEO of the Ministry of Lands and Natural Resources. The Ministry is responsible for leading the Marine Spatial Planning Project and a broader umbrella legislative framework for Sustainable Ocean Planning and Management, providing a consistent and strategic vision for the coastal and oceanic environment: spatial planning, Exclusive Economic Zone (EEZ) management, maritime boundary, seabed minerals, coastal and oceanic fisheries and biodiversity management.

National Geographic Information Systems (GIS) capability is centralised in the Ministry as a service for all government agencies. The team stores and shares data and provides mapping and data analysis services. GIS requirements for monitoring and evaluation under the Project would be coordinated by the Ministry and both the Ministry of Lands and Ministry of Fisheries should ensure there's sufficient resources to service the project.

Regarding land use requirements for TongaFish Pathway it was noted that, 1) land for operations sheds and other foreshore / fisheries related assets to be owned and operated by MoF, and Ministry of Lands will assist to find suitable government land (no land acquisition is required), and 2) community assets (such as jetties, community halls) will require a Voluntary Land Donation from the land owner, where no payment is required. This requires a legal entity (such as a SMA committee) to enter into the agreement with the land owner.

SMA Research

The mission met with Patrick Smallhorn-West, a PhD candidate with MoF, to discuss findings on the SMA program. Some possible areas for consideration to improve the SMA program include 1) greater feedback to communities to celebrate success and define areas for improvement, 2) introduction of a minimum size for no-take zones and/or certain species that must be included (to avoid selection of dead zones), 3) greater use of available data to identify preferred SMA sites, 4) awareness raising about SMAs, including success stories and benefits to encourage support, 5) improving data collection methods and equipment, 6) improving demarcation of SMA boundaries, 7) identifying measures to improve safety of fishers forced to venture further out to sea in depleted areas, 8) enhancing opportunities for alternative livelihoods from SMA (non-fishing activities) and 9) identifying control sites (difficult as the number of SMAs has grown rapidly).

Pre-Appraisal Mission Consultations - November 2018

Ministry of Fisheries staff and the Safeguards Specialists held stakeholder consultation workshops in Tongatapu, Vava'u and Ha'apai during the week of November 12-16th, 2018. The minutes of the meetings are included below:

Tongatapu Stakeholder Consultation Meeting

On November 13th, 2018, Ministry of Fisheries (MoF) held a stakeholder consultation meeting in Nuku'alofa, with representatives of key Government Agencies, SMA community representatives, community officers, and town officers. The meeting was chaired by the CEO of the Ministry of Fisheries, Tuikolongahau Halafihi (Hau). The consultation team also comprised Poasi Ngaluafé (Deputy CEO, Fisheries Compliance Division), Lupe Fe'iloaki (Senior Fisheries Officer, Corporate Service Division and Acting Project Coordinator), Sarah Hendriks (World Bank Safeguards Consultant), and Rachelle Marburg (World Bank Social Development Specialist).

Welcome and Introductions

CEO Hau began the meeting by welcoming the attendees and the consultation team. Introductions were made, and all the meeting attendees were given a project flyer and slides of the ESMF presentation. Both the project flyer and the presentation slides were available in English and in Tongan and are included at the end of the meeting notes. The consultation was conducted both in English and in Tongan.

Presentations

CEO Hau began the meeting by presenting an overview of the TongaFish Pathway project, the project components and the project length. This presentation was given first in Tongan and then in English.

Sarah Hendriks, Safeguards Consultant, then presented on the draft Environmental and Social Management Framework (ESMF), Stakeholder Engagement Plan (SEP) and Grievance Redress Mechanism (GRM). The presentation was also given in Tongan by Poasi Ngaluafé who translated Sarah's presentation after each slide. Opportunities for questions and comments were given during the presentations. At the end of the presentations, the meeting was opened for questions and comments.

Discussion and Stakeholder Feedback

The discussion was conducted in both English and Tongan. Key points of the discussion with stakeholders included:

- *Risks.* Participants asked for clarification of the main risks of the project sub-component activities. The main risks for the subproject activities were explained and how they would be screened and then either mitigated or avoided.
- *Land.* There was concern about what would happen to the land for SMA assets and whether it would be taken back at the end of the TongaFish Pathway project. It was discussed that land access will be negotiated through the voluntary leasing process that both parties would agree to and an MOU would be signed. The length of the lease will be mutually agreed to, and it will not simply cease at the end of the projects life. The Ministry for Lands and Natural Resources

General comments from the participants were that they appreciate MoF undertaking these initiatives to get funding for project activities and that the project will strengthen and expand the SMA network. Especially, existing SMA communities are interested in and appreciative of the opportunity to apply for SMA assets.

Conclusion

CEO Hau concluded the meeting with thanks to all the participants and presenters.

List of Participants

Name	Organization or Community
Taaniela Kula	Deputy CEO - Ministry of Lands and Natural Resources
Sione Nuku Kata	District Officer - Nukunuku
Viuami Sisifa	District Officer - Vaini
Sitiveni Fea’o	District Officer - Lapaha
Saimone T. Toutai	Town Officer - Lapaha
Mataiasi Holani	District Officer – Kolomotue
Taniela Fe’ao	Haveluloto
Mosese Taunaholo	‘Atata Island
Hemaloto Tupua	Ministry of Infrastructure (Marine/Ports)
Sinipata Muli	‘Eu’eiki Island
Tai Lau	Kolonga
Tevita Piukana	Ha’atafu
Telefoni Laume	Town Officer – Fua’amotu
Yumi Nafe	Ministry of Lands and Natural Resources
Jake Atienza	Artist
Dr. Vita Thomas	Pangaimotu Island

Donor Groups Consultation Meeting

On November 14th, 2018, MoF held a stakeholder consultation meeting in Nuku'alofa with key donor groups. The meeting was chaired by the CEO of the Ministry of Fisheries, Tuikolongahau Halafihi (Hau). The consultation team also comprised Lupe Fe'iloaki (Senior Fisheries Officer, Corporate Service Division and Acting Project Coordinator), Sarah Hendrikx (World Bank Safeguards Consultant), and Rachelle Marburg (World Bank Social Development Specialist).

