

Final Report

**Joint Assessment Review
of the
Tonga Police Development Programme
23 May – 6 June 2011**

Commissioned by
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Contents

Executive Summary	iii
Overview of the Tonga Police Development Programme	1
The Joint Assessment Mission.....	1
Trilateral Discussions	1
The Memorandum of Arrangements	2
The Tonga Police Strategic Plan 2009-2013 and the Four Year Business Plan.....	3
Background to and Purpose of the Joint Assessment Review.....	3
Approach and Methodology	3
Limitations and Constraints.....	5
Findings and Conclusions.....	6
Outcome 1. Assessment of Tonga Police Development Programme progress	6
Outcome 1.1 TPDP planning, implementation, governance arrangements.	6
Outcome 1.2. The new systems, processes, approaches and culture	15
Outcome 1.3. The working relationships	17
Outcome 1.4 Risks	17
Outcome 1.5 Recommendations on implementation for the remaining term.	22
Outcome 1.6 Monitoring and Evaluation.	23
Outcome 2. An outline of the Current Tonga Police operation.	24
Outcome 2.1 The attributes of the existing Tonga Police operations and the attributes of an appropriate, effective and sustainable Tonga Police.	24
Outcome 2.2 The key priority areas for future development.....	25
Outcome 2.3. Options for donors.	28
Lessons Learned.....	28
Recommendations	30
Appendices	34
1. Acronyms.....	35
2. Terms of Reference.....	36
3. Review Work Plan	45
4. Overview of the Tonga Police Development Programme.....	52
Police Commander/Commissioner	58
5. Organisation Chart	59
6. Extracts from the Tonga Police Act 2010.....	60
7. Consultations/Workshops	61
8. Implementation of the Police Act.....	62
9 Reference Documents and Data Sources	63

Executive Summary

Background

The Tonga Police Development Programme (TPDP) – a partnership between the Governments of Tonga, New Zealand and Australia – came about following riots in Nuku'alofa in 2006. Two scoping missions were carried out in 2007. These missions outlined the scope of work that needed to be done and provided some guidelines for a project design. However the project design was never undertaken and a list of activities suggested in the first scoping mission became the focus for implementation. The TPDP commenced in 2008 and the current funding arrangements cease on 30 June 2012. The overall goal or objective of the TPDP is *an effective Tonga Police which has the trust and confidence of the community.*

Tonga, New Zealand and Australia contribute to a Trust Fund administered by the Ministry of Finance in Tonga. Running costs and procurement are funded from this trust fund. The New Zealand Police (NZPol) and the Australian Federal Police (AFP) provide the technical assistance and manage their respective contributions to TPDP on behalf of Ministry of Foreign Affairs and Trade (MFAT) New Zealand's Aid Programme and Australian Agency for International Development (AusAID).

In October 2010, donors called for a mid term review to be undertaken and the three Parties agreed to a Terms of Reference in April 2011. A Review Team - consisting of two technical advisors (serving police officers from AFP and NZPol), a Tongan organisational and government consultant and an independent international development consultant – undertook the review between 23 May and 7 June 2011.

The Review Team was asked to: 1. give a detailed assessment of progress against stated objectives; and 2. to describe an appropriate, effective and sustainable Tonga Police and to make recommendations on the priority areas to be developed to enable this described Tonga Police to be achieved.

The review was undertaken in a participative way with semi-structured interviews with people who had previously been interviewed during the scoping missions, with the Tonga Police Executive, with government officials and Ministers and with Tongan civil society. Stratified workshops were also held with 86 Tonga Police staff.

Key findings

Overall objective

Considerable progress has been made towards achieving the TPDP's overall objective. A significant majority of people interviewed indicated that the Tonga Police have come along way since the start of the Programme in regaining the trust and confidence of the Tonga community. Respondents also commented on the improvement in the Tonga Police effectiveness. These findings have been verified by the first of a series of Community Perception Surveys conducted by the University of the South Pacific on behalf of the TPDP.

Planning and implementation

The Review found that there is a nested hierarchy of planning tools to assist the Tonga Police implement their functions. There is a Strategic Plan 2009-2013 and a four year Business Plan outlining the work required to achieve the goals in the Strategic Plan. For each year's activities there is an Annual Action Plan and within the Action Plan are referenced the activities that will be undertaken by the TPDP to help the Tonga Police realise their Annual Action Plan.

Governance

A Project Management Committee (PMC) has been set up in line with the recommendations of the scoping missions. Despite meeting frequently in the initial stages of the TPDP, the PMC has not been meeting regularly with a fourteen month gap between the last two meetings. The Review finds that there is a need for regular oversight of the TPDP by the PMC. This issue has been resolved with a decision taken at the last PMC meeting (30 May 2011) to meet on a six

monthly basis in future to ensure that the external members are involved in the oversight of the TPDP.

Progress against activities

Progress against the listed activities has been well documented in the nine quarterly acquittal and narrative reports provided to Partners over the last three years.

Short term: Of the list of 8 short term activities to be undertaken by the TPDP, the review found that considerable progress has been made. Most of the tasks listed have been achieved: filling the position of Police Commissioner; review of the Police Act and the separation of powers between the Police Commissioner and the Minister; provision of a programme support team; a mutually agreed policing style; the development of a communications strategy; provision of equipment etc to support police operations; and studies of training, organisational structure, building and accommodation needs. However the review found that in the case of the communications strategy there are some serious shortcomings in effectiveness which have caused some major disruptions to the implementation of the TPDP and the operations of the Tonga Police. One other activity – the annual reviews – has not been implemented.

Medium to long term: Of the list of 7 medium to long term activities, the review again found that much had been achieved:

A training advisory team had been deployed with several long term advisors having been posted to the Training School and that many short term advisors had delivered training. The TPDP had also arranged for some courses to be delivered locally by the University of the South Pacific and other external providers.

A procedures, practices and policy team had been partially deployed – the scoping mission called for a 2 year engagement but only one advisor was in place and then only for 6 months.

Implementation of a legislative reform programme has been partially achieved – the Liquor Act, the Breath Testing Act and the Police Act have been achieved and are making a difference on the ground to the Tongan community¹. However much work remains unfinished – the regulations required for the Police Act; the reform of other legislation which would free up Police from work not associated with normal policing.

Implementation of a building equipment and infrastructure programme has been partially completed. Studies have been carried out and the Tonga Police now has a building replacement and renovation programme in place – and while some work has commenced on building - funding remains an issue.

Activities not achieved are:

The Government of Tonga (GoT) has not given the setting up of an ombudsman's office the priority envisaged in 2007. The GoT² however states that this may go ahead after the Anti-corruption Commissioner position is established. While the establishment of the Ombudsman's Office is important for the Tonga Police reforms in the longer term, the priority setting is clearly beyond the capacity of the TPDP to influence.

The deployment of Australian and New Zealand (ANZ) workplace mentors has been achieved at the higher level, but not at the lower levels envisaged in the scoping missions. However a local mentoring programme for new recruits has been set up under the auspices of the Training School and assisted by the TPDP.

Development of an information technology programme has not been achieved. A TPDP study indicated that the original intention was too ambitious and beyond the capacity of the GoT to maintain. Work is currently underway to examine other more appropriate options.

¹ A common theme in the responses from the public and external stakeholders.

² Comment from Attorney General and Deputy Prime Minister 30 May 2011

The indicative lists of activities from the scoping missions became the Programme activities and were fitted into the Strategic and Business Plans. However, the four Project Components suggested in the second scoping mission³ were largely forgotten or overlooked. The components were: 1. Institutional Capacity Building; 2. Individual Capacity Building; 3. Infrastructure and Equipment Provision; and 4. Program Management and Coordination.

While some activities have been undertaken in individual and institutional capacity building (e.g. a code of conduct, complaints and disciplinary procedures, planning and budgeting, asset management, training), other important activities - not in the scoping mission lists but vital to the implementation of a capacity building project as foundation blocks – listed in Project Components 1 and 2 (management reform especially in human resource and finance) reforms have not been undertaken. Despite the fact that this is a capacity building project with a focus on organisational reform, change management has only recently become a focus of the Programme⁴. With hindsight a project design would have revisited the activity lists and incorporated them in these components providing a sensible and programmed framework to build the capacity of the Tonga Police and assist it to implement its Strategic and Business Plans. The Review finds that the lack of a project design document has limited the success and sustainability of Programme progress.

On new systems approaches and culture, the review found that the communications problems referred to above have caused disquiet and confusion among staff and also among external stakeholders (politicians, business people and the community). This outcome has negatively impacted on the operations of the Tonga Police and distracted them from the reforms and their day to day functions.

The review found that working relationships between the advisors and the Commissioner, the advisors and their counterparts, the AFP and the NZPol were excellent. The concern expressed to the review about communications between the AFP in Canberra and the NZPol in Wellington has been resolved by the setting up of regular scheduled phone conferences.

Risks

Risks identified in the scoping missions still remain although now to a lesser extent. However there are high level risks for the TPDP now with main ones being:

- the likely departure of the incumbent Police Commissioner who is seen as the main driving force behind the TPDP and the associated loss of momentum on his departure (either in September this year or in 2013;
- the risks associated with the economic recession currently facing Tonga and the likelihood of Tonga not being able to meet its commitment to the Trust Fund.
- Cabinet asking that the Police Act 2010 be reviewed in the aftermath of the April petition by some Tonga Police staff to the Prime Minister expressing no confidence in the Commissioner. The Act is the foundation for the reforms and if repealed or completely revised the impetus for change may disappear.

Limitations and constraints

There were two studies to take place which would have informed the Review, but they had not been completed at the time of the field work: the Cost of Policing Study and the 2011 Community Perceptions Survey. Because these would inform the Programme more fully and because of the limited time available for field work, the Review Team did not examine the areas of costs and – apart from some fairly superficial questioning – the changes in community perceptions of the Tonga Police.

³ Tonga Police Trilateral Discussions, Final Issues Report (McGovern Report) 27 November 2007.

⁴ Tonga Police Commissioner comment 5 July 2011

Conclusion

The Review found that the changes and reforms undergone by the Tonga Police are not yet sustainable and require further significant inputs.

However, overall progress against the objectives and activities has been remarkable given the lack of a properly structured project design and has provided the TPDP with an appropriate foundation for future development. Given the progress made and the willingness shown by the Tonga Police for the changes being brought about by the TPDP, the review found that the Programme should be extended.

Recommendations

The Review's recommendations are listed in the text of the main Review Report. The key and critical recommendations are listed below:

- The TPDP is extended for at least an additional five years from 1 July 2012 to 30 June 2017. This will require an urgent commitment from the Partners and a project design to be completed by March 2012.
- The TPDP revisit the four Project Components listed in the McGovern Report and urgently focuses on management reform and provides the necessary advisors with good change management skills as a prerequisite.
- The Tonga Police Executive are more closely involved with the definition of tasks for and the selection of advisors.
- Tonga Police urgently review their communications strategy and the TPDP consider hiring local consultants if required to assist.

Overview of the Tonga Police Development Programme

There were three major documents informing the development of the Tonga Police Development Programme (TPDP): The Joint Assessment Mission Report February 2007, the Trilateral Discussions Final Issues Paper (McGovern Report) November 2007 and the Memorandum of Arrangements. For more detailed summary of these documents, see Appendix 4. A brief summary follows.

The Joint Assessment Mission⁵

In September 2006, the Tonga Police Force (TPF) and the Government of Tonga (GoT) requested assistance from the Governments of Australia (GoT) and New Zealand (GoNZ) for police related assistance. Following civil unrest in Nuku'alofa in November 2006 and subsequent criticisms of the TPF's response to these events, the GoT invited the Governments of Australia and New Zealand (ANZ) to undertake a joint assessment of the TPF. A Joint Assessment Mission (JAM) was conducted from the 5th – 17th February 2007.

The JAM recommended a wide range of assistance measures designed to support future development of the TPF. Some of the measures required enabling action by the GoT with support from ANZ. Many of the broader measures required future funding commitments from the GoT and will depend on strong GoT leadership. The JAM recommended that any package of assistance only proceed following a firm commitment from the GoT to provide its own enabling budgetary allocations to the development of the TPF.

The JAM outlined a list of activities which consisted of: short-term activities necessary for an effective and efficient TPF; and long-term activities aimed at ensuring that short-term changes are persuasive and that the TPF emerges as a professional police service.

Trilateral Discussions⁶

From 21-23 August, 2007, Trilateral Discussions took place in Nuku'alofa between the ANZ and the GoT, with a view to discuss the practical steps of adopting the recommendations on the JAM Final Report April 2006 and effecting a design-implementation phase of the joint Australia and New Zealand assistance to the TPF.

The Tonga Police Trilateral Discussions Final Issues Report (The McGovern Report) proposed a programme of assistance to the Tonga Police Force (TPF) to be named the Tonga Police Development Programme (TPDF) and set out clear options and recommendations for future actions for the design-implementation phase of the Program.

Phasing and rolling design

The McGovern Report recommended the programme be delivered in two phases of short term and medium to long term assistance (the list of activities from the JAM) and set out some guidelines to design a programme to run to 30 June 2012.

The McGovern Report suggested that the Programme design should be built around four components:⁷

- Component 1 – Institutional Capacity Building;
- Component 2 – Individual Capacity Building;
- Component 3 – Infrastructure and Equipment Provision; and
- Component 4 – Program Management and Coordination.

It also set out some clear development principles based around the Paris declaration to guide the design and implementation of the Programme.⁸ The design was never undertaken.

⁵ The JAM summary is taken from the Tonga Police Trilateral Discussions, Final Issues Report, Nov 2007 pp 4-6

⁶ Tonga Police Trilateral Discussions/McGovern Report pp 6-9

⁷ Ibid pp10-11

Monitoring and Evaluation⁹

The TPDP set up a M&E Framework in 2009.¹⁰ The work was undertaken by an officer from the NZPol under supervision of the AFP and NZPol long term advisors seconded to work on the TPDP. At the PMC meeting held on 30 May 2011, a decision was made to review the M&E Framework to make it more suitable and appropriate for the needs of the Tonga Police going forward. This review is to take place in the ensuing twelve months.

The Memorandum of Arrangements

A Memorandum of Arrangements (MoA) setting out the working arrangement was drawn up. This MoA adopted the set of principles from the McGovern Report to guide the implementation of the Programme¹¹:

1. The Government of Tonga's leadership and ownership of the Program is maximised.
2. The package of support is well aligned with the Government of Tonga's needs and priorities.
3. The pace of implementation is appropriate and responds to the absorptive capacity of the TPF.
4. The focus is on capacity building, not capacity supplementation.
5. The Programme is based around a mutually approved community policing style.
6. The Programme will support the long term financial sustainability of capacity built into the TPF within the financial limits of the Government of Tonga.

It also stressed the need to acknowledge the partners' commitment to the Paris Declaration on Aid Effectiveness¹² and in particular: ownership by the GoT; alignment with GoT procedures, policies and systems; harmonisation of Partners' contributions and systems; the programme should be managed for results – with a focus on achieving the objectives through results-oriented reporting and monitoring frameworks; and mutual accountability and transparency of the use of development resources.

The MoA also set out a two tier framework for the governance of the Programme. Strategic oversight was to be provided by the Cabinet Security Committee with Programme management being provided by a Programme Management Committee (PMC). Sub-committees may be established by the PMC to undertake particular projects under the Programme. The PMC was to report to the Cabinet Security Committee on a three monthly basis or as required.

All three documents had as a pre-requisite the need for the duties and responsibilities of the Minister and the Commander/ Commissioner to be separated and clearly defined.¹³

All three documents¹⁴ included the list of short term and medium to long term activities more or less as set out by the JAM. All three documents contained the list of guidelines or principles for implementation. Critically however, there is no mention in the MoA of the four Project Components listed in the McGovern Report and there is no mention of the Phasing and Rolling Design process which included a list of achievements expected by the end of the first phase, and there is no mention of the recommendation that a project design needing to be completed by the end of 2008¹⁵.

The three partners signed the MoA on 2 July 2008 and the Tonga Police Development Programme commenced from that date.

⁸ McGovern Report p 11

⁹ Ibid p 14

¹⁰ Tonga Police Force, Monitoring and Evaluation Framework, June 2009.

¹¹ Memorandum of Arrangements ... in relation to the Tonga Police Development Programme 2008-2013, undated but signed on 2 July 2008. Also the McGovern Report p11

¹² OECD, *The Paris Declaration on Aid Effectiveness*, March 2005

¹³ This was achieved with the enactment of the Tonga Police Act 2010– the Minister to be responsible to Cabinet for (a) the proper administration for the administration of the [Police] Act and (b) the efficient management of the Tonga Police. The Commissioner was to be responsible for all operational and administrative matters

¹⁴ The JAM Report, the McGovern Report and the Memorandum of Arrangements

¹⁵ McGovern Report pp9-10

The Tonga Police Strategic Plan 2009-2013 and the Four Year Business Plan

Following its commencement the Programme, in line with one of the activities listed in the McGovern Report¹⁶, developed a Strategic Plan 2009-2013 for the Tonga Police¹⁷. This Strategic Plan set out:

- the vision for the Tonga Police: Safer Communities;
- a mission statement: *To be the leading police service in the Pacific, working in partnerships to maintain law and order, keep the peace, prevent crime and road trauma, and enhance public safety;* and
- three Strategic Goals.
 1. *Community Reassurance* [with an outcome of] *Confident, safe and secure communities*
 2. *Policing with Confidence* [with an outcome of] *Less actual crime, less actual road trauma, fewer victims.*
 3. *Organisational Development* [with an outcome of becoming] *The Pacific's leading Police service*

The Programme then assisted in the preparation of a Four Year Business Plan for the Tonga Police. The Programme again assisted the Tonga Police to prepare Annual Action Plans designed to achieve the outcomes identified in the Four Year Business Plan. Activities funded by the Programme designed to support the Tonga Police implement this Four Year Business Plan are then put in place.

Background to and Purpose of the Joint Assessment Review

Background

Under the MoA, the Parties *may at any time constitute an independent monitoring and review group to review the TPDP.*¹⁸

The McGovern Report called for a review to be undertaken as part of the design process at the end of 2008 and the MoA listed (as one of the short term activities) the need for annual reviews of the Programme implementation. These reviews have not been done.

It is common practice among development partners to carryout mid-term reviews of projects where an extension is to be considered as is the case with the TPDP. In October 2010 donors made a decision to carryout this review. The three partners agreed on a Terms of Reference for the Review in April 2011 and a Review Team was selected and commenced in country on 23 May 2011.

Purpose¹⁹

As stated in the Terms of Reference (ToR), the purpose of the review is to: provide the TPDP partners with an independent assessment on the progress of the TPDP; describe the current state of the Tonga Police operations; and identify future priority areas for development and the potential role of the partners in ongoing assistance. (See Appendix 2 for the full ToR.)

Approach and Methodology

The ToR asked the Review Team, under Outcome 1, to provide a *Detailed assessment of how the Tonga Police Development Programme is tracking to deliver its stated objectives, how programme implementation is progressing, and recommendations for any required changes.*

¹⁶ McGovern Report p9 *Development of a Policy Framework/Vision for the TPF*

¹⁷ Tonga Police, *Policing with confidence, the Tongan way, Strategic Plan 2009 to 2013*

¹⁸ Memorandum of Arrangements ... in relation to the Tonga Police Development Programme, 2008 – 2013.

¹⁹ Taken directly from the Review TOR p2

However the objectives of the Tonga Police Development Programme were never stated in any official document.

As mentioned above, the Programme evolved from the JAM²⁰, the McGovern Report²¹ and the MoA. The only formally accepted document is the agreement contained in the Memorandum of Arrangements (MoA)²² signed by the three parties in 2008.

Discussions with Senior Advisors, the Police Commissioner, NZMFAT staff and other advisors revealed some confusion as to which of the three documents mentioned was being used as the basis for the TPDP with each of the documents being referred to as the main source of the Programme on separate occasions.

