



MEMORANDUM OF UNDERSTANDING (MOU)

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between

Ministry of Fisheries (MoF), Kingdom of Tonga

and

The Secretariat of the Pacific Regional Environment Programme (SPREP)

(together the Parties)

MoF is the Ministry with responsibility for fisheries management in the Kingdom of Tonga.

SPREP is a regional, intergovernmental organisation comprising 26 members consisting of 21 Pacific island countries and territories and five metropolitan countries with direct interests in the Pacific region. The mandate of SPREP is to promote co-operation in the Pacific region and to provide assistance in order to protect and improve its environment and to ensure sustainable development for present and future generations.

Whereas SPREP and the MoF have mutual interests in relation to the protection of the environment and developing and strengthening systems, institutions, organisations and individuals concerned with environmental protection in the Pacific region.

The Parties have reached the following understandings:

1. Objectives

1. The main objective of this Memorandum of Understanding (MOU) is to provide a framework of co-operation between SPREP and MoF.
2. Within this framework the Parties will consult in an effort to collaborate on the activities they identify as requiring implementation.

2. Collaborative Activities

The Parties agree, to the extent possible, but without limitation, to:

1. Consult each other on policy matters of mutual concern.
2. Exchange information on developments and current activities in relation to the environment.
3. Extend to each other standing invitations to be represented by observers at appropriate meetings, including the annual SPREP Meeting and to co-sponsor relevant meetings.
4. Collaborate and support awareness-raising efforts in relation to the environment.
5. Collaborate on the implementation of global and regional priorities in relation to the environment.
6. Collaborate and support capacity-building initiatives in relation to the environment.
7. Keep respective memberships informed of co-operative activities undertaken pursuant to this MOU.



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3. Operational Provisions

1. This MOU constitutes an expression of a shared intention of the Parties to endeavour to develop foundations for achieving their shared objectives relating to the protection of the environment and developing and strengthening systems, institutions, organisations and individuals concerned with environmental protection in the Pacific region.
2. Each Party's actions under this MOU shall be considered to be that Party's sole and separate action for all purposes, including liability, and neither Party shall claim to be acting on behalf of, or as agent for, the other Party to this MOU.
3. Each Party will name and keep updated focal points to co-ordinate the cooperation called for in this MOU.
4. In executing this MOU, neither Party necessarily commits to any financial obligation in relation to activities to be carried out under this MOU.

4. Annexes

1. Specific work once agreed to may be attached as an Annex to this MOU.
2. Such Annex shall form an integral part of this MOU and, unless expressly provided otherwise, a reference to this MOU includes a reference to any such Annex.

5. Duration, entry into force, amendments and termination

1. The duration of this MOU shall be five years, renewable for such further period and as may be agreed between the Parties.
2. This MOU shall enter into force on the date the last Party signs.
3. This MOU may be amended by agreement in writing between the Parties.
4. Either Party may terminate this MOU by giving three months' written notice to the other.

Easter Chu Shing
Acting Director General
SPREP

Date: 5/3/2021

Dr. Tu'ikolongahau Halafih
Chief Executive Officer
MoF

Date: 24/3/2021





**Annex 1 to MOU between SPREP and Ministry of Fisheries, Kingdom of Tonga,
dated 03.03.2021.**

**Bycatch and Integrated Ecosystem Management Initiative, Key Result Area 5 of the
Pacific European Union Marine Partnership Programme**

1. Introduction:

SPREP is the executing agency for Key Result Area 5, the By-catch and Integrated Ecosystem Management (BIEM) Initiative, of the EDF 11 funded Pacific European Union Marine (PEUMP) Programme¹. The purpose of the Initiative is to reduce the by-catch of threatened species in Pacific islands' fisheries and to improve the health of coastal ecosystems through an integrated approach to coastal management and ecosystem-based adaptation to climate change.

Through the BIEM Initiative SPREP will work to support the Kingdom of Tonga deliver its priorities in the sustainable management of Tonga's coastal resources and marine biodiversity, focusing on three integrated key result areas (KRAs):

- KRA 5.4: Assessment of by-catch of endangered species and extinction risk evaluated.
- KRA 5.5: Development and implementation of by-catch mitigation strategies.
- KRA 5.8 Capacity development on Non-Detrimental Findings process for CITES partners.

The implementation of the BIEM Initiative in Tonga will run through to December 2022, with all reports related to the Initiative due for submission to the EU Delegation by March 2023.

As the executing agency, the Initiative will be implemented in accordance with SPREP procedures, as required by the contract between SPREP and the EU.

2. BIEM Initiative activities to be undertaken with the Ministry of Fisheries:

The Parties will collaborate to implement the following activities under each Key Result Area that were approved by Dr. Tu'ikolongahau Halafihī, Chief Executive Officer, MoF and Mr. Paula Pouvalu Ma'u, Chief Executive Officer, MEIDECC, in August 2020 as set out in Table 1.

