

Corruption in the private sector: the fight is on!

Same practices, different labels. On the one hand, they are deemed cancerous, while on the other, they are branded "realities of the business environment". There persists in Mauritius a misinformed perception that corruption exists only in the public sector. While policymakers have made clear their intention of criminalising corruption in the private sector, ICAC has already set the ball rolling in collaboration with key partners through preventive actions. Comparatively, the ratio is almost staggering: in recent years, from the number of complaints received by ICAC Hong Kong, 75% concerned the private sector while only 25% related to government departments and public bodies. Corruption in the private sector in any country is, at first, a sensitive issue. *"The business sector, in the early years, resisted the ICAC for meddling in their affairs"*, writes Steven Lam on his case-study paper entitled 'Tackling Corruption: the Hong Kong experience'. *"In the space of three decades, a new culture – a culture of probity – has evolved and taken root in our community"...*

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Media: key component in the fight against corruption

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Empowering public officials for early detection

Public sector integrity remains a prime concern for ICAC. Public bodies are the agencies through which national programmes are implemented. Public bodies have set up structures in their respective organisations and the different activities are conducted through systems, practices and processes. However, weaknesses in the systems coupled with the unethical behaviour of the people behind these systems may give rise to corrupt practices. As part of its mandate, ICAC has the responsibility to exercise vigilance and superintendence over the integrity of systems in public bodies. The ICAC achieves this mandate mainly through the conduct of Corruption Prevention Reviews. Such a review involves an examination of systems and practices in public bodies (a) to analyse the weaknesses that may result in corruption risks and (b) to recommend measures with a view to curbing the opportunities for corruption. It is the responsibility of public organisations to manage areas where the risk of fraud or corruption is present, over and above their day-to-day business...

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Message

from Luchmyparsad Aujayeb, Director General

The past few months have been crucial for ICAC. The findings of the National Survey on Corruption published in March 2015 were a wakeup call, leading us to an introspective exercise with a view to amend our global strategy in the fight against corruption and money laundering. We have kick started a comprehensive sensitisation campaign as our first response. However, ICAC wishes to ignite a national debate as to whether fighting corruption and money laundering is the sole responsibility of just the anti-corruption agency? Or else the fight of each citizen of this country. Indeed each member of the community should feel concerned and take up arms in the fight against corruption and money laundering.

It is an undeniable fact that corruption exists in Mauritius, as everywhere else in the world. However, the knee jerk reaction to this by some 'opinion leaders' continues to be the fallacious blaming of ICAC. Are we responsible for this state of affairs? The answer is a resounding NO. Corruption happens for several reasons: personal greed, decline of personal ethical sensitivity, no sense of service when working in public or private institutions etc. ICAC is mandated to spearhead the national fight against corruption and money laundering. This fight is not solely the responsibility of a single agency and the whole community should feel concerned.

ICAC is not breaking ground with this claim. The top three mandates of the Commission as per section 20 of the Prevention of Corruption Act (PoCA) are to: (a) educate the public against corruption; (b) enlist and foster public support in combating corruption; and (c) receive and consider any allegation that a corruption offence has been committed. ICAC has always worked with a number of stakeholders in that respect.

ICAC has, nonetheless, come to the conclusion that there is a missing link in the fight against corruption and indeed some components appear to be dysfunctional. The cornerstone of any national strategy in the fight against corruption is public trust and support. True it is that ICAC has to go to some length to garner this trust and support, but it is unacceptable that some quarters still undermine this national fight. Despite countless appeals to reason by the Commission, it is still being unfairly hammered as a "political punching bag" by some. These people, whether they wish it or not, are stakeholders and must realise that the ultimate damage they are causing is not to their political nemesis, but to the national fight against corruption.

The Commission realises that just a sensitisation campaign is not going to change mindsets overnight. ICAC is therefore moving towards the next step by laying stress on the fact that an effective and efficient national fight against corruption will not be possible without legislative reforms. But we are reassured to learn that the policymakers are already working toward bringing legislation to tackle issues such as whistleblowing and witness protection, declaration of assets, financing of political parties, among others. Such amendments will no doubt plug long identified loopholes in our current legislative framework in addition to propositions made by ICAC on amendments required on unexplained wealth and corruption in the private sector.

However, even with such mechanisms, a national fight against corruption will only materialise if all stakeholders rally together and we all look in the same direction and say NO to corruption and money laundering.

Focus Corruption in the

Same practices, different labels. On the one hand, they are deemed cancerous, while on the other, they are branded "*realities of the business environment*". There persists in Mauritius a misinformed perception that corruption exists only in the public sector. Policymakers have made clear their intention of tackling corruption in the private sector and ICAC has already set the ball rolling in collaboration with key partners through preventive actions.

Comparatively, the ratio is almost staggering: in recent years, from the number of complaints received by ICAC Hong Kong, 75% concerned the private sector while only 25% related to government departments and public bodies. Corruption in the private sector in any country is, at first, a sensitive issue. "*The business sector, in the early years, resisted the ICAC for meddling in their affairs*", writes Steven Lam on his case-study paper entitled 'Tackling Corruption: the Hong Kong experience'. "*In the space of three decades, a new culture – a culture of probity – has evolved and taken root in our community*".

Three decades of experience is what separates ICAC Mauritius and ICAC Hong Kong. However, the journey is well underway in Mauritius. Down the years, ICAC has communicated recommendations to policymakers for proposed amendments to the law for increased investigative powers within the private sector. As things stand in the current legislative set up, only 5 cases involving members of the private sector ("corruption of agent" under section 16 of the Prevention of Corruption Act (POCA)) have culminated in a case in Court as at date. These cases are still underway.

Specialists today are adamant: corporate corruption significantly diminishes or threatens the dynamism and growth that comes with fair competition. Jomo Kwame Sundaram the assistant secretary general for economic development in the United Nations (UN) highlights that "*The bottom line is clear: we need to deal with corruption in the private sector creatively, at all levels, and through different channels of intervention and regulation. Furthermore, we need to encourage the private sector towards voluntary initiatives that promote CSR.*" Consequently, today ICAC Hong Kong allocates more than 70% of its resources to prevention campaigns within the private sector.