While all three documents have a variation of the activities to be undertaken, it is difficult to find any expressly stated objectives or goals for the Programme. However

- There is a reference to a sort of vision or objective in the JAM in the sub-title on the cover sheet *Creating an Effective Tonga Police Force which has the Trust and Confidence of the Community*.
- The closest thing to an objective visible in the McGovern Report is a reference in a letter attached to the JAM from the Prime Minister's Office that the GoT requires assistance *in strengthening the TPF thereby re-establishing the confidence and trust of the people of Tonga in the TPF and the benefits that will follow*²³.
- The MoA: *The Governments of Tonga, Australia and New Zealand are committed to creating an effective Tonga Police which has the trust and confidence of the community*.²⁴

In the absence of any other specific evidence, the Review Team has accepted that the overall goal or objective of the TPDP is *an effective Tonga Police which has the trust and confidence of the community*. This was the objective against which progress was assessed.

On Programme Implementation: While there was some difficulty in defining the goals or objectives of the Programme, the original outline of the activities that were suggested in the JAM remained basically unchanged in the McGovern Report and the MoA.

This programme design proposed in the McGovern Report did not take place and when the TPDP commenced, the only "official" document was the MoA. The MoA however was not (and never was intended to be) a template for implementing a project or programme. It was simply an understanding of how the three parties would work together. Never-the-less, in the absence of a project design document, the activities listed in the MoA became the activities to be assessed in Outcome 1.

Work Plan

The Review Team prepared a Draft Work Plan (Appendix 3) which was prepared against the two main outcomes in the ToR:

Outcome 1: Detailed assessment of how the Tonga Police Development Programme is tracking to deliver its stated objectives, how programme implementation is progressing, and recommendations for any required changes.

Outcome 2: Outline the current TP operation and describe an appropriate, effective, and sustainable TP (based on available information, e.g. Police Act) and make recommendations on the priority areas for future development to reach this sustainable state.

The findings regarding Outcome 1 were mainly sourced through written reports from the Tonga Police and from interviews with Police Officers, advisers and ANZ High Commission staff.

²⁰ Report Tonga Police Force Joint Assessment Mission 5-15 February 2007

²¹ Tonga Police Trilateral Discussions 21-23 August, 2007, Final Issues Report 27 November 2007. AKA, The McGovern Report.

²² Memorandum of Arrangements between the Government of Australia and the Government of New Zealand and the Government of Tonga in relation to the Tonga Police Development Program 2008-2013 (MoA)

²³ The McGovern Report p7

²⁴ MoA p3

Community perceptions surveys (done by others) will measure over time the achievement towards the objective of the TPDP *an effective Tonga Police which has the trust and confidence of the community.*²⁵

The findings regarding Outcome 2 came mainly from a series of semi-structured interviews with key internal and external stakeholders²⁶ and a series of stratified workshops with Tonga Police officers. See Appendix 7 for the list of people interviewed and consulted and Appendix 8 which outlines the sentiments and thoughts of the 86 police officers who participated in the three workshops.

The requirements of the ToR were further explained to the Review Team by NZ MFAT staff at a briefing on arrival in Nuku'alofa. The Team was to adopt a two pronged approach: to monitor and report on what has been delivered; and to identify priorities for future funding:

- monitor – look also at whether or not the programme is likely to meet its objectives; is the PMC a suitable vehicle to manage the programme; are the Tonga Police collecting appropriate information to allow monitoring; are any shifts off track justified?
 - based on documents and supplemented by conversations
 - the review was to take a monitoring approach rather than an evaluative one.
- are original objectives still valid?
 - provide a broad overview of the programme's likely future directions - sufficient to get a high level dialogue going between the three partners

The make up of the Review Team membership was reviewed between the Team Leader and NZ MFAT to allow for a Tongan to be appointed as a full team member to take the place of the researcher and facilitator.

Limitations and Constraints

There were two studies to take place which would have informed the Review, but they had not been completed at the time of the field work: the Cost of Policing Study and the 2011 Community Perceptions Survey. Because these would inform the Programme much more fully and because of the limited time available for field work, the Review Team did not examine the areas of costs and – apart from some fairly superficial questioning – the changes in community perceptions of the Tonga Police.

Given the time in country, the Team was only able to visit one police station away from Tongatapu.

There was also a surprise public holiday (Emancipation Day) during the field work in Tonga limiting the access the Team had to key stakeholders. During this time there were also other celebrations or public parades which caused some disruption to the interview schedule– Education Day and the opening of Parliament.

The late appointment of the two Technical Advisers and the Tongan Team member meant that it was not possible to arrange or confirm appointments with some key stakeholders ahead of the visit which again caused some disruption to the interview schedule.

The disruptions to the interview schedule meant that some interviews slipped into the time scheduled for analysis and writing and other interviews some key stakeholders were not possible. However there was sufficient consensus among the people interviewed to allow the Review Team to reach its findings with confidence.

²⁵ MoA p3

²⁶ The Review Team attempted to interview as many as possible of the people/organisations that had been interviewed in the two scoping missions.

Findings and Conclusions

The TPDP, as with other institutional strengthening projects in developing countries, is operating in a difficult, frustrating and complex political and cultural environment.

Findings and conclusions have been related directly to Outcomes 1 and 2 in the Review Terms of Reference. See Appendix 1.

Outcome 1. Assessment of Tonga Police Development Programme progress

Detailed assessment of how the Tonga Police Development Programme is tracking to deliver its stated objectives, how programme implementation is progressing and recommendations for any required changes.

Overall progress to date - given the lack of a well defined project design - has been good and has given the Tonga Police a good foundation on which to build the next phase of the TPDP.

Outcome 1.1 TPDP planning, implementation, governance arrangements.

The degree that TPDP planning, implementation, governance arrangements, current Programme Management Committee (PMC) and project management and if progress to date is on track to meet the stated objectives.

Overall Objective

Interviews with key stakeholders and the general public strongly indicated that the Tonga Police have come a long way since the TPDP started in 2008 in regaining the trust and confidence of the people of Tonga. This view was also held by the police officers themselves. There were some reports of problems with individual police officers, but these were by far outweighed by the positive comments received by the Review Team. This finding is supported by the first Community Perceptions Survey which also recorded positive outcomes in this area.

Continuing progress towards the Programme's main objective will be best measured by the ongoing Community Perception Surveys. The Review understands that there may be some changes to the sampling being undertaken in that there may now be a requirement for a percentage of those sampled to have had direct dealings with the Tonga Police. This statement has not been verified by cross checking but is raised as a possible risk to the Programme. See also under Risks.

Planning and Implementation

Planning and Implementation

The Review found that one of the issues affecting the implementation of the TPDP is the lack of a coherent and structured Project Design.

In the absence of a design document, the activities in the lists in the two scoping missions and the MoA became the activities to be implemented by the TPDP.

The TPDP developed a Strategic Plan and a Four Year Business Plan for the Tonga Police in 2008. This was the stage where a project design should have taken place to verify and, with direct Tonga Police participation at relevant levels, identify in more detail the activities that were needed to assist the Tonga Police successfully implement its Strategic and Business Plans. The project design would also have laid out a schedule and a programmed framework to implement the revised TPDP activities in a logical and sequential way to optimise the impact of the activities on both the TPDP and the Tonga Police. The project design should have been undertaken by a team with expertise in organisational change and development as well as policing.

There is however a work planning system in place. The Strategic and Business Plans set out what the Tonga Police hopes to achieve during their four year currency. These Plans are supplemented by Annual Action Plans which describe the activities (and the required budgets) to be undertaken by the Tonga Police for a particular year. TPDP activities (called Projects and

based around the “activity lists”) are then arranged or scheduled to assist the Tonga Police to deliver their activities. While this is as it should be to meet the spirit of the Paris Declaration²⁷ and the Pacific Principles²⁸ on Aid Effectiveness, the listed activities for the TPDP were not tested in a significant way and were never set out under a logical framework for project implementation. In other words, the activities which were accepted as listed in the MoA were not necessarily a natural fit to the Strategic and Business Plans.

This lack of a “proper” project design may have led to sub-optimal scheduling of activities – e.g. the human resources and financial management reforms would normally have commenced earlier in an organisational capacity building project.

It should be noted that the TPDP, despite the lack of a design document, has still managed to meet most of the short term stated objectives, discussed below.

As the program evolves it will be imperative for a formal design with a strong emphasis on sustainability to be carried out prior to the commencement of any extension.

It is recommended that a design process for the next phase be commenced as soon as possible and that the designers revisit the four components from the McGovern Report. See suggestions under Outcome 2.

Governance

The MoA outlined a two tier Governance framework, with strategic oversight and direction provided through the Cabinet Security Committee and Programme management provided by the Programme Management Committee (PMC).

The Cabinet Security Committee has not been formed. Despite this, the PMC decided at its meeting on 31 May 2011 that it still had an obligation to report to Government.²⁹ The Review Team shares this view.

It is recommended that the PMC engagement with the Tongan Cabinet be formalised. This could be to any committee replacing the Cabinet Security Committee or direct through the Minister.

Project Management Committee

A PMC, consisting of key TPF personnel, associated government ministries and departments as well as civil society was to be set up with a Terms of Reference to oversee the implementation of the Programme. Despite meeting frequently in the initial stages of the TPDP, the PMC has not been meeting regularly with a fourteen month gap between the last two meetings. The Review finds that there is a need for regular oversight of the TPDP by the PMC. This issue has been resolved with a decision taken at the last PMC meeting (30 May 2011) to meet on a six monthly basis in future to ensure that the external members are involved in the oversight of the TPDP. Day to day oversight of project activities is managed by the Action Planning Committee which meets on a monthly basis.

The Review Team agrees with the decision by the PMC to hold 6 monthly meetings and not quarterly meetings as proposed in the MoA. Quarterly meetings would have added an extra layer of reporting which is not needed, and the existing practise of not scheduling regular PMC meetings effectively excludes some external stakeholders from the decision making process. There is a risk that key stakeholders will be alienated from the Programme if the time frame of six monthly PMC meetings is not adhered to.

Other governance

It was reported that both the Australian and the New Zealand Senior advisors report weekly to their respective offices in Canberra and Wellington. It is understood that there will be a need for some administrative reporting which is outside the Programme reporting to the PMC and the

²⁷ OECD Paris Declaration on Aid Effectiveness, March 2005

²⁸ Pacific Forum Secretariat Principles on Aid Effectiveness Nov 2007

²⁹ PMC Meeting held 31 May 2011.

APC. The partners should examine this reporting with a view to lessen the workload of senior advisors by requiring reporting on only essential matters.

Progress to Date

The following provides an assessment of progress against the Short Term Activities and Medium to Long Term Activities listed in the Terms of Reference and in the Memorandum of Arrangements.

Short Term Activities

6.1 Support for filling the position of the Commander of the Tongan Police Force (TPF) [now known as the Tonga Police].

In September of 2008, the current Commissioner, formerly of NZPol, was appointed as the Police Commander of the Tonga Police. This contract was initially for a period of three years, with an option for a further two year extension if willingness is indicated for renegotiation by the Tongan Government. This extension would require negotiation with New Zealand Aid, who fund the position. The New Zealand Government pay the full salary and are to be reimbursed by the GoT for the equivalent Tongan salary, however this is yet to be realised. While this might be logistically easier it does nothing to advance the issue of sustainability for this position. For more detail see the relevant section in Appendix 4.

It is recommended that the Government of Tonga pay the base Tongan salary for the position directly to the Police Commissioner and in the event that the position is later held by another expatriate³⁰, that the Programme supplement the salary sufficiently to attract a suitable candidate.

6.2. Support for formal policy and legislative changes including review and revision of the Police Act and related legislation, and managing the transition from Commander to Commissioner.

The program, with support from the Pacific Police Development Program (PPDP), provided support for the review, revision and implementation of the Tonga Police Act 2010, which includes the legal framework for the transition from Commander to Commissioner.

The Tonga Police Act was passed and proclaimed by The King in Council on 19th November 2010, to come into force on 2 February 2011. In line with Division 2 of the Act,³¹ the position of Police Commander was replaced by the position of Police Commissioner. Further, in line with the JAM and McGovern Reports and the MoA, the powers and roles of the Police Commissioner and the Minister for Police were clearly delineated and separated. Several steps have been taken to progress regulations under the Act. At this stage, there are two sets of regulations that required preparation. The first – setting out requirements relating to criminal record checks conducted by Tonga Police – was drafted by Tonga Police in February/March 2011 and were provided to the Australian Attorney General’s Department (AGD) when two AGD officers travelled to Tonga in March 2011. Following receipt of these draft regulations, AGD provided comments and suggested changes to Tonga Police and the Solicitor General. Tonga Police Commissioner said that these regulations were being progressed when AGD last met him in Tonga in May 2011. The AGD and the Review Team are not sure of the current status of these regulations. The second set of regulations will set out the procedures for the Police Employment Committee. In May 2011, AGD consulted with Tonga Police on the information that needed to be included in these regulations. This information is currently being converted into drafting instructions – AGD expect a draft set of regulations to be prepared by the end of July 2011/beginning of August 2011 for consultation with Tonga Police.

³⁰ This might also be an option if the “expatriate” is a Tongan living abroad – but sustainability should be the main consideration here.

³¹ Tonga Police Act, 2010, page 16.

Extensive consultation on the Act was undertaken with Tonga Police staff and other stakeholders both during the drafting and following its completion. Despite this there appears to be some disquiet and concern within the Tonga Police about the new Act. This disquiet has trickled down to the wider community who are aware at a superficial level at least, that there are problems within the Tonga Police. The review team is of the view that the fast rate of change coupled with communication processes may be contributing factors, this is further discussed in Outcome 1.2, and detailed in Appendix 9.

The Australian Attorney General's Department, conducted a review in January 2011³² and outlined possible options for future law reform in Tonga. This paper addressed key issues raised during consultations with stakeholders in Tonga relating to law and justice that fell outside the scope of the Tonga Police Act 2010, but which could be addressed by Tonga in the future. Consistent with Australia's Framework for Law and Justice Engagement with the Pacific, AGD takes a collaborative approach to its provision of technical legal assistance. This discussion paper has been provided to the Police Commissioner who subsequently discussed the issues and recommendations with the Solicitor General. It was decided at this time that the recommendations of the review, whilst supported, will not be considered until after full implementation of the Police Act had occurred.³³ This may be a reflection on the capacity of the Crown Law Office. While some of these issues may be outside the current lists of activities being undertaken by the TPDP, in cases where they impact on the work load and operations of the Tonga Police there is a strong case for the TPDP supporting their review/ reform/implementation. The option of using local consultants (assisted by advisors from the AG's Department or elsewhere and funded through the Programme) to undertake this work on behalf of the Crown Law Office may be worth considering. There would also be an added benefit of building capacity in the local legal sector with little impact on the workloads of Tonga Police or the long term TPDP advisors. See also Recommendation 17.

It is recommended that the TPDP consider assisting the Crown Law Office with the review of legislation etc, if it can be demonstrated that this will assist the TPDP achieve its objectives.

6.3 Provision of Programme support team.

The JAM report recommended the provision of an executive support team to support the Police Commander and the operations of the Tonga Police. This was premised on the selection of a Tongan National in the position of Police Commander.³⁴

Whilst the program has not provided direct support to the expatriate Police Commander, it has provided both long term and short term advisory assistance to support the operations of the Tonga Police Force and its Executive. Since May 2008, the TPDP has deployed 11 long term advisors (more than 6 months) and 24 short term advisors for a selection of different advisory roles.³⁵

The Review Team received suggestions that the use of short term advisors be limited to specific skills in which knowledge can be imparted to counter-parts quickly and easily and where there was little or no need for follow up. Long term advisors were preferred overall. Tonga Police Project Managers sought more involvement in the selection of advisors who would be working in their areas – this would also include involvement in drafting Terms of Reference. Based on the principles in the McGovern Report and the MoA on Tongan ownership, this is a reasonable request but given the nature of short term assignments, the Review Team thought that for short term advisors this involvement may need to be restricted to involvement in drafting the ToRs.

³² Options for Future Law reform in Tonga Australian Attorney General's Office January 2011

³³ Kelley, Chris, Commissioner TP, discussions with review team dated 30 May 2011.

³⁴ *Ibid* 1, page 33.

³⁵ TPDP Financial Acquittal Report dated 14th January 2011.

The Review Team has been advised that this is happening in some cases and encourages the TPDP to adopt the practice where possible to provide on-the-job capacity building for these managers.

It is recommended that the Tonga Police Project Managers are more involved in developing the Terms of Reference for the engagement of both short term and long term advisors. It is further recommended that the relevant Project Manager or the PMC is directly involved in the selection of any long term advisor. This could take the form of the Tonga Police or PMC being given a selection of short listed names and CVs.

6.4 Determine a mutually approved community policing style.

A mutually approved policing style has been adopted and articulated in the Tonga Police Community Strategy, with implementation and review ongoing.

In March 2009, a project team set about articulating the 'community policing style' in a corporate document. The subsequent Tonga Police Community Strategy was approved in principle by the Tonga Police Executive in May 2009³⁶, and progressed to an implementation phase. The strategy has been progressively implemented through the Community Policing Strategy project within the TPDP. Changes brought about by this strategy have mostly occurred in Tongatapu only.³⁷

A review of the community policing strategy was conducted in May 2011³⁸. This review was provided to Tonga Police Executive. Discussions with the Police Commissioner held on 30 May 2011, indicate that the recommendations will be considered during further expansion of the community policing project.

The Review Team accepts the recommendations as set out in the Community Policing Review and reinforces the need to ensure that the implications of the recommendations be considered in the broader context of the TPDP and the changes taking place within the Tonga Police and the community. This includes the opening of new community policing stations. (see *outcome 7.2*)

It is recommended that in implementing the Community Policing Recommendations, the Tonga Police and the TPDP give consideration to the need for improved communications and the absorptive capacity of the Tonga Police.

6.5 Support for the development of a communications strategy.

According to the McGovern Report, the communications strategy was to be formulated and adopted by the GoT by the end of Phase 1 (30 June 2008).

In 2008/09³⁹ there was no funding available for the Communications Strategy but two milestones were achieved that would contribute to communications within the Tonga Police: the Tonga Commissioned Officers Conference October 2008 and the Police Executive monthly meetings re-established October 2008. Externally the nationwide consultation process was completed April 2009. The **TPDP report for 2008/09** indicated that the Communications Strategy emphasis was to be on bi-lingual news conferences, event promotion and policy information being released and associated with incident/event publicity, and further that a communications officer was appointed to assist in the public relations development.

Actions 4 (Internal and external education and awareness campaign) and 5 (process for regular community engagement) of the Tonga Police Action Plan for 2009/10 were linked to communications strategy (Project 16) of TPDP Work Plan. The **TPDP 2009/10 Report** showed that the Communications Strategy had been produced to *keep the public informed, keep staff updated and ensure transparency in our activities*⁴⁰. However, in the Report against achievements against the JAM short term activities the entry on the communications strategy

³⁶ Tonga Police Development Programme 2008/2009 Report, 15 July 2009 p3

³⁷ Cotter, C, May 2011 'Tonga Police's Implementation of Community Policing: a Review of Progress' page 7.

³⁸ Cotter, C, Tonga Police's Implementation of Community Policing: a Review of Progress' May 2011.

³⁹ Tonga Police Development Programme 2008/09 Report, 15 July 2009

⁴⁰ Tonga Police Development Programme 2010-2013 Progress Summary Years 1 & 2. 27 July 2010

only refers to the fact that the Strategic Plan was written, published and launched. Again the emphasis was on external communications with only one of 13 activities being associated with internal communications – *Enhance internal communications policies*.

