

## Chapter 3

### Mauritius

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#### Summary

This case study looks at the experience of Mauritius in reducing the prevalence of corruption. Fighting corruption has been a high priority for the country since 2000, when it embarked on its anti-corruption drive as the decision-makers became more and more aware of threats to the economy from corruption and money laundering and the need to tackle this in order to attract foreign direct investment (FDI). There were also specific areas such as tax administration, issue of permits/licences, procurement and business/trade facilitation where corruption risks had to be addressed.

From 1998 to 2017, the rank given to Mauritius by Transparency International's Corruption Perceptions Index (CPI) averaged 44.65, showing that it managed to sustain a position within the less corrupt category of countries for the achievement of its economic goals. Today, the country is extolled as sub-Saharan Africa's brilliant example of democracy, good governance and economic success.

This study analyses the context, origins and status of the anti-corruption reform in Mauritius; identifies the roles and initiatives of the main stakeholders that may have impacted positively on the CPI; reviews the enabling factors and key achievements; and outlines the outstanding challenges. The following are the main findings.

#### Conducive factors for anti-corruption reform

A key factor has been the continuous political will and support from the government to fight corruption and promote transparency and accountability, despite changes of regime in the process. The commitment has been visible, forceful and convincing, with the introduction of legislations and institutions that give effect to the relevant international conventions and treaties to which Mauritius is a signatory. The recent passing of the Good Governance and Integrity Reporting Act (GGIRA) to combat illicit enrichment, and creation of a fully fledged Ministry of Financial Services and Good Governance (MFGG) with a mandate to promote good governance, improve financial services and fight corruption in themselves demonstrate this strong political will to fight corruption.

Other important factors have included the political, economic and democratic stability of the country, the high literacy rate among the population and the separation of powers existing among the three branches of the government – the legislative, the executive and the judiciary – which is embedded in the Constitution. Moreover,

corruption is not fought in isolation, as there is a strong focus on public–private partnership and close collaboration with civil society to glean relevant information for better strategies.

An important condition for the comparatively successful anti-corruption drive in Mauritius has been its linkages with parallel reforms, especially in the areas of public financial management (PFM) (budgeting, procurement and taxation), business facilitation, good governance, equal opportunities, information and communications technology (ICT), civil service and the police. The focus of these efforts was to reduce current spending, extra budgetary costs or attract investment, and they indirectly reduced corruption linked with bureaucratic sluggishness. In addition, it has been a necessity to promote transparency and accountability in order to attract FDI for economic growth.

Corruption risks have also been reduced by the absence of a natural resources extractive sector and the lack of major dependency on donors and international aid, which is normally not the case in some other African countries.

## Stakeholders playing a major role

The government has buttressed the fight against corruption through the passing of relevant laws, ratification of important conventions and the setting up of relevant institutions to fight corruption directly or indirectly and to preserve democratic order.

The Independent Commission Against Corruption (ICAC) represents the national anti-corruption agency that has led a consistent and significant institutional anti-corruption drive in Mauritius. Supported by other key public institutions, it has also championed the national anti-corruption strategy, which is described within the Prevention of Corruption Act 2002 (POCA). The past 15 years of the ICAC have been invested in handling complaints and investigations and in sensitising, educating and empowering the population. At the same time, systems and procedures prone to corruption in public bodies have been continuously upgraded for more corruption resistance. The ICAC has investigated, and referred to prosecution, graft cases related to elites, politicians and Members of Parliament (MPs).

Mauritius also has independent judicial and prosecution structures. Systems in place have been able to bring to trial elites, politicians and even MPs involved in graft cases. The judiciary has also pronounced judgments against important personalities concerning graft cases.

Civil society, the private sector and the media are highly dynamic. They have been acting as agents of change in the field of anti-corruption by spurring community support and providing continuous public pressure on the government. The media possesses a competitive advantage in the fight against corruption due to its proximity to the public and its perceived positive role and independence by an overwhelming part of Mauritians.

Mauritius has received valued support from development partners in terms of technical assistance including hands-on support, expert assessments and solutions.

## Achievements and challenges

So far, Mauritius has reaped remarkable achievements in terms of sustained economic performance; sustained good CPI ranking; better transparency and accountability in public bodies; stronger strategic orientation towards corruption prevention and increased awareness; successful tax reform with inherent corruption prevention and good governance features; and regulatory and institutional rules for doing business that have been established to remove obstacles in trade and business sectors. For several years, Mauritius has been ranked first regionally in the World Bank Doing Business Index and has streamlined and digitalised procedures for important areas such as procurement and issue of permits and licences.

However, there are still some areas that need improvement, such as increasing public trust in the fight against corruption through better protection of whistleblowers and elimination of the culture of having political nominees at the head of certain parapublic bodies. Political corruption needs to be addressed through a genuine willingness to put in place structures for regulating the funding of political parties.

### 3.1 Introduction

Corruption is considered one of the most pressing concerns of our time, both because of its negative impact on sustainable economic growth and distortion of fair competition, but also owing to its contributing effects on poverty and political instability (Humboldt Viadrina Governance Platform 2015). This situation is a problem for every country, developed or developing, and Mauritius is no exception. The flourishing of its economy was challenged by corruption risks and money-laundering opportunities. However, the ongoing implementation of anti-corruption strategies and other relevant reforms have been comparatively successful, to a large extent, owing to continuous political support and the efforts of all important stakeholders.

#### 3.1.1 Methodology

This chapter aims to address the questions of which institutions within Mauritius have taken the lead in reducing the impact of corruption, their respective initiatives and their impact, and to account for the enabling factors supporting the successful implementation of anti-corruption strategies. The methodology comprised review and analysis of secondary data, use of a timeline to better understand the major developments, and use of semistructured interviews to validate results from the secondary data and to obtain primary data.

In line with the National Integrity Systems put forward by Transparency International and with other literature, stakeholders for the research included public bodies, the national anti-corruption body, oversight bodies, the judiciary, the police department, non-governmental organisations (NGOs), the media, members of the public and academics/experts from the field. Public materials on the relevant strategies undertaken were also reviewed to identify relevant organisations/persons to be contacted. Organisations were chosen based on their mandate and/or the vulnerability of their services to the risk of corruption according to national surveys

on corruption (in 2004 and 2014). Individuals were chosen based on their experience and responsibilities in society.

Most organisations that responded positively to participating in this study assigned someone from the management level to provide the required information. Some 32 interviewees were asked to identify the following: institutions; factors or conditions that in their experience and opinion had a positive impact on the ability of the institutions/country to carry forward anti-corruption strategies; and the achievements and challenges.