Welcome and Introductions

CEO Hau began the meeting by welcoming all the attendees and the consultation team. Introductions were made, and all meeting attendees were given a project flyer and slides of the ESMF presentation in English. The consultation was conducted in English.

Presentations

Rachelle Marburg presented an overview of the TongaFish Pathway project description, project length and the project components. Opportunities for questions and comments were given during this presentation.

Sarah Hendrikx, Safeguards Consultant, then presented on the draft ESMF, SEP and GRM. Opportunities for questions and comments were given during the presentation. At the end of the presentations, the meeting was opened for questions and comments.

Discussion and Stakeholder Feedback

The discussion was conducted in English. Key points of the discussion included:

- *Capacity.* Participants were interested in whether MoF has the staff to implement the program and where the gaps in the Ministry of Fisheries exist. The NZ High Commission (NZHC) also asked where they can support in terms of capacity. Lupe explained that the Project Management Unit (PMU) doesn't exist yet. However, when it is established the resources to implement the ESMF, SEP and GRM will be there. Rachelle also explained that some of the project activities are already part of MoF's core business. The World Bank (WB) will also continue to provide capacity building and training for the PMU. Rachelle also explained that there would be a 3-year trust fund for capacity building in the Pacific and she would connect attendees with the person in the Sydney office doing the training.
- *Overlap.* The NZHC shared that they will do a scoping next year (2019) to ensure there are no overlaps or duplications of projects. NZHC would like to understand the WB project better to ensure they don't duplicate. The outcome of this is to ensure that the work that is being done compliments each other and does not overlap.
- *Climate change.* NZHC have made changes so that considering climate change impacts is now mainstreamed. Furthermore, they are interested in strengthening their involvement with Fisheries sector. Rachelle explained that under current safeguards climate change impacts are not mainstreamed, but that the process does consider the impacts of climate change.
- *IUU.* The Japan International Cooperation Agency (JICA) is interested in Component 1, IUU. There is a Pacific Island Countries (PIC) training in Japan in 2020. 20 participants will travel to Japan for this training.

- **SMA.** There was interest in where the name SMA and the process for setting up came from. CEO Hau explained that it came from Samoa, but the system in Tonga is quite different. Other countries have Community Managed Areas and other similar types of managed areas. NZ is interested to see SMAs become district level and include landlocked communities. Hau explained that there are very few landlocked communities and there has been some interest, e.g. from Eu'a Island, to have an island wide SMA rather than individual community SMA. There will also be opportunity for more than one community to come together to form an SMA through upcoming legislation changes.
- **Health and safety for vessels.** Discussion focused on what kind of vessels were needed. It was explained that the vessels will either be for compliance or for SMA communities. A JICA funded vessel maintenance and safety expert will be based in Fiji starting next April. Focus is on larger vessels, such as ferries, however they may be able to support training for smaller boats e.g. a half day workshop that would be useful for MoF. NZ will also provide health and safety grab bags for boats in the outer islands and small fishing boats. This project should be rolled out by the end of the year.
- **Tracking fish migration.** JICA enquired if there is a need for fish studies for tracking changes due to fish aggregating devices (FADs). Hau explained that they already monitor stock assessments and send this data to the Pacific Community (SPC) who do analysis and then share the information. He also explained that project FADs are different from those used for tuna. FADs are being used to move fish from coral reefs that are impoverished and work as an artificial reef for tuna species.
- **Land use issues.** JICA mentioned that there is aerial data available that can be used to identify land use types. MoF confirmed that they will work with MLNR on this. MLNR already use GIS mapping to identify sites.
- **ESMF process.** JICA were interested to know if this process can be used in other countries and projects. Rachelle explained that the structure and process can be, however it depends on the country and the activities. This ESMF is specific for Tonga and for the TongaFish Pathway project.

Conclusion

CEO Hau concluded the meeting with thanks to all the participants and presenters for their contribution and discussion.

List of Participants

Name	Organization or Community
Yasushi Hayashi	Japan International Cooperation Agency (JICA)
Alfred Vaka	Japan International Cooperation Agency (JICA)
'Olivia Fukoguka	New Zealand High Commission

Vava'u Stakeholder Consultation Meeting

On November 15th, 2018, MoF held a stakeholder consultation meeting in Vava'u with representatives of key Government Agencies, Civil Society members, commercial interest groups, NGOs and community groups. The meeting was chaired by Poasi Ngaluafe (Deputy CEO, Fisheries Compliance Division). The consultation team also comprised Lupe Fe'iloaki (Senior Fisheries Officer, Corporate Service Division and Acting Project Coordinator) and Sarah Hendrixx (World Bank Safeguards Consultant). Angelica Mafile'o, Officer in Charge (OIC) at the Vava'u Ministry of Fisheries was also in attendance.

Welcome and Introductions

Angelica began the meeting by welcoming the attendees and the consultation team. All meeting attendees were given a project flyer and slides of the ESMF presentation. Both the project flyer and the presentation slides were available in English and in Tongan. The consultation was conducted both in English and in Tongan.

