



Regional and International Cooperation as Instrument to increase effectiveness of anti-corruption agencies

Financial crime, including corruption and money laundering are becoming increasingly sophisticated, complex and challenging as a result of their transnational nature and the pervasive nature of new technologies. In their continuous efforts to consolidate their illicit wealth, perpetrators of corruption and money laundering offences are progressively becoming more creative, smart and innovative in order to avoid detection. They no longer restrict their illegal operations and illicit wealth accumulation within the domestic sphere but constantly move them across multiple jurisdictions. In fact, the movement of illicit activities, and their corresponding wealth and assets across jurisdictions, present serious challenges to law enforcement authorities' efforts to track down these illicit assets across jurisdictions. It is for these reasons that international cooperation is now a crucial component in the effective fight against financial crime. In this regard, subscribing to regional and international anti-corruption and anti-money laundering instruments...

[More on page 2](#)



7th COSP: Mauritius called to share its experience and expertise

The 7th Conference of the States Parties (COSP) to the United Nations Convention against Corruption (UNCAC) was held from the 6 to 10 November 2017 at Vienna International Centre, Austria. A delegation led by the Director General, Dr N. Beekarry, comprising Mr D. Seewooruttun, Assistant Director, and Mr M. Ponen, Senior Legal Adviser, of the Independent Commission Against Corruption, participated in the Conference. The Chairperson of the Civil Society Network Against Corruption also participated in the side events organized by the NGO Coalition. The COSP is the main policy-making body of the United Nations Convention against Corruption (UNCAC). Its objectives are to improve the capacity of States to implement the Convention, to enhance cooperation among States in achieving the objectives of the Convention, and to promote and review the implementation of the Convention. The Conference meets every two years in a member state and adopts resolutions and decisions for the implementation of the UNCAC...

[More on page 4](#)



Signature of MoUs: ICAC formalises cooperation with five ACAs

Corruption cannot be fought in isolation. In this context, the Independent Commission Against Corruption (ICAC) is committed to open up to regional and International cooperation to further reinforce its collaborative ties with anti-corruption bodies in the region and worldwide. Sharing of information and expertise will definitely reinforce cooperation and collaboration in the fight against financial crime as well as strengthen professional development and capabilities of staff of anti-corruption and anti-money laundering agencies. In this vein, the ICAC signed a Memorandum of Understanding (MoU) with the *Office de Lutte contre L'enrichissement Illicite* (OCLEI) from the Republic of Mali in December 2017, during the celebration of the International Anti-corruption Day 2017. This was followed in May this year by the signature of Memoranda of Understanding with four other anti-corruption agencies during the regional conference on Effectiveness of Anti-Corruption Agencies and Financial Intelligence Units in fighting corruption and money laundering in Africa hosted by the ICAC at Holiday Inn, Mauritius.

[More on page 9](#)

Message

from Navin Beekarry, Director General

In the aftermath of the 2008 financial crisis, serious cracks emerged in the global financial system and its global regulatory framework. The devastating effect of the financial crisis resulted in increasing citizen dissatisfaction as a result of massive loss of jobs, housing, and income. Since then, there had been important strides in international regulatory cooperation to address the shortcomings in the global financial regulatory system. However, recent times have witnessed persistent calls to roll back global cooperation efforts, which now raises serious challenges especially in domestic and international efforts to combat financial crime. With financial crime now becoming more global, able to move criminals and illicit assets and wealth across frontiers at the click of a button, international groups of criminals, as pointed out by the IMF, are often two steps ahead of domestic law enforcement. If international cooperation was to recede, it would be difficult to combat financial crime effectively. This Newsletter looks at the benefits of regional and international cooperation in combating financial crime through continuous regional and international cooperation initiatives.

Often overlooked, international cooperation and technical assistance are often seen as a mere formality in the fight against corruption and money laundering. In fact, this thematic holds such a high importance in the arsenal of measures essential to this fight, that the United Nations Convention Against Corruption (UNCAC) lists it as the fourth chapter out of the eight that constitute the backbone of the convention and among the five core principles underlining this fight. The 2012 FATF Recommendations on anti-money laundering and combating terrorism list national cooperation as the second most important standard that countries have to comply with. The others being preventive measures, criminalization and law enforcement, asset recovery and information exchange.

In the African context, the African Union Convention on Preventing and Combating Corruption, the SADC Protocol on Fighting Corruption, and other instruments – which Mauritius has ratified –highlight the high-level political commitment to set legally binding standards and principles by which signatory states can be held to account. These instruments capture the importance of domestic and international cooperation in tackling the many facets of corruption. The African Union Summit decision to declare 2018 as the Year for Combating Corruption, signals the call for African countries to commit to and engage in this fight.

Financial criminals know no frontier or jurisdiction. In fact, technology and communication have facilitated the task of such criminals to move their illegal activities, and illicit wealth across unregulated or loosely regulated jurisdictions, where all their criminal activities go under the radar. New technologies for transfer, conversion, encryption and exchange of monies further facilitate their criminal dealings, as they seek to avoid the traditional banking system. Faced with this ever-evolving set of challenges, law enforcement agencies in the fight against financial crime have no choice than to collaborate in an effective manner if they are to meet the challenges new financial criminal activities. In fact, they need to get together to share and compare experiences which may transpire into practical measures that can be implemented in the short and medium terms.

In this context, towards the end of 2016, ICAC set up an International Cooperation and Capacity Building Unit to enhance our collaboration with sister anti-corruption agencies in the regional and international setup. Since then, ICAC has had 10 working sessions with foreign delegations, signed memoranda of understanding with 5 anti-corruption agencies and participated in major international events such as the UNODC Expert Group Meeting, the ESAAMLG 33rd Task Force of Senior Officials' Plenary Meeting and the 7th Commonwealth Review Meeting of Heads of Anti-Corruption Agencies in Africa.