ICAC has started a similar journey since 2012 with the private sector in Mauritius. Currently, ICAC is mandated as per Section 30 (1) (C) (v) of the POCA to "*liaise with private sector organisations and trade unions for the setting up of anti-corruption practices*". In line with the above, ICAC has sought private sector engagement and commitment in the fight against corruption namely through: (i) the Public Private Platform Against Corruption (PPPAC), (ii) the Private Anti-Corruption Task Force (PACT) and (iii) the Construction Sector Anti-Corruption Committee.

Numerous other anti-corruption projects are in the pipeline: namely the organisation of workshops for managers of the private sector to share best practices, empowerment of private sector employees on corruption and related issues and the

private sector: the fight is on!

development of a model gift policy for private sector organisations. With a specific focus on enlisting all major stakeholders in the fight against corruption, ICAC is moving proactively, pending policymakers' plan to amend the legislation.

Today, ICAC is pleased that the private sector in Mauritius recognises and is fully committed to the need to collaborate with

the Commission. To paraphrase Sundaram, greed and a short-sighted defense of anachronistic business models provide the most significant obstacles to addressing the fight against corruption in an effective and timely manner. *"Entrepreneurial vision, business integrity and corporate responsibility can, and must, play a central role in this context"*.

Jane Valls, CEO of the Mauritius Institute of Directors:

"All stakeholders working together is essential"

Briefly, how and why did the MiOD get involved with ICAC in the fight against corruption in the private sector?

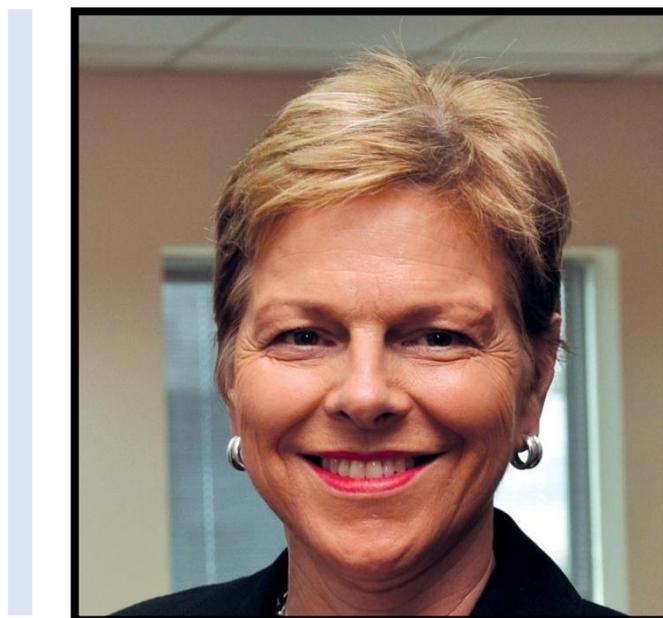
ICAC organised a workshop for the private sector in November 2012 on the issue of corruption in Mauritius. The workshop was attended by approximately 70 participants mainly from the private sector. At this workshop it was generally agreed that there should be a private sector initiative to combat corruption in Mauritius and all those interested in participating in such an initiative, including the Mauritius Institute of Directors (MIOD) and Transparency Mauritius (TM), agreed to set up a working group. The initial working group was led by ICAC and was called the Business Action Group Against Corruption (BAGAC). At this stage it was decided that another meeting with the wider private sector should take place to ensure continued buy-in, to ensure also that BAGAC was on track and how this initiative should be taken forward.

This led to the second Business Forum run jointly by MIOD and ICAC with Prof Deon Rossouw in 2014...

During this forum regrouping 53 participants, a clear preference for a private sector led collective action initiative was expressed. There was also substantial support for a private sector led voluntary initiative. In the light of this outcome a compromise proposal was suggested which gained the support of the whole workshop. This proposal was that a private sector led collective action initiative should be established that should also allow for private sector led voluntary initiatives. There was also consensus in the group that the private sector led collective action initiative (Public Private Sector Platform Against Corruption) should be chaired by the Joint Economic Committee (JEC). The secretariat should be provided by ICAC. The private sector led voluntary initiative (Private sector Anti-Corruption Taskforce) on the other hand should be chaired by the MIoD with the Mauritius Employers Federation (MEF) providing the secretariat.

How would you describe the progress/results of this partnership today and what were the main challenges?

I think the original initiative by ICAC back in November 2012 was key to the progress that we see today. There is a general consensus in the private sector that we need to have such a voluntary initiative and we have made a lot of progress since this first meeting in deciding which direction and what shape the initiative should take. A lot of work has been accomplished by first BAGAC and now PACT but we also recognise that there is still more to do. The key challenges were initially getting everyone on board and then ensuring that the Integrity Pledge really meets the needs that it is designed to serve which is mobilising the private sector to take tangible measures to

