

**ENFORCEMENT
ARCHITECTURE FOR
SEABED MINING
TONGA**

By : Rose Lesley Kautoke

OVERVIEW OF PRESENTATION

1. Enforcement Institutions for Seabed Mining
2. Legal provisions for enforcement
3. Challenges undermining enforcement
4. Conclusion

1. ENFORCEMENT ARCHITECTURE

Government Oversight Institutions	Role
Ministry of Lands and Natural Resources	Administering, monitoring and regulating seabed mining within Tonga's exclusive economic zone and activities sponsored in the Area
Tonga Seabed Authority (To be operationalized)	Regulation and administration of seabed mining activities within Tonga's national jurisdiction and activities sponsored in the Area, administrative measures and enforcement orders
Attorney General's Office	Prosecutes all criminal offences on behalf of Government
Office of the Ombudsman	Avenue for community concerns and complaints to be raised
Parliament	People representatives can voice concerns of their respective communities

2. LEGAL PROVISIONS FOR ENFORCEMENT

Types of enforcement	Description
Monitoring	Reports from Contractors, assessing the report of the LTC
Permitting and Licensing	Conditions prescribed under licenses and permits
Enforcement Orders	requiring corrective action in relation to a suspected, observed or anticipated contravention of this Act, Regulations made under this Act, or a term of a Title, or in respect of any suspected, observed or anticipated circumstance that presents or would present a risk to life/environment
Offences	Lesser offences are fines, serious offences include forfeiture orders

3. Challenges undermining enforcement

1. Capacity
2. Financing
3. Community engagement

4. CONCLUSION

- Enforcement architecture needs significant improvement
- Financing of enforcement measures remains
- Need to address capacity constraints