The **2010/11 Action Plan** shows that the Communications strategy (P16) is an integral part of the Tonga Police work. However the main focus is still on public relations with only 2 of the 6 Actions linked to internal communications – *the development of an internal marketing and communications strategy and establishing a national monthly police newsletter*. One milestone was the scoping of a full or part time position to provide communications support/media liaison/internal marketing processes.

With hindsight it is easy to see that more emphasis should have been placed on internal communications in an environment of organisational change. The absence of an internal communications strategy, and the implementation of that strategy, may have contributed to the disquiet and unease about the implementation of the Police Act felt by police officers. This was one of the factors leading to the presentation of the petition to the Prime Minister and Minister. The Review Team noted that immediately following the presentation of the petition, the Commissioner held a series of stratified forums with the Tonga Police staff to hear their grievances. If formalised into a regular event, this initiative might provide a method of reconnecting the Police Officers with the Executive and provide an avenue for a more consultative approach to communication.

There is a real and pressing need to improve internal communications. This has been recognised by the Tonga Police which is currently proposing a new communications strategy – Talatalaifale or communicating in the “Tongan Way” – to sit, talk, discuss and negotiate.⁴¹ If it is considered necessary, the Programme should assist this process by contracting a Tongan communications specialist or consultant to facilitate and lead the Talatalaifale process. Part of this strategy should include providing the Tonga Police senior staff and managers with the skills needed to communicate with and manage their teams. See elsewhere also suggestions regarding establishing a community consultative committee and also comments below at Outcome 1.2.

It is recommended that the TPDP assist the Tonga Police to urgently review their communications strategy with emphasis on internal communications.

6.6 *Provision of urgent equipment and material to support police operations*

Following the JAM Report an ANZ team undertook a physical resources assessment of the Tonga Police Force⁴². While mainly concerned with the state of the buildings and infrastructure, the 2007 also made recommendations relating to basic police equipment, communications network, vehicles, and office equipment. The Review Team has seen evidence of police equipment, vehicles and improved communications provided under the Programme.

This equipment has been greatly appreciated at all levels of the Tonga Police, Tongan Government and community who have noticed an increase in the visibility and effectiveness of the Tonga Police since 2006. This includes: vehicles (23 Toyota Utility Vehicles with 4 to come); 18 bicycles for beat and community policing duties; public order equipment; and uniforms provided to all officers; nationwide radio communications network completed in May 2010.

All procurement under the programme is subject to the Tongan Government procurement policy and procedures. Programme funds are deposited to an account under the Ministry of Finance & National Planning set up for this purpose. To access or use the Programme funds, the same paperwork and the same procedures are used as for the Tonga Police recurrent (normal Government of Tonga) budget⁴³.

It became clear to the Review Team that the Tonga Police Band brings great pride to the Tonga Police, for example it is featured on the cover and inside of the 2009-13 Strategic Plan, it took

⁴¹ Comment Senior AFP Advisor, 8 June 2011.

⁴² Tongan Police Force Physical Resources Assessment Report December 2007

⁴³ Comment Tonga Police Manger of Finance and Corporate Services 7 June 2011.

part in the Ashika memorial service and performs at many State events. The Review Team heard comments from both within the Tonga Police and from the public of how the band portrays the Tonga Police in a good light. It was pointed out that to date there has been no TPDP assistance to the band. While it is understandable that during Phase 1 of the TPDP there were higher priorities for expenditure, we suggest that modest investment now would pay dividends beyond the band in terms of raised morale across the wider Tonga Police.

It is recommended that consideration be given to the provision of minor support to the Tonga Police Band.

6.7 Resourcing further detailed studies of training, organisational structure (incl Fire Services), building and accommodation needs.

Training:

A review of the Police Training School was completed in 2009⁴⁴. It 'involved a detailed review of the Tonga Police recruit training program and training materials which showed that 'the content of the recruit program, developed in 2005 and 2007 with the assistance of the Pacific Regional Policing Initiative (PRPI), is comprehensive and reflects current global 'best practice' policing methodologies'. The Training School also needed to provide refresher courses for officers as well as recruit training. The Training School has developed the Training Calendar 2011, with courses being delivered in accordance with the calendar. The courses will be delivered by the Training School, University of the South Pacific (USP) and external providers.

As part of the overall TPDP, there is a Project Plan for the Training School (Project 10 and 10(a)). This plan outlines the deliverables that the Training School will achieve in this financial year. Other specialist training which needed to be done was carried out through the TPDP, courses included: Disaster Victim Identification (including the donation of DVI equipment to Tonga Police), Tactical Response Group Training, breath analysis, and supervisors' training.

The current Training Advisor's Terms of Reference⁴⁵ mention training needs analysis in the 'Scope of Work', i.e. 'to provide support and advice to the Training Manager and staff in the development and design of a TNA for the Tonga Police'. However, the document provides no other explanation as to what TNA is required or why. For a given number of reasons, a decision was made not to proceed with a full training needs analysis (TNA) for the Tonga Police (as set out in the current advisor's ToR). A detailed analysis was done on the supervisors' training needs as a base for developing the Supervisors' Course which is set down for June 2011. TNAs will be carried out for other level courses as they are developed. The recruit training diploma has been recognised by the Tonga Qualifications and Accreditation Board. At a marginal cost, there is a possibility that the Recruit Diploma of Policing could be modified to meet the requirements of part of the USP Certificate or Diploma of Policing to allow promising officers pathways to a recognised degree in Policing at the USP.⁴⁶ Other courses run or to be run by the Training School may also be able to be recognised by the USP, for example the Supervisors Course.

It is recommended that the Training School explore options to have their Diploma of Policing recognised by the USP as part of their Bachelor of Arts in Pacific Policing

Organisational Structure: A new Organisational Structure was developed in 2009 to reflect the needs of the Tonga Police. It was forwarded to the Minister in June 2011. The Review understands that the new structure has been approved by Cabinet, along with the parallel salary banding, but that the Department of Finance has concerns about the financial impacts on the GoT budget and is considering the issue further.⁴⁷

It is recommended that the Organisational Structure be given priority for implementation in an effort to create some stability within the Tonga Police.

⁴⁴ Gray, J, 'Recruit Training Review: (Project 10), June 2009

⁴⁵ Tonga Police, ToR for Training Advisor October 2010

⁴⁶ See <http://www.usp.ac.fj>

⁴⁷ Police Commissioner comment, July 2011.

Building and Accommodation Needs: An assessment of the building needs of the Tonga Police was completed in 2009. It showed that every building owned or being occupied by the Tonga Police was in need of replacement or serious renovation. The Tonga Police Building Replacement and Renovation Plan 2011-2016 has been completed and was presented to the Project Management Committee Meeting on Tuesday 31 May 2011 and accepted by the PMC on 10 June 2011. Progress on implementation of the Plan was observed by the Review Team during inspections of the new Police Station at Vaini and another nearing completion on Eua Island.

6.8 Annual Reviews

The Police Commissioner reports to the Trilateral Partners on progress every 6 months. As far as the Review Team is aware, no annual reviews have taken place.

It is recommended that the proposed review of the M&E Framework give consideration to a more appropriate means of reviewing the TPDP.

Medium to Long Term Activities

7.1 Working closely with the Government of Tonga to ensure the proper functioning of an Ombudsman and Anticorruption Commission Office

The JAM saw that there was a need for a police oversight body. At the time, February 2007, the JAM was advised that the GoT under the auspices of the Attorney General, was in the process of establishing an Ombudsman and Anti-Corruption Office. At the time of this review neither had been established. However, The Attorney General has recently advised Cabinet that the priority should be to appoint the Anti-Corruption Commissioner and that the Ombudsman's Office could be established later. The Crown Solicitor has been tasked with progressing the Anti-corruption Commissioner appointment. While this is outside the direct responsibility of the TPDP, The Ombudsman would assist the Tonga Police with transparency and help it achieve the programmes objective of restoring community trust and confidence in the Police. It is therefore reasonable for the TPDP to assist the Crown Law Office if required. Maybe an advisor could be attached either to the Crown Law Office or to a local law firm.

It is recommended Australia and New Zealand offer support to the GoT in the establishment of an Ombudsman and Anti-Corruption Office ensuring timing takes into account absorptive capacity in the Crown Law Office.

7.2 Deployment of a training advisory team

An AFP training advisor is in place and working closely with Manager of HR, Training & Corporate Services and the OiC Training School. The previous AFP advisor carried out the Review of the Training Centre⁴⁸.

The review team noted a consensus from within the Tonga Police and externally that the Police Officers were better trained. The specialist training conducted thus far was also recognised by the community, more specifically, forensic training and the increased capability of the Tonga Police, which had more recently resulted in an increase in successful prosecutions⁴⁹.

Further training still appears to be needed in investigations and case finalisation, with community perceptions that police officers were unable to complete cases or unaware of the evidence requirements for a successful prosecution.

It is recommended that consideration be given to include basic investigations training courses for general duty police officers – as and when resources allow.

⁴⁸ Gray, J, 'Recruit Training Review: (Project 10), June 2009.

⁴⁹ Solicitor General Interview Aminiasi Kefu 27 May 2011

7.3 Deployment of Work Place Mentors

The MoA envisaged a team of ANZ mentors being deployed to work with Tonga Police Officers to ensure that procedures, practices and policies are being implemented effectively and efficiently and to ensure that training is embedded once officers return to the workplace⁵⁰. The longer term advisors are effectively filling this role with counterparts in several areas of the Tonga Police. However the actual intention of the original suggested activity needs to be explored more fully during the design process for the next phase of the Programme.

A mentor programme for new recruits is in place and is being further developed. The mentors in this instance are Tongan Police officers who are receiving training in their new roles.

It is recommended that consideration be given to the extension of the Tongan mentor program to include newly appointed or promoted officers as and when resources allow.

It is recommended that the design team for the proposed extension of the Programme examine the need for ANZ Mentors to see if they are still required.

7.4 Deployment of procedures, practices and policy team

The AFP advisor was deployed to Tonga March-August 2011 and is working from the Police Headquarters⁵¹. A part time policy training programme is being conducted with 10 Tonga Police staff, it is envisaged that from this group, two will be selected to work full time on policy preparation. It has been noted that this deployment is for a period of six months contrary to the MoA which suggested a team deploy for up to two years.⁵²

It is recommended that a review of the ability of Tonga Police policy staff and progress of regulations be conducted prior to the departure of the policy advisor with a view to extend this advisory position as required.

7.5 Implementation of a legislative reform programme

Liquor Act, Public Order Act, Breath Testing Act, and Police Act are evidence that this strategy is being achieved. It is evident to the Review Team however, that the full implementation and acceptance of the Police Act will still require some further work. See Outcome 2.1

As part of the Police Act work the discussion document "Options for Future Law reform in Tonga was produced⁵³. This follows on from an offer made by the Australian AG Office, which in turn referred to recommendations in the JAM report and also a 2003 discussion paper⁵⁴. The common thread in these documents is that Tonga Police are performing duties that should be undertaken by other Government agencies, many of these duties do not correspond with the law enforcement objective.

The report has been provided to the Commissioner of Police and the Solicitor General under covering memo which acknowledges that implementing the new Police Act will be the priority for Tonga at present and that work on the reforms paper is unlikely to be an immediate priority. Australia and New Zealand have made an offer to update the Reforms Paper when Tonga is ready to progress the options contained in the paper.

It is recommended that the legislative reform programme be re-invigorated, focussing in the first instance, on reforms to legislation that can be amended to reduce the duties currently being undertaken by the Tonga Police .

⁵⁰ MoA p 26

⁵¹ 2010/11 TPDP –Projects Status Report 31 December 2010

⁵² MOA page 26.

⁵³ Pacific Section Australian Attorney General's Department, January 2011

⁵⁴ Undated memo Australian Attorney General's Office to Tonga Police Commander

7.6 Implementation of a building, equipment and infrastructure redevelopment programme

Following the JAM Report an ANZ team undertook a physical resources assessment of the Tonga Police Force⁵⁵. This report confirmed in more detail the findings of the JAM, and recommend that a full assessment of buildings and infrastructure be undertaken. This Physical Resources Assessment Report appears to have been considered by the TPDP and a “emergency response” approach to the maintenance, renovations and even replacement of some buildings was initiated^{56 57}. Progress to date includes the new station at Vaini (opened 09/10), commencement of building at ‘Ohonua on ‘Eua (completion due 06/11.) and some work at the Central Police Station^{58 59 60}. See under Priority Areas for Future Development.

A Tonga Police Building Replacement & Renovation Plan 2011-2016 was tabled at the TPDP Project Management Committee on 31 May 2011⁶¹ and accepted by the PMC on 10 June 2011⁶².

7.7 Development of an information technology programme

This IT project was scoped in 2009. The conclusion was that the proposal was too expensive.⁶³ A later scoping report was undertaken by Datatorque Limited⁶⁴ to provide basic internet facilities and a web site for Tonga Police. A funding case is yet to be submitted⁶⁵. Pending this larger roll-out there have been some minor IT developments, for example additional desk-top PC's, and providing e-mail access to senior staff⁶⁶.

Outcome 1.2. The new systems, processes, approaches and culture

The degree to which the new systems, processes, approaches and culture are bedding into the organisation and the role of NZP/AFP capacity development support in achieving this.

In capacity building terms, the Programme is in its very early stages and the extent to which the changes are bedding into the organisation are as expected. The provision of equipment at the outset has led to an awareness of the Programme among police officers. While there is an overall awareness of the aid project for the Tonga Police and an understanding that the TPDP is an outcome of the 2006 riots, there is little understanding of what the Programme means to them individually.

The Review Team found evidence of **extensive consultations** in relation to the programme in general and specific components eg: the Police Act⁶⁷, the building programme and the community policing project. There is also evidence of decisions being relayed to stakeholders as the result of the consultations. Despite this, the Review Team discussions with stakeholders and staff show that the consultation process has not resulted in the messages always getting across. Evidence of this is in the disquiet resulting from the introduction of the Police Act 2010 and the confusion about the purpose of the new community policing buildings and also surrounding the concept of community policing.

The **work planning processes** put in place for managing the Tonga Police - the Strategic Plan, the Four Year Business Plan and the Tonga Police Annual Work or Action Plans - are the overarching framework for the TPDP annual work plans. In simpler terms, the TPDP work plans are designed to complement the Tonga Police work plans. This process is in line with the Paris

⁵⁵ Tongan Police Force Physical Resources Assessment Report December 2007

⁵⁶ TPDP 2008/09 Report July 2009 p.9

⁵⁷ Tongan Police Building Replacement & Renovation Plan 2011-2016 May 2011 p.5

⁵⁸ TPDP 2.5 year Summary report 21 Jan 2011

⁵⁹ Tonga Police Building Replacement & Renovation Plan 2011-2016

⁶⁰ Inspected by the Review Team in May 2011

⁶¹ TPDP PMC Agenda 31 May 2011 and attached papers

⁶² AFP Comment 6 July 2011

⁶³ TPDP PMC minutes 31 March 2010

⁶⁴ Tonga Police-Hosted Solution-Proposal November 2010

⁶⁵ TPDP 2.5 year Summary report 21 Jan 2011

⁶⁶ 2010/11 TPDP –Projects Status Report 31 December 2011

⁶⁷ Tonga Police National Consultation, Final Report 2009

Declaration of Aid Effectiveness and the Pacific Islands Forum Secretariat's Pacific Aid Effectiveness Principles⁶⁸. TPDP work has been organised into identified projects and can be loosely split into two categories:

- those which relate directly to support “normal” work being undertaken by the Tonga Police (Planning processes, Project Management, Training School, Transport, CID, support for a Building Manager etc), and
- tasks being undertaken by the TPDP which are additional to the normal work of the Tonga Police and which relate directly to the reforms being undertaken by the Programme. These include: human resources (HR) reforms, Leadership and Development for middle managers, the development of a Communications Strategy for the Tonga Police and the management of these initiatives by members of the Senior Executive.

The tasking of the Senior Executive as project managers of all of these projects is now well accepted and established and will, in the longer run, be sustainable. However, the additional work load (including projects in the first category) on the Senior Executive members and related staff is unsustainable and poses a risk to the project and to the Tonga Police. It is suggested that temporary local staff be contracted under the TPDP to assist the Tonga Police Project Managers. These staff would not be permanent officers and would not be paid from the Tonga Police budget.

It is recommended that the Programme support the contracting of temporary staff to act as Executive Assistants⁶⁹ for the Senior Executive Officers charged with managing TPDP projects where there is a significant increase in the Officers' work loads. An EA could work for one, two or more Officers.

There is a need for more **effective communications** about the change processes – see above – and recognition that organisational change is a long and slow process. There are risks associated with too rapid a rate of change being likely to lead to some instability in the organisation undergoing the change - creating problems, not only for the TPDP, but also for ongoing operations of the Tonga Police. This was recognised in the McGovern Report, along with the need to have the communications strategy in place by the end of the first phase (30 June 2008).⁷⁰ The Review Team also notes that the Programme was to be implemented at “an appropriate pace” and would be responsive to the absorptive capacity of the Tonga Police⁷¹. The Review Team considers that the Communications Strategy should be revised as a matter of urgency and that its first priority is to review the consultation processes for the Police Act 2010 and to revisit the process with Tonga Police staff. See Appendix 9

The Review Team see that language may be an issue impacting on the Programme. There is an example in the signage on the new police station at Vaini being only in English. This may be symptomatic of a need for wider cultural awareness training than may be being carried out at present. The Review Team also notes some concerns by staff about the use of English in some promotion interviews, which could lead to claims of inequitable treatment.

The Review team noted that there were some issues with consultations over the design of the Police Station at Vaini. The person who approved the design of the toilets and the station was not associated with or working from the Station.

The Review Team notes that courses in English have been provided at the USP Campus for staff to improve their language skills.

It is recommended that a Tongan communications specialist/advisor be appointed to the Programme to assist in revising the communications strategy, targeting both staff and external stakeholders (general public and Parliament etc).

⁶⁸ OECD Paris Declaration on Aid Effectiveness March 2005 and the Pacific Forum Secretariat Principles on Aid Effectiveness Nov 2007

⁶⁹ An Executive Assistant could be likened to a junior Staff Officer.

⁷⁰ McGovern Report , p 11 and p 9

⁷¹ MoA p6

Outcome 1.3. The working relationships

Assess to what degree the working relationships established (i.e. between TP, AFP, AusAID, DFAT, NZP and MFAT) are effectively contributing to the programme's objectives being met.

The Senior NZPol advisor (the second NZ Long Term Advisor (LTA) is due to arrive in Tonga shortly) is currently based at Police HQ. The AFP short term advisors are also based at Police HQ. The AFP also has an office at the Australian High Commission which is used by the Senior AFP Advisor and the AFP Office Manager, it is noted that these two staff also work extensively at Police HQ.

The Team observed a close but professional working relationship between the Commissioner and the senior ANZ advisors. The Team witnessed first-hand the close working relationship between the NZPol and AFP advisors working on the programme, and the excellent relationship between the advisors and Tongan Police staff.

Due to current funding arrangements AusAID now have a more peripheral role in the TPDP. The team spoke to in country representatives of AusAID, MFAT, NZP, and AFP. All report good working relationships. The team found no evidence to suggest otherwise. There has previously been some concerns about the sharing of information between the NZPol in Wellington and the AFP in Canberra. Since then, Wellington based NZP and Canberra based AFP senior staff have set up regular phone conferences which have resulted in improved information sharing. These can only strengthen relationships which will in turn contribute in a positive way to the programmes outcomes.

Outcome 1.4 Risks

Identify any risks to achieving the objectives of the programme and make recommendations to mitigate these risks

The Review Team firstly re-examined the risks identified in the 2007 McGovern Report⁷², and secondly identified risks that have emerged or are still relevant since Programme inception.

Risks identified in the McGovern Report:

The preliminary list of key risks identified in the McGovern Report was to be supplemented by a comprehensive risk analysis and risk matrix during the design phase of the Program. As noted elsewhere this design did not take place.

