

*Conference of States parties to the
United Nations Convention against
Corruption*

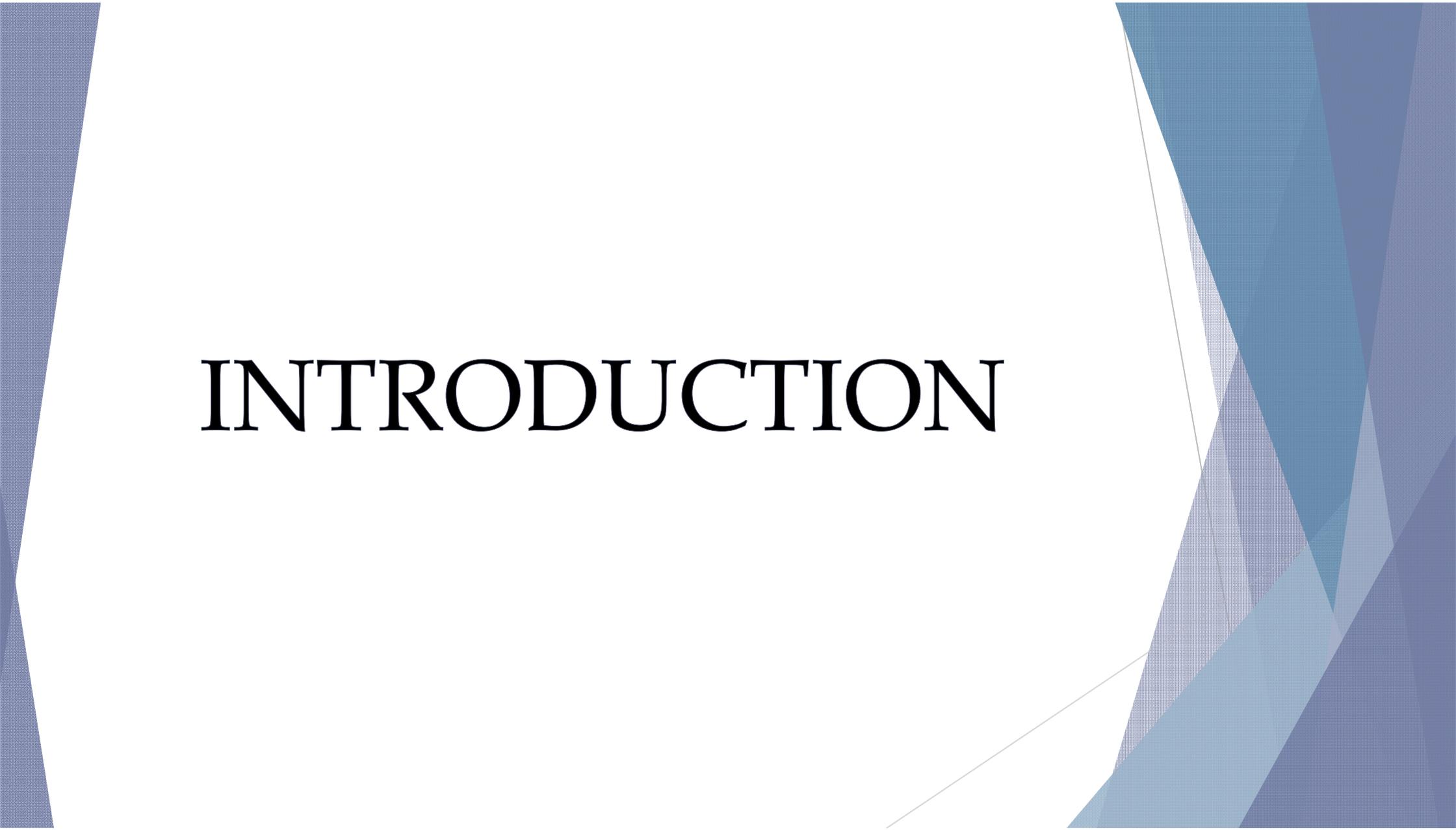
*St. Petersburg, Russian Federation
2-6 November 2015*

ICEAACS

“Anti Corruption Reform in Small Islands: Opportunities and Priorities”

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Independent Commission Against Corruption (ICAC)
Mauritius





INTRODUCTION

SIDS CONFERENCE

A 5-day seminar held on 17 to 21 August 2015

18 State Parties to the United Nations Convention against Corruption

What was the objective of the Conference?