Presentations

Poasi Ngaluafe presented an overview of the TongaFish Pathway project description, the project components and project length. This presentation was given in Tongan.

Sarah Hendrixx, Safeguards Consultant then presented on the draft ESMF, SEP and GRM. The presentation was also given in Tongan by Poasi Ngaluafe who translated after Sarah's presentation of each slide. At the end of the presentations, the meeting was opened for questions and comments.

Discussion and Stakeholder Feedback

The discussion was conducted in Tongan. Key points of the discussion included:

- *Vessels.* There was interest in many vessels would be available to the community. Poasi advised that one vessel would be needed for MoF compliance in each Tongatapu, Vava'u and Ha'apai. MoF are yet to confirm the specifics of this. Other vessels will be for the SMA communities, but this will not be until later in the project after consultation with SMA team. There is work that still needs to be done to confirm the project budget over the 6-12 years.
- *Compliance.* Attendees commented that they are pleased to see that compliance is included as part of the project as they have ongoing minor non-compliance in Vava'u. This will help them to strengthen their compliance program.
- *Land.* There was interest in what happens to the land accessed through the project when project finishes. Poasi advised that there is the need to prioritize government land to fast track land access processes and to ensure the ongoing security of the land. Some projects will require voluntary land donations e.g. in SMA communities. It is important for those considering voluntary land donation to speak up early if they are thinking of any compensation.
- *SMA implementation.* Attendees were very glad that the SMA program is successful. They can see that it is successful as the World Bank is considering it for further funding. Challenges they have been trying to overcome include community resistance. However, now they see that communities are hungry for the program as communities can see that it benefits the whole community. They have also noticed an increase in marine species availability in SMA e.g. octopus found close to shore where they weren't before. This shows that the ocean is healthier.

- *SMA in Koloa*. It was raised that soil erosion into ocean is a challenge in Koloa. The community is seeking support for soil stabilization. Lupe answered that as their need is urgent, there are grants under NZHC that they could apply for. Information will be given to Angelica so that she can have available for interested communities.

Conclusion

Poasi concluded the meeting with thanks to all the participants and presenters for their contribution and discussion.

List of Participants

Name	Organization or Community
Loleine Tuinea	Administration Assistant - Waste Authority Ltd.
Tuihoua Lautaha	District Officer – Hihifo
Tevita Manuofetoa	District Officer
Mena’ati Fifita	District Officer – Hahake
Mikaele Saipa’ia	Acting Officer in Charge - Ministry of Agriculture, Food and Forestry (MAFF)
Karen Stone	Director – VEPA
Mapa Hafoka	Hahake
Sua Kaufusi	District Officer - Neiafu

Ha’apai Stakeholder Consultation Meeting

On November 16th, 2018, MoF held a stakeholder consultation meeting in Ha’apai with representatives of key Government agencies, Civil Society members, commercial interest groups, youth and community members. The meeting was chaired by Poasi Ngaluafe (Deputy CEO, Fisheries Compliance Division). The consultation team also comprised Lupe Fe’iloaki (Senior Fisheries Officer, Corporate Service Division and Acting Project Coordinator) and Sarah Hendriks (World Bank Safeguards Consultant). Taufa Fainganuku, Officer in Charge at the Ha’apai Ministry of Fisheries was also in attendance.

Welcome and Introductions

Taufa began the meeting by welcoming the attendees and the consultation team. All meeting attendees were given a project flyer and slides of the ESMF presentation in Tongan. The consultation was conducted in Tongan.

Presentations

Poasi Ngaluafe presented an overview of the TongaFish Pathway project description, the project components and the project length. Poasi then presented on the draft ESMF, SEP and GRM. This presentation was given in Tongan. Opportunities for questions and comments were given during the presentation. At the end of the presentations, the meeting was opened for questions and comments.

Discussion and Stakeholder Feedback

The discussion was conducted in Tongan. Key points of the discussion included:

- *Location of ‘Uiha SMA.* MoF were asked by one of the ‘Uiha community to follow up on the location of ‘Uiha SMA. He wants to ensure that the new SMA location will not impact his pearl farming location. MoF will follow up with the SMA team and the legal officer.
- *Aquaculture activities.* A ‘Uiha community member is interested in being involved in a Mabe pearl workshop, like the one held in Vava’u the day before. Poasi indicated that under Component 2 of the project, aquaculture extension activities are included and emphasised that there will be opportunities for communities to participate in these.
- *Consultation process.* The Officer in Charge of Ministry of Agriculture, Food and Forestry in Ha’apai reinforced to the attendees the importance of attendance when they are invited to consultation meetings such as this consultation and SMA consultations. He reinforced that it is important for all of Tonga that they attend and have their voice heard. He was appreciative that the consultation and consultation materials were in Tongan so that the community could understand and participate.

Conclusion

Poasi concluded the meeting with thanks to all the participants and presenters for their contribution and discussion.

