



## INNOVATIONS FOR SUCCESSFUL SOCIETIES

### FROM A ROCKY START TO REGIONAL LEADERSHIP: MAURITIUS'S ANTI-CORRUPTION AGENCY, 2006 – 2012

#### SYNOPSIS

After gaining independence from Britain in 1968, the island state of Mauritius developed swiftly into one of Africa's most stable and prosperous democracies. However, the nation's newfound wealth—especially in the booming offshore-finance sector—created distinct risks. Corruption and money laundering jeopardized the country's reputation for good governance. In 2002, Mauritius passed laws that created an Independent Commission Against Corruption, with investigative and prosecutory powers as well as preventive and educational roles. Early missteps and internal discord discredited the commission, but in 2006, Senior Magistrate Anil Kumar Ujoodha set the organization on a new course by building investigative capacity, implementing government-wide preventive reforms, and winning numerous court cases. Six years later, however, the commission was still struggling to win public trust, illustrating the difficulties of combating corruption in a politically charged context.

*Gabriel Kuris drafted this case study based on interviews conducted in Port Louis and Quatre Bornes, Mauritius, in March and April 2013. Case published July 2013.*

#### INTRODUCTION

For generations, the forested hills of Ebène, Mauritius, overlooked sprawling sugarcane plantations. But in 2001, the same hills suddenly sprouted Ebène Cybercity, a cluster of high-rise offices housing scores of financial services firms and information technology companies, Africa's Internet registry, and Mauritius's Financial Intelligence Unit (FIU), which monitored global transactions totaling billions of dollars for hints of money laundering.

Sitting in his Cybercity office in 2013, FIU director Dev Bikoo recounted the Mauritian

economy's rapid transformation: "Basically, our economy was sugar based.

We got independence in 1968 and realized we couldn't go on with a monocrop economy."

At the end of the 1960s, sugar accounted for 99% of Mauritius's exports.<sup>1</sup> Long under colonial rule—by Dutch companies, then France, and, finally, Britain—the island nation was remote and densely populated, located 1,100 kilometers east of Madagascar. Annual gross domestic product (GDP) per capita was only US\$350.<sup>2</sup> The population was growing rapidly and was divided between descendants of Indian indentured servants and artisans (both

Hindu and Muslim), Afro-Creole slaves, and Chinese traders. There were recurrent ethnic riots and labor strikes. Economists predicted a grim future of spiraling conflict, destitution, and mass emigration.<sup>3</sup>

Bikoo continued: “The idea was floated around that we should create an export-processing zone. We took raw materials, processed them, and then reexported them.” As sales of sugar and textiles boomed, the government poured revenue into infrastructure and social development. In the 1980s, when sugar prices fell and manufacturers left for lower-wage destinations, the country diversified its economy. By 2012, services were accounting for 72% of Mauritius’s gross domestic product, whereas agriculture accounted for only 4%.<sup>4</sup> The new pillars of the economy were upscale tourism, with gross tourism receipts exceeding US\$1.4 billion a year;<sup>5</sup> information technology services; and offshore finance. The offshore sector, providing financial and commercial services for foreign clients, made Mauritius a global finance hub and the gateway for 40% of foreign direct investment into India—valued at US\$10 billion in 2012.<sup>6</sup> In connecting to foreign markets, Mauritius’s cultural diversity proved advantageous.<sup>7</sup>

Scholars called Mauritius’s economic transition from sugarcane to services a “miracle” and an “improbable success story.”<sup>8</sup> By 2011, per capita GDP was US\$8,755 (or US\$14,908 in purchasing-power-adjusted terms, comparable to Mexico’s), making Mauritius a middle-income country.<sup>9</sup> During that time, the population grew by two-thirds to 1.3 million, but income inequality declined slightly,<sup>10</sup> reaching parity with the world average.<sup>11</sup> Unique among African states, Mauritius also maintained a competitive democracy marked by regular, peaceful changes of government since independence.

The flourishing of Mauritius’s economy brought risks. The central government expanded in scope and power, privileging those with government connections. Skyrocketing property values tempted political and economic elites to arrange sweetheart deals for state land to build luxury housing and tourist resorts. Offshore banks attracted foreign money launderers. Mauritius’s newfound wealth threatened to swamp its domestic economy and subvert its democratic institutions. “Mauritius was aware of the risks, but we had to take [the chance] because there was no other choice,” Bikoo said. “You can’t go on planting sugarcane and bananas. You have to integrate into the world economy.”

Beginning in the 1990s, Mauritius passed a series of anti-corruption reforms to manage growing corruption risks, culminating in the establishment of an independent anti-corruption commission in 2002. However, several factors complicated the country’s battle against corruption.

## THE CHALLENGE

Postcolonial Mauritius had key institutions that helped hold corruption in check: a strong judiciary, a highly competitive political arena, and independent media. Mauritius’s economic model supported broad-based social welfare programs and relatively open markets, reducing incentives for everyday graft.

However, like other postcolonial states, Mauritius also featured unwieldy bureaucracies and clientelistic politics conducive to corruption. “We’ve got a state that has a certain number of discretionary powers, because obviously the colonial state [that preceded independence] was a state that had control over all social classes,” said Ram Seegobin, a physician and political activist. “These discretionary powers are at the base of what

most people would consider corruption: the government or ministers using those discretionary powers to favor a person, a clan, or a company.”

Politically connected elites reaped disproportionate gains from Mauritius’s whirlwind growth, perpetuating preexisting norms of group loyalty and influence peddling. “Mauritius has a culture whereby the average citizen’s obligation is based on his individual relations, his family, his friends,” explained Geetanee Napal, a University of Mauritius expert on Mauritian corruption. “Culture is a major factor influencing ethical choices, and you don’t change culture overnight.”

Shaped by ideological consensus, Mauritian politics were “marked by an incessant fragmentation, then reassembling, of both individual parties and political coalitions,” in one scholar’s words.<sup>12</sup> The three major parties generally competed based on the privileges they could provide for supporters. “Gradually, the electorate has come to think there is something they can get on a personal level or a family level from the candidates: either promises or favors,” said Seegobin. To many officeholders, such expectations justified the abuse of public power.

Mauritius’s constitutionally independent electoral commission had the authority to regulate political competition, but campaign finance regulations were lax or nonexistent. The nonprofit Electoral Institute for Sustainable Democracy in Africa (EISA) reported, “There are no regulations on party fund-raising activities in Mauritius governing sources, amounts or public disclosure.”<sup>13</sup> Amédée Darga, chairman of trade promotion body Enterprise Mauritius and former minister and legislator, wrote in a 2004 EISA study: “There is to date no public funding of political parties. They mobilize funds either through some direct corruptive practices during tenure of office, or

through what is diplomatically called ‘donations’ mainly from private sector companies, such ‘donations’ being always unofficial and unacknowledged.”<sup>14</sup>

Daden Venkatasawmy, former board member of Transparency Mauritius (a chapter of Transparency International), said corporations and individuals gave untraceable cash donations to politicians and their parties, expecting favors in return. “Political parties are the only organizations not obligated to maintain or publish accounts, or to have internal elections to determine their directorship,” he said. “De facto, they are the best vehicles for money laundering and thus attract financing from individuals and organizations with undeclared or illicit sources of revenue. . . . To me, the corruption actually starts there.”