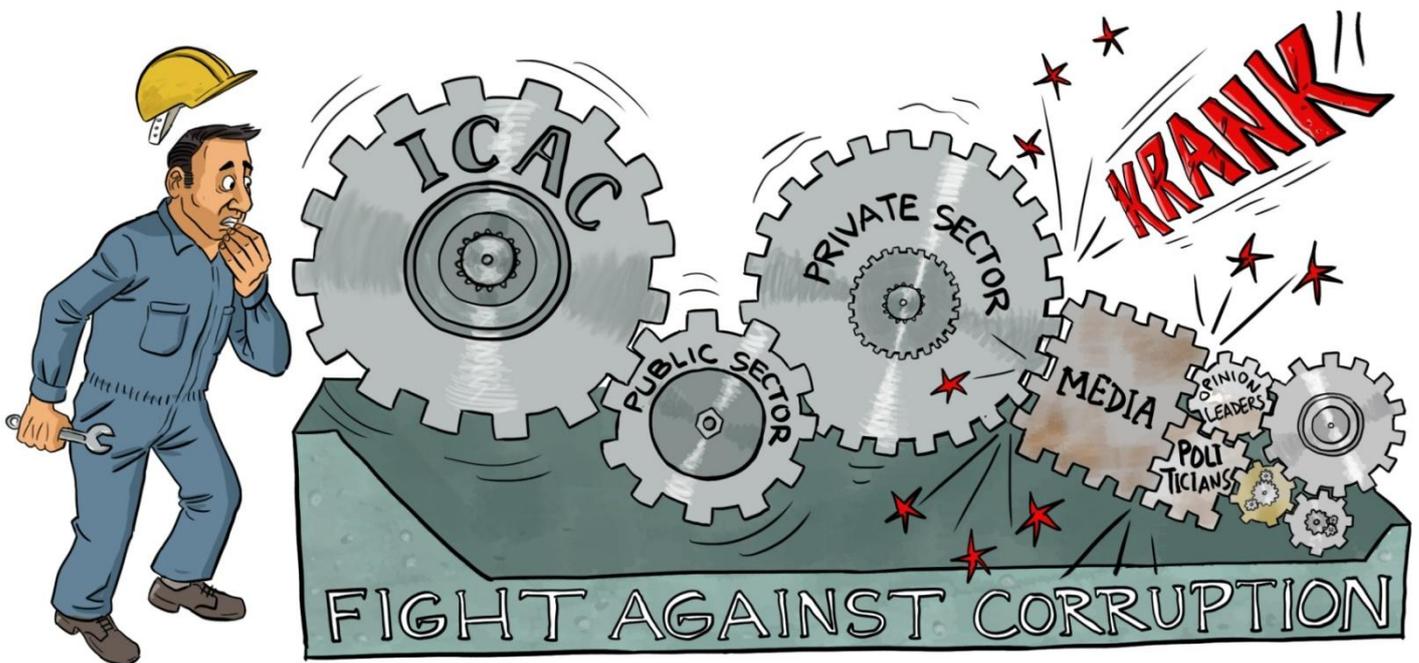


proactively reduce the risk of corruption and develop ethical cultures in their organisations. And then of course achieving consensus within the group, while continuing to consult the wider group of stakeholders. The proof of the pudding will of course be in the eating when we launch the Integrity Pledge later this year and when we evaluate its success.

Finally how would you rate the importance of an interplay of stakeholders - civil society, the press & the private sector - in the fight against corruption and the promotion of good governance in the business landscape in Mauritius?

I think it is essential that all the stakeholders work together. We know that more than USD 1 trillion is paid in bribes each year worldwide according to the World Bank. And we know that it is difficult to combat corruption on your own but by joining forces, we can make a difference. These problems cannot be resolved without the contribution of the private sector which accounts for up to 60% of all global business activities. In Mauritius, the negative impact of corruption on the country's reputation would be very damaging to all sectors of the economy, but especially the Financial Services sector. Around the world there is increasing scrutiny and increasing media attention on such issues - fraud and corruption always steal the headlines first. And we know that in a difficult economic climate, the risk of fraud and corruption increases and yet companies are still failing to do enough to prevent bribery and corruption.

Media: key component in the fight against corruption



"If it's not true, don't say it. If it's not right, don't do it", David Puttnam¹ reminds us in his TED talk². He relates the above specifically to the media, "to the notion of honesty, accuracy and impartiality (which) are fundamental to the process of building and embedding an informed participatory democracy" and provocatively asks "the media have to decide: do they see their role as being to inflame, or to inform?"

In a research paper entitled *Empowering Anti-Corruption Agencies* by the Swiss Centre for Research and Studies in Sociology (CIES), the authors point out that: *"If little has been done to involve the community in the work of an anticorruption agency, the inevitable result is that the public comes to distrust the agency and provides no information about what is going on. Without that information the agency's investigative powers are useless. Furthermore, its preventive and educational work is likely to be ignored for lack of public support"*. The above appears to encompass the current perception of the state of affairs in the fight against corruption, as highlighted by the findings of our National Survey on Corruption published in March 2015.

Throughout the years however, ICAC has worked to identify key stakeholders and enlist them in the fight against corruption. Our partners today range from the private sector (the Public Private Platform Against Corruption and the Private Sector Anti-Corruption Taskforce), to the civil society (working groups with the Mauritius Council of Social Service, the NGO Trust Fund and the Common Training Strategy Committee) and a specific focus on the youth (through more than 100 Integrity Clubs at secondary level and Anti-Corruption Clubs at tertiary level), among others. Since its creation, the Education and Prevention division of ICAC has interacted face to face with approximately 400,000 Mauritian citizens at least once.

In its chapter on Anti-Corruption, the World Bank Institute

Professional Development program highlights the following:

"The media is important as it is a nonbiased source of information for politics and education (...)". Community stakeholders learn the opinions, decisions and actions of policymakers and anti-corruption agencies through the media. It is beyond doubt today that the media is a major actor regarding dissemination of information regarding corrupt practices to the population. The role of the press is so important that studies have even established empirical correlation between the effects of press freedom and the level of corruption.

To be fair, the media more often than not focuses much of its efforts in investigative journalism, firmly believing in their duty to the public to cover stories of corruption by politicians and business leaders. Notwithstanding the fact that the existence of such journalists might actually keep people away from corruption due to the increased risk of being caught, the media unfortunately has remained elusive as a stakeholder. From ICAC's perspective, for every step forward in the fight against corruption, sections of the press have dealt an adverse blow. Which leads to the question: does this dichotomous situation explain why, despite relatively high level of press freedom in Mauritius, the perception of corruption in the country remains high?

(...) a great majority of these articles were confined to the occasional opportunistic "political painting" exercise of the institution.

Since the start of the year, the actions of the ICAC have been recurrent news items in the local newspapers, averaging three articles per week. However, a great majority of these articles were confined to report of court cases or the occasional opportunistic *"political painting"* exercise of the institution in editorial columns. As a result, news reports on ICAC's preventive activities have either been sidelined to the less important pages, or in most cases not reported at all. In so doing, the media is unfortunately not being an active

stakeholder in the fight against corruption. As the CIES further elaborates, "even when a country recognises that fighting corruption requires more than merely enforcing the laws and has a strategy involving the elements of prevention and public education, the strategy fails because its elements are not advanced together, are not coordinated and thus fail to reinforce each other".

At this point, it is important to highlight that ICAC is not laying the blame on the media for exercising its right to freedom of expression. The question the Commission is asking is whether the press in Mauritius is fully committed to its role as a major stakeholder, which helps to bind together all the other components of the community, a *sine qua non* condition for successful strides in anti-corruption efforts? To inform, rather than to inflame. As David Puttnam explains in his TED Talk, "It has to be possible (for the media) to bond freedom of expression with wider moral and social responsibilities."

The lessons of the National Survey on Corruption were unanimous: there are no shades of grey in the fight against corruption. Either you are fully committed to the fight, or you are with the corrupt. Following the call for a change in mindset in the previous issue of this newsletter, ICAC is now calling for members of the community to take their responsibilities. To paraphrase David Puttnam on the notion of duty of care, could anyone honestly suggest that the media have taken sufficient care to avoid behaving in ways which they could reasonably have foreseen would be likely to undermine the ICAC of even damage our inherently fragile fight against corruption? The answer, unfortunately as things stand, is no.

