

MACC TODAY

Together



FIGHT CORRUPTION

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Putrajaya Declaration: Zero Tolerance Against Impunity



(Left to right) Dato' Akhbar Satar, President of Transparency International Malaysia, Mr Akere Muna, Chair of IACC Council, Senator Dato' Sri Abdul Wahid Omar, Minister in the Prime Minister's Department, Datuk Mustafar Ali, MACC Deputy Chief Commissioner (Prevention), Ms. Elena Panfilova, Vice-President Transparency International.

THE 16th International Anti-Corruption Conference ended today with a joint declaration by participants to adopt a zero tolerance policy against impunity in the fight against corruption.

"We declare the need for numerous actions to prevent corruption, to stop corruption, to make sure corrupt acts are not repeated and to ensure the corrupt not only feel the full force of the law, but fully repay their debts to society," the declaration stated.

"In Brasilia (where the IACC was last held, in 2012), we said it was up to us to send a clear message: We are watching those who act with impunity and we will ensure that they don't get away with it," it went on.

The three-day conference, which began on Sept 2, was held at the Putrajaya International Convention Centre. The

conference was declared close by the Minister in the Prime Minister's Department, Senator Dato' Sri Abdul Wahid Omar.

The declaration further added that after three days of constructive debates at the conference, the delegates are committing themselves to working together to stop what it called "the rapid spread of corruption".

"Together we have the power to bring impunity to an end."

The document further added that it takes courage and collective action to ensure that those with power who commit crimes are brought to justice.

"People in government, civil society, the private sector, young people and social innovators must join to build innovative anti-corruption, transparency and

accountability solutions to end impunity and corruption."

"If the powerful and corrupt are allowed to escape justice, we risk the collapse of the rule of law and the ultimate disintegration of society. We risk losing the fight against corruption. We need a culture of integrity in all sectors of society to achieve sustained, positive change."

It called for people with integrity to take action together "against impunity that enables the spread of grand corruption" and said there is no either-or relationship between systemic reforms and no impunity.

"A lack of reform will only encourage the corrupt."

More than 1,200 delegates from over 130 countries took part in the conference.

Dato' Sri Abdul Wahid: 'MACC Operates Independently and Without Fear or Favour'

MINISTER in the Prime Minister's Department, Senator Dato' Sri Abdul Wahid Omar, today vouched for the Malaysian Anti-Corruption Commission, saying that it had always been operating independently and without fear or favour in executing its role as the nation's premier graft-busting agency.

Speaking at the closing of the three-day 16th International Anti-Corruption Conference at the Putrajaya International Convention Centre, Dato' Sri Abdul Wahid said his objective and informed assessment was based on his personal experience when he was called in by the agency to give a statement in connection with a case when he was in the private sector.

"The MACC has never been one-sided or shown fear when carrying out investigations into cases of corruption," said Dato' Sri Abdul Wahid, who was appointed into the Cabinet in 2013.

"This agency has the moxie to question any individual, no matter what his station is in society or how well connected he is," he added.

More than 1,200 delegates from 130 countries attended the conference, hosted for the first time by Malaysia.

As such, Dato' Sri Abdul Wahid said MACC should continue to receive the backing and support in its efforts in fighting graft.

He reminded MACC that its focus should not be solely on those who receive bribes, but should also



MINISTER in the Prime Minister's Department, Senator Dato' Sri Abdul Wahid Omar. *MACC Images*

include the "enablers" of the act, those who give bribes.

"Corruption will stop automatically when the giving stops," he said.

Present at the closing ceremony were Minister in the Prime Minister's Department Senator Datuk Paul Low Seng Kuan; Vice-President of Transparency International, Elena Panfilova; Chair of the IACC Council, Akere Muna; President of Transparency International Malaysia, Dato' Akhbar Satar and MACC Deputy Chief Commissioner (Prevention) Datuk Mustafar Ali.

He also said that Malaysia will not allow corruption to dent in the country's continued economic growth and development.

According to Dato Sri Abdul Wahid, in plugging holes that could hamper

efforts to arrest the scourge and ultimately attain its zero-tolerance for corruption goal, Malaysia had embarked on bold plans under its Government Transformation Programme to improve the administration's delivery system.

He said that Malaysia would continue building on productive and cooperative relationships with all the players in the war against corruption and that the country would be relentless in fighting the scourge.

"We believe that corruption prevention efforts require partnerships. For this reason, we have to build and maintain a healthy relationship with civil society, the private sector and international community," he said.

IMPUNITY is an institutional problem that can only be overcome through proper enforcement, said Malaysian Anti-Corruption Commission (MACC) Advisory Board Chairman, Tunku Abdul Aziz Tunku Ibrahim.

Tunku Aziz: 'MACC must be free from any interference'

"With proper enforcement, the offenders can be brought to justice and face the consequences for their action," he said in one of the workshop sessions entitled "Grand Corruption: How to stop the corrupt stealing from you and me", which was held in conjunction with the 16th International Anti-Corruption Conference (IACC).

He said corrupt practices should be eradicated comprehensively according to the Government Transformation Programme (GTP). He added that only a handful of countries are serious in their fight and are able to do so.

