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YOUTH DIVERSION SCHEME IN TONGA

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Title: Youth Diversion Scheme in Tonga

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YOUTH DIVERSION SCHEME IN TONGA

SUMMARY

On November 16th, 2006, a riot broke out in the capital of Tonga, Nuku'alofa. A group of misguided young people got caught up in the chaos, looting and damaging the central business area. In response to this, Tongan government implemented a Youth Diversion Scheme (YDS) to address the cases of youth under 18 involved in the riot using the principles of restorative justice. The program is widely considered a success not only because it was an effective way of handing first offenders; but, also because of that manner in which it involved civil society organizations and communities in the process. The project has contributed to the transformation of public attitudes about retributive justice in Tonga.

1. CONTEXT

On November 16th, 2006, in the capital city of Tonga, Nuku'alofa, a peaceful protest for democratic reform suddenly turned violent. Some people in the crowd started tipping over cars and then progressed to looting and burning buildings. The riot lasted for about five hours and is generally referred to as the "16/11 riot" and an event that shook the small Pacific Kingdom¹.

Political instability existed long before the 16/11 riots for various reasons. Many Tongans resented the control exerted by the royal family over Tonga's economy."² When King Taufa'ahau Tupou IV's government made several problematic investments, the transaction was heavily criticized by *The Tongan Times* and other pro-democracy newspapers³. Jon Fraenkel from the University of the South Pacific claims Tonga's huge wealth gap as another factor that may have sparked the unrest. Furthermore, the high numbers of unemployed young men unable to find jobs, may also have contributed to the unrest.⁴ Finally, public dissatisfaction can also be traced to a constitutional amendment that limited press freedoms in 2003. This event aroused the civil unrest and protest in 2004 and again in 2005⁵.

However, the main catalyst for 16/11 riot of 2006 was the adjourning of the parliament without having made any advancement in promotion of democracy in Tonga. When the Legislative Assembly of Tonga failed to meet the promised democratic reforms and decided to adjourn for the year, a mixed crowd of democracy advocates started protesting in the streets.⁶ The peaceful march quickly turned into violent riot with many young people involved in the drama.

This case study describes the Youth Diversion Scheme (YDS) set up in Tonga in the aftermath of the 16/11 riots when extraordinary measures were taken to address the spike in crime committed by first offenders under the age of 18. The success of this case is - in part - related to the positive collaborative relation between the Tongan government and the civil society, who rapidly coalesced to address a serious social problem that could have had lasting negative consequences for the nation.

- 1 Mike Harman, "Tongan riots, 2006", June 28th, 2008, <http://libcom.org/history/tongan-riots-2006> Accessed on July 10.
- 2 "Tonga: Not So Friendly", November 23rd, 2006, <http://www.economist.com/node/8326378>, Accessed on June 20, 2012.
- 3 David Robie, "The Contempt Case of The "Tongan Three"", November, 1996, <http://www.asiapac.org.fj/PJR/issues/next/962tongan.html>
- 4 "Tonga: Not So Friendly", November 23rd, 2006, <http://www.economist.com/node/8326378>, Accessed on June 20, 2012
- 5 TVNZ Interactive/AAP/RNZ, "No Resolution in Sight in Tonga", August 30, 2005, <http://tvnz.co.nz/view/page/506420/607689> Accessed on July 10th
- 6 Matangitonga.to., "Riots", June 27th, 2010, <http://matangitonga.to/article/tonganews/crime/riot161106.shtml> Accessed July 10th.

2. PROBLEM

Many young people were involved in looting and break-ins that happened during the 16/11 riots – a significant number of them were under the age of 18. To address the problem of youth involvement in the events of November 16th, 2006, the Tongan Ministry of Justice decided to create a Youth Diversion Scheme based on the community conferencing model made famous in Australia by David B. Moore and John M. McDonald.