The overall objective of this high level conference was to discuss the peculiar challenges faced by a small jurisdiction when combating corruption, facilitating the exchange of experiences, peer-to-peer networking and best practices on anti-corruption reforms in various areas such as asset declaration, whistle-blower/witness protection mechanisms, and anti-corruption in procurement, amongst others.

Common features amongst the participants?

- Affordability
- Accountability
- Access
- Competing priorities
- Supplementation
- The “smallness” of SIDS

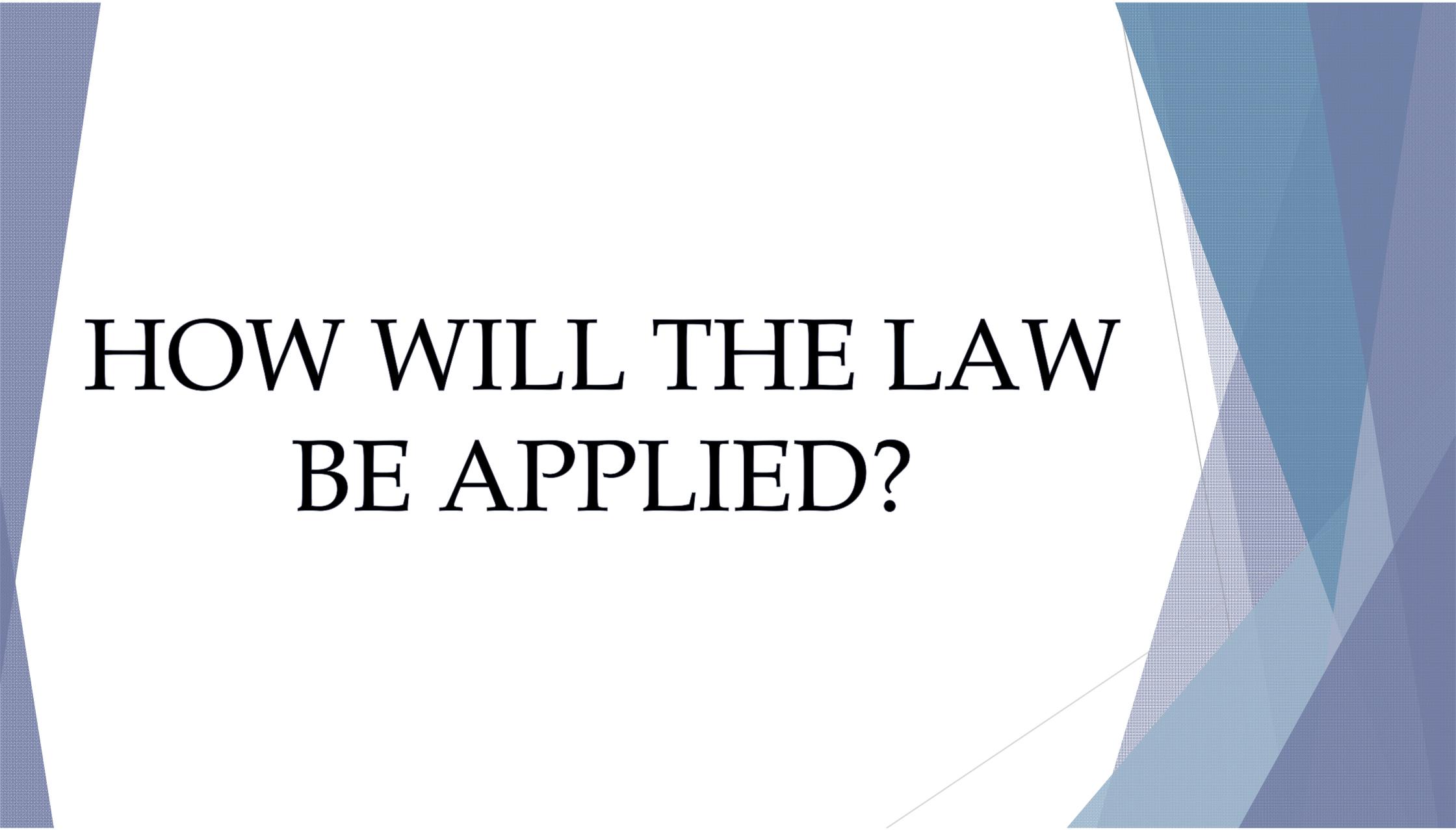


OPPORTUNITIES

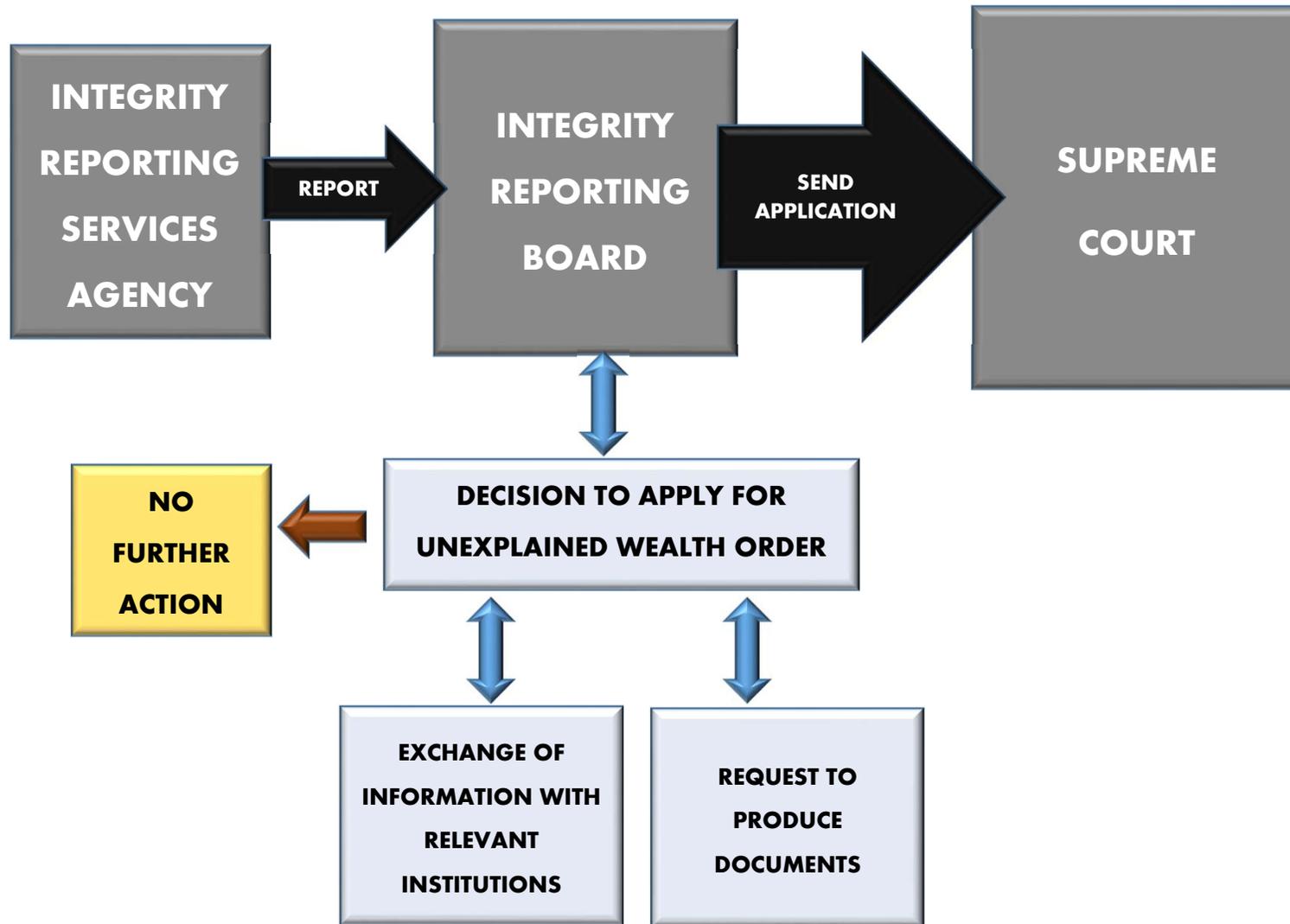
THE GOOD GOVERNANCE AND INTEGRITY REPORTING BILL