Secondary data were collected from various sources. The body of literature available on the success of anti-corruption strategies across different countries comes from international NGOs and development partners such as the World Bank, Transparency International and the United Nations (UN). Government reports, legal documents, annual reports, anti-corruption papers, audit reports, and survey and evaluation reports on corruption in Mauritius were also consulted. The information obtained from the mass media in the form of discussion or open debates on the topic was also used. These were collected from the respective organisational websites and libraries.

The data gathered from both sources were analysed, organised and categorised to meet the objective of the research.

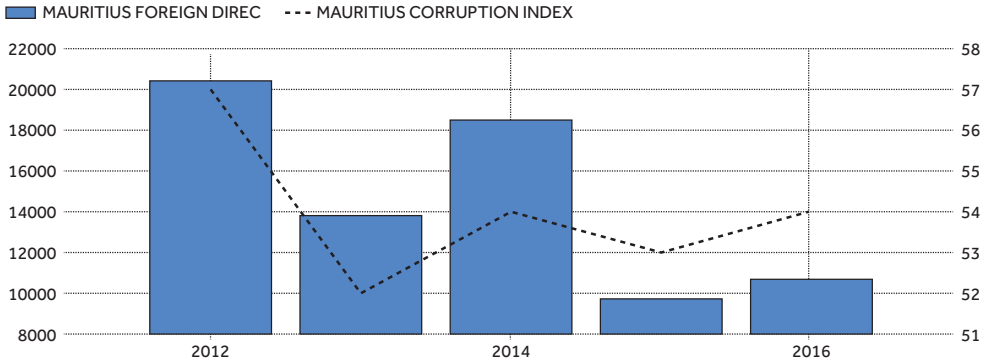
### 3.1.2 The political context and background to anti-corruption reforms

Since 1998, Mauritius has increased its efforts to put in place the appropriate legislative formula for eradicating corruption. The Economic Crime and Anti-Money Laundering Act 2000 was followed by the more comprehensive Prevention of Corruption Act 2002 (POCA) and then the Financial Intelligence and Anti-Money Laundering Act 2002 (FIAMLA), supported by other relevant legislation. Both POCA and FIAMLA incorporate and give effect to the broad principles articulated in the relevant international conventions. Corruption linked specifically to certain sectors of activity is also included in various legal provisions separate from the POCA (Transparency International 2007).

Relevant international and regional conventions and agreements were signed. They include the United Nations Convention against Corruption (UNCAC), the African Union (AU) Convention on Preventing and Combating Corruption and the Southern African Development Community (SADC) Protocol against Corruption. Institutions such as the Independent Commission Against Corruption (ICAC), Financial Intelligence Unit (FIU) and Financial Services Commission (FSC) were also established.

According to information received from secondary data and interviews, these efforts may be linked to international trends in anti-corruption as well as a national context marked by some corruption scandals. There was also pressure to attract FDI and meet economic goals. Indeed, a comparison of these two elements in Figure 3.1 shows a direct correlation, with high CPI scores in 2012 and 2014, for example, reflecting high FDI while lower CPI scores in 2013 and 2015 reflect lower levels of FDI in the country.

**Figure 3.1 Foreign direct investment (MUR million) and CPI scores (out of 100 points), 2012–2016**



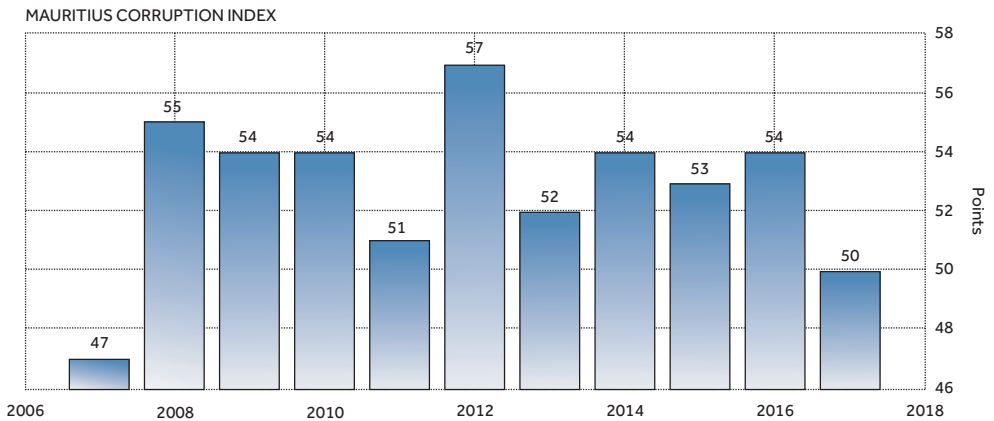
Source: tradingeconomics.com.

Mauritius fares comparatively well in anti-corruption indices, scoring 50 points out of 100 on the 2017 CPI and ranked 54 out of 175 countries assessed by Transparency International. CPI in Mauritius averaged 49.75 points from 1998 until 2017, reaching an all-time high of 57 points in 2012 and a record low of 41 points in 2004. Figures 3.2 and 3.3 show the CPI scores and rankings for the last 10 years.

In 2015, Mauritius topped the Ibrahim Index of African Governance among 54 countries assessed in Africa for the tenth consecutive year with a score of 79.9 out of 100 (Vuylstseke 2016).

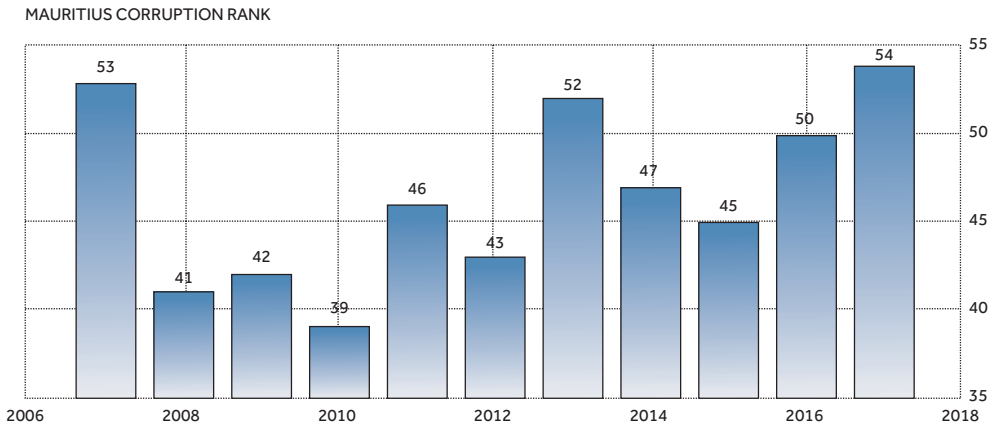
It can be noted, however, that the country’s position weakened over the last few years. This was confirmed by a country profile report (Transparency International 2014a) that attributed this fall to a series of high-profile corruption scandals and perceived

**Figure 3.2 Corruption Perception Index, 2007–2017 (higher scores are better)**



Source: tradingeconomics.com | Transparency International Mauritius.