Some of the young people involved in the crimes committed that day were first-time offenders, and many of them were under 18 at that time. The Youth Diversion Scheme was carried out to ensure that those young people involved took responsibility for their actions, but could avoid a life-long conviction that would jeopardize their futures. The Scheme was set up in a matter of days with broad involvement and support of NGOs, churches, communities and law enforcement officials.

The community conferencing process is based on the principle of restorative justice, where youths involved in crimes are generally diverted from the court system and are given an opportunity to assume responsibility for their actions and make reparation by performing community work, etc. The official five core objectives of YDS set up by Tongan government were to:

1. Divert criminal issues from the courts in cases where young people are involved;
2. Enable those who played a role in causing the damage to develop a full understanding of the harm they have caused and acknowledge their responsibility for it;
3. Enable those who played a role in causing the damage to contribute to repairing the harm;
4. Increase community involvement in the justice process;
5. Increase community commitment to restoring peace and harmony in Tonga.⁷

In summary, the YDS was designed to divert the young offenders from the criminal court proceeding, while making them accountable for their actions and ensuring that they helped repair the harm that they had caused. It was a quick response to the 2006 riot that avoided imposing a criminal conviction on minor first-offenders.

7 Sean Fergus Mackesy-Buckley, "Taimi Tonu–Just in Time: an Evaluation of Tonga's Restorative Youth Diversion Programme", A thesis submitted to Victoria University of Wellington In fulfillment of the requirements for the degree of Masters, Victoria University of Wellington, 2008, p. 48.

3. PROCESS

Community Conferencing is the methodology – that originated in Australia – and is used in many western countries to address minor youth crimes. It is the ideal way to involve all the stakeholders in the conflict and to transform the conflict peacefully. Through community conferencing, the harm caused by a youth is discussed openly by all sides and a repair plan is developed by all relevant stakeholders. In this way young first time offenders who had caused harm can avoid court procedures. The repair or “diversion plans” usually involved community work and contribute to resolving the conflicts between the victims and offenders in a peaceful way. The process avoids criminalizing young people for what are generally petty offenses and misdemeanors.

Community conferencing is an example of an approach that leads to ‘conflict transformation.’ It is said that community conferencing gives structure to a conversation between people in conflict. “In structured conversation, the group can acknowledge that conflict. By understanding the conflict and their feelings about it, attitudes and behaviors begin to change.”⁸ Community conferencing is a form of “deliberative democracy”, which is all the relevant stakeholders are involved in reaching an agreement on what is to be done through consensus.⁹ Some simple groundrules are often required to make consensus work:

1. Everyone affected should be encouraged to attend;
2. Everyone in attendance should be given the opportunity to contribute;
3. Each contribution should be listened to and then given adequate consideration.
4. No one is stopped from attending, or speaking, or having an issue that they have raised addressed adequately.¹⁰

The Youth Diversion Schemed created in Tonga was built upon the community conferencing model used in many western countries, but it had to be shaped and molded to the conditions of a small Pacific island state. For example, by designing the scheme according to Tongan cultural restorative process of “hu louifi”, it became more acceptable for Tongans who actually hold the traditional belief that crimes should be published by court.¹¹ For this to happen, dialogue and engagement between key actors had to take place. As it was, dialogue

8 David B. Moore & John M. McDonald, *Transforming Conflict in Workplaces and Other Communities*, Transformative Justice Australia Pty Ltd, 2000, p. 14.

9 David & John , *Transforming Conflict in Workplaces and Other Communities*, p. 41.

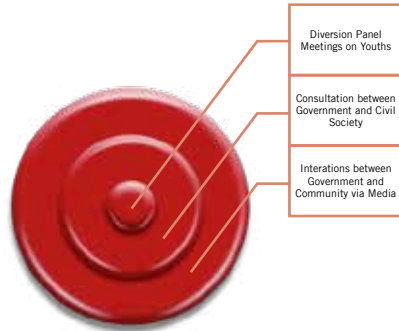
10 David & John , *Transforming Conflict in Workplaces and Other Communities*, p. 41

11 Presentation by ‘Aminiasi Kefu, June 4, 2012.

in Youth Diversion Scheme happened at three different levels in a three-way relationship between young offenders, communities and the Tongan government.

