



## REPUBLIC OF VANUATU

### COMMISSIONS OF INQUIRY ACT [CAP 85]

#### APPOINTMENT OF THE COMMISSION OF INQUIRY IN THE MATTER RELATING TO THE ALLEGED SALE OF VANUATU PASSPORTS ORDER NO. 118 OF 2013

In exercise of the powers conferred on me by subsection 1(1) and section 5 of the Commissions of Inquiry Act [CAP 85], I, the Honourable JONAS JAMES KALO, Minister of Justice and Community Services, make the following Order.

##### **1 Establishment of the Commission**

The Commission of inquiry in the matters relating to the alleged sale of Vanuatu passports is established.

##### **2 Appointment of Commissioners**

The following persons are appointed as Commissioners:

- (a) Kiel LOUGHMAN;
- (b) Roline Lesines TEKON;
- (c) John Mark BELL;
- (d) Hilda Lini MOTARILAVOA;

##### **3 Chairperson of the Commission**

Mr. Kiel LOUGHMAN is to be the Chairperson of the Commission.

##### **4 Appointment of the Secretary**

Mr Jonathan IAVERE 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 Conference Room and such other place or places as the Commission determines.

## **6 Public Inquiry**

- (1) The inquiry is to be made in public as set out in the Schedule, using the E-Government possibilities and streaming video into the web and social media.
- (2) The room itself must be authorized only to accredited journalists.

## **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, after submitting the report, the following remuneration:
  - (a) Chairperson – VT500,000;
  - (b) Members – VT400,000;
  - (c) Secretary – VT500,000.
- (2) The remunerations referred to in subclause (1) must be paid as set out in the schedule.
- (3) Any sum disbursed without work completed is repayable with usual banking interest rate added.
- (4) Costs for the Commission to carry out its duties under this Order are to be met by the State.

## **9 Duration of the Inquiry**

The Commission has 3 months from the commencement date of this Order to compile its findings.

**10 Commencement**

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

Made at Port Vila this 13<sup>th</sup> day of August, 2013.



**Honourable JONAS JAMES**  
**Minister of Justice and Community Services**



# SCHEDULE

## TERMS OF REFERENCE

### 1. Background:

It is a trend accelerating in the last decade that it is alleged that our politicians are selling Vanuatu passports.

The accusations went so strong that the opposition office in Parliament issued a statement recently for the purpose of meaning that the Prime Minister's passport was on sale on the Internet.

Due to the extremely serious accusation, the Prime Minister requested that the full light be done on the alleged sale of passports since he was elected in Parliament.

The matters of alleged sale of passports have many ramifications. The primary one could be a direct involvement of public servants and/or politicians. However it could also involve further degrees of corruption: the businessmen involved, the type of passports that the beneficiary obtained whether normal, official or diplomatic together with the citizenship commission who should produce certificates relating to these passports.

It will also probably put into question the offices and agents proposing to attract long term residents.

In the view of the public, all these questions raised that are only allegations have to be cleared in a proper way by a commission.

### 2. Aim of the Commission

The aim of the Commission is to inquire to alleged issuance of Vanuatu passports, whether normal, official or diplomatic in favor of people not entitled to and who would be paying to obtain them. Inquiry made must lead to a report to the Minister identifying corruption if any, the failure points of the State administration and available remedy to these failures.

### 3. Objectives of the Commission

The objectives of the Commission are:-

- (i) To get and obtain disclosure of the list of the diplomatic and official passports issued since 2002 general elections, with the following details:
  - a. The names and full details of the beneficiaries with their digitalized photos;

