ARTICLE 5 UNCAC

PREVENTIVE ANTI-CORRUPTION POLICIES AND PRACTICES

MAURITIUS (SECOND MEETING)

Article 5: Preventive anti-corruption policies and practices

1. Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anticorruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

1.1 Preventive anti-corruption policies and practices adopted by Mauritius

The year 2002 was a landmark in the fight against corruption and money laundering with the enactment of the two main legislations – the Prevention of Corruption Act 2002 and the Financial Intelligence and Anti-Money Laundering Act 2002.

The PoCA provides for the setting up of the Independent Commission Against Corruption (ICAC), which is the national anti-corruption agency in the country. The ICAC uses a three-pronged approach for fighting corruption namely through Investigation, Prevention and Education.

The Prevention of Corruption Act 2002 makes provision for the establishment of a Corruption Prevention and Education Division of the ICAC with a clear mandate to educate the public against corruption and enlist and foster public support in combating corruption. The Corruption Prevention and Education Division of the ICAC operates through two specialized Branches, the Community Relations Branch and the System Enhancement Branch:

The main provisions of the Prevention of Corruption Act 2002 (PoCA) as amended with regards to the prevention of corruption are to:

a) conduct public campaigns to alert the public on dangers of corruption;
b) enlist and foster public support in combating corruption;
c) assist in enhancing the school curriculum so as to educate children on the dangers of corruption;
d) inform the general public on the manner in which complaints of acts of corruption should be made;
e) conduct campaigns to encourage the formation and strengthening of non-governmental
organizations to fight corruption;
f) liaise with private sector organizations and trade-unions for the setting up of anti-corruption practices;
g) conduct workshops and other activities to promote campaigns for the prevention and elimination of corruption;
h) undertake and assist in research projects in order to identify the causes of corruption and its consequences on, inter alia, the social and economic structure of Mauritius;
i) co-operate with all other statutory corporation which have as object the betterment of the social and economic life of Mauritius;
j) promote links between the Commission and international organizations so as to foster international co-operation in the fight against corruption;
k) encourage links between the Commission and similar agencies in other countries; and
l) enhance education on the dangers of corruption.
m) monitor, in such manner as it considers appropriate, the implementation of any contract awarded by a public, with a view to ensuring that no irregularity or impropriety is involved therein;
n) examine the practices and procedures of any public body in order to facilitate the discovery of acts of corruption and to secure the revision of methods of work or procedures which, in its opinion may be conducive to corruption
o) advise and assist any public body on ways and means in which acts of corruption may be eliminated;
p) draft model codes of conduct and advice public bodies on their adoption.

2. Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.

2.1 Conduct of Corruption Prevention Reviews
Key reforms in the public sector that can decrease the perception of corruption are linked to the enhancement of ethics, transparency and accountability framework, reduction of complexity of systems and compliance through best practices. As per Sections 20 (d), (f), (g), (h) (i) (j) (k) and Section (30) of the Prevention of Corruption Act 2002 as amended, the ICAC is mandated to exercise vigilance and superintendence over the integrity systems and practices in public bodies with a view to eliminating opportunities for corruption.

The ICAC has conducted several in-depth studies of systems and procedures of public bodies, known as Corruption Prevention Reviews (CPR), for the purpose of recommending improvements or reforms that would prevent incidence of irregularities and corrupt acts. As at 31 Dec 2010, 27 CPRs have been conducted in 24 public bodies with 967 recommendations. These recommendations include changes in legislation, to ensure that corruption prevention safeguards are built in the systems as early as possible. To ensure effective and prompt implementation of anti-corruption measures proposed by the ICAC, focus group discussions are conducted with management so as to facilitate implementation of recommendations. Follow up exercises are conducted 6-months after the issue of report to assess and monitor the implementation status.
2.2 Public Sector Anti-Corruption Framework
The ICAC has developed a Public Sector Anti-Corruption Framework (PSACF) to enable public bodies to establish the requisite capacity to prevent and combat corruption in their sphere of operation. The Framework will enable public bodies to take up ownership of building corruption resistance in their respective organizations. The project is being piloted in 4 public bodies and subsequently in all public bodies in the country.