The core level of dialogue lied in the DPM conversations, which articulated the relation between the young offender and the victims.

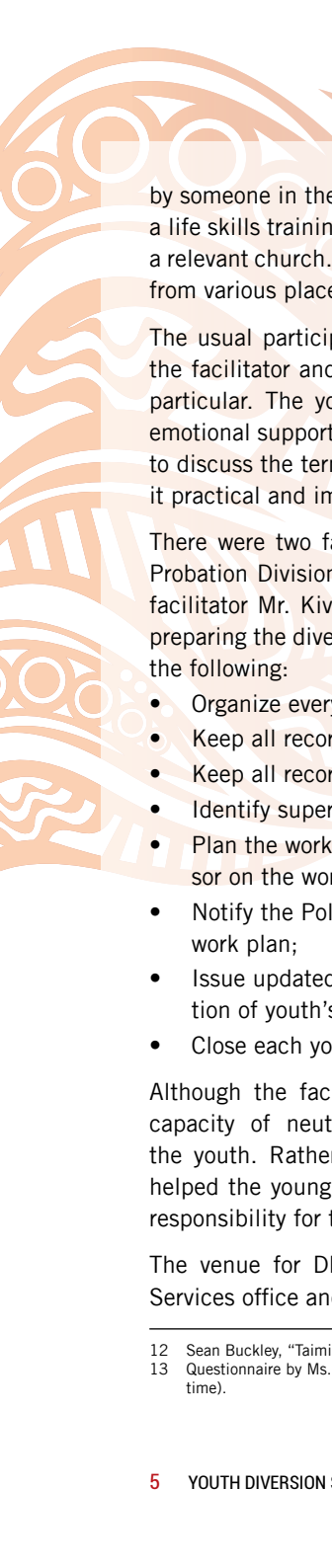
The second level mainly focuses on the consultations the government made civil society representatives for the swift establishment and implementation of YDS. Given the situation of crisis, buy-in for the establishment of the scheme was easily obtained by relevant civil society organizations involved in implementation. The third level of the dialogue took place in interactions that were captured and transmitted by the media as the Government tried to build public awareness and acceptance of YDS. In this case, the media was instrumental in persuading a reluctant public of the benefits of a restorative justice approach to addressing the judicial crisis brought on by the riots.



Level 1: Diversion Panel Meetings (DPM) on Young Offenders

The first level of this dialogic process was the Diversion Panel Meeting held to address each individual case. These diversion meetings were designed to resolve the conflicts caused by the youth using the community conferencing model. In these meetings, people related to the offence participated in discussing any harm caused, how this could be repaired and how to build an appropriate diversion plan for the youth. The process was basically the same for each case. The harm caused by the youth was discussed in the presence of the young offender. This process helped change the young offender's attitude. The work plan discussed in the DPM generally involved community work to repair the harm the youth had caused, supervised





by someone in their village. After the community work, the youth would attend a life skills training course offered by the Salvation Army or a youth program in a relevant church. In addition, they would also be placed on curfew and banned from various places such as “Boys Hut”, or school during the plan period.¹²

The usual participants in the DPM included the youths, his family member, the facilitator and co-facilitator, NGO representatives, the town officer of the particular. The youths’ families attended the diversion meetings to provide emotional support. Young offenders and their families also had the opportunity to discuss the terms of diversion plan before it was finalized, in order to make it practical and implementable.

There were two facilitators from the Ministry of Justice’s Youth Justice and Probation Division of Tonga (YJP Division) , the Facilitator Ms. Kuli, and Co-facilitator Mr. Kivalu. The facilitators played a crucial role in discussing and preparing the diversion plans for every youth. Specifically, their work contained the following:

- Organize every DPM-date, venue and notifying all interested parties;
- Keep all records in relation to the scheme;
- Keep all records of each DPM;
- Identify supervisors for each work plan;
- Plan the work of each involved youth and followed up with each supervisor on the work;
- Notify the Police of the completion or non-completion of each youth’s work plan;
- Issue updated reports to the Ministry of Justice in relation to the completion of youth’s work plan;
- Close each youth’s file.

