PACIFIC CATASTROPHE RISK ASSESSMENT & FINANCING INITIATIVE

PCRAFI Contingency Plan

Kingdom of Tonga

October 2018

Contents

ACRONYMS

CEO	Chief Executive Officer
CoM	Council of Members of Pacific Catastrophe Risk Insurance Foundation
DRM	Disaster Risk Management
DRR	Disaster Risk Reduction
GoT	Government of Tonga
IBRD	International Bank for Reconstruction and Development
IDA	International Development Association
IFMIS	Integrated Financial Management Information System
MDAs	Ministries, Departments and Agencies
Minister	Minister of Finance and National Planning
MEIDECC	Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications
MoFNP	Ministry of Finance and National Planning
NEF	National Emergency Fund
NEMC	National Emergency Management Committee
NEMO	National Emergency Management Office
NEOC	National Emergency Operations Committee
NERC	National Emergency Recovery Committee
NGO	Non-Governmental Organization
PCRAFI	Pacific Catastrophe Risk Assessment and Financing Initiative
PCRIC	Pacific Catastrophe Risk Insurance Company
PCRIF	Pacific Catastrophe Risk Insurance Foundation
PEFA	Public Expenditure and Financial Accountability
PFM	Public Financial Management
PICs	Pacific Island Countries
PM	Prime Minister
SPC	Secretariat of the Pacific Community
UN	United Nations

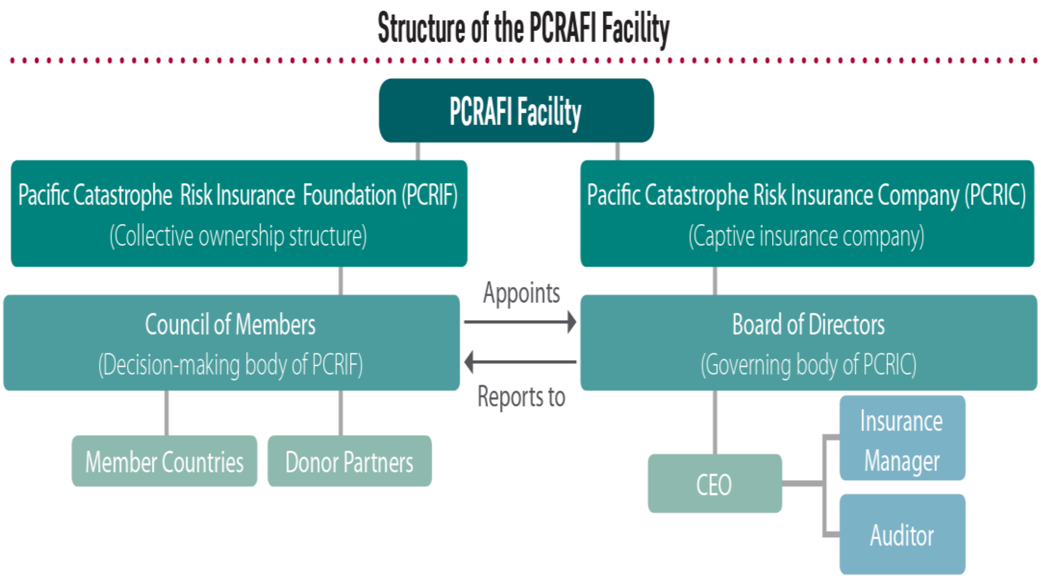
CHAPTER 1: BACKGROUND

1.1 Introduction

The Pacific Catastrophe Risk Assessment and Financing Initiative (PCRAFI) is designed to strengthen the capacity of the Pacific Island Countries (PICs) by enabling rapid response to minimize the impact of disasters on their people and economies. The PCRAFI Facility was established as a regional catastrophe risk pool dedicated to the provision of climate and disaster risk insurance for PICs to help strengthen financial resilience against disaster and climate risk.