Main objective of the Bill:

- Promoting a culture of good governance and integrity reporting in Mauritius
- Stimulate integrity reporting in the public and private sector
- Encourage positive reports of acts of good governance and integrity
- Disclose malpractices and recover unexplained wealth
- Protect and reward persons making disclosures and reports



HOW WILL THE LAW
BE APPLIED?



ADVANTAGES OF THE BILL

- Compliance with Article 20 of the UNCAC
- Amendment to the Constitution will allow for the confiscation and forfeiture.

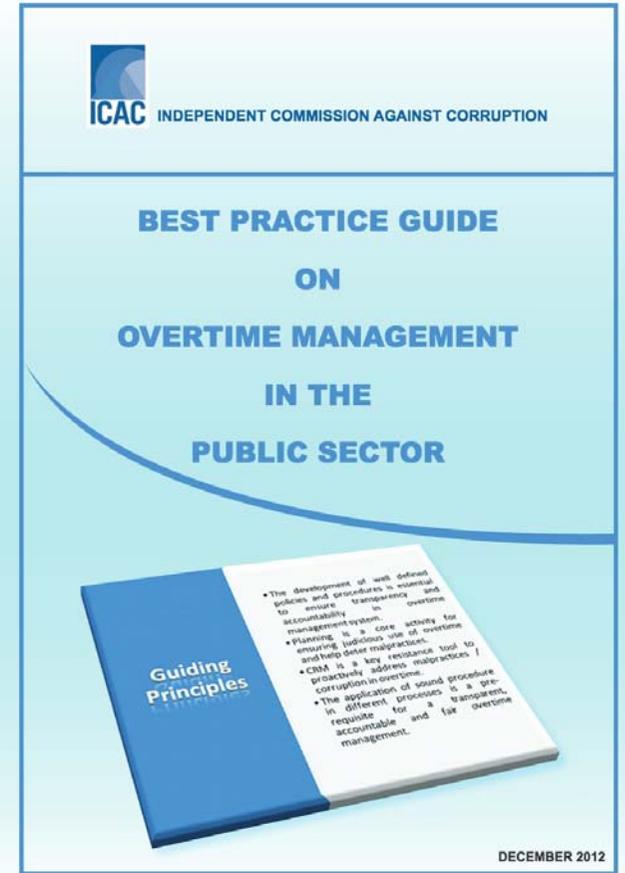
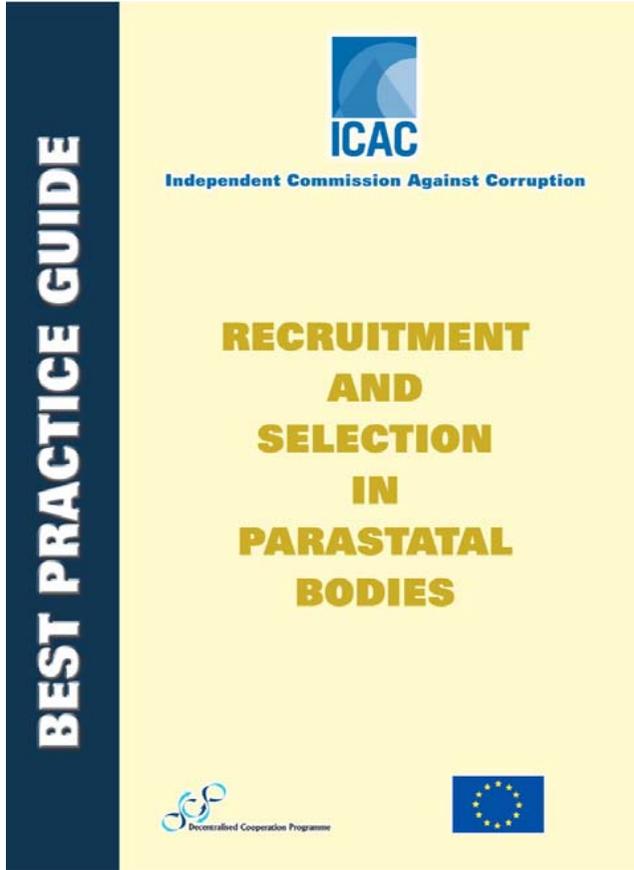
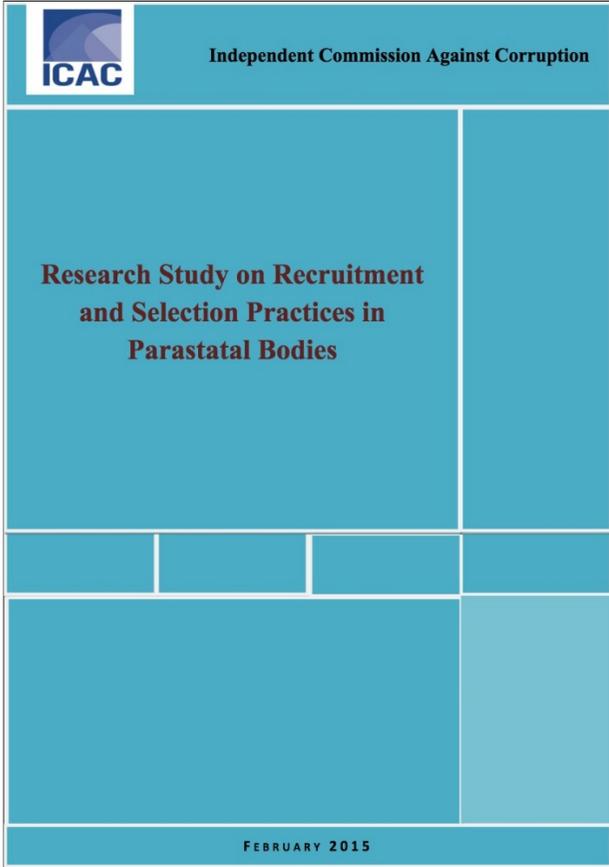