List of Participants

Name	Organization or Community
Sunia Napa’a	Ministry of Agriculture, Food and Forestry (MAFF)
Mosee Moala	Ministry of Fisheries (MoF)
Tuatalatau Tonga’onevai	Ministry of Fisheries (MoF)
Tu’ifua Vaikona	‘Uiha Island
Mele ‘Elenga Tongile’o	‘Uiha Island
Neomai Vaikona	‘Uiha Island
Matafolau Moala	Youth
Tevita Taufalele	Ministry of Agriculture, Food and Forestry (MAFF)
‘Inoke Fono	Holopeka
Viliani Tukoumoe’atu	Ministry of Infrastructure
Sitaleki Pahulu	Koulo
Simote Mahe	Land and Survey
Siola’a Liuaki	Hihifo
Sione Mei Ha’amoia	Hihifo
‘Aki Telusa	Ministry of Agriculture, Food and Forestry (MAFF)

Summary of TongaFish Pathway Pre-Appraisal Mission Consultations

In summary, the main points raised by stakeholders during the consultation meetings regarded the capacity of MoF to implement the TongaFish Pathway program and ESMF, SMAs implementation and assets, vessel purchasing and health and safety, voluntary land donations, and fisheries compliance. Most stakeholders already had a good understanding of the project and its components due to the Fisheries Sector Plan consultations and SMA consultations. There were no changes made to the ESMF as a result of the consultations with respect to the mitigation and monitoring strategies. The Land Due Diligence Report was updated to reflect MLNR’s comments regarding the need for town and community officers to ask for what they need through a voluntary land agreement early, in order to avoid future challenges.

ESMF Presentation Slides (English)

TongaFish Pathway

Environmental and Social Management Framework
Pre-Appraisal Consultations - November 2018

Purpose of the ESMF

- ▶ Overall impacts are expected to be *highly positive*.
- ▶ Manage any remaining environmental and social impacts.
- ▶ Framework used as specific activities are not yet known.
- ▶ Describes who will do what and when.
- ▶ Consultation included in this process.
- ▶ Method for receiving and handling questions or complaints.

Overall purpose is to do no harm.

Contents

- ▶ Describes TongaFish Pathway activities.
- ▶ Lists potential environmental and social impacts.
- ▶ Sets out how to screen for risks.
- ▶ Identifies tools for managing project activity types.
- ▶ Monitoring and reporting.
- ▶ Who will do what and when.
- ▶ Land access processes.
- ▶ Stakeholder engagement.
- ▶ Complaints process.

Activities and Impacts

Project Components have been divided into *four subtypes*:

- ▶ Technical Advisory
- ▶ MoF assets including:
 - ▶ Small scale construction e.g. compliance sheds
 - ▶ Building/office refurbishments
 - ▶ Small scale aquaculture facilities
 - ▶ Vessels
- ▶ SMA network expansion
- ▶ Assets for existing SMA communities including:
 - ▶ Community meeting halls
 - ▶ FADs
 - ▶ Marker buoys
 - ▶ Vessels

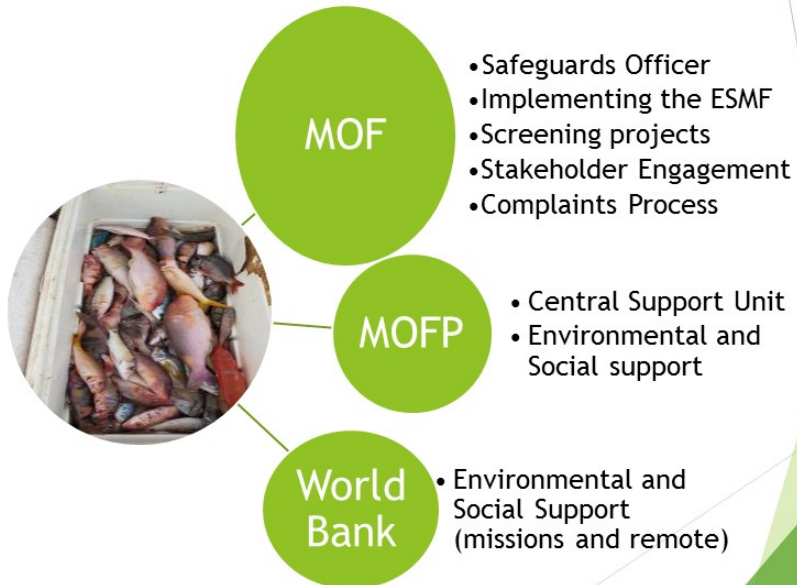
Environmental and Social Risk Screening Process

- ▶ Step 1: Determine Subproject Category
- ▶ Step 2: Screening of Risks
- ▶ Step 3: Determine Safeguards Tool/s
- ▶ Step 4: Consultation with Project Team
- ▶ Step 5: Preparation and Disclosure of Safeguard Tools
- ▶ Step 6: Implementation of Mitigation Measures
- ▶ Step 7: Monitoring and Reporting

Example: Small Scale Construction

- ▶ Identify the subproject category.
- ▶ Fill out the construction checklist (screening of risks).
- ▶ Identify the safeguard tools needed.
- ▶ Discuss with the project team - are there ways to avoid risks?
- ▶ Prepare the tools and disclose.
- ▶ Implement the mitigation measures.
- ▶ Monitoring and compliance.
- ▶ Reporting.

Roles and Responsibilities



Land Access Process

- ▶ Work with Ministry of Lands and Natural Resources.
- ▶ Government land will be prioritized (MoF assets).
- ▶ Voluntary donations or negotiated land leases (SMA assets).
- ▶ Identify sites and screen land for resettlement impacts.
- ▶ Exclude land with private assets.
- ▶ Avoid sites that need significant clearance.
- ▶ All land access will be voluntary.
- ▶ No-one should be worse off.

Stakeholder Engagement

- ▶ Engage with stakeholders (women, men, vulnerable groups, leaders, business).
- ▶ Allow time and space for engagement.
- ▶ Ongoing throughout the project.
- ▶ Guided by the Stakeholder Engagement Plan (who, when, what, why, how).
- ▶ Disclosure of safeguard tools/documents.