Over and above, ICAC is also championing research and resource sharing within the anti-corruption agency international community. A pioneer conference on how to increase the effectiveness of law enforcement agencies in the fight against corruption and money laundering was organised in May 2018. The SIDS platform for research and resource sharing – a responsibility conferred by the signatory state parties of the UNCAC – is live and functional. Through such resource sharing exercises, ICAC is cementing its place within international organisations such as the Commonwealth Africa Anti-Corruption Centre.

This, however, is but the start. The challenges of international cooperation, despite all the above, are well known and well documented. In theory the objectives of such co-operation is to investigate and prosecute wrongdoing, recover the proceeds of such offences, deny entry and safe haven to the corrupt. In practice however, anti-corruption agencies still face issues such as extradition, dual criminality, enforcement of foreign sentences, mutual legal assistance, spontaneous information disclosure, or even bank secrecy. The road ahead is a long and bumpy one. With these first strides, ICAC is looking towards finding practical means to face these challenges.

Regional and International

Financial crime, including corruption and money laundering are becoming increasingly sophisticated, complex and challenging as a result of their transnational nature and the pervasive nature of new technologies. In their continuous efforts to consolidate their illicit wealth, perpetrators of corruption and money laundering offences are progressively becoming more creative, smart and innovative in order to avoid detection. They no longer restrict their illegal operations and illicit wealth accumulation within the domestic sphere but constantly move them across multiple jurisdictions. In fact, the movement of illicit activities, and their corresponding wealth and assets across jurisdictions, present serious challenges to law enforcement authorities' efforts to track down these illicit assets across jurisdictions.

It is for these reasons that international cooperation is now a crucial component in the effective fight against financial crime. In this regard, subscribing to regional and international anti-corruption and anti-money laundering instruments and having policies, legislations and institutions in place, are necessary but not always sufficient in this fight. The issue of effectiveness is now a matter of global concern that calls for a deeper reflection. The fight against corruption and money laundering should not only be seen from criminal justice perspective, but, also from the economic and social angles. It cannot be argued better that these activities pose serious barriers to economic and social growth in Africa, in particular in the sub-Saharan African countries.

In 2015, the African Union's high-level panel on Illicit Financial Flows (IFFs) estimated that over the last 50 years, Africa lost in excess of USD1 trillion in IFFs and that annually, the continent loses USD50 billion through IFFs, which roughly doubles the Foreign Direct Investment that Africa receives every year. This report highlights corruption and money laundering as contributing to this phenomenon. Accordingly, the damage that corruption and money laundering can do to a country poses serious threats to the realization of the Sustainable Development Goals for societal progress.

It is for this reason that the fight against corruption and money laundering should adopt an approach and methodology that focus on how to ensure effectiveness in the strategy. The new wave of direction in the fight against money laundering, terrorist financing and other criminal activities is focused on effectiveness, as opposed to mere technical compliance. Essentially, effectiveness is the extent to which the defined outcomes are achieved and realised. Although Anti-Corruption Bodies and Financial Intelligence Units are established to achieve specified objectives; most often, the level of achievement of the desired outcomes are low. This is largely as result of political interference, lack of adequate capacity, autonomy, stability, and inadequate resources to execute their mandate. The lack of effectiveness of these agencies and institutions results to an environment where money laundering and corruption thrives, unabated. The implementation of policy, and laws, enforcement mechanisms by law enforcement and financial intelligence units and monitoring and evaluation of actual results against objectives, will significantly assist in achieving effectiveness.

The African Union through AU Advisory Board on Corruption (AUABC) is honing the anti-corruption battle in the continent. In particular, the AU in 2017 adopted the African Charter on Democracy, Elections and Governance (ACDEG), which highlights the negative impact of corruption on elections, democracy and governance and calls AU member states to take

cooperation as instrument to increase effectiveness of ACAs



adequate measures to fight these challenges.

Corruption as pointed out by the Chairperson of the African Union is undoubtedly the most pressing governance and development challenge that Africa is confronted with today as its debilitating and corrosive effects reverse hard-won developmental gains and threaten progress, stability and development of the Continent. The AU declared 2018 as "the African Anti-Corruption Year". The AU challenged African countries to address corruption for sustainable development, to transform Africa for a better future. Furthermore, the Agenda 2063 recognises that good governance is one of the necessary preconditions for a prosperous and peaceful Africa.

It is obvious that financial crime cannot be fought in isolation. There is thus an urgent need to engage in a deep reflection, to monitor, assess and evaluate our efforts and the outcomes, to double our efforts to respond to the new challenges, explore innovative solutions and new technologies, strengthen regional cooperation through concerted efforts as well as mutual and technical assistance and step-up the collective fight against financial crime.

In this context, the Independent Commission Against Corruption (ICAC) Mauritius, in collaboration with the Office of Integrity and Anti-Corruption of the African Development Bank (AfDB) organized a two-day Regional Conference for Heads of Anti-Corruption Bodies and Financial Intelligence Units, from 07-08 May 2018, in Mauritius on the theme: "Improving Effectiveness of the Fight Against Corruption and Money Laundering in Africa". The objectives of the conference were to bring together heads of Anti-Corruption Agencies (ACAs) and Financial Intelligence Units (FIUs) to share experiences on best practices, identify indicators of effectiveness and further explore collaboration and information exchange, skills and expertise among FIUs and ACAs in Africa.

The conference saw the participation of 20 foreign countries, a delegation of five members of the African Union Advisory Board on Corruption (AUABC), the Commission to investigate and Allegations of Bribery or Corruption (CIABOC) of Sri Lanka, the KPK of Indonesia and all relevant institutions involved in the fight against corruption and money laundering in Mauritius.

The keynote address for the conference was delivered by Hon. Maneesh Gobin, Attorney-General, Ministry of Justice, Human Rights and Institutional Reforms. He pointed out that 'in all

countries anti-corruption institutions and financial intelligence agencies have been setup, regulations and legislations have been adopted, sufficient resources have been injected, but the question is – Are there sufficient linkages among these institutions? How far are we effective in the fight against financial crime? We all agree that the issue of effectiveness has to be addressed urgently. Time is for action for improved focus towards a better understanding of effectiveness and its indicators'. He also mentioned in his speech that certain provisions in the legislations themselves do not allow agencies to work together and the perpetrators are more than happy with such situations.