Although the facilitators were from the judicial system, they acted in the capacity of neutral facilitators and refrained from passing judgment on the youth. Rather, they assisted the parties with the dialogue process and helped the young people to “identify their fault and encourage them to take responsibility for their actions.”¹³

The venue for DPMs was the Tongan Ministry of Justice of the Probation Services office and some places in communities, which were reachable for the

12 Sean Buckley, “Taimi Tonu–Just in Time: an Evaluation of Tonga’s Restorative Youth Diversion Programme” p. 9.

13 Questionnaire by Ms. Loupua Sefokuli, June 18, 2012. (Ms. Loupua Sefokuli is the probation officer at that time).



participants of DPMs. According to the data, a total of 29 diversion meetings (82%) were held either at the Tongan Ministry of Justice of the Probation Services office. The remaining six (18%) were held within communities, such as in churches or community halls.¹⁴ The reason for conducting these DPMs in churches or communities was that the facilitators wanted to raise more awareness of this scheme as this was the first time that such a youth scheme had been conducted in Tonga. These sessions were carried out in Lapaha (eastern side), Nukunuku (western side) and in town (central side).¹⁵

The relevant NGOs included the Tonga Salvation Army, the Tonga Center for Women and Children, the Tonga National Youth Congress, and Legal Literacy. The NGO representative varied from time to time depending on the case. The principal of one local high school participated for a few times. Reverends, priests, bishops, and church ministers often took part in the DPMs.¹⁶

The referrals of youths from the YJP Division to each NGO for appropriate rehabilitation were based on the probation officer's assessment of what kind of the guidance and assistance the youth needs. For example, a youth who stole something to trade for liquor will be referred to the Alcohol and Drugs

14 Sean Buckley, "Taimi Tonu—Just in Time: an Evaluation of Tonga's Restorative Youth Diversion Programme" p. 89.

15 Sean Buckley, "Taimi Tonu—Just in Time: an Evaluation of Tonga's Restorative Youth Diversion Programme" p. 89.

16 Questionnaire by Ms. Loupua Sefokuli, June 18, 2012.



Awareness Course of the Salvation Army¹⁷. Some specific services that NGOs provided for the Scheme included:

- Supervision of the youths' work plans that were agreed upon in the family conference. Depending on where the youth live, the appropriate supervisor of the work plan would be chosen in the DPM to avoid further difficulties encountered by the youths such as lack of financing the transportation to reach the supervisor;
- Counseling of the youths;
- Training in life and rehabilitation programs through specific programs such as those conducted by Salvation Army;
- The respective church ministers for some youths were also asked by the panel members to pay special attention to the specific young men.

To be eligible for the Youth Diversion Scheme, young people had to meet the following qualifications:

- i. He or she is seventeen years old or under;
- ii. He or she is a first time offender;
- iii. The case in which he or she is involved is a minor one (under the jurisdiction of the Magistrate's Court).¹⁸

The police, presumably, referred 43 accused youths to the YJP Division for YDS. Most of them were identified from footage on surveillance cameras in stores and shops. Probation Services excluded three youths on the basis that two had previous criminal records and one was over 17 years old. Among the 40 left, 3 youths chose to face the trial instead of attending the YDS, one could not be found, and one is believed to have left Tonga. As a result, a total of 35 youths were engaged in this programme.¹⁹