Touria Prayag, editor of Mauritian newsmagazine *Weekly*, stressed the difficulty of proving corruption in Mauritius’s unregulated political climate, saying, “Those who practice corruption at the high levels hardly ever get caught because they become masters of the trade.”

Mauritians’ close personal ties and vigorous media reinforced widespread perceptions of corruption stemming from real estate development, shadowy campaign financing, and political horse trading despite studies indicating low levels of reported graft.<sup>15</sup> “Nine out of 10 people will tell you we are a very corrupt country,” Prayag said. “And if you ask them whether they’ve had firsthand experience of corruption, they probably haven’t. Most people will live their lives without ever having firsthand experience of corruption, but the perception is there and the perception is very strong.” Indeed, a 2003 corruption survey by local consulting firm StraConsult found that 56.1% of Mauritians were highly concerned about

corruption, and 20% were fairly concerned about corruption, even though 83.9% said they had never been asked for a bribe.<sup>16</sup>

During the 1990s, those public perceptions prompted a series of efforts by successive governments to address corruption, but opposition parties often decried the moves as politicized and ineffective. In 1993, Prime Minister Anerood Jugnauth's government set up an anti-corruption tribunal that drew criticism for its lack of executive and enforcement powers. A new government under Prime Minister Navin Ramgoolam, elected in 1995, set up the Economic Crime Office (ECO) in 2000. After the September 2000 elections returned Jugnauth to power, his government abolished the year-old office and pledged to replace it with a stronger, more independent agency.

During its brief existence, ECO had earned public support by investigating several sitting ministers for fraud. The probe prompted two ministers to resign and the Ramgoolam government to call elections early. Supporters of ECO claimed the Jugnauth government had abolished ECO to disrupt its investigations into high-level members of the new ruling coalition. Detractors said ECO was poorly structured under law and beholden to the Ramgoolam government that appointed it. "Based on press reports, there were rumors that the institution was abolished to protect a member of the government," said Napal from the University of Mauritius. "The government said they wanted a more empowered body that would be able to take on the challenge of investigating."

Mauritius's active role in the negotiation of international anti-corruption treaties also factored into domestic reforms. Mauritius ratified the Southern African Development Community Protocol Against Corruption in 2002 and the United Nations Convention Against Corruption (UNCAC) in 2004, both of which obligated Mauritius to establish an

independent anti-corruption authority. Those commitments shaped Mauritius's 2002 Prevention of Corruption Act, which established the Independent Commission Against Corruption, or ICAC (pronounced EYE-kack). According to Anil Kumar Ujoodha, who would later lead the commission after the departure of the first director: "At the same moment in time when this law was being drafted, the UNCAC was being drafted, and you will see if you go through our law that our law is very compliant to the spirit of the UNCAC: prevention, education, and repression [of corruption]. People working in Mauritius were in the know about what was going on at the UN level, and our law was [shaped] in that way."

Legislators modeled ICAC on Hong Kong's Independent Commission Against Corruption. Hong Kong's commission, which operated in a similar common-law legal environment, pioneered the three-pronged approach that became popular worldwide, combining investigation, prevention, and education.

Mauritius's ICAC had the authority to investigate crimes of corruption and money laundering and prosecute them in court with the consent of the Directorate of Public Prosecution (DPP). ICAC could use some special investigative methods such as undercover operations, although the courts had effectively prohibited telecommunications surveillance. ICAC could examine public contracts and solicit financial information and enlist the assistance of a dedicated police unit. With prima facie evidence of corruption, ICAC could arrest suspects and execute searches and seizures of evidence and assets, although such actions required judicial orders in some circumstances. In addition to those enforcement powers, ICAC had a separate division for preventive and educational functions—such as monitoring legislation and administrative practices for corruption risks—and proposing

reforms. The Mauritian president, chosen by parliament and a mostly ceremonial post, appointed the commission's director general. A nine-member parliamentary supervisory committee held ICAC accountable.

When it began to operate in 2003 under the direction of Navin Beekarry, a lawyer and anti-corruption expert, ICAC had to plan how to address a series of apparent misdeeds. A 2001 financial scandal had embroiled Air Mauritius, the national flag carrier. In 2003, Mauritius Commercial Bank (MCB), Mauritius's largest private bank, disclosed that 600 million rupees (US\$19 million) had disappeared from the national pension fund over a 12-year period, eventually implicating dozens of business executives and politicians. A 2003 bribery scandal implicated a housing minister, ICAC's first subject of arrest.

In its investigations of those cases, ICAC came under fire for heavy-handed tactics and procedural errors. "They had very strong, dubious methods of dealing with the public," Prayag said. "The perception they created was terrible." Critics also accused Beekarry of irregularities in awarding contracts.<sup>17</sup>

In December 2003, Beekarry dismissed ICAC's director of investigations and two investigators, setting off a high-profile leadership crisis that pitted ICAC against its parliamentary supervisory committee and paralyzed both bodies. In May 2004, the Supreme Court invalidated the dismissal as unjustified and in "total disregard of the procedures." Meanwhile, other Supreme Court decisions overturned ICAC arrests for procedural deficiencies, including those made in the Mauritius Commercial Bank case. "Since the beginning, the ICAC has kept on committing blunders," lamented newspaper *L'Express* in its coverage of the MCB case, which it called "the biggest financial scandal known to the country."<sup>18</sup>

"The media perceived they had a bad start," Ujoodha said of ICAC. "Procedure-wise, [ICAC's decisions] were debatable; but these were normal things, and I think they have been exaggerated." Ujoodha blamed ICAC's missteps on inexperience: "This was the birth of the organization, and it's very hard to find people with experience in the field in a small country." He added that political rivalries and institutional jealousies fed into the public portrayal of disarray in the newly established agency.

Popular dissatisfaction over corruption contributed to another change of government in the high-turnout July 2005 elections, returning Ramgoolam to the premiership. In September, the new government amended the anti-corruption act to strengthen ICAC's parliamentary supervisory committee, align ICAC's arrest powers with the Supreme Court's rulings, and change the appointment process for the ICAC director. Under the new law, the prime minister appointed the director, upon consultation with the leader of the opposition, a constitutional office in Mauritius. The government also tried to give ICAC investigators police powers and immunity from prosecution for "good-faith" legal breaches but dropped that proposal under criticism.<sup>19</sup>

In October 2005, Beekarry and both his deputies left ICAC. In May 2006, after several months of searching, Ramgoolam appointed Ujoodha, a senior magistrate, as director general. "Given the state of affairs, it must have been difficult to find someone to take the hot seat," Ujoodha said. "People didn't want to be under that much pressure."