Slow establishment of the PMC

The PMC was established early in the Programme. There are some issues with the PMC regarding frequency of meetings that are detailed elsewhere in this report. The PMC needs to take an active part in the decision making surrounding the Programme implementation and direction.

Slow progress in the appointment of the Commander

This risk was realised. It took 10 months post the McGovern report for this to occur and this in turn led to delays in Programme implementation. This risk will re-emerge as outlined below under Change in Police Commissioner.

Delays in implementation of Phase 1 may lead to disengagement of the GoT.

McGovern saw Phase 1 being completed⁷³ by 30 June 2008. Progress was made and since then some of the projects have been finalised. This risk still remains.

Difficulties in sourcing appropriate specialist technical expertise (policy and legislative drafting) may result in delay.

⁷² Tonga Police Trilateral Discussions-Final Issues Report, 27 November,2007 p.15.

⁷³ Tonga Police Trilateral Discussions-Final Issues Report, 27 November,2007 p. 9

Although ANZ have generally provided appropriate staff there have been on occasions difficulty in identifying and appointing appropriate advisors⁷⁴. This is an ongoing need and this risk still remains. See comments elsewhere on expanding the pool of available and suitable advisors.

Further civil unrest coupled with TPF's poor response could hinder initiatives under the programme and damage perceptions of GoNZ and GoA.

The performance of Tonga Police during the 2010 elections, during the Ashika sinking and during Cyclone Lin demonstrate that Tonga Police are building the capacity to deal with major events. The changes to the electoral process have significantly lessened the likelihood of further civil unrest as occurred in 2006.

The GoT's continued reliance on the military for internal security assurance might undermine the efforts aimed at strengthening the TPF.

The Police Act 2010, clearly sets out that Tonga Police have responsibility for maintaining law and order, preserving the peace, and providing community support and reassurance.

Following the 2006 riots the GoT put in place emergency regulations which gave wide powers to both the military and the police. On advice from the police these powers were lifted on 24 February 2011 indicating that the current Government's move away from the use of the military for dealing with emergencies. Community leaders are quoted as saying this indicates its trust in its departments to do their duty.⁷⁵

Rapid churn rate of technical advisors, particularly those seconded from NZPOL and APF might result in a loss of confidence in the Programme by counterparts.

The mix of long term and short term advisors to date was seen as beneficial. While a "churn" of short term advisors is often unavoidable (where specific and highly specialised short term courses need to be run on a once off basis), the best results are obtained when a short term advisor is able to make repeat visits. This is often because of the time it takes to develop relationships between the advisor and the counterpart(s). There are two types of repeat visits:

1. where there are ongoing short term inputs in a particular area over a long period. A good example of this was the successful implementation of the traffic reforms with the same short term traffic advisor making repeat visits. and
2. where a short term advisor who is able to advise on several areas. This is preferable to several specialist advisors making one-off visits.

The risk of "churn" of both long term and short term advisors can be mitigated to some degree with careful selection. The risk can also be mitigated through the close involvement of the Tonga Police Executive in the work planning process for the Tonga Police Annual Action Plans and also the TPDP Annual Work Plans. This to ensure that the workload of the Tonga Police remains manageable and there is no "swamping" of advisors.

⁷⁴ Tonga Police Commissioner comment July 2011

⁷⁵ www.taimionline.com/articles/2050 Emergency Powers lifted after more than 4 years 4 Feb 2011

Studies into institutional strengthening projects elsewhere in the Pacific have shown that interpersonal and cross cultural skills are more important than technical skills⁷⁶. Best practice is to use an advisor who is competent in several areas rather than several advisors who may be better technically, to cover the same areas. It is noted however that much of the training provided so far has been highly technical and it would have been difficult to achieve this goal. However the principle remains.

The only issue to emerge regarding advisors was the lack of continuity between one LTA leaving and the replacement arriving in country⁷⁷.

It is recommended that the Tongan Police Executive remain closely involved in the work Planning processes for the Tonga Police Annual Action Plans and the TPDP Annual Work Plans.

Over/inappropriate use of international technical assistance reduces local ownership and leads to inefficiencies where local technical assistance has the advantage of knowledge of local systems and processes.

The Team has examined the list of short term technical advisors deployed⁷⁸ and cannot see any evidence of this occurring, however the Programme needs to carefully consider the most appropriate person for each role, and if possible utilise local expertise. In the early start up stages of the Programme it appears that a lot of the technical work (eg in developing the Strategic Plan, the Four Year Business Plan, the M&E Framework) may have been done by the advisors rather than assisting the local counterparts to undertake the work. While this is understandable in the short term to build a framework around which the TPDP was to be built, it is certainly not appropriate in a capacity building programme. The Review Team noted that on the Terms of Reference⁷⁹ for the long term advisors, there is a strong emphasis on “assisting” rather than “doing”. This is commended, but care needs to be exercised by the advisor, the Senior Advisor and the Commissioner that this is how the TPDP projects are implemented and managed.

The Review Team notes that the programme is already bringing in civilians on a regular basis from AFP, and that NZP and is looking this coming year to extend that to employing people from outside AFP and NZP locally in Tonga. The TPDP is also contracting local and outside expertise to assist with training delivery where appropriate.

The majority of the Review Team is of the view that the position of the AFP TPDP Project Officer could have and should have been undertaken by a locally engaged office manager. It is understood that the current incumbent also undertakes an advisory role in assisting Programme Project Managers. It needs to be emphasised here that there are no indications that the present incumbent is doing anything other than an excellent job, but the position would be more cost effectively filled by a local contractor or Tonga Police staffer - this would also assist with local capacity building.

It is understood that the incumbent is soon to be replaced by a person who will *be predominately engaged in a financial management advisory role*. This could be a good opportunity to “localise” the position over the period that the Financial Advisor is in country.

It is recommended that AFP and NZPol should consider using local contractors where possible to undertake local administrative tasks for the TPDP as well as advisory positions where appropriate.

The risk remains.

⁷⁶ AusAID, Review of ISPs in Samoa 2003

⁷⁷ TPDP 2008-2013 Progress Summary 2.5 Years as at 31/12/2010 dated 21 January 2011 p.11

⁷⁸ TPDP 2008-2013 Progress Summary 2.5 Years as at 31/12/2010 dated 21 January 2011 attachment

⁷⁹ ToR for Training Advisor

The Review Team have identified the following additional risks to the TPDP:

As with the McGovern Report the following represents a preliminary list of risks. There has been no attempt to carry out a full risk analysis and this should be done during the design process for the next phase of the Programme. As noted by others, many of these risks are beyond the control of the TPDP, but they remain as risks to the successful implementation of the TPDP and need to be managed.

Change in Commissioner of Tonga Police

The current Commissioner is the face of the changes to the Tonga Police. While the Review Team understands that the changes to the Tonga Police are due to the efforts of the TPDP as a whole – advisors, police executive, police officers and others who have contributed to the Programme objectives - it should be noted that the Tonga Police and the general public see the Commissioner as the person driving the reforms and that he is credited personally with the good positive changes that have occurred. This is a positive thing from a development perspective – ie the TPDP advisors are in the background.

The slow progress in appointment of a Commander was seen as a risk in the McGovern report of 2007⁸⁰. This risk was realised as the appointment of the incumbent was not made until September 2008 – on a three year contract with a possible extension for an additional two years. At some point during the TPDP there will be a change of Commissioner, as early as September 2011, and at the latest September 2013. The risk identified in 2007 is again present and pressing. This is particularly important as any new Commissioner will need to be in place before any planning commences for any programme extension as s/he will need to be fully engaged in the design of the extension as s/he will be the one to drive it and s/he will need to have full ownership of the design.

Independent of the Commissioner appointed, it will be critical to have the Senior Police Executive **fully** committed to the reforms and they, like the Commissioner, also need to be fully involved in determining the shape of the programme extension.

If the new Commissioner is an expatriate, then s/he will need the full support of the Executive to enable him/her to drive the programme of reform and modernisation. In addition to this, if the reforms are to be sustainable, the momentum and commitment to the programme will need to carry on after the expatriate's contract is completed and this will require the Executive to be fully behind them – especially so if the following Commissioner appointed comes from the Executive. These comments apply equally if the new Commissioner is a Tongan appointed from outside the Police.

If the new Commissioner is a Tongan from within the Police, s/he will also require the full support from the Executive for the reforms. The reforms will be difficult enough to bring in without having to deal with internal problems and resistance at a senior level.

It is also quite clear that the reforms will require full political support and there is a clear need to have the Police Minister closely involved and fully informed during the design process.

There will need to be a carefully managed process to select and then transition to the new Commissioner. If there is delay in the appointment process current momentum in the TPDP could be lost. Australia and New Zealand, as partners to the TPDP should encourage the GoT as the third partner, to commence work early to identify a suitable replacement to enable a seamless transition. As in 2007, ANZ should offer to assist and be involved in the recruitment and selection process.

Should another expatriate be selected, it will be important to identify as early as possible a likely successor (or two) and have them act as counterparts or to be groomed as part of a succession plan.

⁸⁰ Tonga Police Trilateral Discussions-Final Issues Report, 27 November, 2007 p16.

Public perception survey 2011

During 2009 USP conducted the Tonga Police National Consultation on behalf of Tonga Police⁸¹. A total of 84% of those surveyed either trust or fully trust the Police⁸². During 2011 there will be a second public perception survey conducted. The Review Team has been told that it will not be an identical survey⁸³. If this is the case there is a risk that the outcome of this survey may not be as favourable to The Tonga Police as the first survey in 2009. If the 2011 survey produces a result that does not show an improvement in key areas there is a risk that some Tonga Police staff and others may question the work that has been undertaken with, possibly, no measurable improvement. There is also a risk that even a slight decrease will give any opponents to the Programme an opportunity to increase opposition to the Police reforms.

To mitigate this risk a specific communication strategy will need to be developed so that when the results are to be released, staff understand what the data says and any reasoning behind any negative changes so the information/results can be managed/explained to the public or, in the event of further positive results, full advantage of the information can be taken to celebrate the results.

Economic risk

Following the Trilateral discussions in 2007 it was noted that the GoT would need to increase the Tonga Police baseline each year for 5 years to provide a platform for sustainability for the programme.⁸⁴ The 2010/11 budget has remained static at TOP\$5.95 million⁸⁵. However there is no doubt that the GoT and the Tonga Police, are facing difficult economic times. The economic situation was a major topic at the opening of Parliament on 2 June 2011^{86 87}. An example of this is the Government restriction on filling vacancies in the civil service, the Tonga Police included. Ministries have had restrictions placed on spending until the end of June⁸⁸. The risk to the TPDP is that, faced with a falling budget, the Tonga Police may not have the capability to continue with some of the development that requires Tonga Police funding input. The 'sinking lid' staff policy could also impact on HR reforms that the Tonga Police may wish to initiate. The Review Team were advised by the Minister of Police that he is seeking an exemption to the policy; however this is not confirmed at this time. The TPDP needs to take cognisance of the economic situation facing GoT and the Tonga Police when making decisions that require funding from Tonga Police. The extent of this risk may be better known when Tonga and New Zealand negotiate their Joint Commitment for Development.

Ongoing funding from New Zealand and Australia as partners in the TPDP is essential. The team has no information to suggest funding is at risk but notes that in a recent visit to Tonga by the New Zealand Minister of Foreign Affairs while there was broad agreement on the areas that New Zealand will focus on, nothing specific was disclosed. An agreement will be signed when the Minister returns to Tonga in July, 2011⁸⁹.

Existing funding for the AFP contribution to TPDP, under the Pacific Police Development Program (PPDP) is due to terminate on 30 June 2012. A terminating review and New Policy Proposal will be developed to inform a decision for future funding of the PPDP in the context of the 2012-13 Budget round. The decision will also be informed by the outcomes of Independent Review of Aid Effectiveness – a review of Australia's aid programme currently before Parliament.

It is recommended that all the Parties (including between AFP and AusAID) begin discussions as soon as possible to ensure that funding is secured for any agreed extension to the Programme.

⁸¹ Tonga Police National Consultation: Final Report 2007

⁸² Tonga Police National Consultation: Final Report 2007

⁸³ The Review Team understands that the sample size and composition may be different now with a percentage of respondents to have had direct dealings with the Police.

⁸⁴ White/ Austin letter to Tongan PM 27 August 2007, annex to McGovern Report.

⁸⁵ TPDP 2008-2013 Progress Summary 2.5 Years as at 31/12/2010 dated 21 January 2011 p.1

⁸⁶ <http://pidp.eastwestcenter.org/pireport/2011/June/06-03-01.htm>

⁸⁷ <http://pidp.eastwestcenter.org/pireport/2011/June/06-03-02.htm>

⁸⁸ Tonga Police all staff Circular 25 May re Treasury Circular No2/10-11

⁸⁹ <http://www.taimionline.com/articles/3757>

Implementation of the Police Act 2010.

The introduction of a new Police Act and the separation of powers is a cornerstone of the Tonga Police reform programme. This was identified in the JAM Report⁹⁰, in the McGovern Report⁹¹ and in the MoA⁹². The Act was passed and came into law in February 2011. It is apparent to the Review Team that despite wide and extensive consultation relating to the Act there is disquiet among many stakeholders over it. This disquiet may not be justified but the fact remains that it is there. Unless this can be resolved there is a the risk that the entire TPDP may become stalled.

If the implementation of new Police Act is not handled successfully, the ramifications for the Programme are extremely serious. A Tongan communications/cultural advisor to assist in communicating details of the projects to staff and other external stakeholders (general public and Parliament etc) might be an option to mitigate this risk. See Appendix 9 for more detail. Another option is to slow the pace of implementation to ensure that changes can be fully imbedded and understood before the TPDP moves on to another area of reform.

Political risk

It became apparent to the Review Team that the change of Government has provided challenges to the Tonga Police and from that the TPDP. The Review Team was given assurances by both the Deputy Prime Minister and the Minister of Police that they and the GoT support the Tonga Police and the TPDP. There will always be a risk that changing Government priorities may see a move away from this support. To mitigate this risk it is important that the TPDP continue to brief the GoT on the programme and ensure successful outcomes are well communicated. The Review Team noted that Law and Order is one of nine priority areas in the latest Tonga Strategic Development Framework.⁹³ See above under Activity 6.7.

It is recommended that the Police Commissioner ensure that the PMC has a formal means of communication with the Cabinet.

Organisation Structure not approved by Cabinet

The new Tonga Police organisation structure has been provided to the GoT for approval – see comments under Activity 6.7 above. The re-structure of Tonga Police, along with the introduction⁹⁴ of merit-based promotion is an integral part of the TPDP⁹⁵ reforms and is essential to securing some salary movement for Officers. This in turn should assist in acceptance of the reforms by the Tonga Police staff. If the new organisation structure is not approved Tonga Police will lose an opportunity to bring these staff on board.

The Review understands that the new structure has been approved by Cabinet, along with the parallel salary banding, but that the Department of Finance has concerns about the financial impacts on the GoT budget and is considering the issue further.⁹⁶

Outcome 1.5 Recommendations on implementation for the remaining term.

Identify and make recommendations on any areas that will improve the implementation of the TPDP during its remaining term and increase the likelihood that the programme's objectives will be successfully met

The current programme is due to finish on 30 June 2012. It is essential that the parties agree early that planning for implementation beyond that date should commence as soon as possible so that a properly prepared Design can be completed and the necessary approvals obtained early in the first quarter of 2012 prior to the commencement of the next period of the TPDP.

⁹⁰ Tonga Police Force Joint Assessment Mission February 2007 p.18

⁹¹ Tonga Police Trilateral Discussions-Final Issues Report, 27 November, 2007 p20.

⁹² MoA p3

⁹³ Government of Tonga Cabinet and CEO Retreat Communiqué 3 June 2011

⁹⁴ Merit based promotion has been in the TPF General Instructions 2003 since 1996, but have only recently been put into practice following the passing of the Police Act 2010.

⁹⁵ TPDP 2008-2013 Progress Summary 2.5 Years as at 31/12/2010 dated 21 January 2011 p.7

⁹⁶ Police Commissioner comment, July 2011.

This would be the major activity undertaken by the Programme in the next twelve months and if it is not found to be possible to complete in the time frame, a temporary extension of six to twelve months should be considered to enable the design to be completed.

It is recommended that the partners take note of the guiding principles and proposed Project Components set out in the McGovern Report,⁹⁷ and urgently commence planning for implementation for the Programme beyond 1 July 2012.

The Review Team suggests that the TPDP examine the formation of Community Consultative Committee. This committee could be used to provide community input into all projects as they are developed. This would supplement any formal consultative process and provide a more immediate input as to the community view on matters. This committee would be in line with the agreed Community Policing style that Tonga Police have adopted. The TPDP would be demonstrating to other Tonga Police staff the model in action.

It is evident that despite extensive consultative processes many stakeholders are not understanding the messages being given.

It is recommended that the TPDP engage a suitably experienced Tongan to assist in revising the Tonga Police communication strategy and considers the use of a Community Consultative Committee.

Outcome 1.6 Monitoring and Evaluation.

Assess what monitoring data is currently captured and whether it is relevant to appropriately evaluate the TPDP itself (based on the M&E Framework) and the TP more generally. Identify if/where changes or improvements can be made (e.g. capturing data on gender).

The McGovern Report recommended that as part of the design process, a monitoring and evaluation (M&E) framework be established for the Programme. While the Review and design process did not proceed, the TPDP set up a M&E Framework in 2009.⁹⁸ The work was undertaken by an officer from the NZP under supervision of the AFP and NZP long term advisers seconded to work on the TPDP.

The M&E framework has been designed around the priorities of the Tonga Police Strategic Plan and Business Plan. The framework states the first M&E report will be delivered in the October 2010 reporting quarter. This report was not finalised due to the lack of skilled personnel to undertake the work⁹⁹. Tonga Police report that the skills needed to undertake M&E are lacking and that they need assistance in this area, but the TPDP has had trouble identifying a suitable and available advisor from either the AFP or NZPol¹⁰⁰. If this problem persists, the TPDP needs to expand the pool of available advisors – to contract a civilian M&E specialist or to look to a suitable person from retired police officers. This policy could also be adopted for other areas where advisors are needed.

The review team agrees with the decision by the PMC to review the M&E framework to better align with the needs, requirements and capability of the Tonga Police. This process should be undertaken by Tonga Police counterparts **assisted** by an M&E advisor, ensuring knowledge is transferred to allow future reporting and development. This recommendation should be prioritised accordingly to ensure the Tonga Police have the absorptive capacity to continue the momentum and reporting requirements it produces.

It is recommended that the existing M&E framework be reviewed to better align with the needs, requirements and capabilities of the Tonga Police.

It is also recommended that a future long term advisor have M&E skills as a supplement to other management skills s/he may have.

⁹⁷ Tonga Police Trilateral Discussions-Final Issues Report, 27 November, 2007 p.11

⁹⁸ Tonga Police Force, Monitoring and Evaluation Framework, June 2009.

⁹⁹ TPDP Project Status Report 31 January 2011, p13

¹⁰⁰ Police Commissioner comment July 2011

It is also recommended that if AFP/NZPol are having difficulty in sourcing a suitably skilled advisors, they should consider using retired Police Officers or civilians.

It may be the case that the TPDP has a separate M&E framework as part of the recommended design process, which better suits the requirements of respective donor organisations. However the Paris Declaration and the Pacific Forum declarations on aid effectiveness need to be taken into account when this issue is being considered.

The Review Team finds that at present, the reforms undergone by the Tonga Police are not yet sustainable.

Outcome 2. An outline of the Current Tonga Police operation.

An outline of the Current TP operation and description of an effective and sustainable TP, and recommendations on the priority areas for future development to reach this sustainable state.

Outcome 2.1 The attributes of the existing Tonga Police operations and the attributes of an appropriate, effective and sustainable Tonga Police.

Brief Description of the attributes of the existing Tonga Police operations. Brief description of the attributes of an appropriate, effective and sustainable Tonga Police would look like (including costings).