**Figure 3.3 Mauritius corruption rank, 2007–2017 (lower rank means less corrupt)**

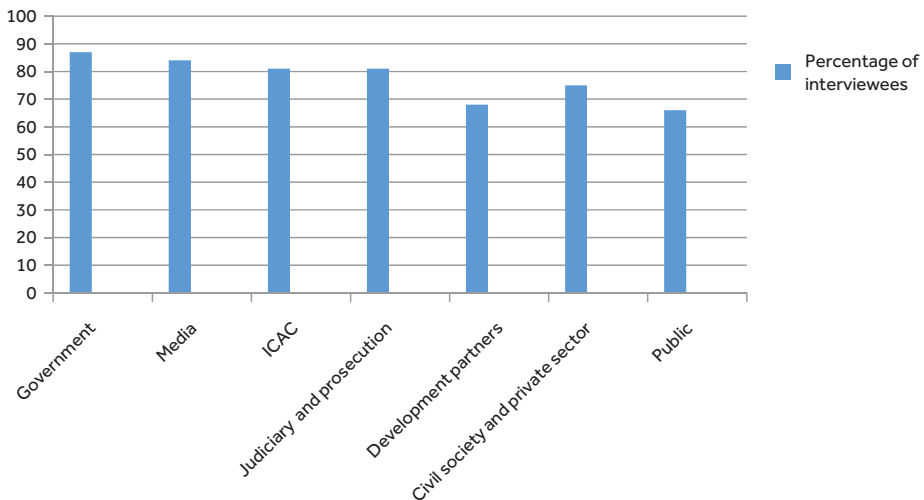


**Source:** tradingeconomics.com | Transparency International Mauritius.

corruption in the offshore industry, clientelism, political corruption, lack of a right to information act and absence of regulations dealing with both private sector corruption and the funding of political parties. The National Survey on Corruption (StraConsult Ltd. 2015) does not offer a very positive picture.

This led policy-makers to contemplate legislation to tackle corruption. The Ministry of Financial Services and Good Governance (MFGG), with a mandate to promote good governance, improve financial services and fight corruption, was set up in December 2014. The next objective is to establish a Financial Crime Commission to bring harmonisation to the structure to fight against financial crime and to ensure better co-ordination and synergy among existing bodies including the ICAC, FIU and FSC.

**Figure 3.4 Main stakeholders in the fight against corruption, as identified by the interviewees**



The National Assembly passed the Good Governance and Integrity Reporting Act in December 2015. Its main objects are to disclose malpractices and recover unexplained wealth; stimulate integrity reporting in the public and private sectors; and protect and reward persons making disclosures and reports. The Act prompted the creation of an Integrity Reporting Services Agency and an Integrity Reporting Board.

### The main stakeholders in the fight against corruption

According to some 87 per cent of the 32 interviewees, the government and its political will to fight corruption represents the main driver of the anti-corruption initiatives in Mauritius, followed by 84 per cent who mentioned the media as playing an informative role to deter corruption. The work done by the national anti-corruption agency, the ICAC and the judiciary and prosecution have been recognised as very important by some 81 per cent of the persons interviewed. Some 75, 68 and 66 per cent of the interviewees considered the ‘civil society and private sector’, the development partners and the public respectively major stakeholders too.

## 3.2 Anti-corruption reforms and their efficacy

### 3.2.1 The ICAC and anti-corruption reforms

The Independent Commission Against Corruption (ICAC), supported by other key institutions, has championed the national strategy that is described in the Prevention of Corruption Act 2002 (POCA). The POCA applies to all civil servants and people vested with public authority (MPs, ministers, members of commissions created by the Constitution, etc.). It applies also to individuals or agents who could act as intermediaries in a corruption case. It provides for punishments of up to 10 years of imprisonment and also the forfeiture of proceeds accruing from corruption crimes.

The ICAC was based on the anti-corruption institution in Hong Kong and hence uses a three-pronged approach to carry out its mandate: investigation, prevention and education. However, preventive work, complaint managing and investigative work represent only one part of a bigger picture of the direct interventions, which may also include profiling and intelligence work carried out by the FIU, prosecution by the Office of the Director of Public Prosecutions (ODPP), trials/appeals at the level of courts and forfeiture of criminal proceeds under the Asset Recovery Act.

### ICAC’s work with the public sector

The ICAC developed the Public Sector Anti-Corruption Framework (PSACF) to strengthen the institutional capabilities of public bodies. As of 31 October 2015, 64 public bodies are responsible for its implementation. In addition, 128 civil servants have been trained as Integrity Officers, who will co-ordinate integrity issues within the ministry/organisation and liaise with the ICAC for relevant support.

Corruption prevention reviews (CPRs) have been conducted in public bodies with environments perceived as more prone to corruption. To ensure effective and prompt implementation of anti-corruption measures proposed by the ICAC, focus group discussions are conducted with management. Follow-up exercises are conducted six

months after the issue of a report to assess and monitor implementation status. For more transparency, the ICAC publishes the main findings and recommendations from the CPRs on its website.

Several anti-corruption tools have been developed to address and manage corruption risks proactively. The materials are mainly in the form of best practices and guidelines developed in collaboration with the organisations concerned. The materials are intended to serve as self-assessment tools for the enhancement of systems and procedures in public bodies.

### Initiative with the private sector

In view of engaging the private sector in the fight against corruption, the ICAC initiated actions to move the fight against corruption into a higher gear. In collaboration with the Joint Economic Council, Mauritius Institute of Directors, Mauritius Chamber of Commerce and Industry, Transparency Mauritius and other volunteers from private businesses, the ICAC set up two new platforms to ensure sustained collective action – the Public Private Platform Against Corruption and Private Sector Anti-Corruption Task Force (PACT).

### Initiatives with young people

The ICAC is empowering youth to be anti-corruption ambassadors. Activities include integrity clubs in secondary schools, involvement of university students in anti-corruption clubs, engagement of young professionals in anti-corruption initiatives, the revamping of the anti-corruption youth network and increased youth participation on ICAC social networks.