Azagen Vencatapillay, Transparency Mauritius chairman and former senior community relations officer at ICAC, said that Ujoodha "was considered one of the best senior magistrates of Mauritius," the highest judicial

rank outside the Supreme Court. Vencatapillay added that because of Ujoodha's reputation for independence and adherence to the law, Ujoodha was a good choice to resolve the "strong clash of personalities" that had paralyzed the commission. Ujoodha was in his early 40s when he resigned his magistracy for ICAC, after eight years on the bench. "I had to give up my career in the judiciary," he said.

Ujoodha inherited a commission demoralized by turmoil and depleted to only 40% of staff capacity due to the departure of early staffers seconded from other public agencies on three-year contracts. "When I took office, we had only one chief investigator; the others had either resigned or their contract was not renewed," Ujoodha told *Weekly* in 2012.<sup>20</sup>

Under Ujoodha's leadership, the commission faced the task of overcoming its past missteps to rebuild its capacity and its reputation, in order to tackle corruption and money laundering through investigation, prevention, and education. Mauritius's turbocharged politics, high citizen perceptions of corruption, and risk-prone offshore sector complicated the commission's challenge. If the commission languished, it risked abolition, like the anti-corruption bodies that had preceded it.

## FRAMING A RESPONSE

Ujoodha's first step toward revitalizing the commission was a six-month internal audit. During the turnover of leadership and staff, ICAC's case files had fallen into disarray. "It was a mess; there was no proper filing of certain documents," he said.

In late 2006, Ujoodha drafted a three-year action plan for ICAC. "The focus was on capacity building, getting the right staff profile, getting a proper state-of-the-art case management system, and ensuring complementarity between investigation and

prevention," he said. "In a small island state, it is important to have such complementarity, because you don't do prevention in isolation." Ujoodha said law enforcement's deterrent impact would be unsustainable without preventive reforms.

Ujoodha said that although he recognized it would take time to build ICAC's investigative capacity, ICAC had to quickly ramp up investigations to demonstrate its efficacy. "The proper strategy was to start with what we had and then build upon it," he said. "When I came, in 2006, there were only 14 cases in court. Out of them, 10 concerned the MCB case, so there were really only five cases before the court." Ujoodha aimed for a more aggressive profile: "One of my primary strategies was for ICAC to be court oriented. We have to send the maximal number of cases to court in the quickest way." Ujoodha's "court-oriented" strategy meant keeping an eye on case clearance figures as a primary metric of success.

Ujoodha's court-oriented strategy suited the complementarity he sought between investigation and prevention. "We wanted all the risk-prone areas to have cases heard in parallel . . . to bring concern to public officials that they are being watched," he said. Such high-risk areas included quasi-governmental bodies and government offices delivering citizen services like customs, identity documents, and vehicle registration.

Finally, Ujoodha aimed to improve ICAC's reputation by building bridges with the media and the public. "We had to use the press," he said. "Even when they were criticizing us, we were happy about it because although they were mostly concerned with what had been wrong with the organization, they were discussing matters of corruption, helping us [publicize] this concern."

## GETTING DOWN TO WORK

Under Ujoodha's leadership, ICAC strengthened its capacity to conduct investigations, and it promoted preventive reforms and educational activities. In addition, ICAC collaborated with the FIU and other institutions to combat money laundering.

### *Building and training an effective team*

Staff turnover gave Ujoodha room to rebuild and reshape the ICAC workforce. "It took us time. We had to reorganize the whole thing, but we had patience," he said. Recruitment began in late 2006, and most positions were filled by late 2007. ICAC's special exemption from civil service regulations lowered procedural hurdles.

Investigative posts proved hardest to fill. As a small nation, Mauritius had a limited pool of seasoned investigators. Thus, Ujoodha decided to recruit for related skills and conduct internal trainings to bring new investigators up to speed. He welcomed applicants with academic backgrounds in accounting and finance, information technology, and engineering.

Training new recruits was "a huge problem," according to Vencatapillay, then senior community relations officer. Responsibility fell to former assistant police commissioner Chimunlall Ghoorah, who joined the commission in 2006 and became director of investigations shortly thereafter. "First, I conducted an assessment and found out the weak points we had," he said. "We had to establish the right strategies for proper capacity building for the newly recruited members of the staff, especially because there did not exist in the country prospective corruption investigation officers with the required experience."

Ujoodha and Ghoorah created an induction program that covered investigative procedures, evidence collection, and criminal law. Follow-up sessions were held daily or weekly, as needed. Senior ICAC leaders and local judges led the

sessions, monitoring staff closely to target remaining gaps. In 2007, ICAC introduced an investigation manual to formalize procedures.

Once prosecutions were under way, Ujoodha conducted ad hoc court-oriented trainings to address shortcomings he had observed in courtroom performance. ICAC prosecutors drilled by means of mock trials, enabling investigators to practice testifying in court. To institutionalize training as a continuous process, Ujoodha established a standing capacity-building team.

Foreign advisers provided additional training. Ujoodha solicited help from the US embassy, which began assistance in January 2007 by sending retired prosecutors as well as experts from the Federal Bureau of Investigation. "They helped us a lot in shaping up the practical strategy for the investigation: how to monitor, how to gather evidence, how to interview people," Ujoodha said. France, Britain, and the Commonwealth Secretariat also provided substantial technical assistance. ICAC staff trained abroad with peer anti-corruption agencies in Singapore, Malaysia, and Botswana. Ujoodha corresponded frequently with Hong Kong's commission, which had helped with ICAC's establishment.

Ujoodha said the bulk of staff training had concluded by the end of 2009, although "there will always be room for improvement, for streamlining procedures, and for doing faster jobs."

Other capacity improvements at the commission included an overhaul of the case management system, completed by late 2009, which bolstered staff morale. "Everything went faster, taking decisions went faster, because everything is computerized," Ujoodha said. The new system created more-detailed records of staff productivity, which helped to improve efficiency.

Computerization of case files also improved security. Staff scanned and made certified copies of all files for storage in separate, secure locations. Ujoodha said the disordered state of ICAC case files when he first took office required such measures. “When we took the [initial internal] audit, we failed to see certain files, and we didn’t want to risk that happening again,” he said.

ICAC reinforced staff integrity by vetting new recruits and propagating a code of conduct. Induction training, the investigative handbook, and periodic training sessions all covered the code, so that staffers were “always reminded about integrity,” Ghoorah said. The code required investigators to disclose their interests in any case they became involved in, after which they were insulated from access to case information. Clear procedures and staff hierarchies facilitated control of confidential information.

