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NKRA ANTI-CORRUPTION REFORM
EFFORT IS GUIDED BY A **TOP-DOWN AND
BOTTOM-UP FRAMEWORK**

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ENHANCING INTEGRITY AND SUSTAINABILITY IN THE CAMERON HIGHLANDS GREENING PROGRAMME

Twenty-nine trainees in the Certified Integrity Officer (CeIO) Series 10, Batch 2/2015 conducted by the Malaysia Anti-Corruption Academy (MACA), participated in the fifth series of the Cameron Highlands Greening campaign recently.

The trainees, who included the then Integrity and Governance Division (BITU) Director, Puan Anis Rizana Mohd Zainudin, worked hand-in-hand with volunteers from government agencies and non-government organisations (NGOs) to transplant some 4,000 wildings at Compartment 5 in the Gunung Siku Forest Reserve.

The greening campaign is a forest rehabilitation effort jointly organised by the NRE and the Forestry Department Peninsular Malaysia (JPSM) in the wake of the tragic landslide and mudslide that happened in the Cameron Highlands on 5 November 2014.

It involves clearing the illegal farms in Cameron Highlands and subsequently replanting the trespassed area with wildings collected from the forest reserves of Gunung Siku, Ringlet, Mentigi and Gunung Berembun.

Launched in December 2014 by Natural Resource and Environment (NRE) Minister, Datuk Seri Palanivel, the Cameron Highlands Greening campaign aims to restore the viridity of the forest reserve in Cameron

Highlands by replanting one million trees over the next three years.

However, reforestation effort will have limited success if the many underlying reasons for the illegal activities are not addressed.

Minister in the Prime Minister's Department in charge of Governance and Integrity, Senator Datuk Paul Low Seng Kuan has assigned the BITU to develop ecological awareness among the local community, and enhance integrity and sustainability in the greening campaign.

Apart from the replanting exercise, the CeIO participants also conducted education and awareness programmes to engage and empower the local community to monitor the progress of the greening campaign.

"We have appointed 69 'Change Champions' comprising the Orang Asli batins (headmen), legitimate farmers and NGOs to act as the eyes and ears in the Cameron Highlands forest rehabilitation campaign," Rizana said.

The Change Champions have access to a hotline to report instances of land encroachment and corruption.

The Malaysian Anti-Corruption Commission has established a branch office in Brinchang to facilitate prevention and investigation.



69 'Change Champions' will act as the eyes and ears in the Cameron Highlands forest rehabilitation campaign, says former BITU Director, Puan Anis Rizana Mohd Zainudin.

Since then, MACC has arrested 28 offenders for activities such as illegal land-clearing, violation of the temporary occupation licence, sheltering illegal immigrants and the possession of unscheduled poisons by farmers.

MACC has also submitted 12 recommendations to the Pahang's state-level National Security Council on how to overcome the illegal and excessive land clearing in Cameron Highlands.

The recommendations call for a joint effort by all authorities to prevent any room for corruption and abuse of power, and to overcome administrative weaknesses in enforcement and land management in the highlands.

In addition, the Survey and Mapping Department (Jupem) will use unmanned aerial vehicles (UAV) or drones to monitor illegal land clearing especially in remote areas in the Cameron Highlands on a daily basis.



The class of CeIO Series 10, Batch 2/2015 participating in the Fifth Series of the Cameron Highlands Greening Programme.

JPJ ENFORCEMENT OFFICERS GET ACQUAINTED WITH THE WHISTLEBLOWER PROTECTION ACT

In conjunction with the National Integrity Day, which officially falls on 5 November, NKRA Regulatory and Enforcement Sector Head, Puan Shuhairoz Mohamed Shukeri delivered a talk on the Whistleblower Protection Act (WPA) 2010 to enforcement officers of the Road Transport Department Malaysia (JPJ) at their headquarters on 20 November 2015.

The Whistleblower Protection Act or Act 711 as it is also known, was passed by Parliament in June 2010 and later enforced on 15 December 2010, Shuhairoz said.

It serves as a legal instrument to combat corruption and abuse of power by encouraging and facilitating disclosures of improper conduct in the public and private sector.

Under the WPA, a 'whistleblower' is defined as someone who makes a disclosure of improper conduct to an enforcement agency based on his/her reasonable belief that a person has engaged, is engaging or is preparing to engage, in improper conduct.