Through value-based education, the ICAC hopes to foster a culture of integrity in schools, change the mindset and attitudes of the younger generations and empower them to be intolerant against corruption. It has in recent years developed and implemented several tailor-made corruption-related modules with a view to enhancing the school curriculum. Anti-corruption materials comprising posters, bookmarks, rulers, wall calendars, CDs and notebooks that are distributed to schools and students enable the ICAC to reach over 70,000 children annually. Social media such as Facebook and YouTube are also being used to create awareness.

**Table 3.1 ICAC key performance indicators: complaints and convictions**

	2013	2014	2015 (31 Oct)
No. of complaints received	1,613	1,533	1,359
Preliminary inquiries opened	553	491	494
No. of cases sent to the DPP	219	148	144
Cases lodged in court	59	23	31
No. of cases won	21	17	17

**Source:** ICAC.

## Public education and community work

Mass communication campaigns are organised using billboards, adverts on buses, the press and private and public radios and television, and evaluation surveys are conducted to assess their impact and relevance. International Anti-Corruption Day is commemorated every year through a number of activities organised in collaboration with stakeholders and scheduled over a week. Other public events include exhibitions/values weeks focusing on the dangers of corruption and competitions to mobilise the community in the fight against corruption as well as to trigger reflection and research on corruption and related issues.

Various empowerment programmes have been conducted with NGOs, and a best practice guide on integrity building for NGOs has been developed. The Community Integrity Award targeting community-based organisations and NGOs is aimed at giving due recognition to NGOs that have demonstrated their strong willingness to nurture a culture of integrity. Four Community-Based Integrity Circles have been set up to strengthen community solidarity and disseminate anti-corruption messages through the organisation of anti-corruption activities by the local community groups.

### 3.3 Parallel reforms impacting on the level of corruption

More than 75 per cent of the stakeholders approached for this study confirmed that an important condition for the success of the anti-corruption drive has been its linkages with the modernisation of the legal and institutional framework. Parallel reforms were of particular importance especially in the following areas: budgeting, procurement and taxation; business facilitation; good governance; ICT; civil service and the police; and equal opportunities. Moreover, most participants believed that, though the focus of these efforts was to cut current spending, extra budgetary costs or attract investment, they indirectly reduced corruption linked with bureaucratic sluggishness.

Tax reform included a new structure in the form of the Mauritius Revenue Authority, based on new models of tax administration. It contained inherent corruption prevention and good governance features. Integrity and ethical behaviour were enhanced through training, compulsory declaration of assets by all staff, higher salaries and a code of conduct and ethics. Programme-based budgeting has also allowed ministries to have more flexibility in budget execution and to better monitor progress made by institutions falling under their purview. Moreover, the Mauritian Government has taken a number of steps through the Public Procurement Act 2006 to mitigate corruption risks in procurement, reforming or abolishing many 'bureaucratic hurdles' and thereby reducing the possibility of rent seeking by public officials dealing with the private sector (U.S. Department of State 2012).

Major legislations affecting the business sector include the Companies Act 2001, the Business Facilitation Act 2006 and the Competition Act 2007. They facilitated doing business and acquisition of properties by foreigners and, among other things, enabled small enterprises to start business activities within three working days. Competition control deterred bid rigging.

The National Code of Corporate Governance was published in 2004, and in 2009 the Statutory Bodies (Accounts and Audit) Act was amended to make it compulsory for statutory bodies to include in their annual reports a corporate governance report in accordance with the Code, this being effective as from 2011. The Code has recently been revised and improved with the aim to raise compliance.

Interviewees acknowledged that e-government represents an important strategy for working more effectively, sharing information and delivering better services to the public. The telecommunication infrastructure and human resources in ICT literacy were also strengthened to respond to the demand of the new strategy. It is recognised that this also helped in building a more efficient, accountable and transparent government.

The civil service reforms aimed at performance-oriented culture in the public service and to develop innovative and improved methods to deliver high-quality public services. In 2010, the Mauritius Police Force also undertook a reform programme that included preventative aspects aimed at decreasing incentives for corruption. The main focus was typically on issues of enforcement, institutional change, and public education and participation.

The government also brought forward the Equal Opportunities Act (2008) and the Equal Opportunity Commission to eliminate different forms of discrimination, biased policies and prejudicial practices in organisations and against individuals, not only in employment but also in all spheres of social and economic life.

### 3.4 Key achievements of the anti-corruption drive

According to respondents, the anti-corruption strategies helped the country to improve in the following main areas: transparency and accountability, strategic direction for corruption prevention and awareness of corruption. They also helped the country to sustain its economic goals as well as a good CPI ranking over the years. FDI averaged MUR13,147.30 million from 2007 until 2016 and CPI in Mauritius averaged 49.74 points from 1998 until 2016.

#### 3.4.1 Greater transparency and accountability

Major organisations with high-risk functions such as licensing, revenue collection and procurement saw their working systems revamped to improve accountability and transparency, leading to more predictability in service delivery. The regulations influencing the business environment have also been improved significantly.

The Public Procurement Portal website allows all public bodies to post information such as invitations for bids, annual procurement plans, summary of bid evaluation reports and notices of procurement awards. Suppliers, contractors and consultants are able to view these and even download bidding documents in some cases. Information about debarred/suspended suppliers is posted online. There is also an oversight system to ensure compliance with the law and best practices.

Similarly, to promote good governance, a full set of laws, codes and regulatory bodies have been introduced into the corporate world to ensure that an enterprise is not only

accountable to its shareowners but to all its stakeholders, which may include not only its staff but also the communities that surround it.

### 3.4.2 Stronger strategic orientation towards corruption prevention

Public bodies are becoming more conscious of the importance of corruption prevention and the need to implement anti-corruption structures, as this helps them 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. The Public Sector Anti-Corruption Framework developed by the ICAC formalises their commitment to fight corruption and enables them to take up ownership of building corruption resistance. It provides for the establishment of an Anti-Corruption Committee, which has the responsibility to drive this project at the level of each public body, formulation of an Anti-Corruption Policy and conduct of an integrated Corruption Risk Management exercise. Reporting and monitoring are under the responsibility of each ministry/department, with the ICAC playing a supervisory role.

Some public bodies have even gone further by integrating the anti-corruption policy as part of their mission and objectives. For example, the Mauritius Police Force has embedded this policy in its National Policing Strategy.