The implementation of such rigorous procedures and the increase in corruption investigations created a high-pressure working environment. Staff faced high expectations and regularly worked nights and weekends. Ali Jaumdally, assistant director of investigation, conceded that “the morale is up and down,” but said the constant pressure of media and public scrutiny bonded the staff. In addition, staffers forged connections through interdivision committees, team-building exercises, and social events organized by a staff committee.

By 2013, ICAC had 150 staffers, half of whom performed investigative work.

#### *Increasing the reach of investigations*

Capacity building had a dramatic impact on ICAC investigations. The commission filed its first case under Ujoodha in October 2006. Twenty cases were filed during Ujoodha’s first year, and annual totals rose steadily thereafter.

Initially, most cases involved low-level incidents of bribery, abuse of office, or related offenses. “The law doesn’t separate small and big cases,” Jaumdally said. However, subsequent high-profile convictions included the lord mayor of Mauritius’s capital, Port Louis; the mayor of Quatre Bornes, another major city; the chief commissioner (chief executive) of the autonomous region of Rodrigues; and the heads of a few quasi-governmental bodies. Several then current and former ministers were also investigated, although these cases dragged on through numerous appeals.

Ujoodha also restarted the MCB investigation from scratch so as to build a more methodical and more jurisdictionally sound case that would lead to the prosecution of several high-status defendants, including the bank itself for failing to take reasonable measures to guard against money laundering. Trials in the case began in 2009 and were still ongoing in 2013 due to the complexity of the case. “Gradually, based on these kinds of cases, we started to build up our trust,” Ujoodha said.

Investigative teams blended officers with different skill sets. “For example, on a small team, we may have someone with a police background, someone with a management background, someone with an engineering background,” Jaumdally said. Teams typically had one senior investigator for every two or three junior investigators.

The investigative division maintained a few distinct units, such as the money-laundering group, but otherwise favored flexibility over specialization. This contrasted with the sector-specific approach of anti-corruption agencies in such countries as Botswana and Croatia. Jaumdally said ICAC experimented with sector-specific teams around 2009 but found the approach disadvantageous. “First, it’s resource intensive, and we don’t have enough resources,”



he said. “Second, we identified that having the same investigator investigating the same ministry presents risks of collusion. Third, in Mauritius, when you start to investigate a case, it may start with one sector but as it goes on, it may cross sectors. Someone who is specialized within a specific sector tends not to see any offenses outside that sector.” He added that specialization could disrupt work flow if cases became too dependent on the availability of specific experts.

ICAC investigators often worked side by side with police officers, many of whom were former colleagues. A dedicated unit of eight police officers based at ICAC assisted with operations requiring police powers that ICAC lacked, such as conducting sting operations and making arrests. In money-laundering cases, ICAC relied on the police to secure proof of the predicate offense (the crime whose proceeds were being laundered), because ICAC lacked jurisdiction over ordinary crimes. Such assistance led to a legal challenge over whether ICAC was exercising back-door police powers, but the Supreme Court ruled in 2003 that cooperation between ICAC and the police was in compliance with both the letter and the intent of the law.<sup>21</sup>

Each investigative team fell under the supervision of a chief investigator, the assistant director of investigation, the director of investigation, and, ultimately, the director general. Along the way, each of those supervisors raised and resolved objections and recorded assessments in the case file, sometimes in disagreement with others. Ujoodha said the multiple checks on each case reduced error caused by individual discretion and reinforced the integrity of the process.

The ICAC’s three-member board of directors decided which cases to recommend for prosecution. The director general chaired the board, and the prime minister appointed the

other two members based on their relevant experience in finance, accountancy, or law. The board made decisions by majority, but Ujoodha said it operated “collegially” in practice. Sometimes members raised objections that prompted a case’s reconsideration. “We are different people with different characteristics,” he said, giving rise to “very fruitful fights” over cases. The other board members were Indira Manrakhan, former director of ECO, and Imrith Hamid (replaced by Rashida Bibie Domah upon his death in 2010), who had a regulatory background.

The Directorate of Public Prosecution had the final say on whether to prosecute cases ICAC recommended. Before the DPP made its decision, ICAC presented its case and submitted all case files and evidence. “The whole idea is to have an institution that is independent to review our evidence,” said Kaushik Goburdhun, ICAC’s chief legal adviser. Goburdhun explained that the DPP’s reputation for independence dated back to the colonial era.

The DPP typically delegated prosecution to ICAC’s legal team, although it retained the constitutional authority to take over or discontinue the prosecution at any time. ICAC’s legal team actively provided legal advice during case investigation and consulted with DPP prosecutors to clarify legal issues. That collaboration extended through trial and appeal. “The ICAC and the office of the DPP have a good working relationship,” Goburdhun said. “We share notes on how to tackle legal arguments. Of course, should a complainant not wish to proceed with a case, the DPP is consulted anew as to whether the case should be continued.”

ICAC investigations often crossed borders, requiring the help of foreign agencies. Ujoodha said that ICAC usually had little trouble securing such assistance, although Jaumdally

conceded that doing so could be a “lengthy process.” ICAC maintained strong relations with regional peer agencies and participated actively in international bodies such as the Southern African Forum Against Corruption and the Africa group of the Commonwealth Secretariat. International cooperation gave ICAC access to peer agencies’ specialized capabilities, such as South Africa’s forensic expertise.

*Guiding reforms to reduce corruption risks*

“We focus on areas more prone to corruption, areas where we can bring a change,” said Isswar Jheengut, director of ICAC’s prevention and education division. Preventive activities aimed to help public sector institutions identify and address corruption risks.

ICAC’s flagship preventive activity was the corruption prevention review. Jheengut said such reviews “focused on the systems and procedures in public sector organizations—to identify loopholes and weaknesses that provide opportunities for corruption. Once these are identified, the corruption risks are analyzed and then recommendations made to address those risks.”

Ujoodha said in 2013 that ICAC had completed 30 major reviews, targeting those institutions most exposed to structural corruption risks and most subject to public complaint. Initially, the commission faced resistance from public bodies, which preferred ICAC to conduct its reviews discreetly, but Ujoodha insisted on making the reviews public. “I don’t want a blame-and-shame culture, but I want a frank culture,” he said. ICAC argued that taxpayers had a right to read reports about public agencies. “Little by little, they started to understand the need to change,” Ujoodha said, although he conceded that institutional leaders sometimes dragged their feet on implementing recommended reforms.

Although ICAC lacked the authority to compel implementation, Ujoodha said he pressured uncooperative ministries by interacting directly with their ministers, who were wary of negative publicity and eager for efficiency gains. “When they get [my] letter, we see that things happen very fast,” Ujoodha said. Jheengut agreed: “If you get the commitment of the top people, the others will follow.” As an incentive, ICAC publicized offices that had made strides toward reform. By improving system transparency, the reviews also boosted efficiency. For example, reforms prompted by systems reviews cut days off the time it took for citizens to receive birth certificates.