Level 2: Consultation between Government and Civil Society

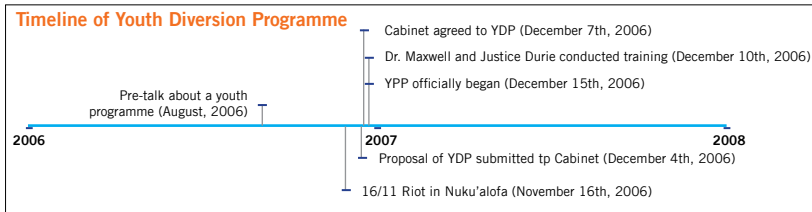
The second level of dialogue took place between government officials and civil society in the establishment of the YDS. The dialogue included the relevant NGOs, churches and other community representatives. In the aftermath of the riots, the Ministry of Justice was able to gain widespread support for the initiative in a matter of days through a couple of key meetings and a number of

17 Loupua Sefokuli, "Effective Measueres for The Treatment of Juvenile Offenders and Their Reintegration to Society", UNAFEI: Annual Report for 2007 and Resource Material Series No. 75, P 123-127, 2008.

18 Loupua Sefokuli, "Effective Measueres for The Treatment of Juvenile Offenders and Their Reintegration to Society", UNAFEI: Annual Report for 2007 and Resource Material Series No. 75, P 123-127, 2008.

19 Sean Buckley, "Taimi Tonu—Just in Time: an Evaluation of Tonga's Restorative Youth Diversion Programme" p. 76.

informal encounters. The NGOs were quick and eager to support the cause to better ensure the effective implementation of the scheme. Funding from NZAid made their participation possible. The timeline describes the establishment of the process.

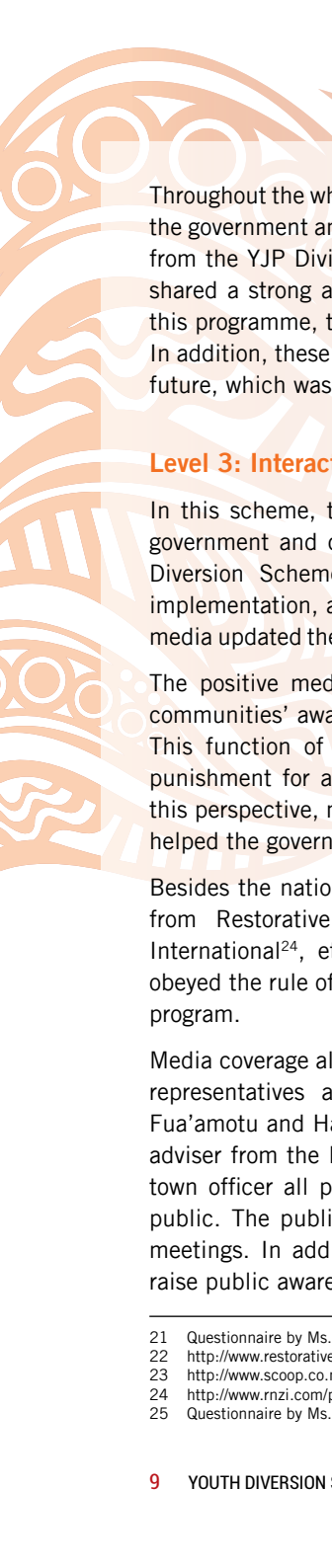


Discussions on a juvenile justice programme had actually had started before the 16/11 riot. The Tongan Attorney General and Minister of Justice, the Honorable Alisi Taumoepeau, had thought about such programme in August 2006 and consulted with scholars from Victoria University of Wellington, New Zealand. When the 16/11 riots happened, they quickly mobilized to make the scheme a reality.

Following this 16/11 riot, the Minister met again with Dr. Maxwell from the Institute of Policy Studies (IPS) of School of Government at Victoria University of Wellington. From this discussion, a proposal of developed and submitted to the Tongan Cabinet on December 4th 2006 with the assistance of Dr. Maxwell. On December 7th, the Tongan Cabinet agreed to the development of a Tongan diversion process and the terms of reference for a training visit to the Kingdom” by Dr. Gabrielle Maxwell and Justice Eddie Durie.