The whistleblower has the liberty to determine where, when, and in what manner he/she prefers to make the disclosure.

The important thing is he/she can be easily contacted by the receiving enforcement officer.

The Act provides for three forms of protection to the whistleblower.

First, the identities of both the whistleblower and the person against whom a disclosure is made as well as the information disclosed is to be kept confidential by the recipient of such information. "This protection is also extended to any person dear to the whistleblower – even their pet," says Shuhairoz.

Second, the whistleblower is conferred immunity from any civil or criminal liability, including liability from administrative or disciplinary proceedings, for making the disclosure.

Third, the Act protects the whistleblower against any detrimental action in reprisal for the disclosure. Detrimental action includes any action that can cause physical, mental or emotional injury, loss or damage including demotion, suspension, termination or any adverse treatment at the workplace.

To qualify for such protection the disclosure, which can be done either orally or in writing, must be made to an authorised officer in any of the five enforcement agencies comprising the Royal Malaysian Police, Malaysian Anti-Corruption Commission, Royal Malaysian Customs Department, Immigration Department, and the Road Transport Department.

"The disclosure is not sector-specific. The whistleblower can divulge an improper conduct involving corruption to the JPJ and it will be the responsibility of the receiving authorised officer to relay the disclosure to the MACC," Shuhairoz added.

However, such revelation must not be in breach of an existing law like the Official Secrets Act, the Banking and Financial Institutions Act and the likes, or concerns government policy.

If in the performance of his or her duties, a civil servant comes across any information

or matter relating to any form of improper conduct, that person cannot divulge the information other than to the department's Integrity Unit or its equivalent.

Protection as provided for under the WPA is revoked if it is found in breach with any of the six clauses provided under section II (l) (a) to (f) of the act, among others; (1) the whistleblower is also a party in the improper conduct. (2) the disclosure is made to avoid dismissal or other disciplinary action, and (3) the whistleblower have made the information public either by going to the media or NGO or posting the information on the social media like facebook and twitter etc.

Although the WPA provides for the giving of a reward to the whistleblower upon the wrongdoer being convicted by the court, the formula to determine the quantum of reward has yet to be satisfactorily worked out, says Shuhairoz.

Due to the strict confidentiality involved, it is imperative that enforcement agencies appoint people who are not only of good integrity, but also must not suffer from hysterical neurosis (latah), to act as receiving officers, she added.



NKRA Regulatory and Enforcement Sector Head, Puan Shuhairoz Mohamed Shukeri delivering a talk on the Whistleblower Protection Act to JPJ enforcement officers during the department's Integrity Day celebration.

COMMUNITY INTEGRITY BUILDING TO ENHANCE INTEGRITY IN PUBLIC INFRASTRUCTURE PROJECTS



Integrity Action CEO Joy Sanders (left) explaining the finer points of the Fix Rate project to IIM President & CEO, Dr. Anis Yusaf Yusoff, Governance and Integrity Minister, Senator Datuk Paul Low Seng Kuan, and Urban Wellbeing, Housing and Local Government Minister, Datuk Abdul Rahman Dahlan.

Many organisations actively seek to promote the principles of transparency, accountability and integrity in their programmes but there is no commonly agreed process to measure whether their efforts are effective.

However, a London-based non-government organisation called Integrity Action, has come up with a new approach, which they call Community Integrity Building (CIB), to effectively gauge the level of transparency, accountability and integrity in such public projects and services, and thereby eradicate the perception of corruption connected with these works.

Developed by Integrity Action founder, Fredrik Galtung, the CIB empowers the local community to monitor public projects and service delivery, identify problems that hinder their progress, and suggest and implement viable solutions or 'fixes' to overcome them.

The inevitable result of such close and constant monitoring is a corruption-free environment in the projects or services concern.

The CIB program is an innovative and workable approach not only to monitor specific projects to ensure compliance, but

also to foster an environment of honesty and integrity.

Integrity Action has used this approach in some 10 countries across Africa, Asia, Europe, Central Asia, and the Middle East. Most of these countries are just recovering from the turmoil brought about by civil war.