Mrs Florence Dennis, Division Manager, Office of Integrity and Anti-Corruption, African Development Bank in her address mentioned that the theme of the conference is key to the African Development Bank. She referred to the Bank's priority areas, known as the High Fives, (Light up and Power Africa; Feed Africa; Industrialize Africa; Integrate Africa; and Improve quality of life for the people of Africa) which can only be achieved, if all stakeholders work collectively and effectively to minimize fraud, corruption, money laundering and illicit financial flows from the continent.

Honourable Bégoto Miarom, Chairperson of the AUABC said that 2018 which has been declared by the African Union as the African Anti-Corruption Year, with the theme – 'Winning the fight against Corruption: A Sustainable Path to Africa's Transformation' is opportune for such a regional conference on effectiveness of ACAs and FIUs. He announced in his speech that the meeting concerning the effective fight against corruption which would be hosted by the African Union in June 2018 (rescheduled for October 2018) is set to be an annual feature to enable a permanent dialogue among African countries. Moreover, he shared the willingness of the AU to set up a permanent platform and is open to views and support towards moving the agenda to fight corruption and money laundering further.

A communiqué was adopted by all the participants of the conference to drive the effectiveness agenda forward at both regional and international levels for it is obvious that financial crime cannot be fought in isolation. There is unanimity that there is a need for a more concerted effort and linkages amongst all ACAs and FIUs to make Africa stand out on the international scene.

7th Conference of the States Parties to the United Nations - Vienna Mauritius shares its experience and progress



The 7th Conference of the States Parties (COSP) to the United Nations Convention against Corruption (UNCAC) was held from the 6 to 10 November 2017 at Vienna International Centre, Austria. A delegation led by Director General, Dr N. Beekarry, comprising Mr D. Seewooruttun, Assistant Director, and Mr M. Ponen, Senior Legal Adviser, of the Independent Commission Against Corruption, participated in the Conference. The Chairperson of the Civil Society Network Against Corruption also participated in the side events organised by the NGO Coalition.

The COSP is the main policy-making body of the United Nations Convention against Corruption (UNCAC). Its objectives are to improve the capacity of States to implement the Convention, to enhance cooperation among States in achieving the objectives of the Convention, and to promote and review the implementation of the Convention. The Conference meets every two years in a member state and adopts resolutions and decisions for the implementation of the UNCAC.

The main focus of the 7th COSP was related to the prevention and education in the fight against corruption by bringing together state parties to share their experience and learn from challenges. During the five days of the conference, resolutions were adopted on subjects ranging from sports integrity to Small Island Developing States, among others. Around 55 side events and exhibitions were held on the margins of the conference.

The Director General delivered a speech to the Plenary Assembly of the State Parties. His intervention was focused on progress made by Mauritius in the fight against corruption and on the issue of effectiveness in the fight against corruption. He also highlighted the Government's commitment to review the entire financial crime, including corruption, legislative and institutional framework in an effort to strengthen the fight against corruption. He referred to the Working Group set up under the Financial Secretary to carry out this review and to make recommendations to Government. The Director General also invited members to reflect on the issue of effectiveness in the fight against corruption as a crucial area to achieve success in the fight. He mentioned that while laws and institutions provide a strong basis and signal in the fight against corruption, the question is how effective are those measures. The UNODC conquered on the need to work in this area.

The Director General was also invited to be the main

Discussant in a side event to the COSP organized by the International Anti-Corruption Academy (IACA), on "Development of Anti-Corruption Compliance and Collective Action: Modern Challenges and Trends".

In the margins, the delegation had bilateral meetings with the Minister of Agriculture from Zambia, the representative of Nigeria, Sri Lanka, Singapore, Madagascar, and the CEO of the IACA to discuss cooperation among their anti-corruption agencies. The delegation also met with the Head of the Anti-Corruption Department of the UNODC, Mr Dimitri Vlassis and thanked him for his support in different technical assistance activities to Mauritius. He was particularly interested in Mauritius's Statement regarding the issue of effectiveness.

The ICAC was also invited by the UNODC Civil Society Team to make a presentation on the successful collaboration of the Civil Society in the UNCAC Review Process. The ICAC provided a showcase of the Partnership Approach and its All-Inclusive Strategy it has adopted to involve members of the Civil Society in the fight against corruption and its participation in the UNCAC Review Process.



ICAC Director General was also invited to be the main Discussant in a side event to the COSP organized by the International Anti-Corruption Academy (IACA), on "Development of Anti-Corruption Compliance and Collective Action: Modern Challenges and Trends".



Mauritius Ratifies the African Union Convention on Preventing and Combatting Corruption and Accedes to the International Anti-Corruption Academy Agreement

As the African Union declares 2018 as the African Anti-Corruption Year, the Republic of Mauritius became party to the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization, thus joining the league of 73 countries party to the IACA and has ratified the African Union Convention on Preventing and Combating Corruption.

By joining the International Anti-Corruption Academy (IACA) on 20 May 2018, the Republic of Mauritius will be benefitting from specialised training to prevent and combat corruption thus building a new generation of top-notch practitioners in the field. It will also benefit from

- latest research in the field;
- academic degree-based programmes;
- platforms for dialogue and networking activities; and
- be part of the anti-corruption think tank established at the level of the IACA.

Fighting financial crime is increasingly becoming a matter of concern for the global community, given the dynamic nature of these crime. Hence, capacity building of officials involved in the fight against corruption and money laundering is key for an effective fight. The IACA, based in Austria, aims at building knowledge and skills for those battling in the front-line against corruption. It delivers and facilitates anti-corruption education and training for professionals and practitioners from all sectors. It seeks to overcome current shortcomings in knowledge and practice in the field of anti-corruption to empower professionals for the challenges of tomorrow.