- b. Other names under which the said beneficiaries may be known;
  - c. The date of issuance;
  - d. The person who issued each passport;
  - e. The title of the person who issued each passport;
  - f. The copy of the application, and any letter in support from any third party;
  - g. The position of the passport holder;
  - h. The validity dates of the passport;
  - i. When out of validity, the confirmation and/or evidence that the passport has been cancelled and/or collected back and/or replaced;
  - j. Collect and compile as attachment the full details of the persons concerned and get estimate of their activities and wealth when they were not public servants already, and when there are suspicions of corruption on the said persons in the opinion of the Commission;
  - k. Source information on possible middle men or middle organizations having lobbied for each passport obtained;
- (ii) To get and obtain disclosure of the list of the normal (green) passports issued since 2002 elections, to people using a certificate of the citizenship commission with the following details:
- a. The names and full details of the beneficiaries with their digitalized photos;
  - b. Other names under which the said beneficiaries may be known;
  - c. The date of issuance;
  - d. The person who issued each passport;
  - e. The title of the person who issued each passport;
  - f. The copy of the application and any letter in support for issuance from any third party;
  - g. The validity dates of the passport;
  - h. When out of validity, the confirmation and/or evidence that the passport has been cancelled and/or collected back and/or replaced;
  - i. Collect and compile as attachment the full details of the persons concerned and get estimate of their activities and wealth when there are suspicions of corruption in the opinion of the Commission;
  - j. Source information on possible middle men having presented the demand of passport on behalf of the beneficiary if absent;
- (iii) To analyze these datas and inquire when necessary of further information;

- (iv) To analyze when in the opinion of the Commission it is necessary to do so, the records of the Citizenship Commission in relation with the issuance of suspect passports if any;
- (v) To present a data classified by Minister name of the number of passports issued and the number of suspicions the Commission has on the passports issued;
- (vi) To present a data classified by Prime Minister name of the number of passports issued and the number of suspicions the Commission has on the passports issued;
- (vii) To list the officials, the persons and passports that the Commission recommends to be investigated further by either the Ombudsman and/or the Police;
- (viii) To analyze and list the weak points of the passports issuing system as they should be not subject to question at all;
- (ix) To recommend solutions to the problems raised if any.

#### **4. Report.**

The Commission will provide a full report on the findings and recommendations of this inquiry to the Minister of Justice & Community Services, who will then consider the report and table a recommendation to the Council of Ministers.

#### **5. Public Inquiry**

The Commission of Inquiry shall be made in public in the following form:

- a. The hearings of the Commission shall be held in the Conference Room of the Ministry of Justice where only technicians and accredited journalists may be allowed;
- b. The hearings of the Commission shall use the e government system, the Internet, the social media and the streaming to make the commission available live to the Public, including through the Facebook.com/MOJCSparticipation page.
- c. The deliberation of the Commission shall be made in private and the report publicly released.
- d. If the Minister of Foreign Affairs opposes a secrecy on any of the passports issued, the Commission shall continue its Inquiry on the passport concerned in a private manner. The Commission shall not release any detail about the concerned passport that would make the general public recognize it.

#### **6. Remuneration of the Commissioners**

Pursuant to section 12-1 of the Act, The Commissioners will be remunerated as follows:

- a. The Chairman will receive a payment of 500,000 vatu;
- b. The Members will receive a payment of 400,000 vatu each;
- c. The payment is to be made out of the workshop line held by the Ministry's budget after consultation with the Finance Officer;
- d. The payment will be made 50% before beginning of the Commission upon presentation of a bill to the Finance Officer of the Ministry of Justice, and 50% upon completion and presentation of the report to the Minister;
- e. Any sum disbursed without work completed is repayable with usual banking interests rate added.

#### **7. Remuneration of the Secretary**

- a. The Secretary of the commission will receive a payment of 500,000 vatu upon presentation of A bill addressed to the Finance Officer of the Ministry of Justice- Corporate Services, payable 50% before beginning of the Commission and 50% upon presentation and completion of the report.
- b. The Secretary will elect office for the duration of the Commission into the Ministry of Justice, First Floor. It will be its address for service.

#### **8. Amendments**

The Minister of Justice can amend at any time, by subsequent order, the present Terms of Reference, upon request of the Chairman of the Commission.