The notion of public interest should stretch beyond the production deadlines of newspapers

Hence, ICAC wishes now to bring the following to the frontline in terms of debate: it is time for each civil component to realise its importance and role in the national fight against corruption. It is time the media gives the benefit of the doubt to ICAC, i.e. realise that the Commission does not operate behind a shroud of secrecy. The ICAC's functions are clearly defined within the law, with varying levels of oversight. Firstly, the Office of the Director of Public Prosecutions, who has the final say on whether an investigation goes for prosecution or not, secondly the Court which decides the outcome of such prosecutions and which would undeniably highlight any wrongdoing in the conduct of any investigation, and thirdly the Parliamentary Committee to which ICAC is accountable on specific matters as prescribed under the PoCA.

Answers to any questions the media may have on the activities of ICAC are of public domain. However, ICAC is bound by a duty of confidentiality during the conduct of an investigation. Such details nonetheless become public once discussed in Court. The notion of public interest should stretch beyond the production deadlines of newspapers. The media, as any stakeholder in the fight of corruption, need to exercise a duty of care. The fate of the fight against corruption today in Mauritius rests on the fragile equation involving ICAC and its stakeholders, and the media has the power to do or undo anything in that respect.

1 After a much-awarded career as a film producer, Lord David Puttnam now works at the intersection of education, media and policy. He sits in the House of Lords.

2. TED is a nonprofit movement devoted to Ideas Worth Spreading - through www.TED.com

Focus

The Parliamentary Committee on ICAC



From left to right: Hon M. S. Abbas Mamode, MP, Parliamentary Private Secretary; Hon Dharmendar Sesungr, MP; Hon Maneesh Gobin, MP, Chairperson; Hon Rajesh Anand Bhagwan, MP, Opposition Whip; Hon Vedasingam V. Baloomoody, MP, Chairperson Public Accounts Committee; Hon Shakeel A. Y. A. R. Mohamed, MP;

(absent from picture: Hon Satyaprakashsing Rutnah, MP, Deputy Chief Government Whip; Dr the Hon Zouberr H. Joomaye, MP; Hon Kalidass Teeluckdharry, MP)

The Parliamentary Committee on ICAC has been constituted and has had three sittings already. The Parliamentary Committee is established under Part VI of the Prevention of Corruption Act (PoCA) and is vested with oversight powers, crucial to the effective organisation of the Commission.

The Parliamentary Committee is composed of 9 members of Parliament. One of the members is designated as Chairperson by the Prime Minister. The Parliamentary Committee meets at least once a month and on such other date as the Chairperson may determine. Five members may constitute the quorum of the Parliamentary Committee and decisions may be taken by a simple majority of the members present and voting and in the event of an equality of vote, the Chairperson has a casting vote.

The functions and powers of the Parliamentary Committee are laid out under section 61 of the PoCA. The Parliamentary Committee monitors and reviews the manner in which the Commission fulfils its functions under the Act, reviews the budgetary estimates of the Commission, issues such instructions as it considers appropriate with regard to the financial management and the staffing requirements of the Commission, as well as the allocation of resources to the various operations of the Commission.

Under section 36 of the PoCA, the Commission is required, not later than six months after the close of each financial year, to issue an annual report on the activities and furnish audited accounts of the Commission for the financial year to the Parliamentary Committee, copy of which is subsequently laid before the National Assembly.

However, accountability is restricted to administrative decisions and does not extend to matters relating to investigations, as specifically provided by Section 61(3) of PoCA. In fact, a member of the board, officer or public official may refuse to answer any question which relates to any subject matter of an investigation by the Commission or which in his opinion, would tend to disclose facts relating to such.

Commonwealth Secretariat Training Programme

Working session with Deodat Maharaj, Deputy Secretary-General of the Commonwealth

During his visit to Mauritius in the third week of January 2015, the Deputy Secretary-General of the Commonwealth, Mr Deodat Maharaj, had a working session with the Director General and the Heads of Department of the ICAC. It was an opportunity for the ICAC to share a number of critical issues regarding the fight against corruption and money laundering.

The Director-General, Mr L. Aujayeb, raised a number of issues including, amongst others, the (i) challenges in the fight against corruption and money laundering (ii) need to strengthen links and collaboration with regional and international counter parts and (iii) importance of continuous capacity building for effective fight against corruption.

Globalisation and rapid changes in the field of Information and Communication Technologies have led to a number of challenges to the effective fight against corruption and money laundering. These crimes extend well beyond national boundaries and can have regional and international ramifications. This calls for



(Left to right) Jarvis Matiya, Legal adviser & Head of Justice Section (CS), Mr Isswar Jheengut, DCPED (ICAC), Mr Andrew Mitchell QC, Mr Luchmypsad Aujayeb, DG (ICAC), Dr. Roger Koranteng, Governance Advisor (CS), Shadrach Haruna, Legal Adviser, Justice Section (CS)

A delegation from the Commonwealth Secretariat was in Mauritius to assist ICAC in an 8-day training session at the Hilton Hotel Mauritius. The training sessions were held on the 20th to the 29th April 2015 and were attended by over 100 participants, mostly from ICAC, but also from sister agencies such as the Office of the Solicitor General, the Mauritius Revenue Authority, the Central Investigation Division among others. This training programme was the fruit of a meeting between the Deputy Secretary General of the Commonwealth, Mr Deodat Maharaj and the Director General of ICAC earlier this year.

According to Jarvis Matiya, Legal Adviser and Head of Justice Section of the Rule of Law Division, this training further cemented the Commonwealth Secretariat's commitment to supporting African member countries in their fight against corruption. *"Corruption is bad for development. It is important to make sure that any practice that drains the economy should be discouraged. Initiatives at the global, regional and national level are pointing to the fact that there is need to put in place measures to tackle corruption. The Commonwealth, because it believes in good governance, democracy and development, attaches great importance to any efforts and initiatives to tackle corruption"* he said.

The training was segmented into two parts. The first part, themed 'Enhancing Senior Management and Leadership Skills', was held over one week and targeted senior representatives from ICAC and participant institutions. The second part, held from the 27-29 April, was a specialist training in anti-corruption and money laundering and targeted mainly prosecutors and investigators from the ICAC. *"This is an opportunity to learn more on the work ICAC is doing and look at some of the*

challenges ICAC is facing. This training seminar has given the opportunity for various players within the criminal justice system to share notes and exchange ideas on how to strengthen the fight against corruption generally and look at other ways of strengthening their cooperation and investigation of corruption practices" declared Jarvis Matiya on this session.