ICAC produced other preventive tools to complement corruption prevention reviews. Staff published best-practices guidelines for risk-prone areas like contract management, procurement, staff recruitment, overtime management, and licensing and permitting. In addition, ICAC helped public sector bodies develop codes of conduct. “We’re trying to address both parts” of corruption prevention, said Jheengut—“the system part as well as the people part.” ICAC held workshops on implementing recommendations, using best-practices guides, and developing and complying with codes of conduct.

In 2010, ICAC developed a Public Sector Anti-Corruption Framework, a globally recognized innovation.<sup>22</sup> The framework required agencies to take responsibility for proactive risk management by establishing anti-corruption committees, policies, and procedures. “They need to do an assessment themselves,” Ujoodha said of public sector agencies. “They would know [their own corruption risks] better than anybody else.” Jheengut stressed that the framework supported a continuous review process in order to address emerging corruption risks.

“We started in 2010 with two ministries, and today all the ministries are happy to have us on board,” Ujoodha said of the framework. “They want us to help, they want to see progress, they want to see that people do not look at them with suspicious eyes.” Ujoodha said that agency staffers were often enthusiastic about the framework, because it gave them “a tool to go tell their boss, ‘Look, this is not what you’re supposed to do.’” For example, the framework required the establishment of clear, concise, and specific criteria for staff recruitment, as well as checklists for possible conflicts of interest.

By reducing individual discretion, the framework saved taxpayers money, Ujoodha said. As an example, Ujoodha pointed to a policy that had allowed the finance minister to issue exemptions from customs regulations for companies claiming economic hardship. In a recommendation to the ministry, Ujoodha described that power as too arbitrary and prone to corruption. The minister agreed to relinquish it, which Ujoodha estimated saved the country Rs400 million (US\$13 million) per year.

ICAC had the power to propose legislative reforms through its parliamentary supervisory committee, which it used to reinforce systemic changes. For example, upon ICAC’s request, parliament amended the customs law to remove the minister’s discretion to carve out individual exemptions. In another case, ICAC detected a problem of passport office staffers’ soliciting bribes to expedite processing but couldn’t prove such crimes were occurring. So, ICAC secured a legislative change establishing an express track whereby citizens could pay an extra fee to receive a new passport in one day rather than a week. To counter the office’s complaints, Ujoodha said ICAC provided statistics demonstrating the office’s capacity to handle the change in workload. The procedural change increased

transparency, predictability, citizen satisfaction, and government revenue. In another legal change, ICAC streamlined the granting of marriage licenses to foreigners, thereby cracking down on tourism operators who imposed extortionate fees on the many foreigners who sought destination weddings in Mauritius.

In line with Ujoodha’s goals, ICAC’s investigative and preventive divisions worked to dovetail their efforts. “This synergy is important,” Jaumdally said. “If we find trends, for example, with a specific offense or specific branch of a ministry or parastatal, we tend to refer that to the prevention division for them to look at the procedures, the policies there, to close the gap, to make recommendations to reinforce their policies and procedures, . . . to do corruption education.” Investigative staff helped the prevention staff to develop codes of conduct and to conduct educational workshops for students and community members.

#### *Disseminating anti-corruption norms*

ICAC’s educational activities included workshops for public servants and mass communication campaigns across broadcast and print media and public billboards. “We use a variety of tools and methods to make sure that one reinforces the other,” Jheengut said. These efforts helped raise awareness about corruption and solicit relevant tips that were received either in person or by telephone or e-mail. ICAC targeted youth with its media campaigns and increasingly engaged in social media activities such as online interactive debates with ICAC leaders.

ICAC also worked directly with the education ministry to integrate student anti-corruption activities into the scholastic schedule. Those activities included competitions in speaking, writing, and design; special International Law Day activities; curricular

modules for values-based education; and secondary-school integrity clubs—an idea adopted from Hong Kong.

“It’s very difficult to educate people not to be corrupt,” Ujoodha said. “It’s like educating people not to be dishonest. We have to be realistic. At least, we’ve made these people aware that they live in a country with the rule of law. . . . We tell them that if you’re going to be corrupt, then one day you’re going to be caught and you will face the penalty.”

### OVERCOMING OBSTACLES

Although ICAC’s preventive anti-corruption efforts and money-laundering investigations had relatively low profiles, the commission’s investigations of high-level corruption generated intense scrutiny by the public, the media, and politicians. The resulting controversies hindered the commission’s efforts to win public trust and project political independence. Some of the factors of that distrust were beyond ICAC’s control, such as Mauritius’s combustible politics and legal restrictions on the commission’s public communications. However, critics also raised legitimate concerns about ICAC’s public relations and formal independence.

Opposition politicians and supporters often accused ICAC—like the Economic Crime Office that had preceded it—of political bias. Initially, they faulted ICAC for inaction on major scandals. As ICAC prosecuted more and more high-level politicians, critics accused ICAC of targeting only antagonists of the prime minister.

One flashpoint for controversy was the Medpoint case, which concerned alleged price inflation of a government contract to buy a private health clinic called Medpoint. In 2011, when ICAC arrested and charged the minister

of health in connection with the case, six other cabinet ministers quit the government in protest, leaving the ruling coalition with a thin majority. Ujoodha said the investigation showed the commission’s independence. “We arrested the sitting minister of health, and when we did that, the public realized that politicians have no impact on ICAC,” Ujoodha said.

Later in 2011, ICAC arrested Pravind Jugnauth, one of the ministers who had resigned, in connection with the Medpoint case. Pravind Jugnauth was a major party leader, a relative of the health minister already under investigation, and the son of president and former prime minister Anerood Jugnauth. Opposition politicians were furious at ICAC.

Some Mauritians saw the Medpoint case as a bold attack on high-level corruption. Former education minister Dharam Gokhool lauded ICAC for “conducting investigations in a patient, systematic, and thorough manner,” adding, “The gain in public confidence by ICAC is essential for it to deliver on its mission. There is today a quasi-national consensus that ICAC is doing a good job in [the] public interest.”<sup>23</sup> However, others considered the Medpoint case a witch hunt. A *L’Express Tribune* editorial called for ICAC’s dissolution, calling the commission an “irretrievably lost cause . . . ineffectual, expensive and increasingly politically motivated.”<sup>24</sup>

Ujoodha dismissed such barbs as ploys to discredit the government by delegitimizing ICAC. “There was political pressure by the opposition at that time, but if you look at what the press was doing, it was just a political game,” he said. Ujoodha labeled the attacks hypocritical, saying that opposition leaders accused ICAC of political bias for dragging its feet on the Medpoint case and then accused ICAC of political bias again when the

### Box 1: Partner Institutions in ICAC's Fight Against Money Laundering

In its fight against money laundering, ICAC benefited from Mauritius's sophisticated system of financial regulation, including path-making institutions like the Financial Intelligence Unit.