### 3.4.3 Increased awareness of corruption

Since 2000, the population's awareness of the causes and dangers of corruption has undoubtedly increased. The ICAC's campaigns are one of the reasons. Moreover, the interviewees from the media also confirmed that this was their greatest contribution in the fight against corruption. Mauritians are now more apt to recognise acts of corruption or to have an idea about the level of corruption in the country, as shown by the increase in the number of complaints received at the ICAC and the fact that 7 out of 10 respondents to a national survey knew of the existence of an anti-corruption law and said they would refuse to give or take bribes. Outside observers have noted that public sentiment about the need for probity is strong in Mauritius and people want a more meritocratic society (Wan 2015).

### 3.4.4 International recognition and positive evaluations

Mauritius has received international recognitions and positive feedbacks on the implementation of its anti-corruption strategies. For example, the UNCAC Implementation Review of 2013 noted that:

Mauritius has effective institutions for combating corruption. ICAC, in particular, is regarded as very active and effective. For example, it received the first prize in the United Nations Public Service Awards in the category 'Preventing and Combating Corruption in the Public Service'. Mauritius is regarded in Africa as one of the least corrupt countries (United Nations 2013).

Since then, the United Nations has been recommending other countries to adapt the ICAC's Public Sector Anti-Corruption Framework to their public service (ICAC Newsletter June 2015).

The ICAC has also received study visits of delegations from Comoros, Lesotho and Madagascar among others to learn from its experiences. The institution is considered an example to follow and the country was established as a Small Island Developing States platform for anti-corruption reforms following a resolution at the UNCAC States Parties meeting in St Petersburg in November 2015.

Mauritius performed better against the Public Expenditure and Financial Accountability (PEFA) benchmarks in the 2010 assessment than it had in 2007 (IMF 2011). In a 2010 report, the Collaborative Africa Budget Reform Initiative noted that programme-based budgeting had made a noticeable impact on budgetary processes, including flexibility and ownership, better resource allocation, performance orientation and transparency. A United Nations Development Programme (UNDP) outcome evaluation also highlighted that this reform appropriately contributed to progress in public service delivery (cited in UNDP Mauritius 2013, 5).

According to the World Bank Report on the Observance of Standards and Codes (2010), Mauritius has been one of the best growth performers in the developing world over the past three decades thanks to sound policies and strong institutions. It also noted that ‘The Code of Corporate Governance has made a significant impact on behaviour’.

### 3.4.5 Good performance on comparative indicators

Mauritius has positioned itself as a continent leader in a number of areas including governance, business environment and economic freedom. In 2014, it ranked first in Africa in 12 out of the 20 international socio-economic, democracy and good governance indices. For most of these, country rating is done against a set of criteria grouped in four clusters: economic management, structural policies, policies for social inclusion and equity, and public sector management and institutions. Hence, the positive impact of direct and indirect anti-corruption interventions brought to these clusters is also reflected in these indices and intertwined to help the country achieve good performances.

## 3.5 Conclusion: lessons, challenges and recommendations

Over the years, Mauritius has been able to make a difference in the fight against corruption, since the highest level of government has been strongly committed to pursuing anti-corruption strategies. This commitment has been visible, forceful and convincing, as all important and relevant laws, institutions and conventions were introduced to the country. Different forces joined in the fight against corruption: the legislative and judicial branches of government, the ICAC, public bodies, development partners, the business community, the media and civil society. The media played a vital role owing to it being perceived by an overwhelming majority of Mauritians as being independent and as playing a positive role.

Mauritius also had an environment conducive for anti-corruption reform in terms of high literacy rates, political, democratic and economic stability, presence of independent judicial and prosecution structures and parallel reforms being initiated

in areas vulnerable to corruption. The absence of a natural resources extractive sector and lack of dependence on donors were also favourable for the anti-corruption drive in the country. Mauritius is currently extolled as one of the best examples of democracy, good governance and economic success in sub-Saharan Africa.

Yet some challenges still remain and are reflected in the country missing the first place on CPI ranking in the region. Most respondents believed that, with all the previous laudable initiatives at hand together with persistence in overcoming weaknesses, it will not be difficult for Mauritius to position its anti-corruption drive at higher levels in the global arena.

### 3.5.1 Lessons, enabling factors and preconditions

According to the respondents, Mauritius has been able to make a good reputation in the fight against corruption owing to certain conditions, enabling factors and initiatives. These are described below.

#### Firm political will and government support

For most participants, despite the change in regimes, each government has shown its commitment to bring about and/or sustain the anti-corruption drive. Moreover, Parliament, deriving its power from the Constitution, proceeded in the following systematic way:

- using a Select Committee on Fraud and Corruption in 2001 to research and advise on relevant strategies;
- voting in 2002 for legislations (POCA and FIAMLA) that criminalises corruption and provides for appropriate punishment and other deterrent measures;
- ratifying relevant international instruments;
- setting up the National Audit Office, the ICAC, the FIU and the new ministry (MFGG), among others, to foster integrity, transparency and accountability in public affairs;
- allocating sufficient budgets for these purposes;
- passing the Declaration of Assets Act 1991 requiring MPs to declare their assets through the ICAC and, more recently, the Good Governance and Integrity Reporting Act (GGIRA) 2015 to address illicit enrichment;
- making the government accountable for its actions through parliamentary questions and motions;
- providing up-to-date information to the public through its website;
- encouraging the participation of all stakeholders through public consultations and debates on bills and calling relevant stakeholders as deponents before select committees;
- setting up Parliamentary Committees for oversight that include members of the opposition.

The government has not hesitated to set up independent inquiries headed by respected judges to investigate alleged cases linked with ministers, senior public officials or even management of the ICAC in the past. Interviewees believed that the creation of a fully fledged ministry with the mandate to promote good governance and fight corruption in itself demonstrates a strong political will to fight corruption.

### Consistent and significant institutional drive by ICAC and other key institutions

The institutional drive has been both consistent and significant. The ICAC, though operating as an independent body, is accountable administratively to a Parliamentary Committee (composed of MPs from the opposition and ruling party) and judicially to the Director of Public Prosecutions (DPP). The Prevention of Corruption Act 2002 (POCA) also requires the Director General of the ICAC to be appointed by the Prime Minister after consultation with the leader of the opposition.

The ICAC believes that a vigilant society if adequately supported can blow the whistle and uncover misappropriations of public funds, corruption in public procurement and misuse of administrative procedures. Thus, it has not only handled complaints and investigations but also invested in sensitising, educating and empowering the population through direct interfacing, mass communication and other media outlets. At the same time, systems and procedures prone to corruption in public bodies have been continuously upgraded to become more corruption resistant through corruption prevention reviews and advisory services. The ICAC assesses the impact of its work through follow-up exercises and independent surveys.