Table 1: BEIM Initiative approved activities

Approved activity	Total budget Available (USD)	Status
5.4: Assessment of by-catch of marine endangered species and extinction risk evaluated		
Survey of marine turtle use by communities and turtle nesting habitat monitoring in the Kingdom of Tonga	20,000	Initiated through a SPREP Partnership Agreement with Vava'u Environmental Protection Association (VEPA) on 11 November 2020
5.5: Development and implementation of by-catch mitigation strategies		
Training of fishing crews on how to reduce by-catch of turtles and sharks using mitigation measures and training on identification, handling and safe release of captured animals.	41,000	To be initiated following the development of training materials.
Implement an awareness raising campaign for the length of the PEUMP Programme in all populated islands	20,000	To be initiated following the completion of the Survey of marine turtle use and turtle nesting habitat

¹ For further information visit: <https://peump.dev/index.php/>



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Approved activity	Total budget Available (USD)	Status
through radio, TV, media and school activities to: <ul style="list-style-type: none"> ensure communities are aware of the legislation regarding the catch, consumption and sale of turtles in Tonga; build an understanding of the importance of turtles and threats to them in the Kingdom of Tonga and throughout the Pacific; highlight the need to report turtle nesting and unintended capture of turtles; engage church leaders to raise their awareness about the threatened status of turtles and encourage them to stop serving them at conferences; and develop a system to ensure data is shared between MoF and Police Department to help build the full picture of illegal take. 		monitoring in the Kingdom of Tonga under KRA 5.4.
5.8: Capacity development on Non-Detrimental Findings process for CITES partners:		
Virtual workshop and support to develop Annex II teatfish NDF preparation by TRAFFIC prior to 28 August 2020 deadline	(Centrally funded)	Complete
Attendance at a virtual regional workshop on the preparation of NDFs for other Annex II species	(Centrally funded)	To be arranged by TRAFFIC and SPREP in 2021
NDF development for CITES listed sharks, coral and cultured giant clams.	24,000	Advertised twice. No bids received. Alternative options being explored.

3. Institutional roles and responsibilities

1. MoF will:

- Actively participate in the BIEM Initiative to approve the planning, implementation and reporting of BIEM activities, including financial and contractual arrangements.
- Commit sufficient staff time, skills and expertise to engage in agreed activities throughout the implementation and reporting period.
- Provide guidance and support to the BIEM Initiative team to enable them to coordinate the development and implementation of the agreed activities.

2. SPREP will:

- Work proactively to support MoF deliver its obligations and priorities where there is clear alignment with the implementation of BIEM Initiative KRAs.
- Be responsible for directly funding activities identified in Section 2 of this MoU line with SPREP's Procurement Policy. No funds will be provided to Kingdom of Tonga Government Ministries unless granted through a formal contractual process.
- Require all raw and processed data and reports generated through the Initiative to be shared with the Tongan Government and promote its availability through appropriate information platforms.



4. Governance of the BIEM Initiative:

As approved by Dr. Tu'ikolonga Halafih, Chief Executive Officer, MoF and Mr. Paula Pouvalu Ma'u, Chief Executive Officer, MEIDECC, in August 2020, MEIDECC will be the focal Ministry for the BIEM Initiative, with MoF being the implementing partner.

BIEM Initiative focal points:

- MoF: Poasi Fale Ngaluafe, Deputy CEO Fisheries Compliance Division.
- MEIDECC: Atelaite Lupe Matoto, Director of Environment.
- SPREP: Jamie Davies, BIEM Initiative Manager for SPREP.
Anissa Lawrence, (TierraMar Ltd) will provide the technical point of contact for the MoF throughout the Initiative as she is contracted by SPREP to coordinate the by-catch mitigation and species conservation components of the BIEM Initiative.

To ensure MoF (and MEIDECC) have a leading role in the design, management and evaluation of the work undertaken the following process will be implemented to finalise the scope, timing and budget dedicated to the activities listed in Section 2:

1. SPREP will develop terms of reference (ToR) in collaboration with MoF (and MEIDECC) that set out the:
 - a. scope and objectives of activities.
 - b. location and partners to be involved.
 - c. costed workplan, setting out planned timetable of activities and proposed budget.
2. MoF and MEIDECC will comment on and approve the ToR for finalisation by SPREP.
3. SPREP will advertise for external contractors to submit tenders for the work in accordance with SPREP procedures.
4. SPREP, MoF and MEIDECC will evaluate tenders and determine the successful applicant.
5. SPREP will contract and manage services in line with the approved ToR and SPREP procedures.
2. The Ministries are updated on progress and provided with draft and final reports as set out in the ToR.

5. Visibility and Communication arrangements:

SPREP and the MoF will work collaboratively to positively promote the BIEM Initiative throughout Tonga. All media, reports and other visibility products will be approved by the MoF and MEIDECC in line with the PEUMP Programme Communications and Visibility Strategy, SPREP style guidelines and BIEM Initiative Guidance Notes for BIEM Partners and Contractors on Communications and Visibility.

SPREP will fund the production of communications and visibility outputs approved by the Ministries.

Media releases and communications outputs will be approved through the following process:

1. SPREP, MoF, MEIDECC or service provider draft media release/output, within input from SPREP Communications contractor.
2. Director/Principle Officer MoF, MEIDECC and BIEM Initiative Manager approve text, logo line up and design.
3. SPREP Communications contractor submits to PEUMP Programme Management Unit (PMU) for approval.
4. Following approval, PEUMP PMU submits to EU Delegation for approval.
5. Publication of media/output.