"My stand is that MACC must be free from any interference from any party. It has to be transparent," he said.

"The only thing I wanted even from the days of the Anti-Corruption Agency (ACA) is for the MACC to be molded along the lines of

Hong Kong's ICAC (Independent Commission Against Anti-Corruption) and for the quality and competence of its officers to be developed."

"It's been established that the action taken by the government has nothing to do with interference but merely to investigate leaks of government information," he added. Tunku Aziz also said fighting corruption is not the sole responsibility of the government but the public's, too.

"It's about everyone going to the frontline and doing their part to curb the menace. I do agree that in some cases, you probably have to expose yourself, but this is the price we have to pay for justice," he said.

"We still have the Whistleblower Protection Act to protect those feeding information on corruption

to the enforcement agency concerned."

He also said a good and incorruptible civil servant is the lynchpin of good governance that would keep corruption at bay.

Tunku Aziz stressed that corruption can never be eliminated but can be reduced.

"I agree it (corruption) can never be eliminated, I leave that to the idealists but to the realists, all we can ever hope for is to reduce corruption," he said.

Hong Kong's ICAC Commissioner, Simon Peh Yun Lu said the culture of integrity is crucial in the fight against corruption.

"The war of corruption can only be won by changing the mindset and thinking of our citizens," he added.



(From left) Salil Shetty, Secretary General, Amnesty International, Jean-Louis Nadal, President, High Authority of Transparency in Public Life, France, Simon Peh Yun Lu, Commissioner, Independent Commission Against Corruption, Hong Kong, Tunku Abdul Aziz Tunku Ibrahim, Chairman, MACC Anti-Corruption Advisory Board. *MACC Images*

Remarks from 16th IACC Speakers and Delegates

The professional and highly knowledgeable speakers made the conference very informative, enlightening and well-structured. Everybody is clearly committed in sharing their knowledge and experience in addressing grand corruption and impunity.

Micheal Hershman,
President and CEO, Fairfax Group and Co-founder, Transparency International



The conference has generated new ideas on how to address grand corruption and end impunity. I met many interesting people and discussed issues which I hardly talked about with anyone.

Adam Foldes,
Transparency International - Germany

IACC 2015 was very interesting and inspiring. It was nice to meet so many people from different backgrounds fighting for a common cause – fighting grand corruption and impunity.

Maira Martini, TI Coordinator,
Knowledge and Policy Advocacy & Research Group



I am glad I was able to share my experience in fighting corruption in my country. We have been through two dictator regimes and in the transitional to a democracy, corruption has become a problem for us.

Dr. Majda Al Fallah,
Libyan parliamentarian against corruption

There is no such thing as a corrupt-free world; we are all here to do our best to fight against corruption and try to reduce it.

Justice Kashim Zannah,
Chief Judge of Nigeria



The IACC 2015 was a very engaging and eye-opening experience for me, especially since we are in the midst of collecting evidence of grand corruption in my country.

Issac Mwaura,
Kenya Member of Parliament

The conference covered a wide range of topics on fighting corruption by speakers ranging from enforcement agencies, NGOs, academicians, to journalists. By coming together, we have learned much from each other.

Rick Jacobsen,
Team Leader in International Forest Policy for Global Witness, USA



I really enjoy listening to the case studies from different countries. The knowledge I have gathered will definitely help me in my work at fighting corruption and preventing the deterioration of the environment.

Rose Davis, Coordinator,
Forest Campaigns, EIA-Global.Org

IACC Chair Praises Pledge To Defend MACC

IACC Chair Praises Senator Paul Low's Pledge To Defend MACC

The Chair of the International Anti-Corruption Conference (IACC) Council, Akere T. Muna, praised Minister in the Prime Minister's Department, Datuk Paul Low Seng Kuan for his willingness to protect the independence of the Malaysian Anti-Corruption Commission (MACC).

Muna said Paul's statement during his speech at the 16th IACC opening ceremony on September 2, 2015 (Wednesday) was the clearest indication that Malaysians want the MACC to be independent and transparent. "Paul Low's statement resonated with me

deeply and shows that he is prepared to fight for MACC, no matter what. "Freedom is not given, we must earn it." Muna said. He added that IACC has had a positive impact on society, especially among Malaysians. "MACC and Malaysian participants should be grateful for the conference, which has given them a better picture of the actual scope of corruption. This is actually a global scourge," he said.

Muna also gave several recommendations to further strengthen MACC in its fight against corruption in Malaysia. "The commission should be given the respect it deserves and be given autonomy," he said. Meanwhile, a professor from Universiti Utara

Malaysia, Khaeruddin Sudharmin said the sharing of information through workshops during the conference had raised put the spotlight on corruption in the country. "Everyone has this idea that corruption is merely the act of giving money as an inducement, however, poor integrity is also a sign that there may be an element of corruption. "The definition of corruption also varies from country to country," he said.

A Japanese participant, Tsuyoshi Ikeda, also echoed Khaeruddin's statement, saying that the definition of corruption differs in every country.