The PCRAFI Facility is comprised of two separate legal entities, the Pacific Catastrophe Risk Insurance Foundation (PCRIF) and the Pacific Catastrophe Risk Insurance Company (PCRIC). PCRIF is the collective ownership structure for participating member countries and contributing donors to govern the PCRAFI Facility via the Council of Members (CoM) of PCRIF. The PCRIC is a captive insurance company, domiciled in the Cook Islands and is responsible for issuing policies and product development solely for the member countries. PCRIC is governed by its own Board of Directors, who are appointed by the CoM. Figure 1 overviews the organizational structure of PCRAFI Facility.

Figure 1 - Organisational Structure of the PCRAFI Facility



In accordance with the decision of the Workshop on Contingency Planning held in the World Bank Offices in Apia, Samoa on Saturday 9th September 2017, each member country of the Pacific Catastrophe Risk Insurance Foundation (PCRIF) that purchases insurance from the Pacific Catastrophe Risk Insurance Company (PCRIC) is required to develop and submit its contingency plan for the insurance payout usage to the Chief Executive Officer (CEO) of the PCRIC.

This document follows "PCRAFI Contingency Plan: Guidelines for development," endorsed by PCRIF CoM in December 2017. These guidelines were designed to create a consistent approach for the development of the contingency plans and are comprised of the following sections:

- Institutional arrangements - provide an outline of Disaster Risk Management (DRM) and Public Financial Management (PFM) arrangements;
- Indicative expenditures - high level explanation on how the insurance payout may be spent as well as a negative expenditure list; and,
- Acquittal process - outline the production of a report on how the payout was spent to be submitted to PCRIC within six months of the receipt of the payout.

The contingency plan is designed to be simple and is aligned to the relevant PFM processes to avoid any delay in the spending of the insurance payout in the aftermath of a disaster. As such it provides guidance on permissible expenses, while countries are expected to follow existing processes and accountabilities under their PFM laws, regulations and systems.

The implementation of this contingency plan and other related plans requires close collaboration and coordination with the central agencies and the National Emergency Management Offices.

Should there be any changes to the PFM or DRM framework, or other factors that may affect the contents of the contingency plan, the Ministry of Finance and National Planning should submit the revised contingency plan to the CEO of the PCRIC, following the guideline.

1.2 Purpose

The purposes of contingency planning are to:

- Ensure that the insurance payouts would be used to enable both the national and sub-national governments to provide timely and effective response to natural disasters;
- Provide guidance on ways to utilize an insurance payout, while ensuring flexibility for the countries to respond in the most appropriate fashion; and
- Highlight key reporting requirements to ensure transparency and accountability.

1.3 Guiding Principles

The contingency plan follows the guiding principles laid out below:

1) **Ownership**: the contingency plan is owned by the government and its implementation will enable timely and effective usage of insurance proceeds.

2) **Simplicity**: the contingency plan is easy to follow and straight forward to avoid any delay in the spending of the insurance payout in the aftermath of a disaster.

3) **Flexibility**: the contingency plan gives the government flexibility over the use of the insurance proceeds while ensuring transparency and accountability.

4) **Consistency**: the contingency plan is built upon the government's existing legal and operational frameworks of PFM and DRM.

CHAPTER 2: Contingency Plan of Kingdom of Tonga

2.1 Overview

The Kingdom of Tonga is an archipelago composed of 172 islands spread across a combined land and sea area of 720,000 square kilometers, with a population of approximately 103,000 people. Due to the country's location within the "Ring of Fire" in the South Pacific Ocean, the Government of Tonga (GoT) is inherently vulnerable to natural disasters such as cyclones, flood, earthquakes, volcanic eruptions. The country is expected to incur an annual average loss of T$28.2 million (US$15.8 million) per event due to earthquakes and tropical cyclones.

The Emergency Management Act (2007) in Tonga provides the legal base for emergency management procedures and empowers the National Emergency Management Committee (NEMC) to manage and coordinate the emergency, recovery, and rehabilitation work. The act stipulates the right of the Prime Minister (PM) to declare a state of emergency if an emergency has, is, or may happen in order to prevent or minimise loss and damage through the exercise of emergency powers. The declaration remains in force for 28 days and enables the PM to authorise any person or institution to exercise emergency powers during this time span.