Between the 10th and the 16th, Dr Maxwell and Justice Durie consulted with civil society, prepared and conducted training for a wide variety of individuals who would be involved in the diversion process. This included Ministry of Justice officials, Crown Law Officials, Police, Judges, Probation officers, community representatives, church representatives and NGO representatives.” On December 15th, 2006, the Tongan Youth Diversion Scheme process officially began. The officers from the Probation Services, who were responsible for running the diversion process did some “mock” sessions while immediate help was still available from Justice Durie and Dr. Maxwell, who remained in Tonga until the following day.²⁰ After the mock sessions, the programme continued as it was planned.

20 Sean Buckley, “Taimi Tonu—Just in Time: an Evaluation of Tonga’s Restorative Youth Diversion Programme”, p. 7-8.



Throughout the whole process, there was a strong collaborative relation between the government and the NGOs. During the designing period, the two facilitators from the YJP Division were responsible for contacting the NGOs. As YJP had shared a strong and healthy relation with most of the NGOs in Tonga before this programme, the NGO representatives actively participated in the scheme. In addition, these NGO representatives were also considerate about the youths' future, which was another drive for them to participate.

Level 3: Interactions between Government and Community via Media

In this scheme, the media functioned as the information station where the government and community could communicate with each other. The Youth Diversion Scheme received much media coverage from establishment to implementation, all of which were supportive of this programme. The national media updated the process on its official website and provided news in details.²¹

The positive media coverage of this programme acted as the way to raise communities' awareness towards the benefits of such as juvenile programme. This function of media was of great importance especially given that the punishment for adult offenders would stay the same as it was before. In this perspective, media contributed to changing the mindset of the public and helped the government garner support from the local communities.

Besides the national media coverage, this programme also received attention from Restorative Justice Online²², Scoop News²³, Radio New Zealand International²⁴, etc. However, all these media and public coverage strictly obeyed the rule of confidentiality due to involvement of youth under 18 in this program.

Media coverage also involved several public meetings between the government representatives and the community police in selected villages such as Fua'amotu and Ha'alalo.²⁵ The facilitator, co-facilitator, two consultants, legal adviser from the Ministry of Justice, the community police members and the town officer all participated in these meetings, which was also open to the public. The public was receptive of the ideas delivered during these public meetings. In addition, the media coverage of these public meetings helped raise public awareness of the youth scheme and its benefits for the society.

21 Questionnaire by Ms. Loupua Sefokuli, June 18, 2012.

22 <http://www.restorativejustice.org/editions/2007/june07/tonga>, accessed on June 18, 2012.

23 <http://www.scoop.co.nz/stories/PO0705/S00551/youth-diversion-in-tonga.htm>, accessed on June 18, 2012.

24 <http://www.rnzi.com/pages/news.php?op=read&id=32629>, accessed on June 18, 2012.

25 Questionnaire by Ms. Loupua Sefokuli, June 18, 2012.

4. PARTICIPANTS

Alisi Taumoepeau

Alisi Taumoepeau, the Tongan Attorney General and Minister of Justice, came up with the idea of such a programme. He showed his support throughout the whole process and actively consulted with the scholars from the Victoria University of Wellington.

Consultants

The two consultants are Dr. Gabrielle Maxwell from Victoria University of Wellington, New Zealand, and Justice Eddie Durie. Both of them are experienced consultants in crime and justice.

The following were DPM members:

Youths

The youths involved were first-time minor crime offenders, who were under 18 years old at that time.

Youths' Family Members

The youths' family members were present in the DPMS, supervising and supporting the youths.

Facilitator

The facilitator and co-facilitator were responsible for organizing and directing the DPMS.

Civil Society Representatives

NGO representatives/Principle/Church Minister were responsible for supervising and providing suggestions for the youth in the DPMS and the community work later.

Town Officer

The town officer of the particular village where the youth is from was present in the DPMS to supervise the meetings.

Police Officer

The police officer allocated from the police force to work in the scheme (ie. Inspector Fifita) also supervised the process.

Media

The media, such as the national media, Restorative Justice Online, Scoop News, and Radio New Zealand International functioned as the information station for the public to update with the YDS.