To further its mandate, the ICAC has also been enlisting international and national support in the fight against corruption. Agreements and working relationships have been established with organisations such as UNODC and the Commonwealth Secretariat. At national level, stakeholders include not only public bodies but also the community, the government and the private sector.

To strengthen the institution itself, the ICAC focused on capacity building, getting the right staff profile, using standardised work procedures, getting a proper state-of-the-art case management system and ensuring complementarity between investigation and prevention (Kuris 2013). It has reinforced staff integrity by vetting new recruits and propagating a code of conduct that also covers conflict of interests. Staff of the ICAC have a legal obligation to declare their assets upon joining and leaving the ICAC and they are also subject to the POCA.

The ICAC shows a commensurate rate in terms of conviction when compared with peer organisations in other countries (ICAC Newsletter 2014). These covered different offences including public officials using office for gratification, bribery of/by public official, influence peddling and conflict of interests. The ICAC has also investigated and referred to ODPP graft cases related to elites, politicians and MPs (Kuris 2013 and press reports).

In its fight against money laundering, the ICAC benefited from Mauritius's sophisticated system of financial regulations and institutions such as the FIU, which is responsible for receiving, requesting, analysing and disseminating to local investigatory and supervisory authorities, as well as foreign FIUs, disclosures of information concerning suspected proceeds of crime, alleged money laundering or transactions related to terrorism. The presence of oversight bodies such as the National Audit Office and the Public Accounts Committee has also been beneficial.

In addition, the new Ministry of Financial Services and Good Governance forms part of this institutional drive and since its creation has been providing guidance and support for the enforcement of good governance, promotion of financial services and re-engineering of public sector bodies to eradicate fraud, corruption, malpractices and irregularities.

### **Robust judicial and prosecution structures**

An independent, impartial, honest and competent judiciary and prosecution structure is integral to upholding the rule of law, engendering public confidence and dispensing justice. In Mauritius, the concept of separation of powers, as defined by the Constitution, supports the independence of the judiciary. Systems in place have been able to bring to trial elites, politicians and even MPs involved in graft cases. The judiciary has also pronounced judgements against important personalities.

There are elements in this sector that act as safeguards against malpractices. For example, appointments in the judicial service are made by the Judicial and Legal Service Commission; the Constitution and domestic laws already provide for procedures and offences to punish cases of misbehaviour or corruption by members of the judiciary. Domestic laws also provide for efficient appellate and review processes to ensure adequate supervision over the whole judicial process. No acts of corruption by judicial officers have been reported in recent years except for alleged wrongdoings by some support staff in 2013.

The Office of the Director of Public Prosecutions (ODPP) plays a pivotal role as it advises on major criminal cases and represents the state in major criminal matters before the courts. As such, the DPP has the final say on whether or not to prosecute corruption cases that have been investigated and brought forward by the ICAC (although where the DPP refuses consent to a prosecution there is always the possibility of remedial action by way of judicial review). The responsibility to prosecute corruption cases was purposely allocated to the ODPP instead of the ICAC to prevent over-concentration of power accruing to the latter and to foster independence. Pursuant to section 72 of the Constitution, the DPP derives the power to exercise its function in full independence and is not subject to the direction or control of any other person or authority (Boolell 2015).

### **The role of social accountability mechanisms**

A strong partnership and sense of collective responsibility between civil society, the media, the public and the government has been vital for the fight against corruption.

## Civil society

Civil society in Mauritius is made up of a rich diversity of organisations and, over the years, trade unions, NGOs, co-operative societies, professional associations and religious bodies have not hesitated to denounce corrupt practices. Moreover, most of them have tried to empower their members through workshops and training sessions from the ICAC.

Transparency Mauritius (TM) is an independent, non-political and non-partisan body and the national chapter of Transparency International in Mauritius. Since its establishment in 1998, it has been acting as an agent of change in the field of anti-corruption by spurring community support and putting continuous public pressure on the government. Primarily, it operates the Advocacy and Legal Advice Centre, which offers free assistance and legal advice to victims or witnesses of corruption on making complaints and following them up. TM has favoured a partnership with the press and has worked in conjunction with both the public and private sector for a more comprehensive fight against corruption. It has also initiated several anti-corruption projects and undertakes actions to sensitise and create awareness of corruption (with special attention to the youth) through press adverts, communiqués and interviews.

Regarding the lack of transparency and accountability in political funding as a breeding ground for corruption, TM has submitted proposals to the authorities in connection with the elections since 2009. It has also launched an engagement initiative known as 'Pledge towards transparent and accountable political funding by the private sector' on political party financing, which to date is supported and implemented by some eight private companies.

## The media

The media – and particularly the private radio stations, newspapers and online publications – are the go-to sources of information for an overwhelming proportion of Mauritians. They have a generally positive image in terms of credibility and positive impact on public affairs. Their financial stability or independence has enabled media houses to stand up to pressure from the corporate world or even the government. According to interviewees, the media have been promoting good governance and rule of law by reporting on issues related to electoral campaigning, constitutional changes, the way specific institutions are managed or ill-managed and how policy decisions are taken. They have also exposed unethical and illegal malpractices or behaviours by important public or private sector personalities.

The interviewee's views echo the findings of the National Survey on Corruption in 2014 (StraConsult Ltd. 2015), in which journalists were considered by 69 per cent of respondents the most committed and efficient in the fight against corruption. Other than reporting to the ICAC, 32.6 per cent of respondents from the same survey indicated that they would report to the media. The survey revealed that, beside personal experience, people derive their perception of state corruption in the country (particularly high-profile cases) from media reports and about 60 per cent trust the reports.

However, according to the managing editor of ION News, there is a very limited amount of quality investigative journalism, a fact he ascribes to the lack of permission granted to journalists to take the time needed to conduct in-depth investigations, lack of expertise and training, and lack of a 'freedom of information' type of mechanism.

Moreover, some participants suggest public television needs to be seen separately from other media, as the perception persists that it is dependent on the government. According to Kasenally (2009), the introduction of private commercial radio stations under the Independent Broadcasting Authority Act (2000) has to a certain extent enlarged the 'democratic' access to political parties and has provided an outlet for the public to express its views and opinions. The private radio stations broadcast a number of debates on a broad set of themes and the public are invited to phone in.

### The private sector

Most stakeholders contacted for this study recognised the existence of a robust relationship between the private and public sectors impacting positively on different spheres of development in the country. This relationship was confirmed in the African Peer Review Mechanism report (2010), which states: the public consults the private sector about new laws and budget proposals. It seems, in fact, that the government accepts between 50 and 60 per cent of the advice that the private sector gives and that the government and the private sector develop policy jointly'. Representatives from the private sector are called on to serve on the boards of parapublic structures such as the National Committee for Corporate Governance, the Mauritius Revenue Authority, the Financial Reporting Council and the Board of Investment.

