

Good Practices in CSO Engagement in the UNCAC Review Mechanism: The Governmental Perspective in Mauritius

By H. Ponen
Senior Legal Adviser
Independent Commission Against Corruption
Mauritius

The Republic of Mauritius

- ▶ Mauritius is an island to the east of Madagascar in the Indian Ocean
- ▶ The Mauritian history and the Mauritian Legal System
 - ▶ Pre-Independence
 - ▶ Post-Independence
- ▶ The Prevention of Corruption Act 2002 and the Independent Commission Against Corruption

The Prevention of Corruption Act

The Prevention of Corruption Act, which was enacted in 2002 (hereinafter referred to PoCA 2002), creates the Independent Commission Against Corruption (hereinafter referred to 'the Commission') whose main duty is the fight against corruption and money laundering through **prevention, education, investigation and prosecution.**

One of the functions of the Commission under section 20 of the PoCA 2002 is to educate the public against corruption and to enlist and foster the public support in combatting corruption.

The PoCA 2002 gives powers to the Director of the CPED to: -

- ▶ conduct public campaigns to alerts the public on the dangers of corruption
- ▶ inform the public on manner to report acts of corruption
- ▶ liaise with private sector organisations and trade-unions for the setting up of anti-corruption practices; and
- ▶ conduct campaigns to encourage the formation and strengthening of non-governmental organisations to fight corruption.

The interaction between the Commission and all stakeholders in Mauritius is based on a Partnership Approach.

The aim of the Partnership Approach is to

a. Raise public awareness as to the scourge of corruption starting with young children up to employers and employees

b. Seek the collaboration and active participation of all stakeholders in the fight against corruption

and

c. Seek the participation of all stakeholders in the UNCAC Self-Assessment Review Process

How is this Partnership Approach achieved?

A Taxonomy of the Partnership Approach

A. Sensitisation

The Partners are sensitised as to the scourge of corruption

B. Empowerment

The Partners are empowered to recognise, reject and report corruption

C. Engagement

The Partners are guided and supported in their engagement to fight corruption

D. Ownership

The Partners are encouraged and supported to take ownership of their efforts

This approach has been implemented since 2003.

Stakeholders include: -

- ▶ Youth (primary, secondary and tertiary)
- ▶ Education sector
- ▶ Trade Unions
- ▶ Professional Associations (Eg: - Mauritius Institute of Directors)
- ▶ Other associations and NGOs (Eg: Transparency Mauritius)
- ▶ Private Enterprises (Eg: Business Mauritius)
- ▶ Religious bodies

The Commission has adopted an all-inclusive strategy - every stakeholder is taken on board.

The outcome of the Partnership Approach has led to the **voluntary participation and engagement** of all stakeholders in the fight against corruption and includes the setting up of: -

- ▶ Civil Society Network Against Corruption
- ▶ Public-Private Platform Against Corruption
- ▶ Private Sector Anti-Corruption Taskforce
- ▶ Trade Union Against Corruption
- ▶ Youth Against Corruption
- ▶ Construction Industry Anti-Corruption Platform

All these platforms are committed to prompt changes by promoting awareness and upholding good conduct.

Civil Society Network Against Corruption

Partners are: -

- Community Based Organisations
- Non-Governmental Organisations
- Individuals engaged in social works

The aim of this platform is to be close to people and to raise awareness of the scourge against corruption and encourage Mauritians to reject and report acts of corruption.

There is the central platform that meets regularly and there are 9 branches, 'Comité Anti-Corruption', one branch in each of the 9 districts within the Island of Mauritius and one branch in the process of being set up in the Island of Rodrigues.

The aim of this platform is to empower its members to become models for other Mauritians. This platform has issued Guidelines of Conduct for its members and is engaged in raising awareness of the public.

Public-Private Platform Against Corruption

This platform comprises members from the public sector as well as the private sector.

There is a continuous discussion between the members on the fight against corruption. This platform has led to the involvement and dedication of its members to adopt the right conduct and appropriate measures to fight corruption.

Major achievements include the shifting to the e-procurement, series of legal amendments and administrative reforms.

This achievement has been commended during the recent SIDS Conference which recommended other state parties to advocate for public/private partnership in eliminating malpractices and corruption in public procurement.

Private Sector Anti-Corruption Taskforce

This is a fully private sector driven taskforce.

Its main objective is to set up norms and standards for the conduct of its members as a mean to fight corruption. The members commit themselves to uphold these norms and standards.

A major achievement of this taskforce is the setting up a council, the PACT Council, to monitor the implementation of the Integrity Pledge. The Council also considers and gives accreditation to private sector organisations that are willing to abide by the Integrity Pledge.

The Center for International Private Enterprises (USA) provides its support to the PACT Council for the implementation of the Integrity Pledge in private sector organisations.

Trade Union Against Corruption

The Trade Union Against Corruption is a platform having as members different trade unions.

It allows its members to express freely their concern with regards to corruption.

It also organises workshops and conduct regular meetings so as to empower its member to fight and report acts of corruption.

Discussions and consensus at the level of the platform result in less resistance for anti-corruption reforms at the workplace.

One of the latest event is the organisation of the workshop with the collaboration of the International Labour Organisation to empower its members for a corrupt-free workplace

Youth Against Corruption

This was originally a partnership with the youth of Mauritius to raise awareness and for their empowerment to fight and report acts of corruption.

This platform has evolved into an independent association which is now registered with the Registrar of Association. It has its own facebook page and has a Memorandum of Understanding with the Commission with regards to its activities.

Construction Industry Anti-Corruption Platform

The participation and collaboration of the Construction Industry in the fight against corruption was voluntarily secured as this is an industry which is perceived to be corruption prone.

The Partnership Approach thus ensured the participation of the Civil Society in the **UNCAC Review Process** - a Continued Process

For the preparation of the self-assessment/check list: -

- Stakeholders Meeting and Explanatory Meetings
- Sharing of report and requests for input/comments
- Workshops and working sessions

NGOs, Transparency Mauritius, Business Mauritius and youth leaders were all party to the review process

The Country Visit

Mauritius opted for Country Visit as part of the UNCAC Review Process.

The Reviewing Experts met with members of the Civil Society who were able to add further input and clear any issue. Members of the Civil Society were free to express themselves and their views and comments were taken on-board.

Civil Society and The UNCAC Review Process - Further opportunity to work in collaboration in order to sustain these partnerships as: -

- ▶ This exercise has helped to identify challenges and need for technical assistance;
- ▶ It has provided an opportunity to discuss the way forward together with all stakeholders; and
- ▶ It has provided a platform to work together on long term.

Thank you

