

## **Commonwealth Anti-Corruption Workshop**

Le Meridian Hotel, Pointe aux Piments

24 – 26 June 2010

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### **Address by the Attorney-General Honourable Yatindra Nath VARMA**

24 June 2010

Mr A.K.Ujoodha, Director General, ICAC

Mr A. Boolell, Director of Public Prosecutions

Mr Seegobin Nunkoo, Drugs Commissioner

Mr Vimalen Reddi, from the Commonwealth Secretariat

Mr Dev Bhikoo, Director of the Financial Intelligence Unit

Mrs Domah

Distinguished Guests, Ladies and Gentlemen

It gives me great pleasure to deliver the key note address for this workshop. It is a real honour and privilege for the Republic of Mauritius to host this Commonwealth Anti-Corruption Workshop. I thank the Commonwealth for choosing Mauritius as the venue for this meeting and I wish you all a happy stay and hope you be able to enjoy our sunshine and our beaches.

Ladies and Gentlemen,

Corruption is a common feature in all states, despite the differences that may exist in their governing philosophies or their geography. States are increasingly aware that corruption presents a serious threat to their core principles and values and hinders social and economic development.

I would like to recall here a few facts to demonstrate the pro-activeness of the Commonwealth in the fight against corruption. At the Commonwealth Heads of Government meeting in Durban, South Africa in 1999, all the delegates emphasised their commitment to tackle corruption by agreeing on the development of a 'Framework for Commonwealth Principles on Promoting Good Governance'.

They subsequently endorsed the Aso Rock Declaration at their biennial meeting in Abuja, Nigeria, in 2003 which urged Commonwealth states to sign, ratify and implement the United Nations Convention Against Corruption (UNCAC).

In 2005, Heads of Government agreed to implement the recommendations of the 'Report of the Commonwealth Expert Group on the Recovery and Repatriation of Assets of Illicit Origin.'

Responding to these decisions from Heads, the Commonwealth Secretariat's Criminal Law Section initiated an anti-corruption project aimed at securing compliance with, and implementation and enforcement of the UNCAC. This project provides Commonwealth member states with the legislation and tools to prevent, detect, investigate and prosecute corrupt activity as well as trace and confiscate the proceeds of such activity.

Through workshops on asset recovery and international co-operation in anti-corruption investigations, the Criminal Law Section also engaged the services of international legal experts, forensic accountants, investigators and prosecutors to provide a comprehensive approach to training.

In line with these decisions, a number of other workshops which aim to build expertise and the ability of countries to combat corruption have been organised in a number of Commonwealth countries. I am particularly happy that this present training workshop will group representatives of anti-corruption agencies from Lesotho, Botswana, Swaziland and Seychelles. We also have the pleasure of having representatives of Interpol and other experts who will contribute significantly during this training.

The overall aim of the Secretariat's anti-corruption programme is not only to encourage and facilitate the implementation of anti-corruption laws within the Commonwealth, but to also ensure that the domestic institutions, such as newly established anti-corruption commissions, are properly empowered and resourced to enforce those laws.

Ladies & Gentlemen,

The fight against corruption has been ranked very high on the agenda of the present government under the Prime Ministership of

Dr. the Honourable Navinchandra Ramgoolam. The Government of Mauritius has adopted a very strategic approach and developed a comprehensive programme for fighting corruption. The key elements that have been addressed in the anti-corruption strategy have been improved substantially on the state of Corporate Governance and a revision of the regulatory framework as well as strengthening of both the banking and non-banking financial services sector.

The Republic of Mauritius has adopted a more comprehensive and strategic approach in the fight against corruption and money laundering. New legislations have been introduced and harmonized to align the fight against corruption and money laundering to international trends and to respond to obligations under the international instruments to which the country has subscribed to. The Prevention of Corruption Act as amended and the Financial Intelligence and Anti-Money laundering Act as amended are the two main legislations in this respect. Both incorporate and give effect to the broad principles enunciated in international conventions regarding corruption and transnational crime.

Mauritius has a non-partisan Public Service based on the Whitehall model. Central Government comprises 25 Ministries and some 50 associated Departments. The wider Public Sector includes 9 Local Authorities and over 100 Parastatal organizations. The Public Service employs around 56,000 persons and the Public Sector as a whole, including Parastatal Bodies and Local Authorities, account for some 93,000 employees representing over 18% of the total workforce of the country.