Complaints Process

World Bank Speak: ‘Grievance Redress Mechanism’

- ▶ A complaints system has been set up for the entire project.
- ▶ It includes:
 - ▶ How people can make a complaint (phone, email, office location).
 - ▶ Who is responsible for responding to complaints.
 - ▶ Expectations for a response / resolution (no. of days, written or verbal).
 - ▶ Method to keep track of complaints and resolutions.
 - ▶ Where and how complainants can appeal if they are not satisfied.
- ▶ **Ministry of Fisheries is managing the complaints process**



ESMF Presentation Slides (Tongan)

Halafononga ki ha Ngatai Tu'uloa

Palani ki hono tokangaekina 'o e 'Atakai mo e Sosiale

Polokalama fakatalanoa - Novema 2018

Taumu'a 'o e Palani ki hono tokangaekina 'a e 'Atakai mo e Sosiale

- ▶ Ko e taumu'a fakalukufua ke ma'u ha ola 'oku lelei.
- ▶ Ko hono tokangaekina ha ngaahi ngaue felave'i mo e atakai mo e sosiale 'oku te'eki ke fakakakato.
- ▶ Ko e Palani 'oku 'ikai ma'u 'a e fakaikiiki 'o e ngaahi ngaue taau taha 'a ia 'e fakakakato lolotonga 'a e poloseki.
- ▶ 'Oku kau ki ai 'a e fakaikiiki pe ko hai 'oku ne fakahoko 'a e ngaue mo e taimi ke fakahoko ai.
- ▶ Ko e polokalama fakatalanoa fekau'aki mo e Palani 'oku kau ia ki he ngaahi fiema'u 'o e Palani.
- ▶ 'Oku fiema'u ke 'i ai mo e founa ki ha ngaahi fehu'i pe launga.

**Ko e taumu'a fakalukufua ke 'oua 'e hoko ha ola 'oku
'ikai ke fakafiemalie.**

Ngaahi kongokonga lalahi 'o e Palani.

- ▶ Fakamatala ki he ngaahi ngaue 'o e Halafononga ki ha Ngatai Tu'uloa.
- ▶ Fakaikiiki 'o e ngaahi kupu felave'i ki he 'ataakai mo e sosiale.
- ▶ Founa ki hono vakai'i ha ngaahi fakatamaki.
- ▶ Ngaahi founa ki hono fakapapau'i 'a e tokangaekina 'a e ngaahi tafa'aki ngaue 'a e poloseki.
- ▶ Ngaahi founa ki hono vakai'i 'a e poloseki mo hono lipooti.
- ▶ Ngaahi fakaikiiki pe ko hai 'oku ne fakahoko 'a e ngaahi ngaue mo e taimi ke fakahoko ai.
- ▶ Ngaahi ngofua ki he kelekele.
- ▶ Ngaahi kulupu felalave'i 'i he polokalma fepotalanoa'aki.
- ▶ Ngaahi founa ki he launga.

Ngaahi Ngaue mo e Ola

'Oku kongokonga lalahi 'e fa 'o e Palani tokangaekina 'o e 'ataki mo e sosiale:

1. Kau Taukei mo 'enau fale'i.
2. Ngaahi ngaue pe koloa 'o e Potungaue Totuai:
 - ▶ Ngaue langa iiki kau ki ai 'a e fale tau'anga vaka ki hono muimui'i 'a lao 'o e Toutai.
 - ▶ Ngaue fakalahi 'o e 'ofisi 'o e Potungaue Toutai.
 - ▶ Ngaue langa iiki kihe va'a ngaue 'o e tafa'aki ki hono fakaili 'o e me'a mo'ui 'i tahi.
 - ▶ Ngaue ki hono kumi ha vaka.
3. Ngaue ki hono fakalahi 'o e polokalama "Konga tahi pule'i makehe pe ko e SMA.
4. Ngaahi ngaue pe koloa ma 'a e ngaahi kolo 'oku nau kau mai ki he polokalama "Konga tahi pule'i makehe" pe koe SMA:
 - ▶ Holo fakakolo
 - ▶ Ngaahi tauhele'anga ika (FADs)
 - ▶ Ngaahi Poe faka'ilonga 'o e ngaahi ngata'anga 'o e ngaahi SMA.
 - ▶ Ngaue ki hono kumi ha ngaahi vaka ki hono muimui'i 'a e polokalama "Konga tahi pule'i makehe" pe koe SMA.

Ngaahi me'a ki hono sivilisi'i ha fakatamaki felave'i mo e 'Atakai pe Sosiale

- ▶ Sitepu 1: Fakapapau'i 'a e konga 'o e poloseki 'oku kau ki ai (Konga 'e 4).
- ▶ Sitepu 2: Vakai'i 'a e fakaikiiki 'o e fakatamaki.
- ▶ Sitepu 3: Vakai'i 'a e ngaahi founa ngaue mo e me'a ngaue malu'i.
- ▶ Sitepu 4: Fakatalanoa mo e kau ngaue 'oku nau tokangaekina 'a e Poloseki.
- ▶ Sitepu 5: Teuteu mo fakahoko 'a e ngaahi ngaue tokateu ki ha ngaue pe me'a ngaue malu'i.
- ▶ Sitepu 6: Fakahoko 'a e ngaue ngaue'aki 'a e ngaahi me'a fua.
- ▶ Sitepu 7: Ko hono muimui'i 'a e ngaue mo fakahoko 'a e ngaue ki hano lipooti.