The recently enacted Police Act 2010 shows the transfer of operational and administrative responsibility of the Tonga Police to the Police Commissioner¹⁰¹. The functions of the Tonga Police and the principles guiding the performance of these functions are found in Sections 8 and 9 of the Act. See Appendix 6

The Tonga Police Strategic Plan is well placed to see the delivery of functions as outlined in the Act. The attached proposed Organisational Structure shows the desired structure of the Tonga Police (Appendix 5), with an establishment of around 400 staff, spread across six districts and specialist areas. The Organisational Structure is aligned with the Strategic Plan and is a modest and appropriate structure to allow the Tonga Police to maintain its functions. As previously discussed, the review team see the implementation of the organisational structure as a priority.

Community Policing is the cornerstone strategy of the TPDP¹⁰². As previously discussed the project is still underway, but at its finalisation will see an expansion of community police posts within the Tonga Police structure. The review team is supportive of the Community Police Strategy and the recommendations of the recent review, however recommends consideration of the absorptive capacity of the Tonga Police to accept the quantum of changes.

It was noted by the Review Team, the desire from the community for Tonga Police officers with integrity, who are better trained and well equipped. The focus tended to remain on the officer as a person and the community desire for the Tonga Police to recruit individuals at a higher standard.

It is therefore imperative that the Tonga Police morale and standing in the community be uplifted, and pay structure amended to attract the right person. The implementation of HR regulations, together with the new Organisation restructure and salary adjustments (which are currently with Finance) should hopefully see the recruitment at a higher standard than historically, however sustainability may become an issue given the current GoT fiscal environment.

From limited discussions, the Review Team sees that an appropriate, effective and sustainable Tonga Police would be stable, organised and well structured. It should include transparency in decision making and be adequately equipped and financed to remain sustainable. In time, the Review Team sees the Tonga Police with a Tongan national as a Police Commissioner and with

¹⁰¹ Division 3, Sections 18 and 19

¹⁰² Activity 6.4 in the MoA

a GoT Ombudsman's Office in place to ensure transparency and community confidence in the Police.

The team notes that the TPDP is still in its early stages and envisages that a minimum of a further 5 years would be needed to reach this end state. While this is in line with views of most respondents and the staff at the Police Officer Workshops, others have suggested a longer period is needed. There may be a need for recognition that some specialist training and other minor development initiatives may still be ongoing past this point. This vision however, will be dependent on the GoT's political will to maintain such a Tonga Police.

Due to the limitations and constraints of this review, the team was unable to include the cost of operating and maintaining an appropriate, effective and sustainable Tonga Police. However, the team has noted a cost of policing review is in progress but the findings are not yet available. These findings will better inform this component of the review.

Outcome 2.2 The key priority areas for future development.

The degree that the TPDP will advance the TP towards the sustainable state and the key priority areas for future development.

Institutional strengthening or capacity building exercises are by their nature very expensive and take a long period of time¹⁰³.

In the case of the Tonga Police, many of the reforms considered necessary for institutional change have not yet occurred. For example reforms in financial management, human resource management and service delivery (read customer relations etc) which are an essential foundation to other operational reforms, have yet to be really established. These are major components of any capacity building project and will take some time to introduce - and then embed into - all the Tonga Police management systems. The general view that it will take a further five years to fully turn the Tonga Police around and have the reforms imbedded and sustainable is supported by the Review Team. The fact that these vital areas seem to have not received the attention needed can be directly attributed to the lack of a project or programme design which would have provided the TPDP with some guidance on scheduling and prioritising of activities. The Programme tended to focus on operational matters and activities - needed initially given the need for quick wins - instead of looking at strengthening the organisation in management¹⁰⁴. The Review has been advised that HR Reforms will be a key activity for 2011-2012, but notes that this should be an ongoing activity for the duration of the Programme.

It is recommended that the Programme urgently refocus on management reform – especially in planning, financial management, and human resource management.

Provided all partners commit to a an additional five years of programme of assistance, there is a good chance of achieving significant change in the culture, and effectiveness of the Tonga Police and every chance that it will become the organisation envisaged by the stakeholders consulted. The risks to achieving this objective are given elsewhere and mainly revolve around the capacity and willingness of the GoT to maintain its current commitment to the Tonga Police.

Immediate and key priority areas for development would be:

- a commitment from the three partners to a five year extension of the Programme to 30 June 2017. This is in line with the Paris and Pacific Forum declarations on aid effectiveness¹⁰⁵ which call for long term predictable commitments. A commitment on funding would be dependent on the outcome of the project/programme design.
- Undertake an urgent project design for an additional five years to the end of June 2017.
 - this would include a revision of the 2011/12 Programme Annual Plan and an outline of the 2012/13 Annual Plan for the Programme

¹⁰³ AusAID/Government of Samoa *Review of Institutional Strengthening Projects in Samoa* May 2004 p36

¹⁰⁴ TPDP Progress Summary 2.5 Years as at 31/12/2011

¹⁰⁵ Paris Declaration: Aid is more predictable: Forum Sec Declaration .Principle 2: Multi-year commitments by development partners and countries aligned nationally identified priorities as articulated in national sustainable development strategies, or the like,

- the new programme design will need to revisit the first two of the four Suggested Components in the McGovern Report: Institutional Capacity Building; and Individual Capacity Building. The design will also need to revisit the Guiding Principles from the McGovern Report especially regarding absorptive capacity and pace of change and prioritising the activities in a more structured way with a focus on capacity building rather than on operational matters.
- the emphasis should be on sustainability
- the design should include an outline for an exit strategy – to be detailed following a mid term review of the next phase.
- The Design Team should be led by an experienced institutional strengthening / change management Project Designer and will need to fully engage the Tonga Police in the design process.
- Ensure that a full Memorandum of Understanding is agreed to and signed following the completion and acceptance of the design document.
- An urgent revision of the current internal communications strategy.

As they are a pre-requisites for the partners to commit funding to the Programme extension, **all** the above activities should ideally be completed before the current Programme period ends on 30 June 2012. The preparation, planning and organisation for the extension needs to begin immediately as part of the current Programme activities.

Also critical to the success of the TPDP is the urgent need for a **full time advisor on Human Resources** (HR). There is widespread support for this attachment among advisors and Tonga Police staff. Without the Tonga Police HR area being strengthened, the HR reform necessary to support the new Act and to modernise the Tonga Police will not occur and the programme as a whole will be likely to fail. Ideally this person would also have experience in HR in a change management environment. Equally important is the need for an Financial Management and Planning Advisor to assist in improving the management and budget planning for the Tonga Police. The Review was advised that HR Reform has been identified as a key activity for 2011-2012¹⁰⁶.

It is recommended that a HR advisor and a Financial Management Advisor be attached to the TPDP as soon as possible under the current Programme.

Priority areas for future development – for discussion

To ensure the **sustainability** of the Tonga Police, there are several critical areas where assistance is needed:

Planning

Support the Tonga Police develop its next Strategic Plan 2013-2018. The Programme assisted the Tonga Police to develop its current strategic plan but this time, the process should be supporting and coaching rather than leading.

Support the Tonga Police develop a Business Plan for the same period with the same emphasis on coaching. This exercise this would include the annual or Action Plan for 2012-2013.

Workforce renewal

Organisational change is often generational (requiring a significant turn over of staff over a relatively long period while the change is being effected). There will be staff in any organisation who are either resistant to, or unable to cope with change. The change process will be smoother and easier to achieve if these staff can be identified early and the organisation go through a targeted (voluntary or otherwise) retrenchment exercise.

¹⁰⁶ AFP comment 5 July 2012

Succession plans developed and in place for all senior executive staff

This should also apply to senior middle management staff who show leadership and potential for promotion and an acceptance of change.

These staff will benefit from being part of the strengthening process and will become highly marketable either in other areas of the public sector or in the private sector. That is, some of them will leave the Tonga Police for more lucrative positions. Potential replacements need to be identified early and developed or groomed for promotion. This needs to be recognised as inevitable and strategies put in place to manage the “leakage” of skilled senior staff.

Change management skills in the Senior Executive

See elsewhere, change management is a very difficult activity requiring special skills. At least one of the senior long term advisors should be a change management specialist with other complementary management skill sets needed to mentor senior staff through the process. This is critical for the Tonga Police as the change process once started, should continue long after the Programme has been completed. The Review Team notes that the current Senior NZPol LTA has skills in this area and the Partners are encouraged to ensure that the HR and FM advisors have also had experience in change management in the public sector (see comments elsewhere regarding engagement of retired police officers and/or civilian specialists).

Build capacity to keep change going – change management skills in middle management

As well as building the skills in senior management, there is also a need to build change management skills among middle management who work with staff undergoing change. They need skills in counselling staff and encouraging staff to take an active part in the change processes around them. This engagement of staff in the change process is important for maintaining morale and effectiveness.

Building Replacement and Renovation Plan for Tonga Police

As recorded in the JAM and the McGovern Reports, the Tonga Police accommodation is in a parlous state. The situation is described in more detail in the Tonga Police Building Replacement and Renovation Plan.¹⁰⁷ The capacity of the Police to carry out its functions and duties is severely curtailed by the state of its buildings and facilities. This is especially so for the Police HQ and the Central Police Station.

Tonga Police intends to embark on its building programme. While funding for the construction of either of these two buildings may be beyond the scope of this programme, there is an opportunity here for the Programme to make a significant contribution to the process by providing funding to contract local or international architects to help document their requirements – ie draw up an architectural brief with building specifications and plans etc for some or all of their programme. This to ensure that the Tonga Police get buildings that are purpose built to suit the organisational structure of the new Tonga Police and built for the environmental and social conditions in Tonga.

NB international architects should only be used if the skills are not available locally.

¹⁰⁷ Tonga Police Building Replacement and Renovation Plan 2011-2016, May 2011.

Outcome 2.3. Options for donors.

Options for donors to assist Tonga to achieve the envisaged Tonga Police.

As stated above the first thing that needs to be done is for the Partners to commit to a long term programme and then to refocus on strengthening the organisation. There are other activities which the donors can assist. The following is a list of activities to be considered by the Tonga Police and which may form part of a new Project/Programme design. They are in no particular order of priority. For example:

GoT support for the programme

- Assist Tonga Police to engage Government – this might include study tours for the Minister and any new Commissioner if appropriate

Evaluations of institutional strengthening or capacity building programmes and projects in the Pacific have shown that the full commitment of the Government and the CEO is essential if there is to be any chance of success¹⁰⁸. Indeed the CEO is the key person who has to drive the changes. A good understanding of the processes involved in modernising a police service in the Pacific is important for both the Commissioner and the Minister.

Training and individual capacity development

- Continue to provide mentoring (initially on the ground and later by contact through email and telephone etc) for Police Commissioner and Senior Executive (as part of a staged exit strategy);
- Continue to provide training in specialist areas. This should also continue **post program** on an ad hoc basis as part of any exit strategy – i.e. a training fund for a number of years for overseas training and another amount set aside to bring ad hoc trainers from ANZ;
- Provide assistance for on-going quality control at Training School; assist Training School to make connections with USP and or other regional institutions to provide pathways to higher education for police officers and enable them to access external scholarship funding;
 - Provide limited targeted scholarships for overseas study – to be funded by the programme to be internally competitive, and a number of open scholarships in policing to attract quality people to the Tonga Police.¹⁰⁹

Longer term

- As part of the exit strategy a staged move to direct funding, with funding moving more from TA to funding reform projects and capacity building activities to be undertaken by the Tonga Police.

Lessons Learned

1. The need for a good project design document

Large scale capacity building projects and institutional strengthening projects are complex and multifaceted. They need a sound and flexible project design developed with the full engagement and active participation of the organisation (Minister, CEO and Staff).

While this was not done in the beginning for the Tonga Police, there is the opportunity with the proposed extension to fully engage staff in the process. Because there have been many

¹⁰⁸ AusAID, *Review of Institutional Strengthening Projects in Samoa*, May 2003

¹⁰⁹ The GoT currently offers scholarships for overseas study for police and others (to be bonded to the Police on completion), but have not taken up by TP Officers in the past because of a lack qualifications.

programme activities occurring around the staff they should be more conscious about the programme and more willing to be engaged now than they were at the outset. This will be an advantage as the “hard and difficult” part of the process is about to start – new methods of management and attitudinal change for both managers and staff.

2. The need for good communications

Despite extensive consultation and for reasons not apparent to the Review Team, messages have not been received by a wide range of stakeholders. The resulting fall out (unrest among staff and politicians and further discussions/delays with the implementation of the Tonga Police Act 2010) has had a negative impact on the implementation of the Programme. This disquiet or unrest could also be a reflection on the lack of a project design. If more time is spent up front in engaging staff in designing the change process and winning “buy in”, the more you save later when you do not have to deal with serious conflict, confrontation and resistance.

The communications strategy needs to be revisited and refocussed on internal communications with staff. This issue is not irretrievable if moves are made now to repair the damage and to engage staff in the design process for the programme extension.

Skills transfer ability and communications are the critical skills needed for advisors in any organisational change process. These skills are more important than the level of technical skills of the advisor and should be paramount in the selection of the best person for a particular job.

3. The CEO needs to drive and be seen to drive the project

This is a strong lesson from other institutional strengthening projects. The current Commissioner has had a hands-on positive impact on this change programme that is directly reflected in its strong successes to date. If any new CEO is not committed to the change process it will not succeed. There also needs to be strong “buy in” from the politicians and also from the Police Executive if the TPDP is to succeed. The Review Team did not encounter any evidence of resistance at these levels, but the statement is made to remind stakeholders of the importance of this “buy in” or local ownership.

4. Lessons learned elsewhere that are applicable to this Programme

This report has frequently referred to the Independent Review of Institutional Strengthening Projects (ISPs) in Samoa. Between the mid 1990s up until the time of the review (May 2003), AusAID and the Government of Samoa were engaged in twelve separate ISPs, costing around A\$10 million a year or 80% of AusAID’s bilateral aid programme with Samoa. The lessons learned from this review on project design¹¹⁰ and implementation equally apply to the Tonga Police Development Programme. It is “recommended reading” for all the people involved in designing and implementing the TPDP – including those in Wellington and Canberra.

¹¹⁰ AusAID, Review of Institutional Strengthening Projects in Samoa May 2003

Recommendations

The summary of recommendations appearing in this first section are those which are either critical to the success of the Programme or urgently need to be considered/carried out. Other recommendations/suggestions have been copied directly from the Report and appear in the second section in the order copied.

Key recommendations

The Review Team recommends that:

Project Extension

- as a priority, the Programme should be extended for at least an additional five years – to 30 June 2017. This will require:
 - an urgent commitment by the Parties
 - a project design to be completed and agreed to by March 2012

General

- the partners reacquaint themselves with the suggested Project Components and the guiding principles set out in the McGovern Report and the MoA.
- the Programme urgently refocuses on management reform – especially in planning, financial management, and human resource management.

Advisors

- Tonga Project Managers and the Police Executive are more closely involved with the selection of advisors:
 - for short term advisors – this may mean Project Managers being involved with the drawing up of Terms of Reference;
 - for long term advisors – Project Managers and the Police Executive being involved with the drawing up of the ToR and also with making final selections from a short list provided by the Partners
- advisors should have change management skills and the Partners should give consideration to the benefits of using long term advisors with multiple skills over short term advisors. Where short term inputs are required the Partners should also consider using advisors with multiple skills to make several visits covering several areas rather than separate visits by several specialist advisors.
- a long term HR advisor and a Financial Management Advisor be attached to the TPDP as soon as possible under the current Programme.
- an advisor with M&E skills be appointed to assist in the proposed review of the M&E Framework for the Tonga Police (and the TPDP) and also to train Tonga Police staff.
- the assignment of the policy advisor be re-examined with a view to extending in light of the need for trained policy staff with the amount of policy work likely to be generated with the reforms anticipated, not only in the near future, but also in any extension of the Programme.
- AFP and NZPol should consider increasing the pool of available advisors by using retired senior officers and/or civilians when the skill sets needed for particular projects are not immediately available among serving officers.

Communications

- Tonga Police review their Communications Strategy to identify and resolve any problems with internal and external communications. This might include:
 - the appointment of a Tongan communications specialist/advisor to assist in revising the communications strategy, targeting both staff and external stakeholders (general public and Parliament etc).
 - the formation of a Community Consultative Committee. – to provide community input to the Programme in addition to providing advice on community consultations

List of all the recommendations

Many of these recommendations are repeated – largely due to the way that the Report has been structured to answer the Review Terms of Reference – as they sometimes overlap with other areas.

Outcome 1.1 Planning, implementation and governance arrangements

1. *It is recommended that a design process for the next phase be commenced as soon as possible and that the designers revisit the four components from the McGovern Report.*
2. *It is recommended that the PMC engagement with the Tongan Cabinet be formalised. This could be to any committee replacing the Cabinet Security Committee or direct through the Minister.*

Progress on short term activities

3. *It is recommended that the Government of Tonga pay the base Tongan salary for the position directly to the Police Commissioner and in the event that the position is later held by another expatriate, that the Programme supplement the salary sufficiently to attract a suitable candidate.*
4. *It is recommended that the TPDP consider assisting the Crown Law Office with the review of legislation etc, if it can be demonstrated that this will assist the TPDP achieve its objectives.*
5. *It is recommended that the Tonga Police Project Managers are more involved in developing the Terms of Reference for the engagement of both short term and long term advisors. It is further recommended that the relevant Project Manager or the PMC is directly involved in the selection of any long term advisor. This could take the form of the Tonga Police or PMC being given a selection of short listed names and CVs.*
6. *It is recommended that in implementing the Community Policing Recommendations, the Tonga Police and the TPDP give consideration to the need for improved communications and the absorptive capacity of the Tonga Police.*
7. *It is recommended that the TPDP assist the Tonga Police to urgently review their communications strategy with emphasis on internal communications.*
8. *It is recommended that consideration be given to the provision of minor support to the Tonga Police Band.*
9. *It is recommended that the Training School explore options to have their Diploma of Policing (and other courses) recognised by the USP as part of their Bachelor of Arts in Pacific Policing*
10. *It is recommended that the Organisational Structure be given priority for implementation in an effort to create some stability within the Tonga Police.*
11. *It is recommended that the proposed review of the M&E Framework give consideration to a more appropriate means of reviewing the TPDP.*

Progress on medium to long term activities

- 12. It is recommended Australia and New Zealand offer support to the GoT in the establishment of an Ombudsman and Anti-Corruption Office ensuring timing takes into account absorptive capacity in the Crown Law Office.*
- 13. It is recommended that consideration be given to include basic investigations training courses for general duty police officers – as and when resources allow.*
- 14. It is recommended that consideration be given to the extension of the Tongan mentor program to include newly appointed or promoted officers as and when resources allow.*
- 15. It is recommended that the design team for the proposed extension of the Programme examine the need for ANZ Mentors to see if they are still required.*
- 16. It is recommended that a review of the ability of Tonga Police policy staff and progress of regulations be conducted prior to the departure of the policy advisor with a view to extend this advisory position as required.*
- 17. It is recommended that the legislative reform programme be re-invigorated, focussing in the first instance, on reforms to legislation that can be amended to reduce the duties currently being undertaken by the Tonga Police .*

Outcome 1.2 New Systems, processes, approaches and culture

- 18. It is recommended that the Programme support the contracting of temporary staff to act as Executive Assistants for the Senior Executive Officers charged with managing TPDP projects where there is a significant increase in the Officers' work loads. An EA could work for one, two or more Officers.*
- 19. It is recommended that a Tongan communications specialist/advisor be appointed to the Programme to assist in revising the communications strategy, targeting both staff and external stakeholders (general public and Parliament etc).*