The vision of IACA is to substantially contribute to the global fight against corruption by becoming the leading educational institution in promulgating it. The IACA is also an observer to the UN General Assembly, the Council of Europe's Group of States against Corruption, the United Nations Economic and Social Council and the International Organization for Migration.

In the same vein, the Republic of Mauritius has ratified the African Union Convention on Preventing and Combating Corruption in May 2018, which it signed on 06 July 2004. The Convention was adopted in Maputo on 11 July 2003 to fight rampant political corruption on the African continent. It represents regional consensus on what African states should do in the areas of prevention, criminalization, international cooperation and asset recovery. It covers a wide range of offences including bribery (domestic or foreign), diversion of property by public officials, trading in influence, illicit enrichment, money laundering and concealment of property and primarily consists of mandatory provisions.

The ICAC has been designated as the national agency of Mauritius for the purpose of the implementation of the Convention.

The SIDS Anti-Corruption Research Platform goes live

At the Conference of State Parties to the United Nations Convention against Corruption (UNCAC), held in St Petersburg, Russia in November 2015, one of the outcomes of the resolution 6/9 was that Mauritius would host an online research platform for Small Island Developing States (SIDS). Following this resolution, the ICAC Mauritius endorsed the responsibility of developing and sustaining this platform. In 2017, the ICAC developed the SIDS Anti-Corruption Research Platform (SACRP) in collaboration with the United Nations Office on Drugs and Crime (UNODC). Amongst others, the SACRP aims at promoting research work and discussions on anti-corruption and anti-money-laundering issues of particular relevance to the SIDS. It also supports the generation and use of country-led research and data amongst the SIDS.

Corruption is an insidious crime which affects all states irrespective of size, economic system, resource structure and geographical position, etc. Bearing in mind such constraints, fighting corruption in SIDS requires a tailored-made approach specific to the country's needs. The e-platform is already online and may be accessed through the following link: <https://sidsanticorruption.org>. Till date, ten SIDS countries have already registered on the platform. Other SIDS have been invited to join of the platform.

The SACRP provides numerous benefits to countries sharing the platform as follows:

- enhance sharing and networking among SIDS on relevant anti-corruption and anti-money laundering mechanisms relevant to them;
- provide visibility of anti-corruption initiatives in the respective countries;
- trigger discussions on relevant themes ultimately culminating into research papers; and
- create a platform which would definitely step up the fight against corruption among SIDS.

Basically, some core components of the e-platform include:

- publications where SIDS will find an array of anti-corruption related materials relevant to them including best practice guides; and
- forum where member countries may discuss on a number of topics with the ultimate aim of discussing research papers and publishing same on the website.

The platform contains a number of documentations received from registered members. Recently, the ICAC uploaded an article on Corruption in an Era of Climate Change: Rebuilding Sint Maarten after Hurricane Irma. The article was set for discussion on the platform in July 2018 for three weeks and registered members had the opportunity to discuss on its contents, exchange ideas thereby proposing for feasible measures to tackle corruption.

Shadrach Haruna, Legal Adviser, Commonwealth Secretariat

“ICAC stood out as one of the foremost ACA in the region”

“The Commonwealth Secretariat received a request in late 2017 from the Government of Seychelles to assist with the strengthening of its Anti-Corruption Commission with specific reference to the placement of a short term expert to operationalize the investigation department.

Our initial response was assessment of Seychelles Anti-Corruption Commission’s resilience and vulnerabilities to determine the absolute challenges informing the request and the appropriate approach to meeting those challenges. Following the report of the needs assessment, we opted for a more sustainable and cost effective approach to technical assistance, which is utilizing a pro bono expert from an agency of a member country.

After a thorough analysis of the available resources and expertise in member countries with reference to the Africa region, Mauritius’s Independent Commission against Corruption (ICAC) stood out as one of the foremost anti-corruption agencies in the region with the requisites credentials and track records of good practice to collaborate with. The Secretariat approached Director-General of ICAC, Mr. Navin Beekarry, with a request to seek for an expert within the Commission to deliver to the terms of reference required to strengthen the Anti-Corruption Commission of Seychelles. The request was promptly granted and Mr Paramhans Aleear, an Ag. Assistant Director, was nominated and cleared by the Secretariat, as an anti-corruption expert to work with the Anti-Corruption Commission of Seychelles for 4 weeks.

The choice of ICAC was based on many considerations, including, the geographical contiguity and historical affinity of the countries to each other, the similarity in the legal systems, local language and practices, and above all the professionalism and the culture of coordination to service delivery in ICAC. It was also a consideration and expectation of the Commonwealth Secretariat to foster a South/South cooperation and

collaboration in technical Assistance delivery.

Mr Aleear resumed office on the 2nd of May and commenced work immediately. He conducted an extensive review of the enabling legislation as well as the administrative practices and investigation approaches of the Seychelles Anti-Corruption Commission. He identified gaps in the procedural management of investigations and instituted some practices, including providing guidance on investigation approaches and procedures. He issued technical advice and followed up with its implementation with guided forms and explanatory notes. His mid-term and final reports exhibited high level of professionalism and hands on experience in fighting corruption. It unearths many challenges hitherto not captured in the initial needs assessment report.

Mr Aleear convened a highly successful national stakeholders’ meeting comprising of Police, Attorney General, Ombudsman, Central bank of Seychelles, Customs service, Procurement department of Ministry of Finance etc. to form a national coordination committee against corruption in Seychelles. This is line with the understanding of building cohesion and coordination in the fight against corruption. The meeting was well received with an outcome to, among others, develop a standard operating procedures for the Committee and anti-corruption strategy for the Anti-Corruption Commission. The recommendations in the final report of Mr Aleear and the outcomes of the stakeholders meeting will form the basis of the future work of the Commonwealth Secretariat with the Anti-Corruption Commission of Seychelles.