5. CHALLENGES

Apart from the success of the programme, this scheme confronted several challenges in different aspects.

Limited budget, staffing and training

The greatest challenge came from the limited budget for this programme. The Youth Diversion Scheme could barely meet the existing costs of manpower and equipment, which included a reliable vehicle, maintenance tools such as lawnmowers, and administrative tools such as computers, etc. The lack of financial support exerted limits on implementing the plan. The YJP Division was understaffed, and there were no additional staff to co-ordinate this newly established diversion programme at that time. As a result, more workload was added to YJP Division, which influenced the efficiency of the programme. In addition, there were limited time and opportunity for staff to receive training. There were only two Probation Officers who conducted the family conference in the scheme. These two officers were first trained for about two weeks by the two consultants from New Zealand and the rest of the training was done on the job, which again added to the workload of the staff in the YJP Division.

Cultural challenges

The traditional belief of Tongans that a crime should be punished by a court, made it difficult for many to see the advantages of the YDS. Some Tongans also challenged the Youth Diversion Scheme saying that it was unfair. The noted that prior to the establishment of the Youth Diversion Scheme, some youths had been sentenced to hard labour whilst offenders in 16/11 riot were not.

Lack of legal infrastructure

Tonga was yet to establish a separate court for juveniles and was yet to enact a separate Juvenile Act. Thus, there was an absence of any official regulation or law for the guidance and protection of the Youth Diversion Programme, especially the parties involved in the scheme, eg. the Police, NGOs, Probation Office, etc.

Locating youth offenders

Before the Youth Diversion Scheme actually started, the Police gave the YJP Division a list of 48 youth involved in the 2006 riot who were qualified for the programme. Due to a lack of detailed information, the YJP Division had difficulty in locating some of the youths who were listed.²⁶

26 Questionnaire by Ms. Loupua Sefokuli, June 18, 2012.

6. BREAKTHROUGHS

Buy-in of Civil Society

The most significant breakthrough in this case was the swift acceptance of relevant NGOs and other civil society actors for the creation of the scheme in the first place and for continued support and engagement in the implementation stage. This is a fine example of civil society – government collaboration that builds on the comparative advantages of each collaborating institution.

Limited budget, staffing and training

The challenge of limited budget and insufficient staff were never superseded. However, the participation of civil society in supervising the diversion plans, lifted a considerable burden of the shoulders of the government. Assistance to relevant NGOs by NZAid made it possible for these NGOs to take on an additional burden not foreseen in their annual work plans.

Cultural challenges

The media coverage of the YDS and the various community meetings held helped modify traditional beliefs of Tongans about crime and punishment and stimulate public discussion of the notion of restorative justice and the importance of not stigmatizing young people for life for having been susceptible to peer pressure.

Lack of legal infrastructure

The case brought to light the need for establishing a separate court for juveniles and enacting a separate Juvenile Act. The YDS will provide valuable experience for the development of such a code.



7. RESULTS AND IMPACTS

The Youth Diversion Scheme achieved the objectives for which it was designed.

Compliance

Most youth involved in YDS completed their community work and attended skill courses by Salvation Army. One of youths attended Brigham Young University soon after he completed his work plan with Salvation Army. Some others are seen now working in various places in Tonga. These youths made efforts to repair the harm and were accountable for their own behaviors during the riot. On the other side, no criminal record was left after the completion of YDS, which ensured they would not be discriminated against in the future. Overall, this plan contributed to the long-term development of youths by raising their awareness of crime and responsibility, while not punishing them within the court system. Youth involved say they got involved in the riot largely due to peer pressure, as opposed to any pro-democracy political motivations and other crime-related aims. In view of this, the diversion from court seems more reasonable than formal court sentences, which would have affected their lives long term.

