



ANTI-CORRUPTION COMMISSION
SEYCHELLES

CONFLICT OF INTEREST POLICY

APRIL 2019

1. Introduction and Applicability

The ACCS's efforts to investigate, detect and prevent corrupt practices could be compromised by any ethical lapses on the part of individuals working for or representing it. It is essential that every person associated with ACCS be highly sensitive to potential conflicts of interest. This conflict of interest policy is designed to help all public officers working for ACCS identify situations that present potential conflicts of interest and to provide ACCS with a procedure that, if observed, will validate an action by dealing with a conflict of interest situation surrounding it.

Conflicts of interest may arise from time to time in the course of the performance of a person's activities and decisions on behalf of the ACCS. They may arise in their work for the ACCS with regard to pecuniary or financial interests, or interests that impede the person in their duty to act in the best interest of the ACCS.

Definition of Conflict of Interest

For purposes of this policy, a conflict of interest is a situation in which any person working for the ACCS or a public officer representing it has a private interest that can influence the objective and impartial exercise of his or her official duties. Furthermore, a conflict of interest situation includes a situation where the person working for or representing the ACCS has a relative or an associate, with whom they have a close personal relationship, that has a direct or indirect interest in a decision that the ACCS has to take and which can improperly influence the person working for or representing the ACCS in discharging his or her functions.

2. General Policy

- a) Every person associated with the ACCS (according to paragraph 1) must avoid or manage any potential real or perceived conflict of interest (inter alia by declaring their interest in a matter and recusing themselves, in writing, from the meeting or process at which the matter is to be discussed and decided). All potential or actual conflicts of interest in the knowledge of a person associated with the ACCS should be openly acknowledged. Please refer to **'Declaration of Interest' Section 13 (1) and (2) of the Anti-Corruption Act, 2016 and also Section 8 of the Public Officers Ethics Act, 2008.**

- b) There shall be established at ACCS a 'Conflict of Interest Declaration Form' and a 'Conflict of Interest Disclosure Register' to enable the actualisation of **'Disclosure of interest' Section 31(1), (2) and (3) of the Anti-Corruption Act, 2016 and Section 8 of the Public Officers Ethics Act, 2008.** These will be fundamental instruments of transparency which will keep track of declarations made by persons working for or representing ACCS in matters under consideration by the ACCS. These instruments will be maintained and submitted to the Chairperson of the ACCS Ethics Committee who shall hold them, and act upon them as

appropriate, in confidence. The ACCS shall demonstrate that due processes are in place for robust conflict of interest management.

- c) All public officers in the employment of the ACCS are expected to familiarise themselves with the contents of the ACCS 'Managing Conflict of Interest Handbook' that provides a detailed approach on identifying and managing conflict of interest situations.

3. Disclosure of interest

Within the spirit of **Section 31 of the Anti-Corruption Act, 2016 and Section 8 of the Public Officers Ethics Act, 2008**; ACCS will expect its officers to undertake the following with regard to disclosure of interest:

- a) Where ACCS proposes to deal with any person or company, partnership or other undertaking in which an ACCS officer has a direct or indirect private or personal interest, the ACCS officer shall forthwith disclose, in writing to the ACCS, the nature of such interest and shall not take part in any proceedings or process of the ACCS relating to such decision.
- b) Where an ACCS officer or a relative or associate of the ACCS officer has a personal interest in a decision to be taken by the ACCS, the ACCS officer shall forthwith disclose, in writing to the ACCS, the nature of such interest and shall not vote or take part in any proceeding or process of the ACCS relating to such a decision.
- c) An ACCS officer who contravenes the provision of (a) and (b) above commits an offence.

4. Code of Conduct and Ethics

All ACCS officers are encouraged to familiarise themselves with the guidelines of the 'Code of Conduct and Ethics. Handbook for Public Officers. 2009'. The Code provides an important ethical framework that buttresses the efforts in place to deal with conflicts of interest within ACCS.

5. How to deal with a possible Conflict of Interest

- a) Potential conflicts of interest should be identified and declared by the person in potential conflict, or reported by other persons, as soon as they become aware of such potential conflicts of interest.
- b) Such disclosures or reports should be made in writing to the Chairperson of the Ethics Committee of ACCS or to another suitable senior official of the ACCS designated by the Commission.
- c) Disclosures should be made using the 'Conflict of Interest Declaration Form' and entered into the 'Conflict of Interest Declaration Register'.

- d) The evaluation of a potential conflict of interest must be made by the Ethics Committee of the ACCS. The evaluation may determine the absence of a conflict of interest, or it may lead to the conclusion that:
 - I. the respective person should not go ahead with the evaluated activity or that;
 - II. he/she should recuse themselves from participating in decision making or process on the relevant matter in conflict by the ACCS.

- e) The Commission is responsible for ensuring that all persons associated with the activities of the ACCS are made aware of the policy and procedures regarding conflict of interest. In addition, this policy and related procedures should be made available to the ACCS staff through relevant channels.

6. The Commissions Ethics Committee

The Commission has established an Ethics Committee for the purpose of providing advice and guidance on ethical questions to anybody associated with the ACCS. The Ethics Committee's composition, Terms of Reference and contact details can be obtained at the ACCS offices.

7. Scope of this Policy

This policy sets the minimum standards on managing conflict of interest to be observed by all ACCS staff and all persons that are associated with its work.

8. Approved by the Commission:

Marie Claire Elizabeth	Commissioner
Michel Felix	Commissioner
Pricille Chetty	Commissioner
Hardy Lucas	Commissioner
Nisreen Abdulmajid	Commissioner
Daniel Belle	Vice Chairman

Honourable Justice Duncan Gaswaga

Chairman