The closing of the training sessions involved an interactive moot Court presentation which demonstrated the best practice approach to prosecuting money laundering cases. The lead facilitator for this exercise, Mr Andrew Mitchell QC, is a prominent barrister and consultant in the field of asset recovery, confiscation, restraint and receivership. Participants also heard from speakers including the Honourable Iqbal Maghooa, Puisne Judge, FIU director Guillaume Ollivry, Mr Shadrach Haruna, Criminal Justice Expert and Legal Adviser in the Rule of Law Division of the Commonwealth Secretariat, Mr Joseph Jagada, Law Enforcement and Legal Adviser to the ESAAMLG, Mr Anthony Noble, Specialist Investigator, Mr Phillip Armand Moustache, Compliance Director at the Central Bank of Seychelles and representative of EGMONT Group among others.

Finally, at the end of the training session, Jarvis Matiya explained his satisfaction with what he has seen in these terms: *"Mauritius continues to be an example in terms of governance. I think statistics speak for themselves, namely the Mo Ibrahim index. That speaks a lot about the commitment to fight corruption and the very fact that we are here today to look at how we can strengthen that field is a clear indication of Mauritius' determination in this fight. There are a lot of lessons the Commonwealth can learn from Mauritius in fighting corruption"*.



Dr. Roger Koranteng, Governance Advisor, Commonwealth Secretariat:

"Fighting corruption is not the sole responsibility of a single agency"

The fight against corruption involves several actors. Can you elaborate on how critical the contribution of stakeholders is ?

The anti corruption work obviously is not the sole responsibility of a single agency, because an anti-corruption agency cannot be everywhere at the same time. Even though you have a mandate to coordinate, to spearhead and to bring to a final conclusion investigations, that mandate has been given to you as an anti-corruption agency. However, every country's anti corruption strategy is labeled 'national': national anti-corruption strategy. What it means is that this plan involves the whole nation, not only a single agency. Therefore, in fighting corruption, you need all the parties and the stakeholders: the public sector, the civil society and the private sector. Another point would be that you cannot detect corrupt practices everywhere. You need to coordinate and collaborate with all stakeholders, so that the latter can alert you as to what is happening for you to take corrective measures. Every country that has been successful in fighting corruption has always brought together all stakeholders in order to deliver in their mandate.

There is a worldwide perception that corruption only happens in developing countries, or African countries for that respect. What are the views of the Commonwealth Secretariat on the progress of African countries so far ?

Firstly, does corruption occur only in developing countries? The answer is no. Corruption occurs everywhere, in fact it is a human thing. However, the difference is that in developed countries, they have institutions that are very effective and efficient. They make corruption very expensive, in the sense that if you're corrupt and you're caught, which you're likely to be in developed countries because of their advanced structures, you will be punished severely. Whereas in developing countries, the opportunity exists but the likelihood of you being caught is low. However, the progress made by Africa in terms of fighting corruption is obvious.

"A national anti-corruption strategy means it is a plan involving the whole nation, not only a single agency"

If you look at the two world accepted measures of measuring corruption, the Transparency International Corruption Perception Index (TI CPI) and the Mo Ibrahim Index, all the countries who are doing far better are Commonwealth African countries compared to those who are doing extremely badly. This is not by accident. African countries face the same challenges in their economies etc. What sets these countries apart? You can attribute this difference to institutions. Commonwealth African countries have practically the same institutions and legal frameworks. Then there is also the role of the Commonwealth Secretariat and the work of the



Dr Koranteng is an Advisor for Governance at the Commonwealth Secretariat in London and a Senior Lecturer and a Management Consultant at the Ghana Institute of Management and Public Administration (GIMPA).

Association of Commonwealth African Anti-corruption Agencies where we meet, discuss, compare, benchmark and share ideas and solutions as to how to fight corruption.

And Mauritius more specifically?

In the case of Mauritius, for some years now, you have topped the Mo Ibrahim index, which measures anti corruption and good governance. That means that Mauritius is doing extremely well. I would insist to add that there is still room for improvement. Mauritius may top the Mo Ibrahim Index, but you do not top the TI CPI. That means that Mauritius can do better. In fact I am expecting Mauritius to top both Mo Ibrahim and TI ranking in Africa. And it's something not far from Mauritius' reach.

Mauritius is known for its culture of excellence. Being ranked 3rd in the Transparency International ranking in Africa is often met by a "not good enough" by the press and some parts of the population. What would you answer to them?

Mauritius has been alternating the 2nd and 3rd position in the TI CPI. You have always been denied the 1st spot. I think the perception out there is that Mauritius has very good institutions: ICAC is known to be a very efficient institution. But TI CPI does not read institutions. They read a country. So obviously, if they are looking at ranking Mauritius, perception would feature in that. Perception is by no means reality, but at times perception is as good as reality. Because how people perceive things will inform the way they relate to it. So I believe the reason why Mauritius is not getting the number one spot in the TI CPI is the perception they have about the country, but not about ICAC. Because everywhere you go, people know that ICAC is an efficient and successful institution.



Public Sector Anti-Corruption Framework

Empowering public officials for early detection

Public sector integrity remains a prime concern for ICAC. Public bodies are the agencies through which national programmes are implemented. Public bodies have set up structures in their respective organisations and the different activities are conducted through systems, practices and processes. However, weaknesses in the systems coupled with the unethical behaviour of the people behind these systems may give rise to corrupt practices.

As part of its mandate, ICAC has the responsibility to exercise vigilance and superintendence over the integrity of systems in public bodies. The ICAC achieves this mandate mainly through the conduct of Corruption Prevention Reviews. Such a review involves an examination of systems and practices in public bodies (a) to analyse the weaknesses that may result in corruption risks and (b) to recommend measures with a view to curbing the opportunities for corruption.

It is the responsibility of public organisations to manage areas where the risk of fraud or corruption is present, over and above their day-to-day business. It is in line with this philosophy that the ICAC developed the Public Sector Anti-Corruption Framework (PSACF). As an integral part of the strategy to fight corruption, the active involvement and engagement of public bodies is of prime importance.