Ko e ngaahi ngaue langa iiki.

- ▶ Fakapapau'i 'a e 'elia 'o e poloseki.
- ▶ Fakafonu 'a e fakaikiiki 'o e ngaahi fiema'u ki he ngaue langa 'o kau kiai mo e ngaahi fakatamaki 'e malava ke hoko.
- ▶ Fakapapau'i 'a e ngaahi founa ngaue moe me'a ngaue malu'i 'oku fiema'u.
- ▶ Fakatalanoa mo e kau ngaue 'oku ngaue 'o e poloseki ki ha ngaahi founa ke faka'ehi'ehi mei ha fakatamaki.
- ▶ Teuteu 'a e ngaahi me'a ngaue.
- ▶ Fakahoko 'a e ngaahi ngaue ke 'oua 'e na hoko ha fakatamaki.
- ▶ Fakahoko 'a e ngaahi ngaue ki hono muimui'i 'a e ngaue langa mo fakapapau'i 'oku 'i ha founa totonu pe.
- ▶ Fakahoko 'ae ngaahi lipooti 'o e ngaue.

Fatongia mo hono ngaahi pole.



Founa ki ha ngofua ki ha ngaahi ngaue felave'i mo e kelekele.

- ▶ Fengaue'aki mo e Potungaue ki he Kelekele mo e Koloa Fakaenatula.
- ▶ 'Oku 'i ai 'a e faingamalie ke fakamu'omu'a 'a e ngaahi fiema'u koloa 'a e Potungaue toutai.
- ▶ 'Oku 'i ai 'a e ngaahi faingamalie ke fakahoko mai 'e he kolo 'oku nau kau mai kihe polokalama konga tahi pule'i makehe 'a e kelekele 'e fiema'u kihe polokalama konga tahi pule'i makehe.
- ▶ 'Oku fakahoko 'a e fakapapau'i 'o e ngaahi 'elia ki konga tahi pule'i makehe.
- ▶ 'Oku 'ikai ke kau 'a e ngaahi koloa taautaha.
- ▶ 'Oku fiema'u ke faka'ehi'ehi 'a e ngaahi 'elia 'oku ngali faingata'a 'a e kole ngofua.
- ▶ Ko e ngaahi ngofua ki he kelekele 'oku fiema'u ke tu'u tau'ataina.
- ▶ 'Oku fiema'u ke 'oua 'e 'i ai ha ola 'oku kovi felave'i mo e kelekele.

Ngaahi kulupu felalave'i 'i he polokalma fepotalanoa'aki.

- ▶ Fepotalanoa'aki moe ngaahi kulupu felalave'i (kakai fefine, kakai tangata, kau taki mo e pisinisi).
- ▶ Fiema'u 'a e taimi ke fakafaingamalie 'a e fepotalanoa'aki.
- ▶ 'Oku fiema'u ke fakahoko ma'u pe lolotonga 'a e poloseki.
- ▶ 'Oku fiema'u ke muimui ki he palani 'o e polokalama fepotalanoa'aki (ko hai 'oku kau ki ai, 'afe, koe ha 'a e taumu'a, ko e ha 'oku fakahoko ai pea 'e fakahoko fefe).
- ▶ Fakahoko 'a e ngaahi ngaue tokateu ki ha ngaue pe me'a ngaue malu'i.

Ngaahi founa ki he launga

World Bank Speak: 'Grievance Redress Mechanism'

- ▶ 'Oku 'osi fokotu'u 'a e polokalama ki he founa launga 'o e poloseki.
- ▶ 'Oku kau ki ai:
 - ▶ Founa ke fakahoko ha launga (telefoni, 'imeili, a'u tonu ki he 'ulu'i 'ofisi)
 - ▶ Ko hai 'oku ne tokangaekina 'a e tafa'aki launga.
 - ▶ Ko fe nai 'a e taimi 'e ma'u ai 'a e ola 'o ha launga ('aho 'e fiha, fai tohi pe fakatalanoa).
 - ▶ Ngaahi founa ki hono tauhi mo muimui'i 'a e launga pea pehe foki ki he founa na'e solova'aki.
 - ▶ Ko e ha 'a e founa mo 'a fe 'e malava ai ha tokotaha na'e launga 'o fakatangi kapau na'e 'ikai ke fiemalie ki he ola 'o 'ene launga.

Ko e Potungaue Toutai 'oku nau faifatongia ki he ngaahi ngaue felave'i mo ha launga.



Project Flyer (English)

Tonga: Halafononga ki ha Ngatai Tu'uloa | Pathway to Sustainable Oceans Project

Ministry of Fisheries are working to implement the Pathway to Sustainable Oceans (TongaFish Pathway) project. The *objective* of TongaFish Pathway project is to strengthen sustainable management and development of Tonga's commercial, aquaculture and community fisheries. The *key driver* is the Tonga Fisheries Sector Plan. The project is designed in two phases, each six years long.



TongaFish Pathway Project Activities

Strengthening Fisheries Compliance to Combat Illegal, Unreported and Unregulated Fishing.

- Improve fisheries compliance in Tonga's oceanic, deepwater, and coastal fisheries.
- Strengthen licensing and rights-based management across all fisheries.

Enhancing Tonga's Fisheries Science Program.

- Improve fisheries science for decision making.
- Develop high potential aquaculture technologies.
- Strengthen Tonga's Special Management Area (SMA) Program.

Investing in Sustainable Fisheries Management and Development.

- Support sustainable commercial fisheries management.
- Support sustainable aquaculture development.

Supporting Effective Fisheries Governance and Project Management.