Insurance payouts from the PCRIC are deposited into the GoT National Emergency Fund (NEF). The NEF was established to provide timely and efficient relief and reconstruction in any emergency as per the Emergency Fund Act (2008). In any fiscal year, a minimum of T$5 million (US$2.79 million) can be placed into the NEF. The Minister is responsible for authorizing the expenditure with the approval of Cabinet, after consultation with NEMC. Given the PCRAFI insurance payout is relatively small but promptly disbursed after a disaster, the insurance proceeds will be utilized for emergency aid and the purchase of critical goods.

As per the Emergency Fund Act (2008), the Emergency fund is audited annually by the Auditor General. The Minister is required to prepare the fund's financial statement to be available for audit so that the audit can be concluded no later than five months after the Fund's financial year end date. In addition, MoFNP will report on the PCRAFI insurance payout expenditures and targeted beneficiaries to PCRIC CEO within 6 months of the payout following the PCRAFI required acquittal process. It is acknowledged that PCRIC CEO should report the PCRAFI insurance payout expenditure to the PCRIF CoM. See the acquittal report template in the Annex 1.

2.2 Public Financial Management

2.2.1 Legal and Institutional Framework of Public Financial Management

Tonga's Public Financial Management (PFM) framework is originally stipulated in the country's Constitution from 1875. Since then, the PFM foundation has been supplemented and revised through various pieces of legislation, regulations, policies, manuals, and financial instructions. Key legislations regarding PFM include the Government Act (1903), the Public Finance Management Act (2002), and the Revenue Administration Act (2000). These laws are operationalised through key regulations such as the Public Finance Administration Regulations (1984), the Public Revenue Regulations (1988), and the Public Procurement Regulations (2010).

Based on Tonga's PFM legislation and regulations, various operational frameworks ensure that public funds are collected and administered properly, budgeted and spent effectively, as well as regularly monitored and evaluated.

The Tonga Strategic Development Framework lays out key documents such as the Districts and Sector Plans, Corporate Plans, Budget Estimates, Budget Strategies, and Budget Statements. GoT's PFM Instructions includes the PFMA Treasury Instructions 2010 and PFM Manuals include the Corporate Planning Manual, Budget Manual, Procurement Manual, Internal Audit Manual, Public Service Policy Manual, as well as other relevant manuals and are continuously reviewed and consolidated.

Tonga's government institutions that carry out PFM activities include 25 MDAs. The Parliament is responsible for approving the appropriation of public funds for government operations through the annual budget. Government financial statements are required to be submitted to the Parliament no later than 6 months after the end of the financial year or if it is not in session, at the commencement of the next session. The Cabinet formulates PFM policies and administers government operations that provide public services.

The Ministry of Finance and National Planning (MoFNP) is responsible for overarching PFM and operational work including the preparation of the governments' budget strategy, estimates, and statements. The MoFNP provides macro-economic forecasting and advises the Cabinet on the formulation of financial, economic, and development policies. It is the lead institution for administering the procurement processes and PFM regulations, managing public funds, expenditure, debt, and assets as well as for the accounting, recording, and reporting of expenditures through the Integrated Financial Management Information System (IFMIS).

In addition to its operational responsibilities, the MoFNP is also the main coordination institution within and among other PFM-related Ministries, Departments and Agencies (MDAs). The ministry supervises the budget formulation process of other agencies and monitors the budget execution through its Treasury division. It is also the focal institution for overseas development assistance for which it coordinates with donors and relevant MDAs on aid disbursement procedures.

2.2.2 Public Expenditure and Financial Accountability (PEFA) Assessment

Tonga has undertaken two PEFA assessments in the years 2007 and 2010 to create an evidence-based analysis of its PFM performance. The 2014 PEFA self-assessment has been the latest one to date. Key reforms introduced in the context of the self-assessment include the establishment of several new frameworks and processes such as the Tonga Strategic Development Framework and a three-year rolling medium-term budgeting framework.