The organisation has trained more than 2,500 community members in these countries to monitor more than 850 community development projects. These

community monitors as they are called, has played an instrumental role in highlighting problems that are incidental to the projects and coming up with viable solutions to address them. They managed to resolve more than 50% of the hiccups.

Because of the close monitoring, the projects managed to progress in a transparent manner with full integrity and accountability, and in a corruption-free environment.

According to Integrity Action's 'Practical Guide to Community Integrity Building', improving integrity in public infrastructure projects and services may be the most cost-effective means of improving development outcomes in the world today.

Taking a leaf out of Integrity Action's book, the Malaysian Institute of Integrity (IIM) was in Timor Lester to observe how the CIB operates in the country, with a view of implementing a similar programme in Malaysia.

According to Mohd Rezaidi Mohd Ishak, who is the Deputy Director & Programme Coordinator at the IIM's Centre for Programme Development & Implementation, the CIB approach, with its measurable outcome, is a viable alternative



The Malaysian Institute of Integrity is located at Persiaran Tuanku Syed Sirajuddin, Bukit Tunku in Kuala Lumpur.

to the Corruption Perception Index (CPI) in assessing a country's success in fighting corruption.

"Whereas the CPI is merely a hypothetical concept, the CBI employs a brick-and-mortar method to measure achievements," Rezaidi said.

The CIB involves five phases: 1) Context Sensitivity 2) Joint Learning 3) Evidence Base 4) Constructive Engagement, and 5) Closing the loop.

Context sensitivity involves understanding what the local community's needs and concerns are, identify the obstacles that stand in the way to achieving them, and coming up with solutions to overcome these hindrances.

It is important to engage the local community by getting them to elect representatives from among them to be community monitors for the project, he added.

As the name imply, the community monitors will monitor the project's progress on a regular basis.

The joint learning process involves qualified public officials training the community monitors how to monitor the project's progress by comparing project documents with work on the ground, taking photographs of the progress and

recording the status of the project.

Once evidence (measurement) is gathered, community monitors share their findings with key stakeholders to address any issues they have uncovered.

They also share their findings with the local community to make them aware of and understand the issues affecting them.

In the constructive engagement phase, the stakeholders meet, discuss progress and problems, and form a joint working group with the community monitors to find possible solutions or 'fixes' to the problems they have identified.

In the final phase, the stakeholders implement the solutions or recommendations proposed through constructive engagement, thereby 'closing the loop'.

They track the fix-rate, identifying the percentage of problems resolved and those that still need fixing.

When the feedback loop is closed and fixes are achieved, citizens have better public services and are also empowered to ensure that policies are appropriate, information can be trusted, and that fewer public funds are wasted.

"Community Integrity Building is not an anti-corruption measure per se but rather

integrity and transparency driven.

The main purpose here is not to point fingers or 'name and shame' but to identify, fix and resolve problems affecting the local community," said Rezaidi.

"Nevertheless, the monitoring tools employed by the community monitors and the Joint Working Group will definitely uncover evidence of wrongdoing if there is corruption involved," he added.

Ultimately, the success of Community Integrity Building (CIB) depends on some form of effective interaction between the local communities, local authorities and the service providers, including contractors.

Meaningful results are achieved when community have direct access formalise interaction about the development process in a Joint Working Group (JWG) or Monitoring Committee.

For the CIB to work effectively there needs to be a high level of self-governance within the local community, a high level of transparency and accountability in the municipal councils and at the state and federal ministerial levels, including the right to information in regard to infrastructure projects.

In October 2015, the IIM, in collaboration with the Ministry of Urban Dwelling, Housing and Local Government, have started an 18-month long pilot project, which involves the Melaka Historic City Council, Subang Jaya Municipal Council, North Kuching City Hall, and Semporna District Council in Sabah.

At each of these locations, IIM will select a project which: directly benefits to the local community, is not very technical in nature, with a short to medium timeframe, and is having problems due to lack of supervision.

The pilot project need not be limited to infrastructure. It could also involve basic services such as waste disposal, building and facility maintenance such as the upkeep of playground, grass cutting and the like, Rezaidi said.



Encik Mohd Rezaidi Mohd Ishak, IIM's Centre for Programme Development & Implementation, Deputy Director & Programme Coordinator.



Our anti-corruption reform effort is guided by a top-down and bottom-up framework

Top Down Framework

Bottom Up Framework