"Back in my country, we rarely have corruption cases. We do not even have a dedicated agency to combat corruption, such as MACC. "However, the existing laws in Japan are sufficient to prosecute those who are corrupt," said Ikeda, who is also a lawyer.

16th IACC Adopts Putrajaya Declaration

THE Putrajaya Declaration and eight resolutions were adopted at the 16th International Anti-Corruption Conference (IACC), with the member countries pledging to work together to stop the rapid spread of corruption.

The eight resolutions, among others, will focus on numerous actions to prevent corruption, to stop corruption, to make sure corrupt acts are not repeated and to ensure the corrupt will not only feel the full brunt of the law but fully repay their debts to the society.

The declaration makes clear that asset recovery is essential because it restores the trust of people and constitutes a sanction that reduces the incentives for corruption and at the same time compensates for the damaged caused. The declaration also underlined the importance of recovering stolen assets to make sure there is no safe haven for the corrupt or give them a way to enjoy illicit wealth. "It should be made impossible for the corrupt to use diplomatic passports and investors' visa programmes to escape justice," the declaration said.

The declaration also stated that grand corruption should be classified a



IACC Chair, Akere Muna delivering his speech at closing ceremony.

crime under international law which would enable international institutions and alliances to prosecute offenders. It suggested developing additional international mechanisms to apprehend, prosecute, judge and sentence those who have committed crimes of grand corruption.

In addition, the declaration said the corrupt should not be able to use secret companies to hide their wealth, and banks should make every effort to comply with anti-money laundering laws as well as prevent money laundering from flourishing. "We declare the need for numerous actions to prevent corruption, to stop corruption, to make

sure corrupt acts are not repeated and to ensure the corrupt not only feel the full force of the law, but fully repay their debts to society," the declaration stated. "In Brasilia (where the IACC was last held, in 2012), we said it was up to us to send a clear message: We are watching those who act with impunity and we will ensure that they don't get away with it," it went on.

The three-day conference, which began on September 2, was held at the Putrajaya International Convention Centre. More than 1,200 delegates from over 130 countries took part in the conference.
ENDS

Tackling Grand Corruption: Recommendations for the Conference of States Parties in November



(From left) Manzoor Hasan, Chair of UNCAC Coalition, Ravindran Devagunam, Director of NKRA (Corruption), Cynthia Gabriel, Founding Director, Centre to Combat Corruption & Cronyism, (C4), Anton Pominov, General Director, TI-Russia (Moderator), Dr. K. M. Loi, Deputy President, TI-Malaysia, Hi Won Park, Attorney, StAR Initiatives, USA. *MACC Images*

UNCAC will hold its 6th Conference of States Parties (COSP) in St. Petersburg, Russia, from 2-6 November 2015. The COSP is the decision-making body at UNCAC and meets every two years to chart the course for the next five-year country review cycle. Session speakers aired their wish list on what they would like UNCAC to focus on in the next review cycle.

Under the Whistleblower Protection Act, protection is given only to those who divulge information to regulatory or enforcement institutions. But informers generally prefer to engage the media instead “because they have seen many instances of ‘shooting the messenger’ syndrome coming into play when you file a report with the authorities,” Centre to Combat Corruption & Cronyism (C4), founding director, Cynthia Gabriel, said. She proposed the Act be amended protect whistleblowers who engaged civil societies and public institutions too.

However, NKRA Against Corruption Director, Ravindran Kumar, said that the media may be effective in shedding light on any scandal, but when it comes to specifics, it is best to let the MACC or police handle the investigation because “when you investigate through the media, a lot of it is ‘spin’ rather than reality,” he added.

In fighting corruption, TI-Malaysia Deputy President, Dr K.M. Loi, wants the government to be more receptive of public participation in the decision-making process, including the right to receive and disseminate information as provided under Article 13 of the UNCAC. Grand corruption involves salting away astronomical sums of money to offshore banks and, through the money laundering process, transform these illicit funds into seemingly legitimate investments in real estate and other assets.

Ms Ji Won Park, attorney for the USA Stolen Asset Recovery (StAR) Initiative said anti-corruption and enforcement authorities in many countries lack the technical knowledge to trace cross-border money trail, and the capacity to recover these stolen assets.

“StAR assist these countries to develop the legal framework, institutional expertise, and skill necessary to recover such assets,” said Park.

If the initiative to recover stolen assets and proceeds from grand corruption that involves multiple cross-border jurisdictions is to succeed, law enforcement authorities in different jurisdictions must not only be willing to share evidence, information and expertise; they must be able to act quickly

on it quickly before the trail gets cold.

In addition, financial institutions should set up internal Financial Intelligence Units to identify suspicious financial transactions and raise the red flag of money laundering.

UNCAC Chairman, Manzoor Hasan said that although many countries have ratified the UNCAC recommendations, some have done so only in letter rather than in spirit. Anti-corruption initiatives will not work if the political and corporate elites are entrenched in ensuring that they remain rich and powerful at the expense of the people.



“To address the issue of grand corruption, we have to involve the civil societies and organisations at the international level in the UNCAC review mechanism”

*Anton Pominov, Managing Director,
Transparency International-Russia*

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