Based on the PEFA self-assessment, the MoFNP leads and coordinates the activities laid out in Tonga's Public Financial Management Reform Roadmap 2014/2015–2018/2019 ("Roadmap") in collaboration with relevant MDAs. The roadmap proposes different reforms on structural issues, financial management, institutional strengthening, policy formulation, budget planning, accounting, reporting, oversight issues. The PFM Reform Roadmap Steering Committee, chaired by the Minister, oversees the progress and achievements of the defined performance indicators.

2.3 Legal & Institutional Framework of Emergency Activities

2.3.1 Legal Framework

Tonga's high-level political commitment to disaster risk reduction, preparedness, and response measures is reflected in its legislation, policies, strategies, and allocation of resources during emergency situations. One of the key political efforts in recent years has been mainstreaming disaster risk reduction (DRR) and DRM considerations into the operational plans of all government sectors as well as enhancing the relief and response coordination between public institutions, non-governmental organizations (NGOs), and civil society in the event of a disaster.

Tonga's Emergency Management Act (2007) established the organization, functioning, powers, and responsibilities of emergency management committees and other disaster management bodies, including the preparation of emergency management plans on a national and district level.

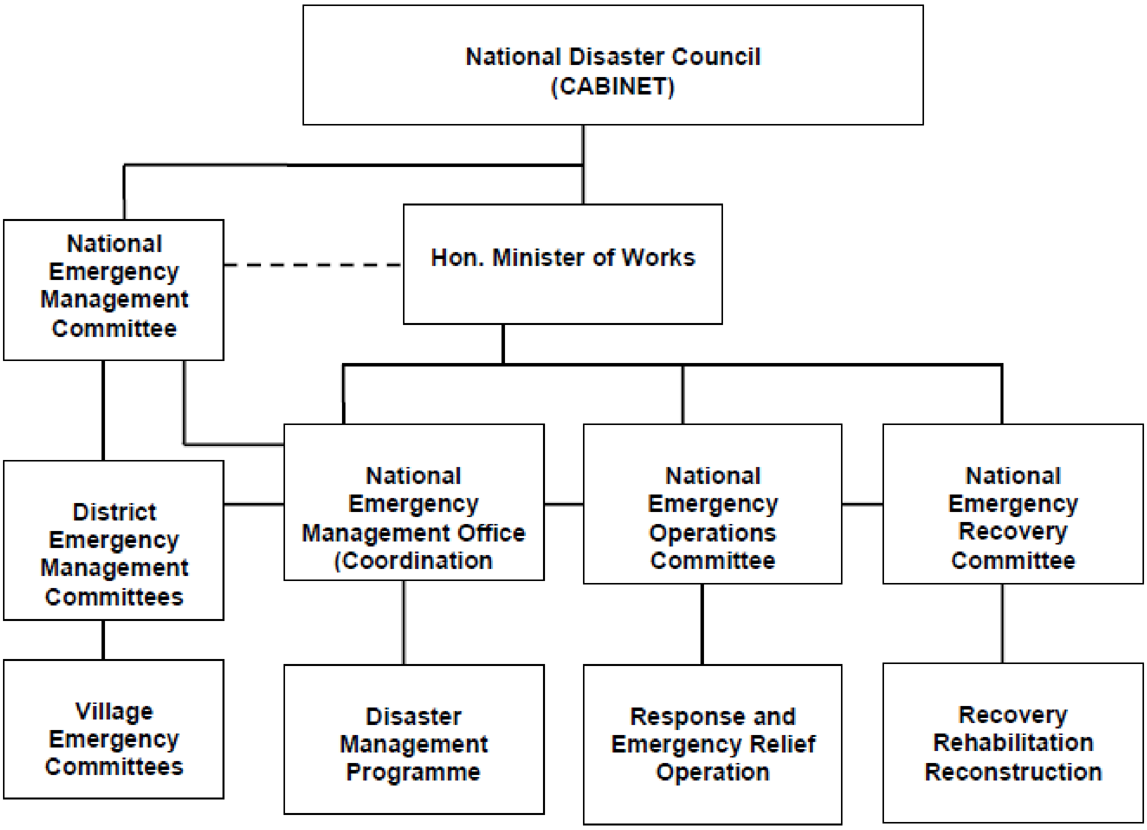
The Emergency Management Act (2007) is the legal base for emergency management procedures and empowers the NEMC to manage and coordinate the emergency, recovery, and rehabilitation work. The act stipulates the right of the Prime Minister (PM) to declare a state of emergency if an emergency has, is, or may happen in order to prevent or minimise loss and damage through the exercise of emergency powers. The declaration remains in force for 28 days and enables the PM to authorise any person or institution to exercise emergency powers during this time span.