- Support the ongoing development of an effective governance structure for fisheries.
- Effective and efficient project management of TongaFish Pathway activities.



Environmental and Social Management of Activities

The overall impacts of the project activities are expected to be *highly positive*. Any remaining impacts will be managed through an Environmental and Social Management Framework.

The *purpose* of this is to ensure that any potential adverse environmental and social impacts are identified and then avoided or appropriately managed. Consultation opportunities are included in this process. A method for receiving and handling questions or complaints will be available.

For more information on the TongaFish Pathway project, please contact:
Project Manager Unit, Ministry of Fisheries, phone: 21399, email: pathways@tongafish.gov.to

Project Flyer (Tongan)

Tonga: Halafononga ki ha Ngatai Tu'ulua | Pathway to Sustainable Oceans Project

'Oku lolotoga ngaue 'a e Potungaue Toutai ke fakakakato 'a e ngaahi ngaue ki he poloseki Halafononga ki ha Ngatai Tu'ulua. Ko e taumu'a 'o e poloseki Halafononga ki ha Ngatai Tu'ulua ke fakahoko 'a e ngaahi ngaue fakalalakala ki he sekitoa Toutai felave'i mo e fakakomesiale, tafa'aki ki he fakaili 'o e me'a mo'ui 'i tahi pea mo e komiuniti. Ko e tefito'i ngaue ko 'eni 'oku makatu'unga ia mei he Palani Fakalalakala 'o e Sekitoa Toutai (Tonga Fisheries Sector Plan). Ko e poloseki Halafononga ki ha Ngatai Tu'ulua 'oku taumu'a ke fakahoko 'i ha konga lalahi 'e ua 'a ia 'oku taki ta'u 'e ono.



Halafononga ki ha Ngatai Tu'ulua:

1. Ko e tokangaekina 'a e fakalalakala 'o e tafa'aki ki hono muimui pau ki he lau 'o e Toutai ke tokangaekina 'a e Toutai ta'efakalao, Toutai ta'efakapotopoto mo 'ikai ke muimui ki he Lao.
 - Fakalalakala 'o e tokangaekina 'o e toutai 'i 'oseni, tahi loloto mo mamaha.
 - Fakalalakala 'o e ngaue ki he tafa'aki laiseni fakalukufua 'o e toutai.
2. Ko e tokangaekina 'a e polokalama saienisi felave'i mo e Toutai.
 - Ngaue felave'i mo e polokalama saienisi ke fakalalakala 'a e ngaue ke tokonia 'a e fokotu'u fakakaukau.
 - Ngaahi fakakaukau fo'ou ki he langa fakalalakala ki he tafa'aki fakaili 'o e me'a mo'ui 'i tahi.
 - Fakalalakala 'o e polokalama konga tahi pule'i makehe pe 'oku 'iloa ko e SMA.
3. Ngaue ke toe fakalalakala mo lelei ange 'a e fa'unga 'o e ngaahi palani felave'i mo e fakalalakala hono tokangaekina 'o e ngaahi palani 'o e Toutai.
 - Tokonia 'a e tafa'aki ke toe lelei ange 'a e toutai fakakomesiale.
 - Tokonia 'a e tafa'aki ke toe lelei ange 'a e fa'unga 'o e palani ke tokangaekina tafa'aki ki he fakaili 'o e me'a mo'ui 'i tahi.
4. Ngaue ke fakalalakala 'a hono fakahoko fatongia 'o e poloseki.
 - Tokonia 'a e fakalalakala 'a e fakahoko fatongia lelei 'o e poloseki.
 - Vave mo lelei 'a ngaahi ngaue 'o e poloseki.



Palani ki he Tokangaekina 'a e 'Atakai mo e Sosiale

Ko e taumu'a fakalukufua ke 'oua 'e hoko ha ola 'oku 'ikai ke fakafiemalie. Ko e palani 'oku malava ke ne fakakau ha ngaahi ngaue ki he 'ataakai mo e sosiale 'oku te'eki ke fakakau.

'Oku kau 'a e polokalama fakatalanoa 'i he ngaahi fiema'u 'o e Palani. 'Oku 'i ai 'a e founa ki ha ngaahi fehu'i pe launga.

Ki ha ngaahi fiema'u fakaikiiki fekau'aki mo e Halafononga ki ha Ngatai Tu'ulua:

Project Manager Unit, Potungaue Toutai, 21399 pe ko e pathways@tongafish.gov.to

Annex XIV Grievance Mechanism

COMPLAINTS PROCESS

—1ß#^a ~ #7 11Æ° —1^a ß ° —^a Ö ° Êß ß1Ø ” —#

(aka Grievance Redress Mechanism (GRM))

1. Principles of the Complaints Process

- The Complaints process is for people seeking satisfactory resolution of their complaints on the environmental and social performance of the Tongafish Pathway project by the Ministry of Fisheries (MoF) in Tonga.
- This Process is consistent with the Project's Environmental and Social Management Framework (ESMF).
- The mechanism will ensure the following:
 - the basic rights and interests of every person affected by poor environmental performance or social management of the project are protected; and
 - their concerns arising from the poor performance of the project during the phases of design, construction and operation activities are effectively and timely addressed.

2. How to get in touch:

Anyone can make a complaint or grievance, ask for information on the project or get in touch for any reason. Complaints can be anonymous. The various ways to get in touch are:

- 1) By Phone: +676 21-399 (MoF offices)
- 2) By email: complaints@tongafish.gov.to
- 3) By mail or in person to: Ministry of Fisheries Head Office, Vuna Rd, Sopo, Tongatapu, Tonga
- 4) Website: www.tongafish.gov.to

This information, and a brief summary of the process for answering queries and managing grievances, will be published on the Ministry website or can be provided in person upon request, by email, or by mail.