Likewise, the private sector has been quite active and vocal in the fight against corruption, especially in areas pertaining to corporate governance, ethics, business facilitation, political party funding and electoral reform. The Joint Economic Council, a co-ordinating body representing the private sector, set up a task force in August 2000 and developed a code of ethics that was implemented by private sector companies. Moreover, private sector representatives have acted as deponents in select committees, provided concrete inputs for the Business Facilitation Act 2006, and supported anti-corruption legislations and the drafting of both the first National Code for Corporate Governance and its revised version. Many of them have been implementing the Code and have been adhering to the reporting standards set by the Financial Reporting Act (2004).

As mentioned earlier, the ICAC and the private sector have collaborated through different forums. Numerous anti-corruption projects are also in the pipeline, including 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 development of a model gift policy for private sector organisations.

The Mauritius Institute of Directors (MIOD) is a crucial player as far as the contribution of private sector is concerned. MIOD is a private independent not-for-profit membership organisation regulated by the Companies Act 2001. It promotes good corporate governance, best business practices, leadership, professional development

and stakeholder engagement across both public and private sectors. To support its mission, it also runs several forums and councils.

### The public

The public's contribution is recognised as vital in controlling both the demand and supply sides of corruption. The National Survey on Corruption in 2014 (StraConsult Ltd. 2015) revealed that, when respondents were asked how they could help in the fight against corruption, most of them answered they would refuse to give and take bribes. There is also a strong public sentiment for bringing honesty and integrity to government and businesses. According to interviewees, most Mauritians do not let anybody buy their vote, they do not vote for political parties that are perceived to encourage corruption, they do not pay bribes themselves and they report incidents of corruption through authorities or any other channels. They also try to instil moral values in their children. However, respondents confirmed that there is still the fear of retaliation concerning corruption reporting.

### Valued support from development partners

The anti-corruption drive has benefited from the support of development partners in terms of technical assistance including hands-on support, expert assessments and solutions all the way through its implementation of both direct and indirect strategies. The interventions are not limited only to the ICAC but extend to all other concerned stakeholders such as the police, the FIU and the ODP.

UNODC has been providing valuable technical assistance for fighting different forms of crimes and for implementing relevant conventions. It conducted the UNCAC implementation review for Mauritius around 2012.

Moreover, the Commonwealth has also been very active in various sectors. As a member of the Commonwealth Africa Anti-Corruption Centre, Mauritius benefits from the sharing of technical expertise and policy advice, the provision of a helpdesk and specialist training in forensic investigation and asset tracing. The US government also provides regular training to ICAC officers and other enforcement agencies dealing with financial investigation through its regional training centre in Botswana.

The Public Sector Anti-Corruption Framework manual, used to promote corruption prevention, has been produced by the ICAC with the financial assistance of the European Union under the Decentralised Co-operation Programme. The Public Financial Management (PFM) reforms have also been possible owing to the technical assistance of the World Bank, the International Monetary Fund (IMF) and the UNDP.

### Focus on proper planning and a collaborative approach

In 2001, the government set up a select committee composed of learned persons to carry out a national diagnosis of the nature, causes and extent of corruption in the private sector and public institutions. According to its report, the level of corruption was medium and the gap analysis disclosed the entry points for anti-corruption strategies.

International benchmarking brought both preventive and punitive aspects in the anti-corruption strategies adopted. Preventive measures include transparent procurement and sound financial management, clear conflict of interest regimes, auditing and codes of ethics/conduct, an independent judiciary, active involvement of civil society in anti-corruption efforts, anti-corruption awareness campaigns and measures to prevent money laundering. Punitive measures criminalise bribery (both the giving of an undue advantage to a public official and the acceptance of an undue advantage by a public official), influence peddling and abuse of function among others.

The state also used a risk-led approach by dealing first with those segments of the public sector that were most affected by corruption – for example, the Customs Department and Public Procurement – by reviewing their procedures and the way they operate.

There is also a strong focus on public–private partnership and close collaboration with civil society in nation building. Collaborative approaches are seen between Parliament and all stakeholders, the ICAC and its stakeholders and the public and private sectors and finally among the private sector, media and civil society.

### 3.5.2 Challenges

Although Mauritius has reaped successes in the fight against corruption, according to respondents and the literature available there are still areas that need improvement. Some of these challenges are described below.

#### A trust gap with the public

According to interviewees and the recent survey report (StraConsult Ltd. 2015), though awareness of corruption has increased, a trust gap affects the public's intention to act and participate sufficiently. The main reasons for distrust are insufficient protection of whistleblowers and the existence of political nominees at the head of certain authorities.

Two recent surveys found that corruption is not reported primarily because of fear of the consequences (Joomun 2015). The government has started to address this through the Good Governance and Integrity Reporting Act (GGIRA) of 2015, which introduced strict penalties for persons committing an act of victimisation or retaliation against whistleblowers.

There is also a perception that political 'friends' are appointed on boards of parastatal bodies in a sign of recognition and reward for political support during electoral campaigns. Such appointments are not based on open competition. Senior management and most of the board are replaced when governments change after a general election, raising concerns about the independence of the regulators, the type of leadership and adherence to good governance principles, and it is undoubtedly disruptive to the ongoing operation of important institutions.

#### Political corruption and clientelism

Over the years, Mauritius has experienced political corruption scandals involving members of all major political parties. Allegations of conspiracy, money laundering,

bribery, conflict of interests and cronyism involving politicians or MPs have unfolded in public from time to time. During consultations with stakeholders, the lack of an overall system to regulate political party financing was a subject that elicited strong reactions. Respondents believed that corruption in the realm of political finance generally takes many forms, ranging from vote buying and the use of illicit funds to the sale of appointments and the abuse of state resources.

### Loopholes in legal, regulatory and institutional frameworks

The work of the ICAC on several cases was affected because it had no authority to investigate conspiracy offences, even those related to corruption (Kuris 2013). The legal system also gave defendants numerous opportunities to delay proceedings, with several levels of appeal. POCA's scope for intervention is very limited in respect of corruption in the private sector. Besides, acts in the private sector are no longer offences if they are committed with the agreement of a superior (African Peer Review Mechanism 2010). Other loopholes include inadequate penalties for corruption crimes, ambiguity about protection of whistleblowers and impediments on ICAC communications. Corruption prevention work and implementation of recommendations from corruption prevention reviews are also not binding for public bodies.