Outcome 1.3 Relationships – no recommendations

Outcome 1.4 Risks

- 20. It is recommended that the Tongan Police Executive remain closely involved in the work Planning processes for the Tonga Police Annual Action Plans and the TPDP Annual Work Plans.*
- 21. It is recommended that AFP and NZPol should consider using local contractors where possible to undertake local administrative tasks for the TPDP as well as advisory positions where appropriate.*
- 22. It is recommended that all the Parties (including between AFP and AusAID) begin discussions as soon as possible to ensure that funding is secured for any agreed extension to the Programme.*
- 23. It is recommended that the Police Commissioner ensure that the PMC has a formal means of communication with the Cabinet.*

Outcome 1.5 Implementation for the remaining term

- 24. It is recommended that the partners take note of the guiding principles and proposed Project Components set out in the McGovern Report, and commence planning for implementation for the Programme beyond 1 July 2012.*
- 25. It is recommended that the TPDP engage a suitably experienced Tongan to assist in revising the Tonga Police communication strategy and considers the use of a Community Consultative Committee.*

Outcome 1.6 Monitoring and Evaluation

26. *It is recommended that the existing M&E framework be reviewed to better align with the needs, requirements and capabilities of the Tonga Police.*
27. *It is recommended that a future long term advisor have M&E skills as a supplement to other management skills s/he may have.*
28. *It is recommended that if AFP/NZPol are having difficulty in sourcing a suitably skilled advisors, they should consider using retired police officers or civilians.*

Outcome 2.2 Key priority areas for future development

29. *It is recommended that the Programme urgently refocus on management reform – especially in planning, financial management, and human resource management.*
30. *It is recommended that a HR advisor and a Financial Management Advisor be attached to the TPDP as soon as possible under the current Programme.*

Appendices

1. Acronyms

ADG	Attorney General's Department (Australia)
AFP	Australian Federal Police
ANZ	Governments of Australia and New Zealand
AusAID	Australian Agency for International Development
CEO	Chief Executive Officer
DFAT	Department of Foreign Affairs and Trade (Australia)
GoA	Government of Australia
GoT	Government of Tonga
GoNZ	Government of New Zealand
JAM	Joint Assessment Mission – the original “scoping mission” for the Tonga Police Development Programme
LTA	Long Term Advisor
MFAT	Ministry of Foreign Affairs and Trade (New Zealand)
M&E	Monitoring and Evaluation
MoA	Memorandum of Arrangements between the Government of Australia and the Government of New Zealand and the Government of Tonga in relation to the Tonga Police Development Program 2008-2013
NZAID	New Zealand Agency for International Development – now referred to as New Zealand's Aid Programme
NZPol	New Zealand Police
PMC	Program Management Committee
Programme	Tonga Police Development Programme
PSC	Public Service Commission (Tonga)
STA	Short Term Advisor
TA	Technical Assistance/Technical Advisor
ToRs	Terms of Reference
TP	Tonga Police
TPDP	Tonga Police Development Program
TPF	Tonga Police Force – prior to Police Act 2010

2. Terms of Reference



Terms of Reference for a Review of the Tonga Police Development Programme

Draft: 03 March 2011

Prepared by: MFAT, NZP, AFP

Overview

This document specifies the terms of reference for a monitoring assessment of the Tonga Police Development Programme (TPDP) and an assessment of the future priorities for further developing the Tonga Police. Collectively it will be referred to as the Review.

It is intended for use by contractors, staff managing contractors, for the New Zealand Aid Programme, New Zealand Police, Australia Federal Police, AusAID, Tonga Police, the TPDP Programme Management Committee and other stakeholders associated with the TPDP.

Contents

Overview	36
Contents	37
Purpose	37
Background	37
Details of the Assignment	39
Methodology	40
Outputs	40
Approval	41
Annex	42
Relevant reports/documentation	42
Issues or constraints	42
Governance and management	42
Team composition	43

Purpose

This review will: provide the TPDP partners with an independent assessment on the progress of the TPDP; describe the current state of the Tonga Police operations; and identify future priority areas for development and the potential role of the partners in ongoing assistance.

Background

Systemic issues with a lack of capacity and capability of the Tonga Police were highlighted in 2006 when riots in Nuku'alofa led to the burning of a number of buildings in the city centre. This resulted in a joint New Zealand, Australia and Government of Tonga response to develop a programme to improve the capacity of the Tonga Police (TP), with the objective of restoring public faith in the TP.

In May 2008 following a joint assistance mission (JAM) to Tonga, a joint Australia/NZ Tonga Police Development Programme (TPDP) was launched, with A/NZ funding three full-time secondees from the New Zealand Police (the current Commissioner of the TP and two senior advisors), and three full-time senior advisor secondees from Australia Federal Police, along with a large number of short term staff, to provide specific expertise and training. A four-year Tonga Police Business Plan (2009-2013) was developed in 2008, encompassing more than 20 projects.

Over the past 2.5 years, the TPDP has made significant investments in the “hard infrastructure” of the TP. Funding has been provided for major improvements to police stations, new police vehicles, a new radio communications network, an IT network, uniforms and other equipment. This has helped raise the mobility, visibility and response capability of the TP. However, it was in response to the state of affairs in 2006 and the need to provide a major boost in capability.

The emphasis of future support needs to be on building an organisation which is affordable and sustainable within Tongan fiscal constraints, and to focus on embedding organisational changes made over the past few years and improving the capacity of the organisation's people and leadership.

The scope of the programme is set out in the Memorandum of Arrangements between the three Governments and an extract outlining the scope and activities is copied below.

Scope of the Program

5. The Program will adopt a phased approach involving both short term activities and medium to long term strategies.

6. Short term activities include, but are not restricted to:
 - 6.1 Support for filling the position of the Commander of the TPF;
 - 6.2 Support for formal policy and legislative changes including review and revision of the Police Act and related legislation, and managing the transition from Commander to Commissioner;
 - 6.3 Provision of a Program support team;
 - 6.4 Determining a mutually approved community policing style;
 - 6.5 Support for the development of a communications strategy;
 - 6.6 Provision of urgent equipment and material to support police operations;
 - 6.7 Resourcing further detailed studies of training, organisational structure (including fire services), building and accommodation needs; and
 - 6.8 Annual reviews.

7. Indicative medium to long term strategies include, but are not restricted to:
 - 7.1 Working closely with the Government of Tonga to ensure the proper functioning of an Ombudsman and Anti-Corruption Commission office;
 - 7.2 Deployment of a training advisory team;
 - 7.3 Deployment of police workplace mentors;
 - 7.4 Deployment of procedures, practices and policy team;
 - 7.5 Implementation of a legislative reform Program;
 - 7.6 Implementation of a building, equipment and infrastructure redevelopment Program; and
 - 7.7 Development of an information technology Program.

Tonga has also recently undergone significant changes to its political environment and faces a challenging fiscal situation. This review provides an opportunity to present the new GoT and development partners with an assessment on the progress of the TPDP and information on what the key priority areas are for a further phase of support to the TP.

Details of the Assignment

The assignment entails the following tasks:

Outcome 1: Detailed assessment of how the Tonga Police Development Programme is tracking to deliver its stated objectives, how programme implementation is progressing, and recommendations for any required changes.

1. Assess to what degree the TPDP planning, implementation, governance arrangements, current Program Management Committee (PMC), and project management and if progress to-date is on-track to meet the stated objectives.
2. Assess the degree to which new systems, processes, approaches and culture are bedding into the organisation and the role of NZP/AFP capacity development support in achieving this.
3. Assess to what degree the working relationships established (i.e. between TP, AFP, AusAID, DFAT, NZP and MFAT) are effectively contributing to the programme's objectives being met
4. Identify any risks to achieving the objectives of the programme and make recommendations to mitigate these risks
5. Identify and make recommendations on any areas that will improve the implementation of the TPDP during its remaining term and increase the likelihood that the programme's objectives will be successfully met
6. Assess what monitoring data is currently captured and whether it is relevant to appropriately evaluate the TPDP itself (based on the M&E Framework) and the TP more generally. Identify if/where changes or improvements can be made (e.g. capturing data on gender).

Outcome 2: Outline the current TP operation and describe an appropriate, effective, and sustainable TP (based on available information, e.g. Police Act) and make recommendations on the priority areas for future development to reach this sustainable state.

1. Briefly describe the attributes of the existing TP operations. Briefly describe what the attributes of an appropriate, effective and sustainable TP could look like, including the cost of operating and maintaining it. (This description will be based on existing information and Government of Tonga (GoT) and TP strategic direction and policies. It also needs to consider fiscal considerations such as future GoT and donor financial commitments).
2. Establish to what degree the TPDP will advance the TP towards this sustainable state and what the key priority areas are for future development, including costs.
3. Identify options for how donors might assist Tonga in future to achieve this sustainable state, which may inform any ongoing programme of support.

Methodology

The team leader will provide a review plan setting out how the review will be undertaken. This should not exceed 6 pages. The plan will be approved by the TPDP Programme Management Committee. The review team will take a participatory approach, as appropriate and whenever possible.

When undertaking Outcome 1, the review team will assess the progress of the TPDP against its stated objectives as well as the DAC Evaluation criteria of efficiency, effectiveness, sustainability, impact¹¹¹ and relevance.

Outputs ('inputs' and 'payment' columns to be completed by contractor as part of request for quote)

No.	Milestone/Output	Description	Inputs	Due date	Payment
1	Draft Review Plan	Prepare a review plan (no more than 6 pages) document setting out detailed methodology, objectives and programme of discussion with key stakeholders, for undertaking the monitoring appraisal of the TPDP and gap analysis of TP operations. The review plan will be provided to MFAT.	[contractor hours to achieve each output]		
2	Feedback on Review Plan	Consolidated feedback provided to review team leader by MFAT			
3	Final Review Plan	Review plan updated with feedback and approved by PMC			
4	Draft review report	Present a concise (no more than 20 pages plus annexes) draft review to MFAT. Please refer to MFAT's Activity Monitoring Guideline and the Evaluation Series of guidelines at http://nzaidtools.nzaid.govt.nz for guidance on expected contents and detail.			
5	Feedback	Consolidated feedback on draft review report from MFAT.			
6	Final review report	Taking feedback provided into account, present a revised report, in accordance with MFAT's Structure of Evaluation and Review Reports (http://nzaidtools.nzaid.govt.nz), to MFAT.			

NB: Where information is provided to MFAT, MFAT will ensure it is passed onto AFP and the PMC.

The final report will be presented to MFAT's Evaluation and Research Committee and AFP's Evaluation Group, New Zealand Police evaluation group and, if approved, will then be publicly released.

The report, any part of the report, and/or a summary or abstract will be made available publicly (e.g. on the NZ aid programme's and AusAID's websites), unless there is a good reason not to do so. Wherever possible individuals should not be identifiable in the report unless the review team has obtained written approval from the individual. Any information that could prevent release of the report under the Official Information or Privacy Acts, or would breach ethical standards, must be placed in an in-confidence annex.

¹¹¹ It will be difficult to determine the impact of the TPDP due to the short timeframe for changes to embed. However the review should establish that appropriate data is being captured to evaluate the impact of the programme at its conclusion. Where data and/or trends on impact can be identified, they should be included in the report.

Approval

Endorsed by:

.....
(signature)

Date:

Dominic Walton-France, Ministry of Foreign Affairs

Date:

.....
(signature)

Superintendent Stu Wildon, New Zealand Police

Date:

.....
(signature)

Dr Patrick Hagan, Australia Federal Police

Approved by:

Date:

.....
(signature)

Chris Kelley, Programme Management Committee, Tonga
Police Force

Annex

Relevant reports/documentation

The following documents are relevant to this assignment (the below list is not exhaustive):

- Tonga Police Force Joint Assistance Mission Final Report
- Memorandum of Arrangements between Governments of Tonga, Australia and New Zealand
- Tonga Police Development Programme – Project Description
- Tonga Police Monitoring and Evaluation Plan(s)
- Tonga Police – Action Plans and Project Management Plans
- Contract documents between AFP and Tonga Police and NZAID and Tonga Police
- Terms of Reference of Programme Management Committee
- Tonga Police Strategic Plan, Business Plan, Corporate Plans, Budgets etc
- Review of true cost of policing in Tonga
- Tonga Police Act and other relevant legislation
- TPDP Monthly Status reports
- PMC minutes and papers from meetings
- Tonga Police Action Planning Committee minutes
- Community Perceptions Survey 2008 and 2010

Issues or constraints

A true cost of policing review and Community Perceptions Survey are being undertaken in early 2011. If they are available (in draft or final form), it would be desirable to include them in the analysis for Outcome 2 of this review.

Outcome 1 of this review needs to be completed in time to allow for the findings to be incorporated, where agreed, into the implementation of the workplan for the final year of the TPDP.

Governance and management

Overall responsibility to ensure that the review is undertaken and completed as specified will lie jointly with the New Zealand Aid Programme, Tonga Police and Australia Federal Police.

Governance of the review will be provided through the TPDP Programme Management Committee. The PMC's responsibilities will be to:

- Approve the terms of reference
- Approve the evaluation plan and methodology proposed by the review team (or delegate this identified person(s))
- Consider the draft report and feedback received from stakeholders, and identify any required changes
- Approve the final report

Management of the assignment will be coordinated by Shirley McGill, Development Programme Officer - Tonga, in consultation with IDG AFP Evaluation Team DR Patrick Hagan, who will have the responsibility to:

- Prepare the draft terms of reference and manage feedback to prepare the final terms of reference
- Coordinate any NZ or Wellington-based meetings

In-Country Management of the assignment will be coordinated by the Team Facilitator with support from Chesna Cocker, Second Secretary, MFAT, and in consultation with Contingent Commander Frank Clair, Tonga Police Manager Policy and Planning, and Superintendent Carl McLennan, NZ Police Policing Development Advisor. The Team Facilitator will be responsible for:

- Organising in-country briefing and debriefing with the review team and selected members of AFP, MFAT, and Tonga Police (including seconded personnel)
- Liaising with the review team throughout the assignment and manage any issues or requests for information/meetings as required
- Managing and collate feedback from stakeholders on the draft report and ensure that issues raised are addressed by the Programme Management Committee

Further work or revisions of the report may be required if it is considered that it does not meet the requirements of the terms of reference, if there are factual errors, if the report is incomplete, or if it is not written to an acceptable standard.

Team composition

This table shows the proposed composition of the team for this assignment.

Role	Knowledge , skills and experience
<p>Team Leader – M&E Specialist (consultant): Lead and coordinate team, including development of methodology and review plan. Responsible for writing and revising review report (with assistance from team members).</p>	<p>Substantial team leadership skills and experience</p> <p>Substantial knowledge and expertise in development programme analysis and evaluation, including participatory processes</p> <p>Strong knowledge and experience in the police, law or justice sectors</p> <p>Substantial knowledge and experience in capacity development and institutional strengthening</p> <p>Knowledge and experience of the Pacific preferable</p> <p>Knowledge and experience of Tonga an advantage</p>

Role	Knowledge , skills and experience
<p>Team members (2) – Police Technical Specialists (member of NZP and AFP):</p> <p>Full participation throughout assignment, provision of technical expertise. Co-responsible for writing and revising review report (under direction of team leader).</p>	<p>Substantial knowledge and expertise in the police sector</p> <p>Substantial knowledge and experience in capacity development and institutional strengthening</p> <p>Strong skills in analysing and evaluating development programmes, including participatory processes</p> <p>Law and justice sector experience an advantage</p> <p>Knowledge and experience of Tonga an advantage</p>
<p>Team member – Researcher (consultant, may be Tongan):</p> <p>Full participation throughout assignment. Co-responsible for writing and revising review report (under direction of team leader).</p>	<p>Substantial research, analysis and evaluation skills</p> <p>Strong skills in analysing and evaluating development programmes, including participatory processes</p> <p>Substantial knowledge and experience in capacity development and institutional strengthening</p> <p>Law and justice sector experience an advantage</p> <p>Knowledge and experience of Tonga an advantage</p>
<p>Team facilitator (Tongan)</p> <p>Full participation throughout assignment. Co-ordinates and assists in all requirements for team members. Provides skills development opportunity for TP officer as well as local knowledge.</p>	<p>Strong logistic and co-ordination skills</p> <p>Skills in research, analysis and evaluation preferable.</p>

3. Review Work Plan

**Mid-term Review
of the
Tonga Police Development
Programme**

DRAFT WORK PLAN

TPDP Mid Term Review: Proposed Methodology

Document Review

The team to undertake a detailed analysis of project documentation as it is made available. This should include:

- Tonga Police Force Joint Assistance Mission Final Report
- Memorandum of Arrangements between Governments of Tonga, Australia and New Zealand
- Tonga Police Development Programme – Project Description
- Tonga Police Monitoring and Evaluation Plan(s)
- Tonga Police – Action Plans and Project Management Plans
- Contract documents between AFP and Tonga Police and NZAID and Tonga Police
- Terms of Reference of Programme Management Committee
- Tonga Police Strategic Plan, Business Plan, Corporate Plans, Budgets etc
- Review of true cost of policing in Tonga - **Not yet completed**
- Tonga Police Act and other relevant legislation
- TPDP Monthly Status reports
- Selected PMC minutes and papers from meetings
- Selected Tonga Police Action Planning Committee minutes
- Community Perceptions Survey 2008 and 2010

The document review will mainly focus on Outcome 1 in the Terms of Reference:

Outcome 1: Detailed assessment of how the Tonga Police Development Programme is tracking to deliver its stated objectives, how programme implementation is progressing, and recommendations for any required changes.

In particular the activities listed under paragraphs 6 and 7 in the Scope of the Programme.

Fieldwork

Methodology in relation to the Terms of Reference:

The Terms of Reference for the Review call for a participatory approach as appropriate and whenever possible. The field work will consist of a series of **semi-structured interviews** held with both internal and external stakeholders to ensure that a wide range of people involved with the TPDP are given the opportunity to be involved in the review process.

In addition to the interviews, it is intended to hold a **stratified series of workshops** with serving Tonga Police officers to gauge the effectiveness of the activities completed under the Programme to date and to give these officers the opportunity to have a meaningful input into the review process. A separate workshop will be held with external stakeholder input.

It is intended that these interviews and workshops will inform the Review on the quality of programme progress to date and also assist the Review to meet the requirements of Outcome 2 as well as further informing the Review on the quality aspects of Outcome 1.

Outcome 2: Outline the current TP operation and describe an appropriate, effective, and sustainable TP (based on available information, e.g. Police Act) and make recommendations on the priority areas for future development to reach this sustainable state.

Interviews:

It is intended to carry out a series of semi-structured interviews with as many as possible of the following

Internal Stakeholders

- Minister for Police
- Commissioner of Police
- Key members of the Project management team located in Australia, New Zealand and Tonga.
 - AFP in Canberra and Tonga
 - MFAT and NZP in Wellington and Tonga
- Key members of the Project Management Committee
- All members (individually) of the senior executive of the Tonga Police (Deputy and Assistant Commissioners or the like)
- Key members of the “disaffected” Tonga Police Officers who have a grievance with the Commissioner.
- Members of the TP who are directly involved with the project – especially counterparts to the ANZ advisers
- Any AFP or NZP advisers attached to or working with the Programme

External Stakeholders: (This list to be supplemented/confirmed by MFAT Nuku’alofa)

- Tongan Government officials in related or associated departments or organisations (eg. Attorney General/Solicitor General; and others)
- Key members of the legal sector in Tonga, (eg judges, prosecutors, defence lawyers)
- Chamber of Commerce/Rotary
- Relevant NGOs (eg Women’s groups; victims of crime; particularly: Salvation army youth probation programme; National Domestic Violence Committee; Tongan National Centre for Women and Children (incl Crisis Centre staff))

The interviews would be based around the template below, but with an opportunity for respondents to open up in a more general way to the overall impact of the TPDP and the way that the Tonga Police Service is operating.