2.3 Best Practices and Guidelines
Anti-corruption tools are strong means of empowering employees and consolidating the fight against corruption. In this context, numerous anti-corruption tools to address and manage corruption risks proactively. The materials are mainly in the form of Best Practices and Guidelines and have been developed by the Independent Commission Against Corruption in collaboration with organizations concerned during the last five years. They materials are intended to serve as self-assessment tools for the enhancement of systems and procedures in public bodies.

The main ones are:

**Total Integrity Management Handbook for Head Teachers, 2010:** This handbook has been developed to help headmasters in ensuring total integrity management in schools. Anti-corruption values can be promoted among school children only if schools are managed with transparency and integrity and educators feel valued and motivated.

**Charter for Vehicle Owners – National Transport Authority:** A Charter for Vehicle Owners has been developed in collaboration with the National Transport Authority-NTA to provide vehicle owners with a checklist on the required conditions of their vehicles in order to be fit on road. The NTA has also arranged for wide dissemination of the charter through display at its Vehicle Examination Centres, its main office and different public places.

**Handbook on Managing Conflict of Interests:** A handbook has been developed with the aim to help organisations create a culture that encourages and supports the identification, disclosure and management of conflict of interests situations.

**Guide on Good Governance for the Co-operative Sector:** With a view to further instill a culture of integrity and probity in the cooperative sector, the ICAC in collaboration with the Ministry of Business, Enterprises and Cooperatives has developed a guide on good governance for the cooperative sector.

**Public Sector Anti-Corruption Framework Manual:** It has been developed to assist public bodies to strengthen institutional capabilities through the establishment of appropriate mechanisms to control corruption.

**Best Practice Guide on “Building Integrity in NGOs:** The ICAC in collaboration with the NGO Trust Fund and the MACOSS develop the guide to enable NGOs to operate within an ethical framework.
Model Code of Conduct for Parastatal Bodies: The model code has been developed to provide Parastatal Bodies with the basic principles that need to be observed in the development of their own code of conduct.

Code of Conduct for Public Officials Involved in Procurement: The code has been developed in collaboration with the Procurement Policy Office with a view to exercise vigilance and superintendence in public institutions.

Best Practice Guide - Inspection Works for Public Bodies: The guide on “Inspection works for Public Bodies” was developed with a view to promoting good governance principles and encouraging organisations to come up with mechanisms to address corruption opportunities in the inspection function.

Best Practice Guide – Recruitment and Selection in Parastatal Bodies: Parastatal bodies have their own recruitment process. In view of the high corruption opportunities that exist in such a process, ICAC has come up with a guideline on Recruitment and Selection in parastatal bodies. The guideline not only addresses opportunities for malpractices but can also contribute to standardising the recruitment process within all parastatal bodies.

Model Internal Audit Charter: Internal Audit, being part of an organisation’s oversight mechanism, is the cornerstone to good governance. To address this target group, the ICAC has developed a Model Internal Audit Charter which sets the framework for an effective internal audit to operate. The purpose is not only to encourage development of this important tool in all organisations but also to allow management to discharge itself of its responsibilities to design, implement and monitor a sound system of internal control.

Procurement of Goods and Services -Best Practice Guide for Public Bodies: This document provides essential control procedures, which could be implemented in a purchasing and tendering system and covers areas, which are most prone to corruption. It also provide guidelines for self-assessment of systems in respect of procurement.

Contract Works - Best Practice Guide for Public Bodies: The objectives of this guide are to provide public bodies with a checklist to assess their own vulnerabilities to corruption risks in contract works.

Guide on Management of Funds by Parent Teachers Associations: This guide aims at assisting PTA’s to better understand good governance and to develop appropriate policies and procedures that are imperative for fulfilling its mission and objectives in a transparent and accountable manner.

The Financial Services Commission
The Financial Services Commission (FSC) is the regulatory body for non-banking services, including the stock exchange and international global businesses to license, regulate, monitor and the supervise business activities in the financial sector and the
protection of consumers. The FSC also has the investigative power in respect of financial fraud.