3. Roles and responsibilities:

The following are persons involved in the complaints process and their supporting roles and responsibilities.

- 1) Focal Point for managing the TONGAFISH PATHWAY Complaints Process: Project Coordinator for the Pathway Project.
- 2) The person who will manage the database and record keeping: Ms. Lavinia Vaipuna, ICT Manager, MoF Head Office.
- 3) Person who will answer simple queries and manage simple complaints: Project Coordinator for the Pathway Project.
- 4) Person who will manage difficult complaints or grievances: Mr Vilimo Fakalolo, Deputy CEO Corporate Services.

- 5) Person who will prepare report for World Bank reporting: Project Coordinator for the Pathway Project.
- 6) Grievance Committee will be formed on an ad hoc basis for complex or significant grievance management. This will be made up of appropriate senior officials (Assistant Secretary level or above) from the following:
 - a. Department of Finance and National Planning with support from CSU Safeguards Specialist.
 - b. Division representative (Head of Division) managing the project at which the complaint is aimed.
 - c. Representative appointed by the Minister for Agriculture, Forestry, Food and Fisheries.

4. The complaints process:

- 1) All complaints or grievances are entered into an assigned database that tracks progress of each complaint/grievance. Complaints records (letter, email, record of conversation) are stored together, electronically or in hard copy. Each record has a unique number reflecting year and sequence of received complaint (i.e. 2018-01, 2018-02 etc.).
- 2) Each complaint/grievance is assigned a specific person responsible for close out.
 - a. Note: The Project Coordinator will provide a monthly report of all complaints received to the CEO, including details of their resolution or on-going action to resolve the complaint. All notifications of potential legal action will be immediately notified to the CEO.
- 3) Each complaint or grievance will have a plan for addressing and closing out:
 - a. Contractor or Fisheries Officer or similar project person can address issues on site as required.
 - b. If it relates to Contractor activities, Project should ensure the Contractor remedies any damage, pays compensation for damage or loss, etc.
 - c. Use of community leaders and customary methods of conflict resolution is encouraged if necessary and appropriate when an issue emerges.
 - d. If an issue/complaint cannot be resolved on site, it is elevated to the Project Manager for resolution (with support from the Safeguards Specialist in the CIU). If the Project Coordinator and Safeguards Specialist cannot resolve the issue, it is referred to the ad hoc Grievance Committee.
 - e. If a resolution cannot be found through the Grievance Committee, the final course of action is the Tonga court system after the mandatory investigation of the use of an independent mediator.
- 4) All simple complaints and grievances must aim to be closed out within 1 month. Complex complaints should aim to be closed out within 3 months or deferred to the Grievance Committee.
- 5) All complainants have the right to use the Tonga court system at any time to seek resolution.
- 6) The Project Coordinator will make adjustments to consultations, the GRM, community engagement, project implementation and other aspects as necessary to avoid future complaints and grievances.

5. Reporting and Evaluation

- 1) Complaints shall be reported in the regular project reporting to the World Bank. It should contain:
 - a. Total number of complaints / grievances received
 - b. Total number resolved.
 - c. Total number under investigation / not yet resolved.
 - d. Total number not yet resolved and also exceeds the recommended close out time of 1 month or 3 months.
 - e. Short paragraph on any significant grievances currently not yet resolved and any risks to project implementation.
- 2) If there are more than 30 complaints / grievances recorded, the Project Coordinator may decide to investigate any patterns or repetition of issues that need addressing. The Project Coordinator may decide to get an independent consultant to review and provide advice.

_____END_____

Annex XV Physical and Cultural Chance Find Procedure

Cultural property include monuments, structures, works of art, or sites of significance points of view, and are defined as sites and structures having archaeological, historical, architectural, or religious significance, and natural sites with cultural values. This includes cemeteries, graveyards and graves.

The list of negative subproject attributes which would make a subproject ineligible for support includes any activity that would adversely impact cultural property. In the event that during reconstruction or construction sites of cultural value are found, the following procedures for identification, protection from theft, and treatment of discovered artifacts should be followed and included in standard bidding documents.

Chance find procedures will be used as follows:

- (a) Stop the earthworks, construction or land clearing activities in the area of the chance find;
- (b) Delineate the discovered site or area;
- (c) Secure the site to prevent any damage or loss of removable objects. In cases of removable antiquities or sensitive remains, a night guard shall be present until the responsible local authorities and the relevant Ministry take over;
- (d) Notify the supervisory Engineer who in turn will notify the responsible local authorities and the relevant immediately;
- (e) Responsible local authorities and the relevant Ministry would be in charge of protecting and preserving the site before deciding on subsequent appropriate procedures;
- (f) Decisions on how to handle the finding shall be taken by the responsible authorities and the relevant Ministry;
- (g) Implementation for the authority decision concerning the management of the finding shall be communicated in writing by the relevant Ministry; and
- (h) Construction work could resume only after permission is given from the responsible local authorities and the relevant Ministry concerning safeguard of the heritage.

These procedures must be referred to as standard provisions in construction contracts. During project supervision, the Site Engineer shall monitor the above regulations relating to the treatment of any chance find encountered are observed.

Relevant findings will be recorded in World Bank Supervision Reports and Implementation Completion Reports will assess the overall effectiveness of the project's cultural property mitigation, management, and activities.