Workshops

Where possible, attendees for the workshops should include (among others) people already interviewed. This is designed so that they will have prior knowledge of the workshops and have already begun to think about the issues involved with the TPDP and the Review. This should also save time and ensure that the best outcomes are achieved. The following workshops are proposed:

Stratified Police Workshops

- Commissioned officers in TP (male and female – split on gender basis during workshops for relevant sessions)
- Senior NCOs in TP (male and female – split on gender basis during workshops for relevant sessions)
- Constables and Senior Constables (male and female – split on gender basis during workshops for relevant sessions)

Stakeholders Workshops

- a representative from each of the organisations interviewed invited to workshop.

A detailed list of internal and external stakeholders will be obtained during the briefings from the MFAT Nuku'alofa Office and the Commissioner of Police and also independently from the Tongan Team Member who is yet to be confirmed.

Interview Questionnaire Template based on questions for Senior Commissioned Police Officers, this will be modified for other officers and for external stakeholders:

These questions could be modified to reflect the situation at the work place/ public interface for constables and Senior NCOs and also for Police Advisers, and the External Stakeholders. They would also provide the framework for any email questionnaires sent to key stakeholders unable to be interviewed face to face.

General Opening

Explain reasons for the Review being undertaken at this stage.

- Mid term – approximately 2 ½ years out of a 5 year Programme
- All three Parties (GOT, GONZ, GOA) and the Tonga Police need to know:
 - how well the programme is being implemented
 - if there are any problems
 - how to improve implementation – even in areas where the programme seems to be running smoothly
- Critical to get the views of those most impacted by and involved in the programme –
 - the Tonga Police officers, and of course
 - the Tongan citizens or main clients of the Tonga Police Service

Ask the interviewee

- what they know about the TPDP
 - What is its purpose
 - What components are there to the Programme (what assistance is being provided and by whom)
- Have you been involved personally in any of the Programme activities – training courses, workshops etc?
 - Please tell us about these activities. We are particularly interested in making them as good as possible, how could they have had a better impact on the people being trained.
- Have you had any personal involvement in the design process for the Programme? Were your views sought by anyone from the TPDP or the design mission that came to Tonga in November 2007 to work out what was needed for the Programme
 - Since the programme started what involvement have Tongan police officers had in:
 - the development of the strategic plan and the business plan
 - the development of the communications strategy
 - the development of annual work plans
 - If you haven't had any involvement, do you know any TP officers at your level who were involved?
 - Would you give us some ideas on the best way to get advice the people actually doing the work that is, from Police Officers at all levels

Outcome 1

1. How well is the Programme being managed? Especially with regard to:
 - * the planning
 - * the project implementation
 - * the oversight by the PMCHow would you improve on the existing situation and methods – ie what needs to be done to make it better?
2. Talk to us about the new systems that are in place or being put in place through the Programme.
 - * Which ones have been successful and which ones could do with some additional work?
 - * What sort of additional work needs to be done on these and how would you encourage the Commissioner and or the ANZ advisers to assist here?
 - * How has the exposure to new ideas and systems changed the police officers' attitude to their work through their exposure to new ideas and systems.
 - * Please tell us your thoughts on the impact of the TPDP on police officers at all levels from Senior Officers through to Constables
3. Describe your working relationship with AFP and NZP – at a personal level with the advisers attached to TP and also at an organisational level between TP and the AFP and the NZP.
 - * How can this be improved – what is needed to make it better/more effective
4. What do you see as the biggest problems/barriers facing the TPDP and stopping it from reaching its objectives?
What needs to be done to remove or solve the problems?
5. If you were the Police Commissioner or the AFP and the NZP what would you do to improve the programme implementation/management to help it be successful?
6. Were you involved in helping to develop the M&E framework?
Do you think that the activities currently being measured are a good tool to assess if the Programme is running well and if the TPol is improving?
*What would you measure that will give a better indication of the performance of the Programme implementation and also of the performance of the TPol?

Outcome 2

1. Can you give us an idea of how you would like to see the TP operating?
 - * Can you describe the features of this Police Service?
 - * How would it operate?
 - * How would it be managed?
 - * What do you understand by the term a sustainable organisation?
 - * “What things do you see are needed to make TPol “sustainable”?
 - * Which of these things in the most important – list the rest in priority order
 - * Who would be directing changes that might be needed from time to time?
 - * How would the TPol learn about what changes might be needed to serve the people of Tonga better and to provide them with what they need from their Police Service?The strategic view point will be best tested by the visions of senior public officials (The Police Commissioner and his senior Police Officers, Judges, Solicitor General, Policy advisers in the PM's Department and the Minister for Police???) and also by community leaders.

While the interview might elicit individual view points, the workshops should be a useful tool in getting some discussion going where all the elements listed in 2.1 can be canvassed.

2. Will the current design and direction of the TPDP assist Tonga Police to become the self sufficient and sustainable organisation described?
 - * Which are the most important parts of the TP that need help?
 - * Which are the parts that need help first?
3. Do you continue to need assistance from Donors (incl ANZ) to achieve the objectives?
 - * What sort of assistance do you think is needed most?
 - * What other assistance is needed?

Draft Work Plan Itinerary: Mid Term Review Tonga Police Force Capacity Building Programme - 7 May

Action	Duration Days			
Reading, analysing background documentation	3	Between 13 and 21 May		
Prepare work plan – discussions with team and MFAT; revisions as required	3	Between 13 and 21 May		
Interview AFP (& AusAID?) in Canberra, write up notes	1	19 or 20 May		
Travel to Tonga (CBR-SYD-AKL-TBU) & (WLG-AKL-TBU)	1.5	Sun/Mon	22-23 May	O'nite AKL
Briefing from MFAT Nuku'alofa;	0.25	pm Mon	23-May	
Courtesy call on/briefing by Commissioner	0.25	pm Mon		
If time permits, Briefing from the ANZ Programme managers		pm Mon		
Initial round of interviews with key TPol officers (incl Executive and disaffected officers) and Programme Managers and advisers. Also interview key members of the PMC. Include at least 1 outpost	2	Tue/Wed/Thur		
Initial round of interviews with outside stakeholders. These should include: legal sector, NGOs and related government agencies	2	Thur/Fri		
Assessment of field work to date	1	Sat		
Planning for workshops	1	Sun	TL; NZ & AF Police members	
Workshops	0.5	Mon		30-May
Commissioned officers	0.5	Mon		
Senior NCOs	0.5	Mon		
Constables (Incl 1/2 day analysis of TP responses)	1	Tue		
Outside stakeholders	1	Wed		
Follow up meetings/interviews with Project management team and/or others as required	1.5	Thur/Fri		
Analysis and writing	0.5	Fri		
Analysis and writing/ Planning & preparation for presentation	1	Sat		
Discussions; Planning & preparation for presentation	1	Sun	TL; NZ & AF Police members	
Presentation/Briefing for PMC, MFAT on findings and recommendations; (and stakeholders??)	0.5	Mon		6-Jun
Incorporate feed back - pm	0.5	Mon		
Travel home	1.5	Tues/Wed	7/8 Jun	O'nite AKL
Report writing - draft report	4	Between 9 and 18 June		
Incorporate feed back into final report	1	Within one week of receiving feedback		

4. Overview of the Tonga Police Development Programme

There were three major documents informing the development of the Tonga Police Development Programme (TPDP): The Joint Assessment Mission Report, the McGovern Report and the Memorandum of Arrangements. A brief summary follows.

The Joint Assessment Mission¹¹²

In September 2006, the Tonga Police Force (TPF) and the Government of Tonga (GoT) requested assistance from the Governments of Australia and New Zealand for police related assistance. Following civil unrest in Nuku'alofa in November 2006 and subsequent criticisms of the TPF's response to these events, the GoT invited the Governments of Australia and New Zealand (ANZ) to undertake a joint assessment of the TPF. A Joint Assessment Mission (the JAM) was conducted from the 5th – 17th February 2007.

Prior to the GoT's requests for assistance, the TPF had identified a number of impediments to its capacity to manage its functional responsibilities. These included obsolete/unreliable vehicle fleet and communication equipment, dilapidated buildings and lack of accommodation at rural police stations, absence of patrol vessels, poor training facilities, outdated record keeping practices, absence of basic forensic capability and lack of funding support.

Consultations, both within and external to the TPF, indicate these weaknesses and constraints are largely attributable to the following factors:

- deficiencies in the TPF organisational structure and insufficient skills in key areas – past and present;
- weak internal operational and administrative processes; and
- insufficient long term Government priority accorded to police funding and development, leading to a gradual and persistent decline in the quality of police services and the capacity of the TPF.

In light of the above, the JAM recommended a wide range of assistance measures designed to support future development of the TPF. Some of the measures require enabling action by the GoT with support from ANZ. Many of the broader measures will require future funding commitments from the GoT and will depend on strong GoT leadership. It is recommended that any package of assistance only proceed following a firm commitment from the GoT to provide its own enabling budgetary allocations to the development of the TPF.

The JAM outlined a package of assistance which consisted of two major components: short-term measures necessary for an effective and efficient TPF; and long-term measures aimed at ensuring that short-term changes are persuasive and that the TPF emerges as a professional police service.

The key recommendations identified in the JAM Report are outlined below:

- A. Immediate implementation of a range of short-term measures outlined below to facilitate fundamental changes necessary for an effective and efficient TPF:
 - 1) Appoint an expatriate Police Commander for a period of 6 to 12 months (contingent on separation of powers) then undertake a robust selection process for filling the position of Police Commander by a Tongan National;
 - 2) Separation of powers and other changes to Police arrangements - ANZ to provide drafting assistance to support legislative changes needed for a separation of powers and other changes as directed by the GoT;

¹¹² The JAM summary is taken from the Tonga Police Trilateral Discussions, Final Issues Report, Nov 2007 pp 4-6

- 3) Provision of Executive Team Support - upon the selection of a new Commander, ANZ provide a team of expert advisors to support the office of Commander and the operations of the TPF;
- 4) Determine appropriate policing style - ANZ to assist the TPF in developing an effective and efficient policing style that re-establishes public trust and confidence;
- 5) Support the development of a Communication Strategy - ANZ support the development of a communications strategy which expresses the future direction of the TPF;
- 6) Provision of urgent equipment and material to support Police Operations - ANZ as a matter of urgency, and explore providing equipment including: uniforms and accoutrements, communication systems, identification of appropriate vehicles and maintenance support;
- 7) Resource further studies of training, organisation, structure (including Fire Department), building and accommodation needs – Tonga and ANZ to decide on funding short term expert assistance in a range of priority areas; and
- 8) Stop/Go Review - At the end of the first phase, undertake a stop/go review to determine whether the second phase should proceed .

B. Implementing the medium to longer-term package of assistance recommended below to ensure that changes made in the short term are persuasive and that the TPF of the future delivers identified benefits:

- 1) Provide further support for the creation of an Ombudsman's office - ANZ to provide drafting assistance to support changes needed for a new Tonga Police Force;
- 2) Deployment of a Training y Team - Australia and New Zealand deploy a joint Training y Team (up to 5 years) to work with counterparts in the Police Training School to retrain the TPF;
- 3) Deployment of Police Workplace Mentors – ANZ to deploy workplace mentors (up to 5 years) to work with the TPF in achieving capacity to ensure procedures, practices and policies are being implemented in an effective and efficient way, and that training is being embedded once officers return to the workplace;
- 4) Deployment of a Procedures, Practices and Policy Team – ANZ to deploy a team (for up to 2 years) to document all elements of corporate and operational activity which need to be implemented to effectively and efficiently deliver the business of the TPF;
- 5) Implementation of a legislative reform program - ANZ to provide legislative reform support in cooperation with relevant GoT agencies to recommend and draft changes to legislation with the objective of increasing effectiveness and efficiency of the TPF;
- 6) Implement a Building and Infrastructure Redevelopment Program - In partnership with the GoT, consider a building and infrastructure redevelopment process covering all aspects of the TPF including vessels, wide spread communications needs and all types of buildings (including police stations, training facilities and armouries); and
- 7) Develop an Information Technology Program - In partnership with the GoT, review the information technology needs of the TPF and consider necessary training and equipment to implement critical information technology developments.

The JAM also recommended that a project design be carried out.

Trilateral Discussions¹¹³

From 21-23 August, 2007, Trilateral Discussions took place in Nuku'alofa between the ANZ and the GoT, with a view to discuss the practical steps of adopting the recommendations on the Tonga Police Force Joint Assessment Mission Final Report April 2006 and preparing the way for a design-implementation phase of the joint Australia and New Zealand assistance to the TPF.

The Tonga Police Trilateral Discussions Final Issues Report (McGovern Report) proposed a programme of assistance to the Tonga Police Force (TPF) to be named the Tonga Police Development Programme and set out clear options and recommendations for future actions for the design-implementation phase of the Program.

¹¹³ Tonga Police Trilateral Discussions pp 6-9

Phasing and rolling design

The McGovern Report recommended the programme be delivered in two phases of short term and long term assistance. Phase 1 was to be completed by 31 December 2008 and, after a satisfactory review of Phase 1, Phase 2 would commence on 1 January 2009 and run to June 2012.

At the end of Phase 1 (30 June, 2008) the following would be expected to have been achieved:¹¹⁴

- Establishment of the Program Management Committee (PMC) as the primary decision-making body for the Program;
- Establishment of a Trust Fund with an initial tranche of AUD\$100,000 to be used for refurbishment of the TPF Training College and to conduct some initial training at the College – a joint AFP/NZPOL scoping mission is to be fielded to scope the refurbishment and training needs;
- Development of Policy Framework/Vision for the TPF;
- Recruitment of TPF Commander;
- Roles and Responsibilities of Minister for Police and TPF Commander finalised;
- Technical y Team needs identified and Technical Assistance (TA) considered by PMC;
- Community Policing strategy formulated and adopted by GoT;
- Communications strategy formulated and adopted by the GoT;
- Priority equipment and material identified and procured;
- Training, Organisation Structure, and Building needs scoped;
- GoT delivers on its promised budgetary allocation for the TPF; and
- Progress Review completed.

The activities described above were to form the subject of the pre-phase 2 progress review, recommended for September 2008, against which progress would be measured.

The McGovern Report recommended that following appointment of a new TPF Commander, a Design Team be formed as soon as possible (February 2008 would be ideal), with a view to design outstanding elements of Phase 1 and Phase 2, which would take effect from 1 January, 2009 and would run until 30 June, 2012. The Design Team's Terms of Reference (TOR) would need to include an initial progress review which could then be fed into the design work. More than one visit by the design team may be necessary, with a second visit scheduled for October 2008 (following the pre-phase 2 Program Review), and the team should consist of a maximised number of local experts to ensure sustainability.¹¹⁵ The recommended review and design did not take place.

Component Description¹¹⁶

The McGovern Report suggested that the Program could be comprised of the following four Components:

- Component 1 – Institutional Capacity Building;
- Component 2 – Individual Capacity Building;
- Component 3 – Infrastructure and Equipment Provision; and
- Component 4 – Program Management and Coordination.

Component 1 - Institutional Capacity Building: This component addresses strengthening the institution of the Tonga Police in terms of raising its profile and building capacity within the Tonga Police to manage its core business: by ensuring that legislative and policy frameworks are in place. This could be done through establishment of a Legal Working Group, which would review and propose amendments to legislation applicable to the TPF. This would help to provide vision and guidance to the Tonga Police members and to the general public as to the new strategic direction of the Tonga Police Force as a 'Service' focussing on Community Policing as one of its central strategies. This would occur by ensuring that its internal administrative, human resources

¹¹⁴ Tonga Police Trilateral Discussions pp 9

¹¹⁵ Ibid P10

¹¹⁶ Ibid p10-11

systems and processes are in place, such as a code of conduct, disciplinary procedures, transparent promotion processes, logistics, asset and fleet management capacities, procurement, communications strategy for engagement with the media to maximize positive aspects of the organization. Key institutional competencies which would need to be developed in the TPF include: its capacity to develop Annual Management Plans, Annual Budgets, based on those plans, operational key performance indicators (KPI), and to successfully bid for the budgetary allocation through the Expenditure Review Committee during each budgetary cycle (February – May). This will become increasingly important to the TPF, particularly to ensure adequate budgetary provision is made for recurrent costs associated with additional equipment/staff provided through the Program. These institutional capacity building efforts under the Program would need to be synergised with broader donor machinery of government (budgetary process) assistance available through other programs.

Component 2 - Individual Capacity Building: This component would see the provision of technical assistance (training and mentoring) to support the development of skills and experience of individuals within the Tonga Police so that those individuals could affect the core business of the Tonga Police Service going forward. This would include activities such as functionally-based Training Needs Analysis, skills audits, development of a Professional Development Program linked to promotion within the Tonga Police; mentoring, overseas merit-based study opportunities, identification of outstanding potential within the Tonga Police, and the development of competencies to ensure that the TPF can develop Annual Management Plans, Annual Budgets based on those plans, develop operational KPIs, and successfully bid for the budgetary allocation throughout the budgetary cycle. Consideration should also be given to linking individual performance to operational KPI, a method which has enjoyed success in the Ministry of Health.

Component 3 - Equipment, Infrastructure: This component would consist of equipping the Tonga Police with uniforms, appropriate accoutrements, vehicles, communications equipment, as well as infrastructure development such as refurbishment of the training centre and accommodation. Clearly, this component would need to synchronise with Component 1 to show that the TPF is in a position to absorb additional equipment and infrastructure. Some transport might be required at the outset to facilitate the work of the TPF and technical assistance furnished through the Program.

Component 4 - Program Management and Coordination: This component would ensure that the management and coordination of the Program is driven by the PMC, resonates strongly with existing administration structures and leadership roles, and accords with the priorities of the GoT. It is thought this is most likely to ensure sustainability of outcomes from the Program. The PMC would have a decision-making role in terms of the engagement of external technical assistance through the Program. This component would also manage a flexible fund (trust fund) which would house donor contributions for the Program, and would be used to fund external specialist assistance as required. In initial tranche of AUD100,000 is recommended for the start-up phase.

Guiding Principles¹¹⁷

The McGovern Report also set out some clear development principles to guide the design and implementation of the TPDP:

- 1) Tongan leadership and ownership of the Program is maximised.
- 2) The package of support is well aligned to Government of Tonga needs and priorities.
- 3) The pace of implementation is appropriate and responds to the absorptive capacity of the Tonga Police Force.
- 4) The Program's focus is capacity building, not capacity supplementation.
- 5) The Program is based on an agreed Community Policing style.
- 6) The Program will support the long-term financial sustainability of the capacity built in the TPF, within the GoT's financial limits.

The McGovern Report also called for the AFP and NZPOL to work within a collaborative framework to build capacity within the TPF and suggested that the TPDP Programme

¹¹⁷ Ibid p 11

Management Committee (see below) be actively involved in the selection of technical advisors (TA) to the Programme as well as using local TA where available. The McGovern Report stressed the need for TA to be delivered through a “development lens” where the focus is on process rather than output – strengthening the local officers and staff to do the job is more important than just getting the job done.

Associated agencies were also to be considered for strengthening where expertise was needed to assist in achieving TPDP objectives, eg legislative drafting and the like [for the Crown Law Office].

Programme management¹¹⁸

A Programme Management Committee (PMC), consisting of key TPF personnel, associated government ministries and departments as well as civil society was to be set up with a Terms of Reference to oversee the implementation of the Programme. The McGovern Report also recommended that the two main donor agencies be members of the PMC. Membership of the PMC together with a brief summary of the role of the PMC is detailed in the Memorandum of Understanding see below.

Monitoring and Evaluation¹¹⁹

The McGovern Report recommended that as part of the design process, a monitoring and evaluation (M&E) framework be established for the Programme. While the Review and design process did not proceed, the TPDP set up a M&E Framework in 2009.¹²⁰ The work was undertaken by an Officer from the NZPOL under supervision of the AFP and NZP long term advisors seconded to work on the TPDP. At the PMC meeting held on 30 May 2011, a decision was made to review the M&E Framework to make it more suitable and appropriate for the needs of the Tonga Police going forward. This review is to take place in the ensuing twelve months.