The Public Sector Anti-Corruption Framework was deemed revolutionary in the approach adopted by the ICAC in the fight against corruption. Its logical approach was so clear that the PSACF gave Mauritius the 1st Place for United Nations Public Service Awards 2012 in the category 'Preventing and Combating Corruption in the Public Service'. Since then, the United Nations has been recommending other countries to adapt the PSACF to their public service. In Mauritius meanwhile, the PSACF manual has been circulated to the public sector, aiming to strengthen institutional capabilities of public bodies through the establishment of appropriate mechanisms to control corruption.

The PSACF enables public bodies to take up ownership of building corruption resistance in their respective organisations. It provides for the establishment of an Anti-Corruption Committee (ACC) which has the responsibility to drive this project at the level of each public body. The ICAC is working in close collaboration with public bodies and is acting as a facilitator in the implementation of the framework. The PSACF will serve to enhance the institutional and governance framework of public bodies and ensure that the accountability framework and infrastructure not only rests on sound and robust internal control

mechanisms but is underpinned by the oversight role of external auditors for the efficient and effective use of public resources. Audit committees have also played a crucial role in reinforcing the public sector governance framework.

The implementation of the PSACF has gained momentum and many public bodies have demonstrated their commitment to be an essential part of the national strategy against corruption. It is encouraging to note that as at date, 56 public bodies have already embarked on the implementation of the PSACF. Some 44 of these public bodies have developed their Anti-Corruption Policy in which they state their firm commitment to a zero-tolerance approach to corruption. 40 public bodies have embarked on the Corruption Risk Management phase. This is a crucial exercise where public bodies recognising that corruption risks may be present in different areas of activities, conduct their own risk assessment and implement strategies to mitigate these risks.

With the implementation of the PSACF, public bodies are called upon to make an introspection of the way things are done and to make changes to enable them to better respond to public expectation and other challenges. Here ICAC would like to recognise the efforts undertaken by all the public bodies who have embarked in this initiative in an endeavour to promote public sector integrity. Some public bodies have even gone further by integrating the Anti-Corruption Policy as an important part of their mission and objectives. In the Mauritius Police Force the Anti-Corruption Policy is embedded in the National Policing Strategy. This demonstrates commitment not only to achieve their mission but more importantly to achieve the mission with integrity and this no doubt makes a difference.

For a sustained approach in promoting integrity in public sector organisations and to complement the PSACF, public officers have been designated to act as Integrity Officers so that they can contribute to the establishment of an enduring ethical culture. The role of these 'Integrity Officers' is amongst others, to observe, review and report on progress of the implementation of the PSACF; ensure that the processes followed are consistent with government regulations, policies, guidelines and best practice principles in liaison with Internal Control/Audit; provide opinions and guidance on probity risks and issues that may arise during the above processes/procedures; ensure compliance to the code of ethics/conduct; and manage complaints regarding non-compliance under the guidance and supervision of the Senior

Chief Executive or Permanent Secretary.

Integrity officers have a key role to play in ensuring public sector integrity. In view of ensuring that Integrity Officers deliver their roles effectively, training programmes are being organised in collaboration with the Ministry of Civil Service Affairs and Administrative Reforms. As a first phase of the training programme, ICAC in collaboration with the Ministry of Civil Service and Administrative Reforms (MCSAR) conducted a 12-hours basic training course in September and October 2014 for 65 public officers who were designated to act as 'Integrity Officers' by their respective organisations. A 5 days Advance Training Programme is also envisaged in August 2015 to be conducted by resource persons from the United Nations Office on Drugs and Crime (UNODC). The training programme will include a 90 days practicum to be undertaken in their respective organisations. The aim of the training programme is to better equip and empower Integrity Officers to effectively fulfil their functions. The programme is expected to contribute towards professional development of public officers while motivating them to sustain public sector integrity.

The training programme will assist Integrity Officers in better understanding the role of integrity in corporate and good governance; developing integrity concepts and ethical reasoning skills and identifying the need for the organisation's integrity management programme. It will help in setting the necessary mechanism for adoption of an integrity standard and also assist in developing ethics statements, codes of ethics and ethics policies.

The implementation of the Anti-Corruption Framework in public bodies is expected to create a national impact as public bodies will strive for a zero-tolerance culture against corruption and build corruption prevention measures into their strategy. Public bodies as a whole are becoming more and more conscious of the importance of corruption prevention and the need to implement anti-corruption structures as this will help to achieve their goals and objectives as the guardians and stewards of the management of public funds and also operate in an environment where integrity prevails. It is expected that the PSACF becomes integrated in the overall public sector management framework over the next 2-5 years and induces stronger resistance to corruption. The way forward is to internalise the PSACF in the structures of the entire public sector since the public service is a key driver of values and principles in promoting the welfare of the Mauritian people.



Monitoring & Evaluation

Corruption issues can persist due to failures in controls and integrity systems including lack of checks and balances and collective actions challenges. Education and prevention work aims to address these issues with a view to eliminate opportunities and motivation for corruption.

Monitoring and evaluation of anti-corruption work is crucial for an anti-corruption agency to continuously improve on performance in the fight against corruption. Though results of anti-corruption programmes, especially those of prevention and education, become visible and tangible only in the medium and long term, it is important to monitor programmes on an ongoing basis for short term outputs/outcomes also.

Monitoring is the periodic oversight of the implementation of an activity to establish the extent to which input deliveries, work schedules, other required actions and targeted outputs are proceeding according to plan, so that timely actions can be taken to correct deficiencies detected. Evaluation involves determining as systematically and objectively as possible the effectiveness, efficiency and impact of anti-corruption activities in the light of specified objectives.

Monitoring and evaluation forms an integral part of the education and prevention work of the ICAC. The objectives are, amongst others, a. improve management of programmes to ensure optimum use of funds and other resources; b. learn from experience so as to improve the relevance, methods and outcomes; c. provide information to enhance advocacy for changes in policies, programmes and legislations; and d. track progress and demonstrate achievements on the basis of the results chain.

The monitoring and evaluation system for education and prevention programmes tracks performance against three main types of indicators:

- Output indicators – which is quantitative data about the work performed,
- Outcome indicators – which gauge effectiveness in meeting objectives, and
- Impact indicators – which identify the achievements and effects – positive or negative, intended or not – on individuals, institutions and the environment caused by a given anti-corruption programme.