We believe that a professional, politically neutral and uncorrupted public service is one of the fundamental objectives of an anti-corruption strategy. The public service is expected to provide high standard of professionalism and integrity. With this in mind, the government has committed itself in the opening speech of the National Assembly delivered by the President of the Republic to establish the Public Sector Anti-Corruption Framework developed by the ICAC in all public bodies. This is a strong signal to all stakeholders on the urgency to develop a culture of integrity at all levels of the government.

At a time when the promotion of internal governance reforms and change are high on the government agenda, the relevance and usefulness of governance indicators are very determinant and meaningful. The efforts made by the Republic of Mauritius to control corruption have been recognised by various international institutions like the World Bank, Transparency International, World Economic Forum, etc. and are reflected in the scores and rankings of their corruption and governance indicators.

The country has once again in 2008-2009 and 2009-2010 been able to sustain its ratings in various corruption and good governance indicators like the Mo Ibrahim Index of African Governance, the World Audit Report 2009, Doing Business (World Bank) 2009, the World Bank Research Institute and the Global Competitiveness Index of the World Economic Forum.

Furthermore, the improvement made in terms of governance by Mauritius over the past decade was highlighted recently by the US Secretary of State, Mrs. Hilary Clinton, at the last AGOA meeting held in Kenya in August 2009.

The Government has recognised the need to depart from the current system of public administration and to adopt a new and more transparent and rule based approach with a view to abolishing discretionary powers in the hands of civil servants and ministers. The current Government introduced a Performance Management System (PMS) across the civil service in 2008 and has now moved to Programme-Based Budgeting (PBB) embedded in the medium Term Expenditure Framework.

To meet international requirements, the Financial Intelligence and Anti-Money Laundering Act has been amended through the Finance Miscellaneous Provisions Act 2009 and the definition of crime is now fully compliant with international conventions for purposes of money laundering offences.

With a view to provide each citizen better chances of equality, government has enacted the Equal Opportunity Act - another piece of legislation which further strengthens and consolidates our democratic base and good governance structure. It aims at ensuring that every person has an equal opportunity to attain his objectives in various spheres of activities and that no person is placed, or finds himself, at a disadvantage. It prohibits all forms of discrimination in a direct or indirect manner.

The Act establishes an Equal Opportunities Tribunal to hear and determine complaints referred to it by the Equal Opportunities Division, issue interim orders and determine whether the complaint was justified. The act also provides for a right of appeal to the Supreme Court of against orders of the Tribunal.

The holding of general elections in any country has always been a fertile ground for so many abuses. During the last general elections in May 2010.in Mauritius, a code of conduct developed by the Electoral Supervisory Commission has been more or less respected by different political parties.

The code has been extended to bring within its purview persons other than those who will be candidates. It applies to all participants to the election, including political parties or political party alliances, candidates, their agents, sub agents, employees, supporters or backers.

This is to strengthen the democratic culture and enhance the enviable reputation that Mauritius enjoys in the international sphere, for the holding of free, fair and representative elections.

The code aims at complementing the legal provisions in force regarding the holding and conduct of elections in Mauritius, more specially those provisions regarding bribery, treating, undue influence, illegal practice, irregularity as well as those regulations governing election expenses which have to be strictly and scrupulously complied with.

Its objective is to ensure the integrity of the electoral process and to enable the election to take place freely and fairly, in an atmosphere of tolerance, conducive to free campaigning, unrestricted but responsible public debate so that the electorate may make an informed choice.

The code has been conceived as a set of principles to be adhered to by all stakeholders and to be upheld in both spirit and letter.

Following the coming into operation of the Public Bodies Appeal Tribunal Act as from June 2009, any public officer may, appeal against any decision of the Public Service Commission pertaining to an appointment exercise made within the service. Such appeal should be lodged with the tribunal within 21 days of the notification of that decision.

Ladies & Gentlemen,

Having been the Chairperson of the ICAC Parliamentary Committee, I am fully aware of the challenges, constraints and legislative requirements for an effective fight against corruption and money laundering. The present legislations need to be reinforced and consolidated and now as Attorney General, I am in a better position to propose appropriate amendments to help enforce the actions of the ICAC.

With these few words, I have the honour to declare the workshop officially open and I wish all participants very fruitful and constructive deliberations.

Thank you.

24 June 2010