The FSC also promotes fairness and transparency in the financial markets, and establishes operating policies and procedures to detect financial fraud, improper trading/business practices and market abuse in the securities and capital markets. It has also issued Guidelines on Corporate Governance for Service Providers (Non-Financial) and Codes on the Prevention of Money Laundering and Terrorist Financing for Management Companies, for Insurance Entities and Investment Businesses.

**Bank of Mauritius**

The Bank of Mauritius which is the regulatory body for banking institution in Mauritius has also issued guidelines for more transparency and accountability in this sector.

3. Each State Party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.

3.1 Review of Related Legislations

With the ratification of the United Nations Convention Against Corruption and the SADC Protocol, the Republic of Mauritius has reviewed a number of legislations like the Companies Act, the Banking Act, etc and has enacted new legislations like the Public Procurement Act 2006, the Mutual Assistance in Criminal and Related Matters Act 2003, etc to enhance the fight against corruption and bring corruption under control in Mauritius.

**The Mutual Assistance in Criminal and Related Matters Act 2003:** The objects of the Mutual Assistance Act are to enable the widest possible measure of international cooperation to be given and received by the Republic of Mauritius promptly and to the fullest extent possible, in investigations, prosecutions or proceedings concerning serious offences and related civil matters and to make provision for mutual assistance between the Republic of Mauritius and a foreign State or an international criminal tribunal in relation to serious offences and to provide for related matters.

**The Public Procurement Act 2006:** With a view to enhance public procurement systems and align the latter with international trends, the Public Procurement Act 2006 was enacted. It establishes modern principles and procedures for competitive bidding, transparency and accountability. It also creates new bodies like the Procurement Policy Office, the Central Procurement Board and the Independent Review Panel within the public administration to ensure that the principles are properly applied and implemented.

**The Banking Act 2004:** The Banking Act 2004 now includes additional clauses for fighting corruption and money laundering.

4. States Parties shall, as appropriate and in accordance with the fundamental principles of their legal system, collaborate with each other and with relevant
international and regional organizations in promoting and developing the measures referred to in this article. That collaboration may include participation in international programmes and projects aimed at the prevention of corruption.

4.1 Involvement of Mauritius in Anti-Corruption Initiatives at Regional and International levels

The ICAC is fully involved in anti-corruption initiatives be it at regional and international levels. The main involvements of Mauritius are as follows:

· Mauritius is an active member of the Southern African Forum Against Corruption (SAFAC) which is a regional platform established for the purposes of mutual cooperation in combating corruption and provides a platform for anti-corruption agencies in the SADC region for anticorruption activities, sharing of experiences and best practices in fighting corruption.

· The ICAC is a member of the International Association of Anti-Corruption Authorities (IAACA) and regularly attends the Annual Conferences and General Assembly Meetings since it was set up in Beijing in October 2006.

· Mauritius regularly attends the Annual Conference of States Parties of the UN Convention Against Corruption The Republic of Mauritius also participated through the ICAC in the following events the First Africa Forum on Fighting Corruption held in February 2007 in South Africa and the Fifth Global Forum on Fighting Corruption and Safeguarding Integrity in South Africa in April 2007.

· The Republic of Mauritius has also developed links with the following anti-corruption agencies:
  ICAC Hong Kong, ICAC NSW, CPIB Singapore, ACA Malaysia, BIANCO Madagascar, CBI/CVC India, Serious Fraud Office, UK.

· The relationship between BIANCO, the national anti-corruption agency in Madagascar and the ICAC was formalized through the signing of a Memorandum and subsequent visits of officers in 2006.

· The ICAC welcomed officials from the Zimbabwe Anti-Corruption Commission, “L’Observatoire de Lutte Contre La Corruption du Benin”, the Supreme People’s Procuratorate of the Peoples Republic of China led by the Prosecutor General were in Mauritius, a group of experts from the Financial Enforcement Office of Technical Assistance (OTA) of the US Department of Treasury who were in Mauritius for two weeks to provide training on financial investigation to ICAC officers and other enforcement agencies dealing with financial investigation.

· The Commonwealth Secretariat in association with the Independent Commission Against Corruption, the Office of the Director of Public Prosecution (ODPP) of Mauritius organised a three-day regional anti-corruption workshop in June 2010.