The expectations of the Secretariat are fully realized given the level of achievements and the areas of further work brought to light in the report.”

May De Silva, CEO of Anti-Corruption Commission of Seychelles

“ICAC is in an ideal position to share their knowledge”

How did the idea of cooperation dawn at the level of the Seychelles anti-corruption agency and how was ICAC involved?

I first made contact with ICAC in May last year when I came to Mauritius for a meeting with the EU Ambassador to Seychelles who is based in Port Louis. ACCS had been looking at establishing a strong partnership with ICAC from the beginning as we are neighbours, speak the same language and have a similar legal system. ICAC has been in existence for over 15 years and we were only formally launched at the end of April 2017. It made sense to establish close links as ICAC is in an ideal position to share their knowledge and for us to learn from its set up. I don’t believe in reinventing the wheel and where systems already exist we are happy to customize and adapt them to suit our needs.

The Commonwealth Centre for Anti-Corruption has played a vital role in the region. How do you view its importance and range of activities today?

The Centre has been established to provide specialist training to Anti-Corruption institutions in Commonwealth Africa. We should support their work and avail of their services as long as they provide quality training to our staff and look at innovative

and effective ways to deliver such training as travel within Africa from a Seychelles standpoint is not cost effective. For example it costs me cheaper to fly to London than to Johannesburg! There’s a lack of coordination in flight movements across Africa and the investment in air transport in our region is poor. With technological advances we should be able to access online learning and setting up regional satellite learning facilities and promote visiting lecturers thus reducing travel and associated costs.

The effectiveness of anti-corruption agencies has been questioned at the domestic level by critics. How important is regional cooperation and how can it help answer to these critics?

Anti-Corruption Agencies are as effective as the resources and specialists available to them. There has to be the political will and more public education and awareness programmes. Expectations are high and international and regional cooperation is important to enable information sharing and effective joint working. We already have strong regional networks like AU, SADC, COI, Commonwealth Africa - all we need is commitment and strategic thinking in how we approach this issue.

Bégoto Miarom, Président du CCUAC :

« Vers un élargissement de la coopération avec les agences nationales anti-corruption »

« Dans le cadre de sa mission d'approfondissement des partenariats avec les Agences Nationales anti- corruption (ANAC), le Conseil Consultatif de l'Union Africaine sur la Corruption (CCUAC) a pris une part active à la conférence régionale qu'a organisé la Commission Indépendante contre la Corruption (ICAC) de la République de Maurice.

Cette conférence, tenue les 7 et 8 mai 2018 à Port-Louis (Maurice), a vu la participation des ANAC et des services de renseignements financiers de différents pays. Cette conférence était l'opportunité pour nous de rappeler la nécessaire collaboration qui doit exister entre ces différents organes qui, au final, œuvrent tous pour la lutte contre la corruption et le blanchiment d'argent. Aussi avions-nous invité les différentes parties prenantes présentes à ces assises à réfléchir à la mise en place d'un cadre de collaboration et de partage d'informations. Nous pouvons, à ce jour, nous en réjouir car le Sommet de Nouakchott a vu la ferme volonté de la Conférence des Chefs d'État et de Gouvernement de s'investir dans la lutte contre la corruption et le blanchiment d'argent. Aussi, il a été recommandé à tous les États d'œuvrer pour un renforcement des capacités, de l'indépendance des organes de contrôle mais aussi de veiller à ce que ces différents organes instaurent entre eux un mécanisme de partage d'informations.

Cette initiative entreprise par l'ICAC, avec l'appui de la Banque Africaine de Développement (BAD), est salutaire car elle permettra au CCUAC de prendre le relai afin d'envisager la mise en œuvre d'un mécanisme de suivi des recommandations issues des assises de Port-Louis mais



Bégoto Miarom, Président du Conseil Consultatif de l'Union Africaine sur la Corruption

aussi de la Déclaration des Chefs d'État et de Gouvernement au Sommet de Nouakchott. Ce sera, il nous semble, un point de départ essentiel de la collaboration entre le CCUAC et l'ICAC dont, faut-il le rappeler, a joué un rôle essentiel pour permettre à Maurice de ratifier et de déposer ses instruments de ratification de la Convention de l'Union Africaine sur la prévention et la lutte contre la corruption.

L'expertise de l'ICAC en matière de prévention et de lutte contre la corruption et les différents partenariats qu'elle a établi aussi bien sur le plan régional qu'international serait, à notre avis, un élément essentiel sur lequel le CCUAC pourrait s'appuyer et proposer aux autres ANAC pour leur perfectionnement. »

Moses V. Kowo, Community Relations and Prevention Officer, LACC

“The World Bank and the AFDB recommended ICAC”

You are in Mauritius for a twinning and sharing. How did this materialize?

In early 2018, there were a series of meetings with the Liberia Anti-Corruption Commission (LACC), the Ministry of Finance and Development Planning, the African Development Bank and the World Bank on how we can improve our work in the fight against corruption. There were suggestions on where to specifically obtain additional information and best practices in terms of the fight against corruption. The representatives from the World Bank and the African Development Bank during those meetings recommended that Mauritius was one of the countries which could best fit our needs and has been making lots of strides in the fight against corruption. This is how the LACC got in touch with the ICAC on this twinning programme, to hear more on how you have been doing your work and how you have had such considerable level of success so that we can share experience so that we too can enhance our work in this fight.



From the little you've seen so far, what can you bring back home to the LACC?

The sessions I have had with the Legal and the Investigation Divisions have been quite rewarding. The departments you have are strong and they move fast. I see that you go ahead and prosecute more cases. Whether you win or not, these cases are adjudicated and results are in the public. At the LACC we do not have sufficient resources in terms of prosecutions of corruption offences, although we are established since more than 10 years. I saw that per annum you register 10 to 15 successful convictions.