The National Emergency Management Plan, prepared by the NEMC under the provisions of the Emergency Management Act 2007, specifies the responsibilities and procedures of relevant institutions in case of a disaster. The plan establishes a comprehensive and integrated process structure of government institutions for emergency management activities. It specifies operational emergency and risk management processes and lays out disbursement arrangements of external funds provided by other nations and donor agencies.

2.3.2 Institutional Framework

The National Emergency Management Committee (NEMC) is the overarching DRM policy advisory body to the GoT; developing and implementing national emergency management arrangements. The NEMC is chaired by the Minister responsible for emergency management (currently the Minister of MEIDECC) and consists of high-level representatives from relevant MDAs, including the MoFNP (CEO for Finance and Planning). The Manager of the National Emergency Management Office (NEMO) serves as NEMC's Secretary as well as the national focal point for emergency and disaster management. Figure 2 shows the organizational structure of emergency activities in the GoT.

Figure 2 - Organizational structure for emergency operations



Source: GoT. 2009. "National Emergency Management Plan."

The National Emergency Management Office (NEMO), housed in MEIDECC, implements the policies of NEMC, and reports to the NEMC. NEMO embodies the key coordination role for emergency management activities in Tonga.

The National Emergency Recovery Committee (NERC) leads the recovery and rehabilitation efforts of public goods such as infrastructure, utilities, housing, agriculture, schools, water supply and health facilities. The Minister of MEIDECC serves as NERC's head and the Manager of NEMO serves as Secretary. Members include representatives from relevant MDAs including MoFNP (CEO for Finance and Planning) and NGOs.

The National Emergency Operations Committee (NEOC) is responsible for activating the relevant MDAs in the event of an emergency to ensure the effective implementation of emergency management procedures. It carries out the initial damage assessment in collaboration with emergency management committees at the district and village level to collate and prioritize disaster relief requirements and manage the distribution of relief supplies after the impact of an event.

The role of the Ministry of Finance and National Planning (MoFNP) is defined by the National Emergency Management Plan and includes (i) management of the financial aspects of relief operations including the recording of donor contributions, (ii) preparation of an expenditure report following major operations, (iii) provision of a representative to the NEMC, and (iv) assistance in the coordination of the recovery and reconstruction process.

On district level, District Emergency Management Plans prepared by the District Emergency Management Committees provide guidance on disaster mitigation, preparedness, response and recovery processes. They define the roles and responsibilities of relevant local entities, priorities for DRR activities within the district, and any other related matters. Village Emergency Committees are responsible for carrying out activities during the response and recovery phase on the village level as well as communicating relevant emergency information to the public. Table 1 summarizes the key institutions and their responsibilities for emergency activities.

Table 2 – Overview of Key Institutions and their Responsibilities

Institution	Responsibilities
National Emergency Management Committee (NEMC)	• Overarching DRM policy advisory body to the GoT • Develop and implement national emergency management arrangements
National Emergency Management Office (NEMO)	• Implement policies and procedures of the NEMC • Coordinate high-level emergency management activities
National Emergency Recovery Committee (NERC)	• Lead and facilitate recovery and rehabilitation efforts of public goods
National Emergency Operations Committee (NEOC)	• Activate relevant MDAs and oversee implementation of emergency management procedures in case of an emergency • Conduct initial damage assessment in collaboration emergency entities on district and village level • Manage logistics and distribution of relief supplies
District Emergency Management Committees	• Provide guidance on DRR and DRM procedures on district level • Oversee roles and activities of local emergency entities
Village Emergency Committees	• Execute emergency activities on village level • Distribute emergency information to the public
Ministry of Finance and National Planning (MoFNP)	• Manage and oversee financial expenditure and reporting activities of relief activities • Assist in the coordination of the recovery and reconstruction process