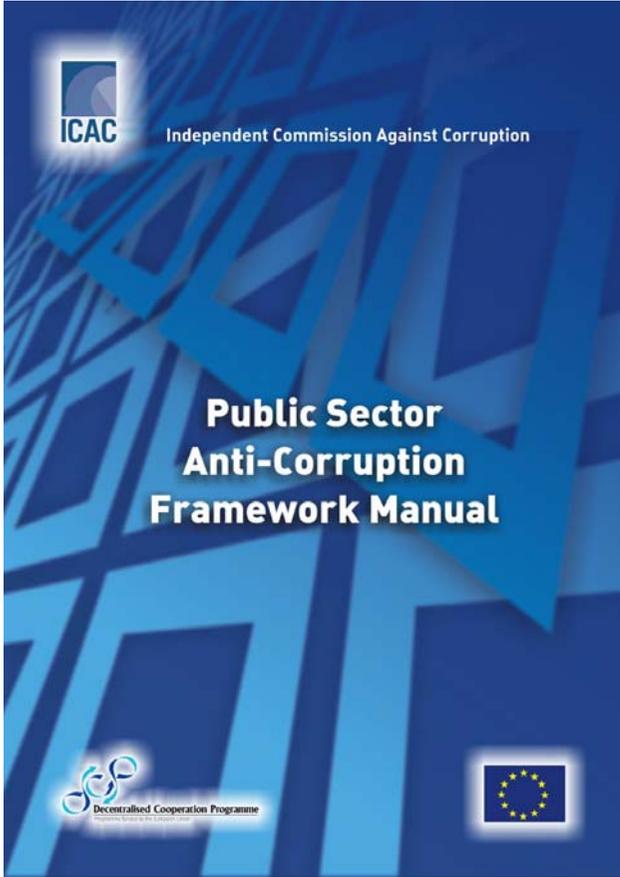
CHALLENGES

- Reluctance to Change
- Breach of the Constitution (democratic state & Human Rights)

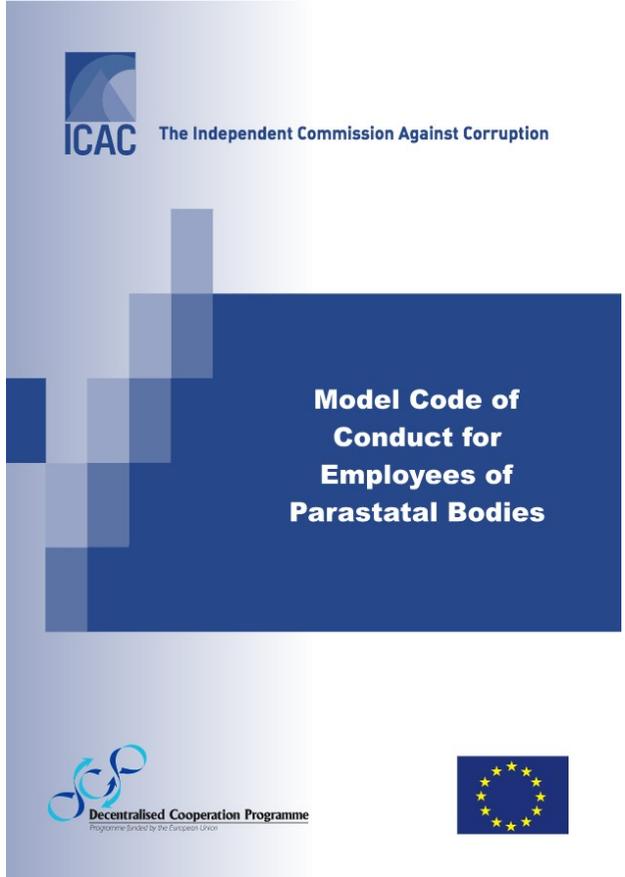
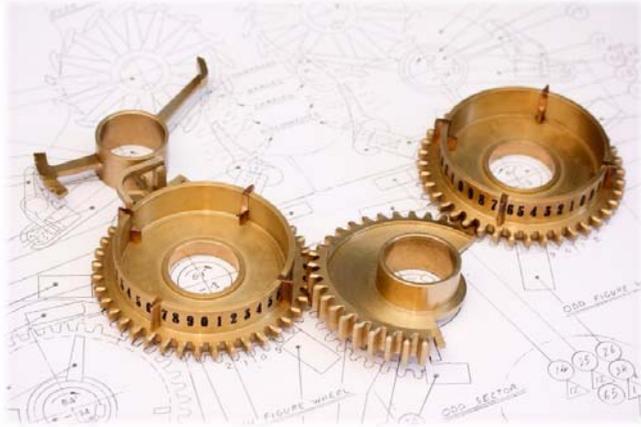
Educative and Preventive Measures in Mauritius