Training programme to reinforce the fight against corruption in Mali

Pursuant to Chapter IV, Article 48 (Law Enforcement Cooperation) of the United Nations Convention Against Corruption and Section 20 and 30 (1), (c) (vii) and (viii) of the Prevention of Corruption Act 2002, the ICAC is mandated to promote links between the Commission and international organizations in order to foster international cooperation in the fight against corruption and encourage links between the Commission and similar agencies in other foreign countries. As part of the implementation of the aforementioned provisions, the ICAC has, among others, signed memoranda of understanding with several anti-corruption agencies. As a result, the Commission is increasingly called upon to develop and run anti-corruption and /or money-laundering capacity-building programmes to empower staff of similar agencies and other government agencies.

In line with the above, a Memorandum of Understanding was signed between the ICAC and the Office Central de Lutte contre L'Enrichissement Illicite (OCLEI) of the Republic of Mali in December 2017, in the context of the International Anti-Corruption Day. As such, OCLEI is responsible, amongst others, for ensuring that there is effective cooperation and consultation among Mali's national authorities, directly or indirectly concerned with the fight against illicit enrichment and overseeing proper communication regarding declaration of assets by all concerned parties. A plan of actions was developed accordingly by the ICAC with a view to facilitate implementation of the MoU and same was subsequently adopted by the OCLEI.

One of the concrete outcomes of the MoU was the holding of a 5 day-training programme to reinforce the operational aspects of OCLEI in terms of mechanisms, tools and practices, with a particular focus on the "Prevention of Corruption in the Public Sector. Two ICAC officers were designated to conduct the training which took place at Bamako, from 16 to 20 April 2018. The capacity building programme targeted mainly Board members of the OCLEI as well as representatives of different governmental agencies, such as Le Contrôle Général des Services Publics, La Cellule Nationale de Traitement des Informations Financières, Le Pôle Economique and Le Bureau du Vérificateur General. The judicial sector was also represented by the Public Prosecutor at the High Court of Commune IV of Bamako District. Representatives of civil society organizations were also present.

The training programme was geared towards, amongst others, sharing of anti-corruption expertise/experience and know-how with a view to help out the OCLEI in finalizing a strategic plan for the fight against corruption in Mali. Participants were also provided with relevant methodological tools required to strengthen existing procedures /systems and set up appropriate mechanisms to reinforce anti-corruption measures in the public sector in Mali. Topics of intervention included, amongst others, the necessary mechanisms in the fight against corruption in the civil service, Audit of Risk Systems - Analysis Exercises for the Prevention of Corruption in Public Bodies, the implementation of the' Public Sector Anti-Corruption Framework', the «Integrity Officer» project as well as strengthening a culture of integrity in the public service.

Based on the intense interactions and feedback received, a plethora of follow-up actions were identified and compiled in a report which was forwarded to the OCLEI with a view to step up the fight against corruption in the public sector in Mali.



The 5 day-training programme to reinforce the operational aspects of OCLEI in terms of mechanisms, tools and practices, with a particular focus on the "Prevention of Corruption in the Public Sector.



Signature of Memoranda of Understanding (MoU) ICAC formalises cooperation with five ACAs

Corruption cannot be fought in isolation. In this context, the Independent Commission Against Corruption (ICAC) is committed to further reinforce its collaborative ties with anti-corruption bodies in the region and worldwide in the context of opening up to regional and international cooperatio. Sharing of information and expertise will definitely reinforce cooperation and collaboration in the fight against financial crime as well as strengthen professional development and capabilities of staff of anti-corruption and anti-money laundering agencies.

Accordingly, the ICAC signed a Memoranda of Understanding (MoU) with the anti-corruption agencies of Mali, the Office Central de Lutte contre l'Enrichissement Illicite (OCLEI) in December 2017, during the celebration of the International Anti-corruption Day 2017.

This was followed by the signature of Memoranda of Understanding with four other anti-corruption agencies in May this year during the regional conference on improving Effectiveness of Anti-Corruption Agencies and Financial Intelligence Units in fighting corruption and money laundering in Africa hosted by the ICAC at Holiday Inn, Mauritius. The institutions were:

- a) Zambia Anti-Corruption Commission (ZACC);
- b) Anti-Corruption Commission of Seychelles (ACCS);
- c) Corruption Eradication Commission (KPK) of the Republic of Indonesia; and
- d) Le Bureau Independant Anti-Corruption (BIANCO) of Madagascar.

The formalization of cooperation with sister agencies is accompanied by a plan of action to ensure effective implementation of same. For instance, as a follow up to the cooperation agreement with Mali, the ICAC delegated two officers to conduct a one-week training programme with Board Members and staff of OCLEI on "Preventing Corruption in the Public Sector". A similar training programme is envisaged with officers of BIANCO, Madagascar soon.

On the other hand, the Commonwealth Secretariat recently solicited ICAC Mauritius's expertise for providing technical assistance to the Anti-Corruption Commission of Seychelles (ACCS). Following the request from the Chairperson of the ACCS and the subsequent needs assessment mission undertaken by the Commonwealth Secretariat in June 2017, some issues affecting the effective operation of the ACCS in Seychelles were identified. Thus, the Commonwealth Secretariat came up with a request for the placement of an anti-corruption expert from ICAC, Mauritius, to work in consultation with the Chief Executive Officer (CEO) of the ACCS. The essence of the technical assistance was to assist with the strengthening of the ACCS and the capacity of officials, in particular, its operational processes and procedures in the Investigations Unit, in order to improve effective execution of its mandate.

Thus, as a result of formalization of a number of MOU's and with a view to generate concrete results and meet expectations, a consultative group for French speaking countries has been constituted at the level of the ICAC to develop and dispense training to sister organizations on

anti-corruption corruption and money laundering as per request.