Under the Public Procurement Act 2006, the decisions of the appellate body known as the Independent Review Panel (IRP) are not binding on the public body. The Procurement Policy Office noted that in 2011 there were at least 13 occasions when the public body chose to ignore the IRP's recommendations and no corrective actions were taken.

Moreover, according to some respondents, public sector recruitment and selection functions still warrant improvements to ensure better meritocracy. The ICAC also considers the recruitment process in parastatal bodies to be highly prone to a perception of corruption due to numerous related complaints being received (ICAC Newsletter March 2015). There is no proper mechanism to oversee the process of recruitment in parastatals as there is for the judiciary and ministries; there are high discretionary powers of ministries or ministers in recruitment and selection exercises with respect to parastatals; the Public Bodies Appeals Tribunal is not mandated to consider appeals from external candidates; and the Equal Opportunity Commission and the Equal Opportunities Tribunal cannot entertain cases when it comes to the Public Service Commission, the Local Government Service Commission and the Judicial Legal Service Commission. This affects their authority and power to consider cases of discrimination in the public service, the judicial and legal service and within the police force, the fire service and the prison service.

The role of the media and civil society as watchdogs is hampered by lack of legislation on access to information.

### 3.5.3 Recommendations

In the light of the foregoing challenges, the study recommends the following:

1. **Promote public trust:** Proper enforcement of laws encouraging whistleblowing is highly recommended as one of the prerequisites to nurture public trust. To

address the culture regarding political nominees, a select committee comprising experts should be set up to advise the government on the proper mechanism to be instituted for the recruitment and selection of top management in prominent public bodies.

2. **Regulate political financing:** Recommended key features from previous groundwork done on this area for Mauritius include enactment of legislation to regulate political parties and to establish structures and mechanisms for their registration and financial accountability, a Political Activities Public Financing Fund and mechanisms aimed at restricting campaign expenses. The concretisation of a regulatory framework for funding political parties must become a priority for the government together with the outstanding ratification of the AU Convention on Preventing and Combating Corruption, which also supports transparent political funding. It should be noted that Mauritius has been a signatory of the AU convention since 2004 and has not ratified it owing to the absence of structure for managing political funding.
3. **Introduce and implement a code of conduct for parliamentarians:** Although all public officials including ministers and other MPs are covered by POCA, the introduction and implementation of a code of conduct for parliamentarians is highly recommended to promote ethical behaviour, provide a set of ethical standards, increase public trust in and respect for the institution, and establish rights and responsibilities for parliamentarians.
4. **Close legal loopholes and enforce the law:** Amendments must be introduced to the POCA to fully integrate private sector corruption offences, enhance the effectiveness of the whistleblowing structure and make corruption prevention mandatory in public and private sector organisations. The Equal Opportunity Act must be extended to cover the whole public service. The government should enforce the recently introduced legal framework that gives scope for inquiring into unexplained wealth. Parliament should consider enacting the Freedom of Information Bill that was announced in the last two consecutive government programmes.
5. **Capitalise on the media's competitive advantage and the potential of social media:** According to the 2014 National Survey on Corruption (StraConsult Ltd. 2015), reaching citizens is much easier for the media and they have already gained the public's trust. This should be exploited in a positive way for future anti-corruption efforts. The research revealed that there is very limited high-quality investigative journalism, and thus assistance from development partners in terms of expert training in this field would be beneficial for the fight against corruption. Social media could be used to bring together the media, civil society, the ICAC and the public. Globally, social media offer potent opportunities for anti-corruption activism and it can become the basis of new forms of collaborations. For example, a website where personal experiences with corruption can be easily and anonymously shared should be run by the collaborators proposed above with the media as the lead. The website need not only get complaints but could offer practical solutions. Examples of related websites are 'I Propose' in Mexico and [ipaidabribe.com](http://ipaidabribe.com) in India. This knowledge could then be used to crowdsource possible improvements.

### Annex 3.1 List of interviewees

R Jugurnat, Director, Public Sector Efficiency Bureau, Ex-Director of Audit, National Audit Office

D Padachi, Associate Professor and Head of School at University of Technology, Mauritius

Hon. Gobin. Maneesh, Member of Parliament, Barrister-at-Law, Chairperson of Parliamentary Committee-ICAC

G Ballam, Head Policy, Financial Services Commission

Rabin Bhujun, Executive Member of the Media Trust and Managing Editor of ION News

P G Bussier, Director (Economic and Finance) responsible for Development Cooperation Ministry of Finance and Economic Development, Ex-Director, Corruption Prevention and Education Division, ICAC

Nitish Dussoye, private sector employee

K Goburdhun, Barrister-at-Law and Chief Legal Adviser, ICAC

Mr Gopee, Director, Office of Good Governance Director, Office of Good Governance  
Beedeeanan Hulman, Independent Consultant, Ex-SADC Staff

Raju Jadoo, Secretary General, Mauritius Chamber of Commerce and Industry

I Jheengut, Director, Corruption Prevention and Education Division, ICAC

P Jhugroo, Senior Chief Executive, Ministry of Civil Service and Administrative Reforms

Sanjeev Narrainen, Anti-Corruption Expert, African Development Bank, Côte d'Ivoire, Ex-Chief Officer, ICAC

Soopayah Narrainen, Director Internal Affairs, Mauritius Revenue Authority

R Nookadee, Ex Senior staff of Mauritius Council of Social Service (MACOSS), Activist, Civil Society

G Ollivry, Director, Financial Intelligence Unit

S Ram, Freelance Press Reporter

Mr Rama, Chief Inspector, Mauritius Police Force

Mr Rashid Ahmine, Senior Assistant DPP, Office of the Director of Public Prosecutions

Vishal Soockeea, IT Professional

Mr Tahaloo, Board Member Procurement Policy Office

V Tuhobol, Manager, Financial Reporting Council

N Gobin-Bheenick, Secretary to the Commission, Public Service Commission

Arunima Gobin-Bhunjun, business person

Prameeta Goordyal-Chittoo, Assistant Parliamentary Counsel, Attorney General's Office

Veena Jankee-Dhunpath, public sector employee

Indranee Taukoordass, private sector employee

Jane Valls, Executive Director, Mauritius Institute of Directors

Faeza Ibrahimsah, Manager, Mauritius Chamber of Commerce and Industry

Ms Nobutsing, Manager, Financial Reporting Council

Rooma Pilay Narrainen, Manager, Trade Division, Mauritius Chamber of Commerce and Industry

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