Sustainability

Although this scheme was only aimed for the youths involved in the 16/11 riot, the continuation of the programme in the long term received support from most youth involved, guardians, probation officers, judges, and community representatives.²⁷ This also would provide Tongan justice system with an effective tool for addressing youth in conflict with the law.²⁸ Judge Ford from Supreme Court referred one youth offender in 2007 who was not involved in the riot, indicating that judges see the value in the continuation of the program. It is well understood that a legislative framework is needed to institutionalize the scheme but there is not enough political will at the moment to make that happen.²⁹ When the time comes, YDS will provide valuable home-grown experience for the development of such a legal code.

27 Sean Buckley, "Taimi Tonu—Just in Time: an Evaluation of Tonga's Restorative Youth Diversion Programme", p. 107.

28 Sean Buckley, "Taimi Tonu—Just in Time: an Evaluation of Tonga's Restorative Youth Diversion Programme", p. 136.

29 Questionnaire by Ms. Loupua Sefokuli, June 18, 2012.

8. LESSONS LEARNED

Dialogue processes

The community conferencing can be a transformative tool for fostering effective dialogue between the young offenders, victims and the representatives of the community, contributing to the resolution of the criminal acts that took place during the 16/11 riots. The process was quickly set up and did the job required within a relatively short amount of time. While many recognize the value of institutionalizing the program, the initiative served its purpose of dealing with the aftermath of a crisis situation in a humane and even-handed way.

Relationships matter

The success and rapid implementation of the scheme was due to active and efficient government's connection with the Police, NGOs, government and other stakeholders.³⁰ Government's positive attitude toward NGOs, especially the minister's willingness to cooperate with NGOs was critical to the success of this venture. The collaboration between the government and the civil society resulted in the quick response to the 16/11 incident, efficient establishment of the YDS and prompt delivery of the results. Consultations were made in several meetings and informal conversations which were held between CSOs and government during the development of this scheme. This is the main reason why this scheme could be proposed within only three days and implemented also in a timely manner. It is important to note that a collaborative relation between the two sides had long existed before the YDS. It is clear that the collaborative awareness from both sides was introduced long before this scheme.

Financial support

Relevant NGOs were able to assist the government with this effort because they were financially supported by NZAID to do so. The NGO members who sat in the DPMs were paid through the funding by NZAID, which encouraged their participation in the scheme.

Cultural Contextualization

This case also reveals that country-specific cultural or traditional characteristics have to be taken into consideration when constructing dialogue process. In Tonga, people believe that a criminal should be punished by the court, and they began to challenge YDS by claiming that it is unfair for youths who had gone through the court system before the YDS. The media and civil society played a crucial role in effectively communicating with the residents and helping

30 Questionnaire by Ms. Loupua Sefokuli, June 18, 2012.

Conflict Resolution

- Strategy to resolve conflict
 - includes processes & procedures
 - skills: — good listening
 - tactics /
 - take steps at a time
 - * define the problem
 - * interventions to address the problem
 - * Use experience + good practice
- Address 2 sides of conflict
 - Listen to both sides
- Role of Moderator
 - * Control fairness
 - * unbiased
 - * flexibility
 - * Confidence
- Strategy to depend on situation
- + Trust (confidence)
- + Respect

build awareness. This in turn contributed to the smooth implementation of the scheme.³¹ In addition, by designing the scheme according to Tongan cultural restorative process of “Hu Louifi”, it became more acceptable for Tongans.³² When a traditional “Hu Louifi” presentation is performed, it is designed in a way that the “offending” party are showing their deepest remorse and wish to beg forgiveness from the party offended by wearing chestnut leaves.³³ The inclusion of this traditional restorative belief smoothed the YDS process. Also, the involvement of churches harmonised the ill feelings due to the fact that Tonga is a religious country and church is given much consideration.

31 Questionnaire by Ms. Loupua Sefokuli, June 18, 2012.

32 Presentation by 'Aminiasi Kefu, June 4, 2012.

33 “Hu Louifi Tatakamotonga Seeks Forgiveness” http://palaceoffice.gov.to/index.php?option=com_content&view=article&id=232&Itemid=56 Accessed July 17th, 2012