To sustain the momentum, the ICAC will soon be signing an MoU with the Commission to Investigate Allegations of Bribery or corruption (CIABOC), Sri Lanka to seal the framework of cooperation between our two countries. The signing and implementation of the MOU's are expected to strengthen ties with sister anti-corruption and anti-money laundering agencies across the world as well reinforce capacity and cooperation for mutual benefits. In the long run, ICAC is expected to become a regional centre of excellence for sharing of resources and expertise on anti-corruption and money laundering as well as in the promotion of good governance.



Mr Laode M. Syarif (left), Commissioner, KPK, Indonesia



Mr J. L. Andriamifidy (left), Director General, BIANCO



Mrs May De Silva (left), Anti-Corruption Commission

Strengthening Bilateral Cooperation

ICAC hosting study visits for anti-corruption agencies and other bodies

The ICAC firmly believes that sharing of knowledge and skills in fighting corruption and money laundering will undoubtedly step up such a fight. For the period 2017-2018, the ICAC received nine requests for study visit from sister agencies with regards to both corruption prevention and investigation aspects.

Study tours for officials of Road Sector Integrity of Zambia



In 2016, the ICAC hosted a one-week study tour for the senior officials of the Anti-Corruption Commission (ACC) of Zambia. Subsequently in 2017, the ACCZ requested for another one week study tour for 13 members of the Road Sector Integrity of Zambia. The aim of the study tour was to learn about the corruption prevention and education work of the ICAC in the road sector. The programme of the visit included meetings with ICAC officials as well as interactions with other public bodies such as the Ministry of Public Infrastructure and National Transport Authority, amongst others.

Study tour for senior officials of the Central Office of Fighting Against Corruption of Mali

The Central Office of Fighting Against Corruption of Mali requested the ICAC to host a one week study tour for its senior officials. It was held in September 2017. The programme included focused working sessions on corruption prevention initiatives, investigative strategies and techniques for corruption and money laundering and prosecution of the same, amongst others. Following the study tour, the OCLEI expressed its wish to sign a memorandum of understanding with the ICAC to further the collaborative ties between the two institutions.



Study tours for officials of ACC Seychelles

In the month of May 2018, a memorandum of understanding (MoU) was signed with the Anti-Corruption Commission of Seychelles (ACCS). One of the objectives of the Memorandum is to enhance capacity through exchange ideas, knowledge, skills, technological abilities and experience in the application of international legal standards in the fight against corruption, cybercrime and money laundering amongst others.

Following the signature, a study tour for five officials from the ACCS was scheduled in the month of June –July 2018. The officials were from the corruption prevention and investigation division of the ACCS.

Study tour for two officers of the ACC Namibia

The ACC Namibia requested the ICAC to host a one week study visit for two officials from the Corruption Prevention and Education Division. The officers were exposed to the strategies and initiatives undertaken at the level of the Corruption Prevention and Education Division of the ICAC.



Study tour for other sister agencies

The ICAC hosted other short term study visits including delegations from Botswana, Benin, Uganda and Madagascar. The two delegations from Madagascar mostly comprised professionals from different sectors who visited the ICAC to learn about corruption prevention and upholding governance.

Such exchanges do not only allow for sharing of knowledge, expertise and experience but also facilitate networking to further enhance cooperation among agencies. Further, the study visits aimed at exploring avenues of collaboration in view of reinforcing working ties between sister agencies.

International policy and standards

The FATF and Mauritius' involvement explained

Money laundering and terrorism financing have in recent years grown in importance as a result of the change in the international strategy to combat financial crime. Moving away from tracking down money laundering predicated on drug trafficking, anti-money laundering became a crucial part of the financial crime strategy in the 1990 and 2000s. In 2001, after the 9/11 terrorist attacks, combating terrorism financing was integrated as part of the global AML strategy to deprive terrorists of their illicit funds. The global anti-money laundering and combating terrorism finance (AML/CFT) strategy completed existing strategies by focusing on the need to deprive the criminals of their illicit assets through forfeiture procedures.

As a result of the growing importance of AML/CFT, the Financial Action Task Force (FATF) and FATF Style Regional Bodies (FSRB) were set up to give greater impetus to the fight against such types of financial crime across continents. The FATF is the international body which develops international standards to assist countries to detect, prevent, and punish the abuse of the international financial system. The FATF sets these standards (the FATF Recommendations) as well as assesses country's compliance with the AML/CFT international standards through a mutual evaluation process in order to determine whether and to what extent these recommendations have been implemented at country level. Over 190 countries have today taken steps to protect their financial system from those who wish to abuse it for illicit purposes.

There are eight FATF-style regional bodies (FSRBs), including the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) of which Mauritius is a founding member. The FSRBs propagate the international standards worldwide and develop new systems for fighting money laundering and terrorist financing in their respective regions. The FSRBs also conduct evaluations of the AML/CFT systems of member states and make recommendations for strengthening and improving the framework.

In fact, the FATF was set up in 1989 in response to the drug trade which had taken alarming proportions worldwide. In 1990, the FATF came up with a set of Forty Recommendations in order to effectively counteract money laundering. In 2001, following the 9/11 attacks, the FATF issued the Eight Special Recommendations to address the threats of terrorist financing. The FATF took into its stride the fast adapting money laundering trends and practices by revising the standards in June 2003 and also in October 2004 when it published its Nine Special Recommendations.

In February 2012, following a thorough review of its standards, the Nine Special Recommendations on terrorist financing were fully integrated with measures against money laundering. The FATF also addressed the new wave of threats posed by the financing of proliferation of weapons of mass destruction and took a tough line against corruption and tax crime, whilst promoting transparency.

The FATF AML/CFT global standards are applicable to the financial and non-bank financial sectors as well as designated non-financial businesses and professions and, as such, ensure that the economic and financial sectors are safeguarded from money laundering and terrorism finance. There are 40 AML/CFT recommendations that include greater focus on the need for countries to develop their AML/CFT systems based on conducting national risk assessments. These National Risk Assessments determine the level of ML/TF risks, which enables countries to develop their AML/CFT accordingly.