The Memorandum of Arrangements

A Memorandum of Arrangements (MoA) setting out the working arrangement was drawn up. This document defined a set of principles to guide the implementation of the Programme¹²¹:

1. The Government of Tonga’s leadership and ownership of the Program is maximised.
2. The package of support is well aligned with the Government of Tonga’s needs and priorities.
3. The pace of implementation is appropriate and responds to the absorptive capacity of the TPF.
4. The focus is on capacity building, not capacity supplementation.
5. The Programme is based around a mutually approved community policing style.
6. The Programme will support the long term financial sustainability of capacity built into the TPF within the financial limits of the Government of Tonga.

It also stressed the need to acknowledge the partners’ commitment to the Paris Declaration on Aid Effectiveness¹²² and in particular: ownership by the GoT; alignment with GoT procedures, policies and systems; harmonisation of Partners’ contributions and systems; the programme should be managed for results – with a focus on achieving the objectives through results-oriented reporting and monitoring frameworks; and mutual accountability and transparency of the use of development resources.

The MoA went on to list: the type of contributions that each partner would make to the Programme: the manner of accounting for funding provided by the partners in a Special Purpose Account; and broadly outlined the procurement of goods, services, and works by the GoT in relation to the implementation of the Programme.

¹¹⁸ Ibid p 13

¹¹⁹ Ibid p 14

¹²⁰ Tonga Police Force, Monitoring and Evaluation Framework, June 2009.

¹²¹ Memorandum of Arrangements ... in relation to the Tonga Police Development Programme 2008-2013, undated but signed on 2 July 2008.

¹²² OECD, *The Paris Declaration on Aid Effectiveness*, March 2005

The MoA also set out a two tier framework for the governance of the Programme. Strategic oversight was to be provided by the Cabinet Security Committee with Programme management being provided by a Programme Management Committee (PMC). The role and membership of the PMC was set out clearly¹²³:

The PMC is to:

- establish strategic priorities under the Programme (subject to the strategic direction of the Cabinet Security Committee);
- approve each Annual Plan (aligned to the TPF's Annual Management Plans/budget), including forward estimates for three years under the Medium Term Budget Framework;
- prior to development of the first Annual Plan, the PMC will approve individual activities and budget for implementation under the TPDP;
- monitor, review and report to the MoA Parties on progress in the implementation of the TPDP;
- recommend to the MoA Parties any appropriate changes to the TPDP, including the budget and future development;
- integrate TPDP assistance with other stakeholders in the law and justice sector and other assistance to the TPF (eg regional programmes such as the Pacific Regional Policing Initiative and its successor) and any other donor support;
- maximise and promote Tongan leadership of the TPDP;
- ensure the TPDP has a focus on long term capacity development and not capacity supplementation;
- ensure the TPDPD has a focus on sustainability
- ensure an appropriate monitoring and evaluation framework is in place and utilised; and
- ensure the TPDP provides support that is financially sustainable for the Government of Tonga.

PMC Membership:

The PMC is to be chaired by either the Commander (Commissioner) or Acting Commander. The other members of the PMC are as follows:

- TPF Deputy Commander (Commissioner) or Assistant Commander (Commissioner) of the TPF;
- Government of Tonga representative – to be determined and recorded in the PMC Minutes;
- Civil Society representative from Tonga - to be determined and recorded in the PMC Minutes;
- Australian Federal Police (AFP) Programme Coordinator or a person acting in this role;
- New Zealand Police Programme (NZP) Programme Coordinator or a person acting in this role;
- Australian Agency for International Development (AusAID) First Secretary or a person acting in this role (optional); and
- New Zealand's International Aid and Development Agency (NZAID) First Secretary or a person acting in this role.

Sub-committees may be established by the PMC to undertake particular projects under the Programme. The PMC was to report to the Cabinet Security Committee on a three monthly basis or as required. The Parties may also constitute an independent monitoring and review group at any time to review the TPDP.

All three documents¹²⁴ included the list of short term and medium to long term activities more or less as set out by the JAM and all three documents had as a pre-requisite the need for the duties and responsibilities of the Minister and the Commander/Commissioner to be set out and clearly defined and separated. There was no mention in the MoA of the need for a project design or of the components suggested in the McGovern Report.

¹²³ MoA pp3-4

¹²⁴ The JAM Report, the McGovern Report and the Memorandum of Arrangements

The three partners signed the MoA on 2 July 2008 and the Tonga Police Development Programme commenced from that date.

A draft ToR for the PMC was signed on 29 August 2008. A revised draft was submitted to and accepted by the PMC on 30 May 2008. It was agreed that this would be revisited in twelve months time.

The Tonga Police Strategic Plan 2009-2013 and the Four Year Business Plan

Following the commencement of the Programme, the Programme supported and assisted in the development of a Strategic Plan 2009-2013 for the Tonga Police¹²⁵. This Strategic Plan set out:

The vision for the Tonga Police: *Safer Communities*;

A mission statement: *To be the leading police service in the Pacific, working in partnerships to maintain law and order, keep the peace, prevent crime and road trauma, and enhance public safety; and*

Three Strategic Goals:

1. *Community Reassurance* [with an outcome of] *Confident, safe and secure communities*
2. *Policing with Confidence* [with an outcome of] *Less actual crime, less actual road trauma, fewer victims.*
3. *Organisational Development* [with an outcome of becoming] *The Pacific's leading police service*

The Programme then assisted in the preparation of a Four Year Business Plan for the Tonga Police. Tonga Police then prepare Annual Action Plans designed to achieve the outcomes identified in the Four Year Business Plan. Activities funded by the Programme are designed to support the Tonga Police implement this Four Year Business Plan.

Police Commander/Commissioner

The role of Police Commander became vacant on 16th February 2007 and had been filled on a temporary basis for some time. The JAM Report, concluded that the vacant position should be filled as a matter of urgency with preference for a Tongan national.¹²⁶ Subsequently, as a result of Tonga Police Trilateral Discussions in August 2007, the recommendation of the JAM report was modified with a two step approach. Firstly by seeking recruitment of a Tongan national (advertised nationally and internationally) to fill the position of Police Commander, and failing successful recruitment of an appropriately skilled and qualified Tongan candidate, considering expatriate nominees for appointment.¹²⁷

In a letter written to the GoT, by the AFP and NZPol, dated 29 August 2007,¹²⁸ an offer was made to assist in funding advertising for the position of Police Commander and provision of subsequent senior level representation from the AFP and NZPol on the recruitment panel to be managed by the Tongan Public Service Commission (PSC). In the absence of a suitable Tongan nominee, Australia and New Zealand governments each offered to provide a nominee for an expatriate appointment to the role.

The GoT Public Service Commission, with the assistance of senior NZPol and AFP, ran a joint selection process for the position of Police Commander. Unfortunately a suitable Tongan national was not found.

In September of 2008, the current Commissioner, formerly of New Zealand Police, was appointed as the Police Commander of the TP. This contract was initially for a period of three years, with an option for a further two year extension if willingness is indicated for renegotiation by the Tongan Government.

¹²⁵ Tonga Police, *Policing with confidence, the Tongan way, Strategic Plan 2009 to 2013*

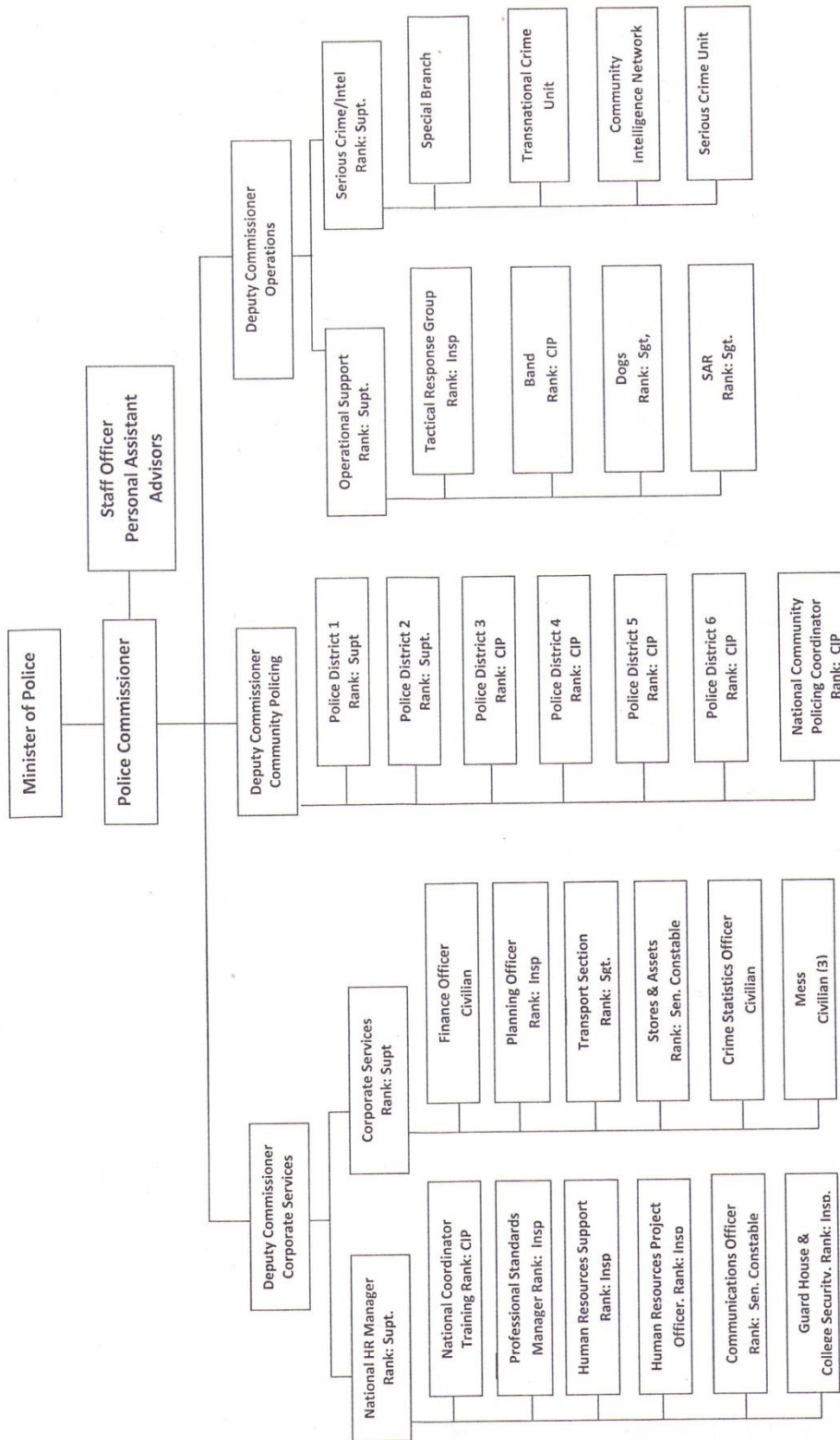
¹²⁶ Tonga Police Force Joint Assessment Mission (TPF JAM) Report, 5-16 February 2007, pages 16-18.

¹²⁷ James McGovern, Tonga Police Trilateral Discussions, Final Issues Report, August 2007, page 5.

¹²⁸ *Ibid*, Annex 5

5. Organisation Chart

Discussion Document Re New Police Act – Proposed Organization Structure



6. Extracts from the Tonga Police Act 2010.

**PART 2 - ADMINISTRATION AND GOVERNANCE OF TONGA
POLICE**

DIVISION 1 - CONSTITUTION AND FUNCTIONS OF TONGA POLICE

7. Functions of Tonga Police¹²⁹

- 1) Tonga Police shall have the following functions:
 - a) to maintain law and order;
 - b) to preserve the peace;
 - c) to protect life and property;
 - d) to prevent and detect crime;
 - e) to provide community support and reassurance;
 - f) to uphold the laws of Tonga;
 - g) to undertake the service and execution of court processes;
 - h) to carry out land and marine search and rescue operations; and
 - i) any other function conferred by this Act or another enactment.

8. Guiding principles for performance of functions¹³⁰

- (1) Tonga Police shall perform its functions in a professional manner and with integrity and respect for the law and human rights.
- (2) Tonga Police shall work together with the community to the extent that is compatible with the efficient and proper performance of the functions of Tonga Police.
- (3) Tonga Police shall, if requested to do so and to the extent that is compatible with the efficient and proper performance of the functions of Tonga Police, assist other government agencies to uphold and enforce the laws of the Kingdom.
- (4) In performing its functions, Tonga Police shall, to the extent reasonably practicable and appropriate, adopt a community policing approach by responding to problems at a local village level and using district and national support only when required.

¹²⁹ Tonga Police Act 2010 Section 8

¹³⁰ Ibid Section 9

7. Consultations/Workshops

A wide and comprehensive range of stakeholders was consulted during the fieldwork for the Review. This included: Tonga Police Officers from the Commissioner and the TP Executive through to Constables; current and former Programme staff; NZ Aid Programme staff; AusAID staff; AFP officials; GoT Officials and politicians; private, public and NGO sector stakeholders.

Workshops

In addition to more than 50 one-on-one interviews, three stratified workshops (Constables, Non Commissioned Officers and Commissioned Officers) were held conducted with the Tonga Police officers. These workshops were well attended with a total of 86 officers. The outcomes of these workshops have been incorporated in the Review.

On the positive side the workshops indicated that there was a good level of support for the TPDP within the force. Particular reference was made to the increase in training opportunities and positive comments were made on the use of outside agencies to deliver training courses to TP staff. The new equipment and uniforms had also assisted greatly with a rise in morale and in the perceived capacity of the TP to carry out their duties. There was an acknowledgement that the public perception of the TP had greatly improved. There was a consensus at all levels that the TPDP should be extended for a minimum of at least 5 years to ensure that the gains and changes made to date were sustainable – this was a result of the public now being accustomed to a new level of proficiency in the TP and any slippage in this level would be seen as a “disaster” with very negative consequences for the TP.

Areas that needed improvement included: communications between the TP Executive and the TP (this included a clearer indication of the timeline for implementation of the TPDP activities as well as the implementation of the TP Annual Plan, a more transparent process for the selection of candidates for training); a recognition by management of the increased work load of Officers through the implementation of the TPDP activities and the AP and the need for Project Management training; more discussion and awareness of the new Police Act and especially as it related to the “new” promotion process; more involvement of the frontline police officers in the introduction of new policies and procedures; there was a general consensus that there were too many short term advisers and that the TP would be better served by fewer short term advisers who could adequately cover most aspects of policing. In addition to the comments on the TPDP and the TP Annual Work Plan, there was a general consensus that assistance to the Police Band would have an overall positive impact on the morale and standing of the TP.

8. Implementation of the Police Act

The implementation of the new Police Act has had some major problems and has caused some major interruptions to the implementation of the TPDP.

During the formulation of the Police Act, wide consultation was carried out by the development team. Further consultation and training was done following its proclamation.

Despite this, a wide representation of stakeholders indicated that there was a lack of knowledge about the Act and its contents and that this is still the case among some NCOs and Constables

The Review Team has found that this lack of information and knowledge

- is affecting all areas where interviews have taken place;
- is causing disquiet within the Tonga Police (at all levels)
 - and was a significant contributing to the petition to Parliament by a number of disaffected officers;
- is the focus of comment among related stakeholder agencies;
- is creating ill informed public comment;
- is impacting on public trust and confidence in the Tonga Police – the objective of the TPDP; and
- is diverting energies away from the efforts to reform and modernise the Tonga Police

It is clear from evidence we have seen that despite the senior officers and advisors believing that they have consulted widely on the new Act (and the evidence is that they did consult widely), the consultations have not achieved their goal of informing the target audience. This view of the incomplete consultation process is evidenced in other areas eg, the Vaini Community Police Station where the building clearly does not meet the *perceived* needs of the officers utilising it. This may indicate that the concept of community policing is not fully understood by the officers who are charged with delivering it.

Following the presentation of the petition a mediation process was undertaken. There is a view at senior levels in Government that this process was successful and that the concerns which led to the petition have “gone away”. The Review Team found that this is not the case and the officers still have concerns about the implementation of the Police Act which need to be addressed.

Risks

If the implementation of new Police Act is not handled successfully, the ramifications for the whole Programme are extremely serious. A Tongan communications/cultural to assist in communicating details of the projects to staff and other external stakeholders (general public and Parliament etc) might be an option worth considering.

The Review Team understands that, because of the petition and the related disquiet, the Act is being revisited. The Team agrees with the JAM Report and the McGovern Report that the Act is the cornerstone of the Programme. Should it be wholly repealed the thrust of the reforms will be lost and the Programme will founder.

Recommendation

Implementation of the Act should be revisited urgently to ensure that the content and its likely impact on officers and other stakeholders is known and understood by them.

9 Reference Documents and Data Sources

- Attorney General's Department (Australia), *Implementation Plan Tonga Police Act 2010*, undated
- Attorney General's Department (Australia), *Paper Options for Future Law Reform in Tonga*, January 2011
- AusAID, *Review of Institutional Strengthening Projects in Samoa*, May 2003
- Cotter, C, May 2011 '*Tonga Police's Implementation of Community Policing: a Review of Progress*'
- Government of Tonga Cabinet and CEO Retreat Communiqué 3 June 2011
- Gray, J, 'Recruit Training Review: (Project 10)', June 2009
- OECD, *The Paris Declaration on Aid Effectiveness*, March 2005
- Pacific Forum Secretariat Principles on Aid Effectiveness* Nov 2007
- www.radioaustralianews.net.au, *Tonga Police tell their boss to quit*, 17 March 2011
- Tonga Civil Society Forum Web Site, *Civil Society Organisations Unite to Show Support for Police Commissioner*, 1 May 2011
- Tonga Police Act*
- Tonga Police, *Briefing Paper for Incoming Prime Minister and Ministers*, December 2010
- Tongan Police Building Replacement & Renovation Plan 2011-2016* May 2011
- Tonga Police, *Circular re Treasury Direction on Interim Financial Measures to end of Financial Year 30 June 2011*, 25 May 2011
- Tonga Police, *Code of Conduct* June 2010
- Tonga Police, *Four Year Business Plan 2009*
- Tonga Police, General Instructions Volume 1 Administration*, February 2003
- Tonga Police-Hosted Solution-Proposal November 2010
- Tonga Police, *Memorandum of Arrangements between the Government of Australia and the Government of New Zealand and the Government of Tonga in relation to the Tonga Police Development Program 2008-2013*,
- TPDP PMC Agenda 31 May 2011 and attached papers*
- Tonga Police Development Programme, Progress Report*, March 2009
- TPDP – Projects Status Report 2010/11 31 December 2010*
- Tonga Police Development Programme 2008/2009 Report*, 15 July 2009
- Tonga Police Development Programme 2010-2013 Progress Summary Years 1 & 2*, 27 July 2010
- Tonga Police Development Programme 2008-2013, Progress Summary 2.5 Years at 31/12/2010*, 21 January 2010
- TPDP Financial Acquittal Report dated 14th January 2011.*
- Tonga Police Development Programme, Projects Status Report as at 30 April 2011*
- Tonga Police, *Strategic Plan 2009-2013*, 2009
- Tonga Police, *Terms of Reference for the Police Development Program, Program Management Committee 2008-2013*, September 2008
- Tonga Police, *Tonga Police National Consultation, Final Report*, 2009
- Tonga Police, *Training School Business Plan Activities 2010-2011*
- Tonga Police, *Trilateral Discussions 21-23 August 2007*, 27 November 2007
- Tonga Police Force, *General Instructions, Volume 1 Administration*, February 2003
- Tonga Police Force, *Joint Assessment Mission*, February 2007
- Tonga Police Force, *Monitoring and Evaluation Framework*, June 2009
- Tongan Police Force Physical Resources Assessment Report, December 2007