2.3.3 Accounting of Insurance Proceeds

Insurance payouts are deposited into the GoT NEF established as per the Emergency Fund Act (2008) to finance disaster response, relief and recovery activities. In any fiscal year, a minimum of T$5 million (US$2.79 million) can be placed into the fund. The fund accrues over years and is utilized exclusively for providing timely and efficient relief and reconstruction in an emergency. The Minister is responsible for authorizing the expenditure with the approval of Cabinet after consultation with NEMC.

2.4 Indicative Expenditures

Clause 5 (1) of the Emergency Fund Act (2008) stipulates that emergency funding shall be used for the purpose of providing timely and efficient relief and reconstruction in any emergency. Such emergency aid includes immediate recovery measures that will be undertaken to save lives, protect livelihoods, especially of the most vulnerable people, and strengthen recovery from disasters. For instance, cash transfers to disaster victims have been proven to be excellent tools in recovery and relief by allowing people to choose what they need and to meet their diverse needs. It is also important to mobilize emergency and medical staff to disaster affected areas.

The GoT uses the NEF to finance expenses including on damaged or destroyed buildings and infrastructure, emergency shelter and evacuation centers, as well as water, sanitation and hygiene expenditures. Purchases of rations and electrical supplies ensure that sufficient stock is available for mobilization immediately after the event.

Given the PCRAFI insurance payout is relatively small but promptly disbursed after a disaster, the insurance proceeds will be utilized for emergency aid and purchase of critical goods. Critical goods include disaster relief items that will need to be procured to enable healthy and safe living of citizens affected by the disaster. These include purchasing medical equipment to aid the injured and securing water, food, shelter, and logistics.

One particular burden is the significant logistical and supply chain emergency expenses resulting from Tonga's far-reaching geographical distribution. In the aftermath of TC Ian in 2014, fuel, distribution, as well as travel and freight accounted for 39 percent of initial relief expenditures given the costly access to the outer islands when facilitating response efforts.

2.5 Negative Expenditures

The GoT commits to ensuring that payouts are used for their intended purposes and free of corruption. The PCRAFI insurance payouts will not be incurred against items related to Negative Expenditures listed below. The GoT agrees to the Negative Expenditures as listed based on the World Bank Policy, Development Policy Financing,[1] applied to a policy-based IBRD/IDA Loan or a policy-based IBRD/IDA Guarantee to the member countries. The excluded expenditures consist of the following:

a. alcoholic beverages;
b. tobacco products;
c. luxury items;
d. military goods;
e. radioactive materials and nuclear reactors;
f. environmentally hazardous goods; and
g. payments prohibited by UN Security Council decisions under Chapter VII of the UN Charter

Table 2 summarizes the indicative and negative expenditures from the PCRAFI insurance payout in the GoT.

Table 2 – Summary Table of Indicative and Negative Expenditures

Category	Items
Indicative Expenditures	• Emergency aid and purchase of critical goods that include: - medical equipment - water - food - shelter - logistics - tools and equipment for debris removal
Negative Expenditures	• alcoholic beverages; • tobacco products; • luxury items; • military goods; • radioactive materials and nuclear reactors; • environmentally hazardous goods; and

[1] The World Bank Policy, Development Policy Financing refers that: "For Bank Loans, excluded expenditures consist, among others, of goods and services financed by another domestic or international financial institution or agency or by the Bank under another loan, alcoholic beverages, tobacco products, luxury items, military goods, radioactive materials and nuclear reactors, environmentally hazardous goods, payments prohibited by UN Security Council decisions under Chapter VII of the UN Charter and expenditures with respect to which the Bank determines that corrupt, fraudulent, collusive or coercive practices were engaged in by any recipient of the loan proceeds without satisfactory action having been taken to address such practices when they occur."