The revision of the FATF Recommendations involved the FATF's members as well as the FSRBs. It also required extensive consultation with the private sector and civil society through

both a public consultation and ongoing dialogue with the FATF's Private Sector Consultative Forum.

The revised Recommendations were agreed by all its members thus, leading to a stronger and clearer set of standards which enabled countries to adopt a targeted risk-based approach.

In order to carry out countries' evaluation, the FATF relies on a Methodology that prescribes in detail the process for conducting the mutual evaluation. The methodology adopted by the FATF to conduct a Mutual Evaluation consists of the following two components:

- (1) The technical compliance component assesses whether the necessary laws, regulations or other required measures are in force and the supporting Anti Money Laundering and Combating the Financing of Terrorist (AML/CFT) institutional framework is in place;
- (2) The effectiveness component assesses whether the AML/CFT systems are working and the extent to which the country is achieving the defined set of outcomes.

In February 2018, the FATF held a regional workshop, in Tunis, for judges and prosecutors. This workshop was one of several regional workshops organized by the FATF in order to prepare a paper on "Putting criminals behind the bar", which was presented in June 2018.

Different delegations, including, the Palestinian Authority, Qatar, Republic of the Congo, Philippines, Rwanda, Saudi Arabia, Sierra Leone, Sudan, Tunisia, Turkey, Zambia as well as representatives from the World Bank, were present in Tunis. An officer of the ICAC and an officer from the office of the Director of Public Prosecutions participated in the said workshop.

The workshop operated under the Chatham House Rules which means that participants can use and report the information which has been exchanged but may not disclose the source.

The aim was for practitioners and judges from different jurisdictions to share their experience in order to develop a strategy which will lead to effectiveness in the fight against AML/CFT at all levels; investigation, prosecution, sentencing, confiscation, forfeiture on the national and international fronts. A presentation was made on the analysis of recent Mutual Evaluations which had been carried out. The findings led to the conclusion that jurisdictions worldwide were confronted with the same challenges: no national risk assessment, lack of national strategy, no correlation between risks trends and investigations, no parallel financial investigation, emphasis on investigation of predicate offences rather than money laundering, delay in processing requests for mutual assistance, low level of prosecution for standalone and third party laundering. It was also pointed out that sanctions meted out by courts were not effective, proportionate and dissuasive.

However, all was not gloom. There were success stories of collaboration with the banking sector which a decrease in the level of Suspicious Transaction Reports (STRs) although conversely, the quality of the information imparted by the banks notably improved. There were group discussions on the desirability of training for judges following a feedback from a delegation that such training had been positive as it resulted into a higher rate of convictions. Participants also recognized the need to develop an easy interaction with counterparts as opposed to stiff formality in order to better expedite issues of common interests through the use of social media tools such as WhatsApp groups.

The workshop served as a wake-up call, if one needed any, that domestic and international cooperation were vital in the fight against money laundering and terrorism.

International Cooperation

Mutual Legal Assistance: an investigation perspective

The world has become a global village and financial transactions are today carried out across borders on a massive scale. As such, in corruption and money laundering investigations, ICAC tracks documents as well as witnesses and suspects who are often in foreign countries. In this context, combating financial crime, in its global dimension, necessarily requires the relevant legal instruments that can facilitate cooperation in the investigation and prosecution of these crimes. Mutual Legal Assistance is the legal instrument that has been developed in international conventions to facilitate such exchanges among countries. The procedure is often defined in the law of the country inspired from international instruments.

For example, as regards securing documents or recording statements from witnesses or taking statements from suspects who are out of jurisdiction, and relevant for financial crime investigation and prosecution, the country has to rely on international cooperation instruments. For such documents and statements to be admissible in our Court, we have to proceed by way of a Mutual Legal Assistance (MLA). This procedure allows ICAC to seek the assistance of the local authority in securing these evidences, through diplomatic channels.

The first condition applicable to such an assistance is that the application should be from State to State. As such, each country has a central authority through which the request should be channeled. As matters stand, ICAC cannot apply for any such request on its own. The request should be through the central authority in Mauritius, that is, the Attorney General's Office.

The second condition is that there should exist a signed bilateral treaty between Mauritius and the country to which the MLA is addressed. However, if there exists no such bilateral agreement, countries being members of the United Nation can still use the provision in the United Nations Conventions Against Corruption to apply for a MLA. Chapter 37 of the said convention stipulates that "*State Parties shall afford one another the widest measure of mutual legal assistance in*

investigations, prosecutions and judicial proceedings in relation to the offences covered by the Convention".

MLA shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable. Mutual legal assistance is to be afforded in accordance with this article and may be requested for any of the following purposes:

- Taking evidence or statements from persons;
- Effecting service of judicial documents;
- Executing searches and seizures, and freezing of assets;
- Examining objects and sites;
- Providing information, evidentiary items and expert evaluations;
- Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;
- Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;
- Facilitating the voluntary appearance of persons in the requesting State Party;
- Any other type of assistance that is not contrary to the domestic law of the requested State Party;
- Identifying, freezing and tracing proceeds of crime in accordance with the provisions of chapter V of this Convention;
- The recovery of assets.

Up to now, ICAC has not used the provision in UNCAC for any MLA. However, even in cases where the Commission has a bilateral treaty with the other country, the hurdles are still present in getting the required documents/witnesses. Geopolitical ranking plays a big role in determining the level of assistance countries receive. As such, all the MLA procedures take years to come to concrete results. The table below depicts the outcome of applications made by ICAC till date.

Year	No. of applications	Country involved	Outcome
2008	1	Netherland Singapore United Kingdom	Successful
2010	2	United Kingdom	Successful
2011	1	France	No reply till date
2012	2	United Kingdom India	No reply from UK till date Confirmation from India
2013	1	Australia	Successful
2018	4*	(i) Reunion Island (ii) Seychelles (iii) Singapore (iv) Switzerland (v) Madagascar (vi) India	In process at level of Central Authority

*One application may involve a request for information from more than one country