In 1988–92, Mauritius liberalized its banking sector to position itself as a portal for global investment into India and Africa, taking advantage of bilateral treaties against double taxation, an educated and multilingual workforce, and a common-law legal system under the jurisdiction of the Privy Council of the United Kingdom. Wary of being branded a tax haven, Mauritius sought to replicate the conservative, well-regulated offshore sectors of Singapore and Hong Kong. “We made sure in the very beginning that we wanted only the top banks in the world,” said Dev Bikoo, former assistant director of Mauritius's central bank and founding director of its FIU. “Mauritius had a real domestic economy; it could afford to be strict with regulations.”

As Mauritius's offshore sector boomed, it came under increased international scrutiny. In response, Mauritius passed laws in 2000 criminalizing money laundering, codifying industry best practices, and reframing financial regulation. Under the new framework, the central bank regulated all banks, and a new Financial Services Commission regulated other financial service providers.

A new law in 2002 created the FIU to (1) receive suspicious-transaction reports from banks, businesses, and other entities; (2) analyze the reports to determine their reasonableness; and (3) report its findings to law enforcement bodies such as ICAC and the police. The FIU followed international standards for fighting money laundering and terrorist financing set by the Financial Action Task Force on Money Laundering, which monitored compliance and blacklisted delinquent countries.

One of the FIU's early priorities was to qualify for membership in the Egmont Group of Financial Intelligence Units, a forum for international cooperation. “To be effective [in fighting money laundering], you must exchange information,” Bikoo said. With the assistance and sponsorship of the Financial Crimes Enforcement Network of the US Treasury, Mauritius joined the Egmont Group within one year. As the leader of Africa's first FIU, Bikoo became regional representative for Africa for 2003–13. To staff the FIU, Bikoo recruited about a dozen analysts with backgrounds in forensic accounting, finance, and information technology. He trained new recruits on-site. Staff turnover was high, however, due to private-sector demand for financial intelligence skills. FIU staffers observed a code of conduct and strict confidentiality rules, and they filed declarations of assets and liabilities with ICAC.

Staffers performed computerized analysis of suspicious-transaction reports by using data from banks, public databases, and the Egmont Group. Bikoo said: “We try to reconstruct the crime, collect information as much as we can, try to identify the techniques used, who are the people behind it, where the money is now, who are the ultimate beneficiary owners, and where the assets are kept. . . . The best way to hit money launderers is in their pockets.”

The FIU also worked with financial regulators to issue guidelines and train financial institutions on regulations and best practices. FIU staff conducted national risk assessments to detect emerging risks and disseminated them online and through workshops by using as teaching tools certain sanitized cases—meaning, cases stripped of identifying information. Beginning in 2010, Bikoo developed financial regulation courses for Mauritius's two universities.

The FIU collaborated with ICAC and other related institutions through the National Committee on Money Laundering, chaired by the finance minister. The committee met monthly to discuss strategy and resolve jurisdictional disputes. In 2011, Mauritius passed an asset-recovery law that created a legal process for law enforcement to seize unlawful proceeds, even without a criminal conviction.

commission issued charges. Furthermore, Ujoodha highlighted that both of the ministers in question were seated in the cabinet when the investigation began.

In Mauritius's fluid politics, political loyalties were often in the eye of the beholder. Critics insisted that ICAC targeted the ministers only after the latter had fallen out of favor with the prime minister and that ICAC held back from charging other culpable politicians who were under the prime minister's tacit protection. Napal, the university professor, said: "If people in the opposition are involved in corruption, they'll

be judged. If people in the government were involved in corruption, they would be questioned, but the outcome might be different." As an example, she cited a minister who resigned in 2003 after allegations of corruption, returned to office after charges were dropped, and continued to serve after a change in government. Conversely, Ujoodha pointed to other government politicians whom ICAC had prosecuted, such as the mayor of Quatre Bornes and the governor general of Rodrigues.

At a structural level, critics charged that the appointment process for ICAC's director general compromised the commission's independence. "The problem is that the appointment of the director general of the ICAC is a political one," said Prayag, the newsmagazine editor. "There's always the perception that the person appointed belongs to the prime minister's side, so he will be soft on that side. . . . Maybe 99% of people will tell you they don't have any trust in ICAC. They believe it is terribly biased." Napal agreed: "By definition, there are expectations of political nominees. Is it reasonable to expect institutions with politically appointed heads to function autonomously?"

Ujoodha had several responses to accusations of politicization. First, he noted that his appointment process was the same for other institutional leaders, such as the FIU director, who garnered far less controversy. Second, he said he had no reason to respond to political pressure, because his position was relatively secure. He could be removed only in cases of gross misconduct, as determined by a special committee chaired by a lawyer or judge and convened with the consent of the parliamentary supervisory committee and the attorney general. "I believe I am the most protected person in the country," he said.

Third, ICAC's investigative process included several levels of scrutiny, which limited the director's individual discretion over case decisions. Fourth, the constitutionally independent director of public prosecution had final say over which cases went to court. Fifth, members of the parliamentary supervisory committee, split between government and opposition lawmakers, could scrutinize ICAC decisions and even ask about closed cases in confidential sessions.

Ultimately, Ujoodha dismissed perceptions of politicization as political gamesmanship inevitable in Mauritius's political environment. "In a small, vibrant island state such as Mauritius, you won't be able to remove that perception immediately," he said. Nevertheless, other, comparable republics, such as Latvia and Slovenia, had addressed similar concerns by putting the selection of their anti-corruption commissioners under the control of judicial commissions.

ICAC's public perceptions were also rooted in poor public relations. Napal said ICAC could improve its communications. "They should be communicating on a regular basis. . . . If you communicate transparently, a big part of the

problem is solved. If you don't want to do that, your style speaks for itself." She felt that a better relationship between ICAC and the public would have mutual advantages: "The public would benefit from high levels of faith and trust in the system, and ICAC would be more credible."

Prayag also faulted ICAC for its poor media relations. "They don't talk to us enough," she said. "They believe that we are against them and we are out to get them. That's not true. What we want is the truth. If they can give us the truth, if they can answer our questions, we are very happy to publish them. . . . They can get their point of view across."

Ujoodha acknowledged that "there was a deficit in communication" but blamed the press for "deliberately failing to comprehend the role the media, as a stakeholder, is asked to play in the fight against corruption." Jaumdally added that although ICAC tried to emphasize media interactions, "Our law is very strict in giving out any information that we encountered during the course of our investigation. The director general is the only person empowered to impart such information to the press based on public interest criteria. . . . It's very difficult to deal with this in some cases, because people tend to hear only one side of the story. They don't tend to hear ICAC's side."