	• payments prohibited by UN Security Council decisions under Chapter VII of the UN Charter

2.6 Procurement Procedures

The MoFNP administers GoT's procurement regulations and procedures through a designated procurement unit. Tonga's Public Procurement Regulations (2010) and Public Procurement Procedures (2010) provide a comprehensive framework for public procurement activities. Under the Regulations, procurement activities are assigned to either procurement divisions within the corresponding MDAs or the Central Procurement Unit. The regulations furthermore require all MDAs to prepare annual procurement plans. The Procedures specify the relevant conditions and thresholds of the bidding processes. International competitive bidding is recommended for all civil works projects with an estimated cost of US$0.5 million or higher, whereas national competitive bidding should be utilized for civil contracts with an estimated value of less than US$0.5 million.

2.7 Reporting

As per the Emergency Fund Act (2008), the Emergency fund is audited annually by the Auditor General. The Finance Minister is required to prepare the fund's financial statement to be available for audit so that the audit can be concluded no later than five months after the Fund's financial year end date. The Fund's financial statements and the report of the Auditor General is published in the GoT Gazette and laid before the Legislative Assembly by the Finance Minister no later than six months after the Fund's financial year end date, or if the Legislative Assembly is not in session, at the commencement of the next session. Auditor General will report on whether payments were made in accordance with the pre-determined Emergency Fund criteria.

2.8 Acquittal Process to PCRIC

MoFNP will report to the PCRIC CEO on the PCRAFI insurance payout expenditures and targeted beneficiaries within 6 months of the payout, following the PCRAFI insurance program acquittal requirement. It is acknowledged that PCRIC CEO should inform the PCRAFI insurance payout expenditure to the PCRIF CoM. See the report template in the annex 1.

ANNEX 1: Template of Insurance Payout Acquittal Report to PCRIC CEO

1. <u>Background Information</u>

Country	Kingdom of Tonga
Institution	The Ministry of finance and National Planning
PCRAFI Reference Number	
Report Author	
Report Author's Title	
Type of disaster	
Event Date	
Insurance Payout Date	
Report Date *(Within six months after insurance payout)*	
Amount of Insurance Payout	US$
Amount Used to Date	US$
Remaining Balance to Date	US$

2. <u>Event Description</u>

Provide an overview of a disaster causing an insurance payout, including a name and intensity of the disaster, date/time of the event occurrence and evolution, and affected areas.

3. <u>Impacts of the Event</u>

Describe acknowledged losses, damage and impacts as a result of the event. The section will include quantitative and qualitative descriptions including confirmed number of fatalities, injuries, buildings damaged or destroyed, and an estimated people in evacuation centers, and damage to infrastructure and industries[2].

4. <u>Insurance Payout</u>

Describe the amount of payout and date when the government received it. Refer to the account that received insurance payout and proportion of the payout to the other emergency budget and reserves if available.

5. <u>Activities and expenditures</u>

Describe activities and expenditures based on the insurance payouts with targeted beneficiaries (qualitative and quantitative description), how cash/goods will move to the targeted beneficiaries, and timeline of key activities. It should be noted that the described expenditures might be based on not only the insurance payout but various emergency financing sources. Therefore, described total expenditures may not be

[2] It should be noted that any insurance payout basically depends on the post event loss calculation (PELC) protocol, which calculates modeled mean loss estimates for impacted countries based on the catastrophe loss models developed by AIR Worldwide Corporation (AIR). It should also be noted that the reported government estimates can differ from modeled mean loss values due to many factors including multiple sources of uncertainty, differing definitions, methodologies, and sectors covered in the assessments.

equivalent to the amount of the insurance payout. Templates of the breakdown of activities and expenditures are illustrated below.

Table 1: Summary of Activities

Activities	Targeted Beneficiaries	Cost (US$)

Table 2: Summary of Expenditures from PCRAFI insurance payout

Expenditure items	Expenditure (US$)
Total	

ANNEX 2: Chapter VII of the UN Charter

Article 39
The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40
In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41
The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42
Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

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