In addition to the use of the above indicators, monitoring is considered as a critical component of an effective anti-corruption programme. Focus is on activity, financial, context and results monitoring. Inputs, activities conducted and outputs are closely and regularly monitored for quantity, quality and timeliness of inputs and activities. For example, response to requests are made within 3-5 days and corruption prevention reviews are completed and report submitted within 4-6 weeks.

Indicators are usually compiled from periodic surveys that have been conducted, formal and informal feedback, observations made and reports by stakeholders to the ICAC. Monitoring mechanisms and evaluations are needed to advance the fight against corruption. The above mentioned indicators are regularly tracked to ensure efficiency and effectiveness in the fight against corruption.



Forthcoming activities for 2015/2016

Sustaining Integrity in Public Service

The public sector has been on the forefront in adopting concrete anti-corruption measures to eliminate opportunities for corruption, to make its detection easier and to deter potential corruptors. Anti-corruption efforts through a partnership and a holistic and integrated approach where systems integrity and people integrity complement each other will be furthered. The activities planned are as follows:

- (i) Empowerment sessions for officers of the public sector especially new recruits of the public sector
- (ii) Organisation of a Workshop on the role of Audit Committees (AC) in promoting public sector integrity
- (iii) Workshop on Corruption Risk Assessments (CRAs) for Internal Auditors (IAs)
- (iv) Conduct of an accredited training for Integrity Officers.
- (v) Development of a Manual for Integrity Officers
- (vi) Implementation of Public Sector Anti-Corruption Framework in 15 new public bodies.
- (vii) Conduct of 15 Corruption Prevention Reviews focusing on corruption prone areas.
- (viii) Conduct of 30 follow-up exercises to sustain corruption prevention efforts
- (ix) Development of 3 Best Practice Guides on:
 - IT Security and Control; and
 - Allocation of Stalls
 - Discretionary power in the public sector
- (x) Conduct of three research studies on:
 - Direct Procurement in Ministries and Departments;
 - Licensing and
 - Discretionary Powers

Promoting Ethical Leadership

Enhancing ethical leadership is a vital component in enhancing trust in the fight against corruption. The development of the following guidelines will be initiated:

- (i) Code of Conduct for members of the National Assembly and other Politicians
- (ii) Guidelines on "resisting influence" targeting councillors of local authorities
- (iii) Production of anti-corruption charter for community leaders

Fostering a Corruption-Free Generation – Youth Anti-Corruption Platform

To sustain youth momentum in the fight against corruption, it is planned to set up a Youth Anti-Corruption Platform involving all major stakeholders working with youth.

The platform will be a consultative forum for the promotion of an anti-corruption culture among youth through concrete actions. It is expected to ensure coordination and long term sustainability of anti-corruption initiatives ranging from activities in secondary schools to those involving young working professionals. The proposed platform will meet on a regular basis for progress evaluation.

Some of the other activities to sustain initiatives and efforts to mould youngsters' behaviour and attitudes to resist, reject and report corruption in daily social life and future professional life are:

- (i) Development of a set of 3 A2 size posters portraying the right behaviour of pupils at home, from home to school and at school.
- (ii) Integrity clubs: Integrity Club Award, Setting up new clubs, empowerment of club members and sustaining clubs towards the organisation of anti-corruption activities in schools.
- (iii) Dissemination of anti-corruption clips comprising songs, choreographies and sketches amongst all stakeholders involved with the youth and on ICAC website, YouTube and Facebook page.
- (iv) Anti-corruption Public Speaking Competition for tertiary students
- (v) Setting up of 4 additional Anti-Corruption Clubs at Tertiary Level to add on the two existing ones
- (vi) Research studies/ dissertations by tertiary education Students

Sustaining Civil Society Support and Engagement to Resist, Reject and Report Corruption

A successful and sustainable fight against corruption needs the collective action of the public and private sectors together with civil society organisations. This is spelt out in Article 13 of United Nation Convention Against Corruption (UNCAC).

The civil society has been a key partner in the fight against corruption. In 2015, our initiatives will be geared towards promoting ownership of anti-corruption initiatives and formalisation of anti-corruption commitment by civil society organisations. The activities are as follows:

- (i) Symposium for trade union federations to set up an anti-corruption trade union platform for collective action.
- (ii) Women Anti-Corruption Forum.
- (iii) Setting up of two additional Anti-Corruption NGO Focal Groups.
- (iv) Review Code of Conduct for Councillors and its implementation.
- (v) Booklet highlighting recurrent corrupt behaviour in local

authorities.

- (vi) Civil Society Anti-Corruption Symposium involving members from Social Welfare and Community Centres.
- (vii) Review of Best Practice Guide for NGOs.
- (viii) Setting up of 4 vigilance groups at the level of the community.

Consolidating Public Trust in Reporting Corruption

To enhance trust and confidence of the general public in the fight against corruption, a mass communication campaign around the themes: rebuilding trust in the ICAC and reporting corruption is being planned as follows:

- production of three anti-corruption video clips to be aired on the MBC;
- disseminated across social media and radio; and
- strategic placement of posters derived from the concept at various public places in Mauritius.

The ethos of this campaign will be the aggressive targeting of the youth, bearing in mind the level of cynicism demonstrated in the National Survey on Corruption 2014 from the latter. To sustain this campaign, a newsletter to communicate to stakeholders about progress made in the fight against corruption and money laundering will be issued on a quarterly basis.

Addressing the Supply Side of Corruption through Public/Private Partnership

Tackling corruption requires both a demand and supply side approach. It is in this vein that anti-corruption platforms such as the Public Private Platform Against Corruption (PPPAC), Private Sector Anti-Corruption Task Force (PACT) and the Construction Industry Anti-Corruption Committee have been set up. These platforms will be sustained and activities will be centred upon the following:

- (i) Development of an Integrity Pact in the Construction Sector
- (ii) Implementation of an Integrity Pledge in the Private sector
- (iii) Workshop for Businesses to disseminate best practices
- (iv) Development of a gift guideline in collaboration with the private sector

Empowering the Rodriguan Population

Anti-corruption activities are conducted in Rodrigues on a yearly basis in view of sensitising and empowering stakeholders on the importance of breeding and sustaining a culture of integrity. It is proposed to schedule a mission to Rodrigues comprising a team of two officers in the period of August/September. During their visits, specific stakeholders will be targeted namely private sector, public sector, education sector and civil society.