Prayag said she was sympathetic to ICAC's legal constraints but that she believed the commission was still too passive in its public relations. "They have to know that they are paid from public funds and if they're paid from public funds, they are accountable to the public, and the public has to know what's going on," she said. "I'm sure there are certain things the law allows them to tell us, but they don't. Their work is not only fighting corruption but fighting the perception of corruption as well. They're not doing that."

ICAC's communications deficit extended beyond media relations. Vencatapillay, the former senior community relations officer, said the commission lacked a well-developed communications strategy to disseminate its messages to the public. Civil society members complained that ICAC neglected them as potential partners. "There's not much visible cooperation between the two institutions," Venkatasawmy said of ICAC and Transparency Mauritius, on whose board he had served.

All of those communications barriers hindered ICAC from countering accusations made by targets of investigation and their allies. "When a high-profile person is investigated or arrested," Ujoodha said, "he's going to use every means to undermine the organization. . . . It's very difficult to make people understand the [legal] procedures, [and] it's hard for ICAC to respond about particular cases." For example, ICAC could not reveal any of the details behind anonymous sources. Nevertheless, Ujoodha trusted the majority of the public not to buy into political spin. "The general public knows what the game is," he said. "We shouldn't underestimate what the public knows." Ujoodha conceded that "you can't convince everybody" but said he believed the commission's successes in court would ultimately win public confidence, if they hadn't already.

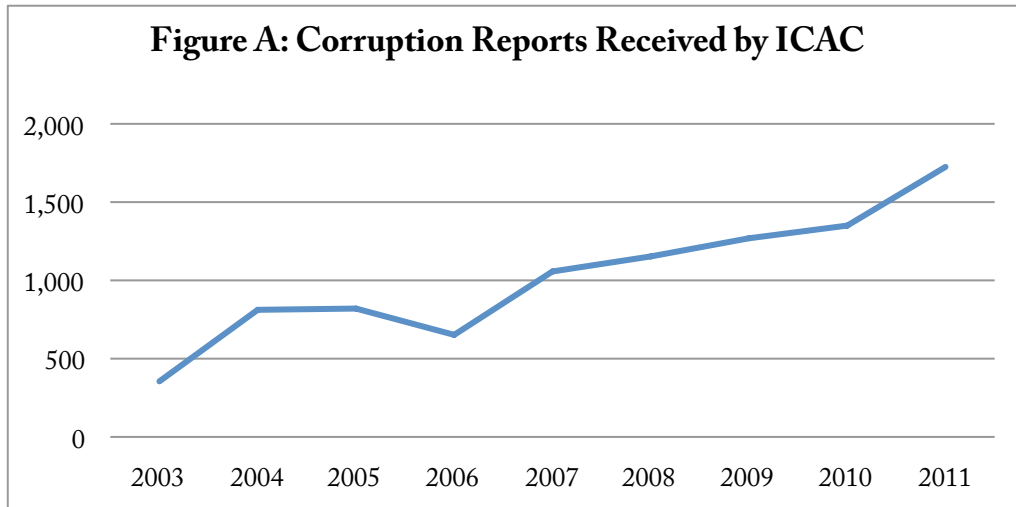
## ASSESSING RESULTS

Ujoodha said that ICAC's rising intake of corruption complaints, which had tripled from roughly 600 in 2006 to more than 1,800 in 2012, demonstrated public trust in ICAC (Figure A). In addition, Ujoodha said, more complainants disclosed their identities, thereby easing prosecutions.

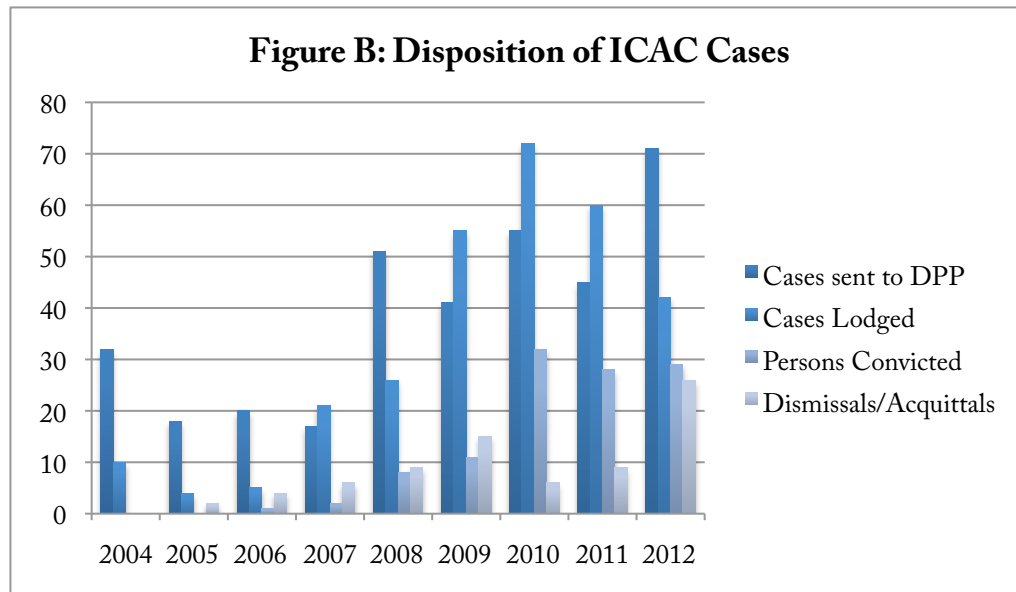
As shown by Figure B, ICAC ramped up its investigations significantly under Ujoodha,

averaging about 50–60 cases yearly beginning in 2008, when the investigative team reached full capacity. Before 2008, ICAC had obtained only four convictions for corruption and money laundering. From 2008 to 2012, ICAC obtained more than 110 convictions, equaling a conviction rate of about 85% (from 2004 to

2012, the rate was 77%). Ujoodha blamed many of ICAC’s courtroom losses on witness withdrawals, a persistent problem in insular populations. “Proximity makes it difficult to make sure that witnesses do not meet friends or relatives of the accused,” he said, and ICAC had limited resources to shelter witnesses.



Source: ICAC



Source: ICAC



ICAC's focus on courtroom victories won some qualified admiration. "Ujoodha is somebody who really knows the law inside out, and they have actually won quite a few cases," said Prayag, "but fighting corruption requires more than just winning some court cases." However, critics argued that petty corruption cases inflated ICAC's statistics. "The public believes that ICAC wins only low cases," said Vencatapillay of Transparency Mauritius, who called ICAC "obsessed with the number of cases" it pursued.

Ujoodha defended ICAC's prosecution of small-scale cases. "We knew exactly where the systemic corruption was: the police, the customs, certain ministries, certain local authorities," he said. "So, out of the complaints we were getting, we were prioritizing to send a significant percentage of those cases completely to court, to send a signal across the country that . . . there wouldn't be any kind of cover-up or overlooking . . . we would investigate anything from the slightest case of corruption to the biggest one."

