REPUBLIC OF VANUATU

COMMISSIONS OF INQUIRY ACT [CAP 85]

Instrument of Appointment – Commission of Inquiry into the matters relating to the affairs of the Vanuatu Citizenship Commission and its related programs Order No.54 of 2023

In exercise of the powers conferred on me by subsections 1(1), (2), (3), section 5 and subsection 12(1) of the Commissions of Inquiry Act [CAP 85], I, the Honourable JOHN TARIQETU STILL, Minister of Justice and Community Services, make the following Order.

1 Establishment of the Commission

The Commission of Inquiry into the matters relating to the affairs of the Vanuatu Citizenship Commission and its related programs is established.

2 Appointment of the Commissioners

The following persons are appointed as Commissioners:

(a) Glen GRAIG; and

(b) Christina THYNA; and

(c) Collin LEO; and

(d) James STEPHEN; and

(e) Johnny WILSON.

3 Appointment of the Chairman of the Commission

Collin LEO is appointed as the Chairman of the Commission.

4 Appointment of the Secretary of the Commission

Christina THYNA is appointed as the Secretary of the Commission.

5 Location of inquiry

The inquiry is to be made in Port Vila, at the Ministry of Justice and Community Services Conference room in Port Vila, or in such other places as the Commission determines necessary.

6 No public inquiry

The Commission of Inquiry is not obliged to hold any public inquiries.

7 Terms of reference

(1) The terms of reference of the Commission are set out in the Schedule.

(2) The terms of reference of the Commission may be amended or varied by the Minister in consultation with the Commission.

8 Remuneration and cost

(1) The members of the Commission are entitled to, after submitting the report, the following remuneration:

(a) Chairperson VT500,000; and

(b) Members VT400,000; and

(c) Secretary VT400,000.

(2) The remunerations referred to in subclause (1) must be paid as set out in the Schedule.

(3) The costs for the Commission to carry out its duties under this Order are to be met by the State.

9 Duration of the Inquiry

(1) The Commission has 3 months from the commencement of this Order to compile its finding and submit a complete report to the Minister.

(2) If the Commission is unable to meet the requirements under subclause (1) due to some unforeseen circumstances, the Commission may extend the duration of the Inquiry given that no additional payment is to be made to the members.

10 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 11th **day of** April **, 2023.**



Honourable JOHN TARIQETU STILL
Minister of Justice and Community Services

SCHEDULE

Commission of Inquiry into the matters relating to the affairs of the Vanuatu Citizenship Commission and its related programs

Terms of Reference

1 Background

On the 8th The EU Council partially suspended the Visa Waiver agreement with the Republic of Vanuatu. The Council cited the EU has concluded that there are serious deficiencies in its investor citizenship schemes which could pose a risk to the EU.

The Honorable Ishmael Kalsakau, Prime Minister of Vanuatu visited the EU Council; in December 2022 and obtained an extension of this partial suspension, avoiding a full suspension, on the basis reforms to the Vanuatu Investment Citizenship Programmes would be undertaken. The Commission Inquiry is formed in response to these actions.

2 The Aim

The Commission aims to investigate the functions of the citizenship commission along with the all-government department activities related to citizenship by investment programs and to identify any corruption or failures in the State administration.

3 Objectives

The objectives of the Commission of Inquiry are to ascertain the functions, activities and actions of the key government stakeholders involved in the process of managing the citizenship by investment programs along with the integrity of Vanuatu citizenships issued since 2018.

The stakeholders include, but not limited to the Department of Finance, Approved Citizenship Programs Agents, the Financial Intelligence Unit, The Vanuatu Citizenship Commission and the Department of Immigration.

Based on its findings it must make recommendations of any officials, persons, and citizenships issued for potential further investigation. It must make recommendations, based on its findings to strengthen the programs with the ultimate goal of satisfying the EU Council and having the EU Visa Waiver agreement reinstated.

4 Scope of Inquiry

The Commission must have a wide scope of investigation and must review:

(a) All records, financial or otherwise, of the Vanuatu Citizenship Commission relating to the citizenship by Investment program; and

(b) All processes of the key government stakeholders including the examination of policies and procedures; and

(c) Any complaints related to the issuance of the Vanuatu citizenships made against any approved agents of the programs or any government officials of the since 2018; and

(d) Records of all correspondences with the EU and taskforce meeting minutes to accurately report actions taken and lessons learnt that could improve the process; and

(e) Screening and background check processes of all applicants to the program undertaken by the relevant stakeholders; and

(f) Whether Vanuatu Citizenships granted followed proper process and were in compliance with the various regulations and acts under which the Citizenship Programmes are governed; and

(g) Were all financial payments in order and handled as required in relation to applicants under the programme; and

(h) Identify any irregularities in the processes required to obtain Vanuatu citizenship of any applications and compile a list of said irregularities and a recommended course of action; and

(i) If any weaknesses in the system are discovered. List them along with potential solutions to mitigate the risk and resolve the weaknesses and strengthen the processes; and

(j) Report what actions were taken in relation to the concerns of the EU by the Citizenship Commission, its special taskforce and associated stakeholders to respond to said concerns; and

5 Sitting

(1) The deliberation of the Commission must be made in private and the report publicly released.

(2) The Commission must conduct its Inquiry in a private manner.

(3) The Commission must not release any detail about individual citizenship applications that would make the applicant details be released publicly.

6 Report

The Commission is to provide a full report on the findings and recommendations of this inquiry to the Minister for Justice and Community Services. He is to report and table a recommendation to the Council of Ministers.

7 Renumeration of the Commissioners

The remuneration of the Commissioners is as follows:

(a) the Chairman is to receive a payment of 500,000 vatu; and

(b) the Members are to receive a payment of 400,000 vatu each; and

(c) the Chairman and the members will receive payment of 50% before beginning of the Inquiry, and 50% upon completion of the Inquiry and after presentation of the report to the Minister.

8 Remuneration of the Secretary

The Secretary of the Commission is to receive a payment of 400,000 vatu payable 50% before beginning of the Inquiry and 50% upon completion and presentation of the report to the Minister.

9 Duration of the Inquiry

The Commission has 3 months from the commencement of this Order to compile its finding and submit a completed report to the Minister for Justice and Community Services.

A draft schedule has been developed as a guide to the Commission.

Activity	**Milestones**											
	Month 1				Month 2				Month 3			
	W1	W2	W3	W4	W1	W2	W3	W4	W1	W2	W3	W4
Signing of contract and designing of investigation plan												
Investigation with institutions												
Compilation of data from investigation												
Update on the findings presented to the MJCS Minister												
Additional investigation and												