"Resource Guide" for Drafting of Anti-Corruption Strategy

After having signed and ratified the United Nations Convention against Corruption (UNCAC), Mauritius had undergone a peer review on the implementation of Chapters III (Criminalization) and

IV (International Cooperation) of the Convention. Mauritius will have to shortly subject itself to a second cycle of review and demonstrate that it has successfully implemented measures under Chapters II and V of the said Convention which cover areas relating to "Preventive measures" and "Asset Recovery".

Article 5 of UNCAC, which falls under Chapter II of the said Convention provides a mandatory obligation, for State Parties to develop and implement effective, coordinated anti-corruption policies that reflect principles of rule of law, proper management of public affairs, integrity, transparency as well as accountability. Although the Article, in itself does not impose an obligation on State Parties to adopt a "National Anti-Corruption Strategy", the UNODC is currently working on a "Resource Guide", that sets out key factors that may be taken into consideration by State Parties should they wish to adopt a "National Anti-Corruption Strategy". The Resource guide aims at assisting towards formulating an Anti-Corruption plan which is to be implemented, monitored and evaluated.

The UNODC invited participants from various countries, including Mauritius to provide inputs to the draft "Resource Guide", which is being authored by Messrs. Matthew Stephenson, professor of law at Harvard University and Richard E Messick Esq, anticorruption consultant from Washington DC. It is expected that the Resource Guide will be finalized and published by end of this year.

SIDS Conference on Anti-Corruption Reform

Mauritius, in collaboration with the United Nations Office on Drugs and Crime (UNODC), has been selected to host the next global conference on anti-corruption reform in small island jurisdictions. This global event is expected to be held from 17 to 21 August 2015. The participants will be members of the small island developing states (SIDS), which are also State Parties to the United Nations Convention against Corruption (UNCAC). It is expected that participants who will attend the conference will be from Antigua and Barbuda, Bahamas, Cape Verde, Comoros, Cuba, Dominica, Dominican Republic, Haiti, Jamaica, Maldives, Sao Tomé and Principe, Seychelles, Timor-Leste, Trinidad and Tobago, as well as from the Pacific region namely from Palau, Papua New Guinea, Samoa and Vanuatu.

The overall objective of this high level conference will be to discuss the peculiar challenges faced by a small jurisdiction when combating corruption, facilitating the exchange of experiences 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. Inputs collected at the conference will be taken on board at the Sixth Session of the Conference of the States Parties to the United Nations Convention against Corruption, which is to be held in early November 2015 in St. Petersburg, Russia.

Statistics

Key Performance Indicator	As at June 15th 2015	Total 2014	Total 2013
Complaints Received	779	1533	1613
Preliminary Inquiries Opened	289	491	553
Cases Lodged	22	23	59
Cases Won	8	17	21

"Koripsion: swa oui, swa non. Apre asim to desizion": explaining the media campaign

ICAC has kick started a media campaign, coinciding with the Commission moving to its new headquarters at Réduit. The tagline of the media campaign reads: *"Koripsion : swa oui, swa non. Apre asim to desizion!"*, produced by the production company Eruption Studio. This campaign follows extensive debriefing sessions in the aftermath of the National Survey on Corruption published earlier this year, which was discussed in the last issue of the newsletter.

Campaigning for causes, however noble the fight against corruption may be, is not an easy task. Down the years, ICAC has come to realise that members of the public have, unfortunately, become desensitised to messages promoting values such as integrity, honesty and patriotism. Refusing to accept this as a fatality, the Commission is seeking to transform it into opportunity.

As a result, the chosen tagline will no doubt raise a few eyebrows. This is the desired effect sought by ICAC through this campaign, the message being: *"either you are part of the problem, or you are part of the solution"*, with an underlying message that we are all stakeholders in the fight against corruption and money laundering. Positive feedback from focus groups has led us to validate this campaign.

To explain the rationale behind the conception of this tagline, Jean-Luc Ahnee, managing partner of Eruption Studio provides the following:

"La corruption est un choix face auquel chaque citoyen est seul responsable. Face à ce choix, il n'y a pas de demi-mesure ou de compromis possible. Choisir son camp, c'est faire un choix de valeurs, de principes ; en somme, un choix de société entre justice, honnêteté, méritocratie et illégalité, magouille et improbété. Etre avec tous ceux qui, comme l'ICAC, ont choisit de lutter contre ce fléau ou être dans le camp d'en face. Il reviendra ensuite à chacun d'assumer les conséquences de ses actes."

Some viewers may run the risk of misinterpreting some visual messages in the video campaign and point out perceived misrepresentations of reality. ICAC and Eruption Studio have tried conveying the intricacies of corruption offenses and the subsequent investigation in one-minute visual clips. This has not been easy. The

more so when such clips are based on fictional representations of what could happen in real life. ICAC would like to bring forward the rationale behind each clip, in the expectation that the wider public appreciates the message.

Clip One: The Race

Enacting a group of children in a competitive environment for a prize, the clip shows how one of them cheats to claim the top spot. While there is obviously no corruption offense involved, the focus of the clip is on values such as honesty and integrity, the main pillars behind a corruption-free generation. ICAC wishes to trigger questions from younger viewers to their parents, who will then explain to the former the relationship between the need for values in a corruption-free society. Also, the Commission hopes adults will realise how these values are intrinsically linked.

Clip Two: The Date

Corruption, cutting corners or *"traser"* in creole, is neither acceptable nor fashionable. Even the most classy young man, with an impeccable code of conduct in society, can fall prey to temptation and commit an offense. In this clip, while the young man attempts to bribe the traffic warden, the girl chooses otherwise: to leave the young man because of his skewed moral compass. The message in this video is clear: we all have a choice in every situation in life. How people react to these choices will define the society we live in.

Clip Three: The Secretary

Reporting corruption is an obligation for public officials. However, whistleblowers may be afraid of retaliation. This clip showcases a secretary who dares to denounce an act of *traffic d'influence*. As previously mentioned, all the variables needed to prove such an offense in court could not be covered in the short lapse of this clip. Informed viewers will no doubt notice other issues such as admissibility of evidence etc. ICAC chose to suggest these aspects between the lines. Instead, the focus is on the courage the secretary musters to go ahead and denounce the illegal act and the support of her family in this endeavor, hailing her as a hero after the arrest of the corrupt person.

Gen-Y Attitude

Starting this newsletter issue, ICAC is introducing a comic strip feature aimed at secondary and tertiary level youngsters (Generation Y). Make sure to follow the adventures of our characters as the storyline unfolds...