The narrow tailoring of Mauritius's anti-corruption laws impeded prosecutions. "There needs to be an overhauling of the law; the law is too technical," Ujoodha said. For example, ICAC's work on several major cases fell short because the commission had no authority to investigate conspiracy offenses—even those related to corruption.

Mauritius's legal system also gave defendants numerous opportunities to delay proceedings, with several levels of appeal. Prayag said prolonged proceedings undermined ICAC's reputation. "Delays make it look biased and like a bulldog that doesn't have any teeth," she said. For example, she said the delaying tactics of defendants in the Medpoint case were "making a mockery of the law."

ICAC's preventive activities helped inspire similar efforts among regional peer agencies in

countries like South Africa and Botswana. The Public Sector Anti-Corruption Framework won a United Nations Public Service Award in 2012, with a citation that lauded ICAC's "effective and responsible work."<sup>25</sup>

Some critics were skeptical of the payoff of ICAC's educational activities. "The big issue is that [the commission] deploys a lot of tactics but fails to oversee the whole operation holistically, which could have been much more effective in the long run. Besides, they have a lot of campaigns, but they don't measure impact," Vencatapillay said. Prayag said ICAC's failure to secure high-level convictions undercut its educational messages. "People will stop being corrupt when they see that there is punishment," she said.

In evaluations issued in 2003 and 2008 on behalf of the Financial Action Task Force against Money Laundering, the International Monetary Fund commended Mauritius's efforts against money laundering. "By December 2012, we had implemented practically all of the recommendations that had been made," Bikoo said of the evaluations. The 2008 evaluation recognized the country's success in managing money-laundering risks and concluded: "Mauritius is well-placed to capitalize on its national strategy to diversify its economy into global financial services by taking advantage of its linkages with both African and long-standing arrangements with the larger Asian economies."<sup>26</sup>

Mauritius led efforts to develop financial intelligence units across Africa. "We wanted to be a leader in financial intelligence in the African region," Bikoo said. "You can't say you have good systems if the neighbors around you are not as developed as you are." Bikoo collaborated with African peers to develop workarounds for regional challenges such as the predominance of cash-based transactions and the lack of fixed addresses for many individuals

and businesses. Mauritius sponsored the financial intelligence units of India and several African states for Egmont Group membership.

## REFLECTIONS

While Mauritius had reasons to be proud of its progress in combating both corruption and money laundering, political opposition and public skepticism overshadowed its investigations of high-level corruption.

The relative ease with which the FIU took root as a trusted institution provided an interesting point of comparison. ICAC and the FIU were established around the same time, but several factors distinguished them. The FIU focused on money laundering, a niche issue affecting mostly foreign investors; ICAC concentrated on corruption issues that implicated powerful domestic interests. The Mauritian government built its offshore-finance sector from scratch and regulated it carefully from the start. Domestic actors had less leeway to roll back existing money-laundering controls than to prevent stronger anti-corruption controls.

Furthermore, international experts had set clear guidelines to control money laundering by using monitoring and enforcement tools. In contrast, there were no anti-corruption blueprints for ICAC to follow, although foreign institutions and international treaties provided guidance.

Finally, Mauritius had more incentive to clean up money laundering—a global concern—than it did corruption. International actors kept watchful eyes on Mauritius’s lucrative offshore sector. In contrast, Mauritius faced little international pressure to address internal corruption, which was low in regional perspective.

There was no such nuance in the broad political support for the FIU. “In Mauritius, we had strong political will right from the beginning,” said FIU director Dev Bikoo.

“There’s a consensus that [the FIU] should be independent.” Even in cases where the FIU flagged issues in suspicious-transaction reports that it received and passed on to law enforcement concerning high-level officials and their relatives, Bikoo reported no blowback or political interference.

Politicization remained a risk for ICAC, although its director general, Anil Kumar Ujoodha, said ICAC had become too entrenched to suffer abolition the way the Economic Crime Office had. “I don’t think that politicians will gamble again on this issue,” he said. “If they abolish ICAC, it would send the wrong signal to the international community.”

Others saw the need to restructure ICAC to ensure its independence. Proposals included changing the appointment process of ICAC’s director general and amending the constitution to enshrine ICAC’s independence. Political activist Ram Seegobin saw the need to resituate ICAC under a constitutionally independent body such as the judiciary or the electoral commission, saying: “Something like ICAC should be part of the judiciary. That would give it more credibility, and people would be inclined to trust the commission.” However, making ICAC a judicial institution would likely require paring back its investigative powers so as to maintain a balance of powers between legal institutions.

Azagen Vencatapillay, chairman of Transparency Mauritius, called the anti-corruption law quite weak in many respects. He listed several legal defects: silence on the issue of political corruption; a corruption definition that covered only public officials, an imprecisely defined term; inadequate penalties for corruption crimes; and impediments on ICAC communications. He hoped for future reform, praising ICAC for “working hard” to lobby for amendments.

Communication challenges and courtroom delays prevented ICAC from building public

trust, especially when it came to major cases widely reported in the media. “More than corruption, what we have is impunity,” said news editor Touria Prayag. “Those who are powerful never get punished for their corrupt practices. They always somehow get away with it. In my opinion, it is this impunity and cronyism that gives the impression of corruption. And that impunity is not just a perception; it is a fact.” ICAC’s difficulty in obtaining timely convictions for high-level defendants reinforced that perception.

When asked about the fierce criticism the commission faced in the press, Ali Jaumdally, assistant director of investigation at ICAC, laughed and quoted a Creole proverb: “*Pied qui rapport fruits ki gagne cout roche*,” meaning that people throw stones only at a tree that has produced fruit (to knock the fruit down). In Mauritius’s contentious political climate, ICAC leaders felt they would rather provoke outcry than apathy.

Ultimately, the opacity and under-regulation of political financing in Mauritius were widely acknowledged sources of corruption that the commission could do little about. Anti-

corruption agencies in other countries were typically uninvolved in issues of political finance. Latvia’s Corruption Prevention and Combating Bureau was a notable exception that had made significant gains against high-level corruption in a similar context. Like Mauritius, Latvia was a small country with a competitive democracy and independent media, with corruption concentrated at high levels of government. Latvia’s anti-corruption bureau was able to demonstrate its independence and win public support sufficient to shield it from political blowback when it pursued corruption at the highest levels of government as a watchdog against both corruption and political finance violations. In contrast, ICAC’s reputation suffered from lack of domestic and international sources of support.

Six years into Ujoodha’s term as director general of ICAC, the commission had recovered from its earlier stumbles and had made significant progress on many fronts. But unresolved challenges remained. To turn the tide against corruption, the commission would need to shore up its public support.

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