- ▶ Numerous Codes of Ethics drafted by ICAC for public officers
- ▶ Recruitment Guidelines by ICAC
- ▶ Sharing of drafting expertise with SIDS





Corruption Prevention Reviews
Volume 1: Inspections of Works in Public Bodies



E-PROCUREMENT

The Public Procurement Sector is one of the most corruption prone sectors in almost all countries. The ICAC has, through its education and prevention measures, set up certain guidelines with respect to procurement. For example at page 29 of the Public Sector Anti-Corruption Framework published on 20th December 2009, the ICAC set up guidelines for managing of procurement. Of course, it is an undeniable fact that every country will have their own procurement procedures set out as per their legislative framework, however Mauritius sees this as an opportunity for other SIDS to be guided by the principles of procurement that Mauritius has already set out. It is noteworthy of mentioning that the Public Sector Anti-Corruption framework has been published on the ICAC website.

E-PROCUREMENT (CONTINUED)

The Procurement Policy Office has come up with a new concept, i.e. the E-procurement which is described by the Procurement Policy Office as an *“E-Process to cover the whole cycle of a procurement in compliance with the Public Procurement Act.”*

Challenges:

- ▶ Small market
- ▶ IT readiness of supplier

STRONG JURISPRUDENCE

- ▶ Since 2002, the ICAC has lodged numerous criminal cases in the Intermediate Court of Mauritius. This is an opportunity for other SIDS because for 13 years, there have been several landmark judgments. The legal reasoning used in these judgments can be of help when it comes to legislating anti-corruption reforms. For example, certain shortcomings highlighted by the Courts in our anti-corruption legislation can be avoided by the other SIDS.
- ▶ Therefore the strong jurisprudence in the prosecution of corruption cases, in Mauritius, can help other SIDS. The summaries and the whole contents of these judgments are available on our website which is an opportunity for other SIDS to have access to them.

FINANCIAL CRIME COMMISSION(AN “APEX BODY”)

- ▶ The Government of Mauritius has also a new vision for the anti-corruption legislative framework. The Government wants to set up an umbrella organisation which will be known as the Financial Crimes Commission (FCC) and which would regroup the Financial Intelligence Unit, the ICAC, the Asset Recovery Unit, the Enforcement Unit of the Financial Services Commission and a new Anti-Fraud Unit. There will be an enhanced collaboration and better synergy between those agencies involved in the fight against corruption and money laundering.
- ▶ The numerous opportunities will be in terms of more investigative powers given to the FCC.

A SIDS PLATFORM

- ▶ After the SIDS Conference on Anti-Corruption reform in Small Island States, Mauritius recognised the need for a proper platform where the SIDS can communicate easily and share information.
- ▶ The platform can also be used by SIDS to share their experience with respect to education and prevention effort.
- ▶ Mauritius is of the opinion that this platform can be used for discussion in relations to challenges and the benefits of implementing legislative amendments.
- ▶ Furthermore the platform can be used by investigators to share their experience with respect to challenges faced and also knowledge and skills.



PRIORITIES

- ▶ Customs - how the culture of the people of SIDS encouraged corrupted practices- how educative measures could help to better educate people.
- ▶ Prosecution of the private companies offering bribes in procurement proceedings.
- ▶ Investigation of corruption in the private sector- limited powers- Section 16 of the POCA only- the priority should be to increase the investigative powers of the ICAC to investigate into commercial bribery offence.
- ▶ Complex cases of corruption involving high level officials- better equipped with the FCC
- ▶ Budgetary restraints- limited resources in investigation of corruption.

END

THANK
YOU

