

TI Malaysia statement to the IRG

Vienna, 5 June 2014

Mr Chairman, distinguished delegates,

I appreciate the opportunity to address you today. My name is Akhbar Satar and I am the President of Transparency International Malaysia. I have 30 years of experience carrying out investigative work, 20 of those years with the Malaysian Anti-Corruption Commission or MACC as we call it.

I would like to talk to you today about three subjects: Firstly, about the UNCAC workshop in which we participated in February; about our involvement in the MACC's UNCAC Working Committee; and about our support to the government in the form of proposals for strengthening the legislative framework.

On the first topic, we had the privilege of participating in the excellent UNCAC workshop in Kuala Lumpur in February this year jointly organised by UNODC, the UNCAC Coalition and Transparency International.

- The workshop brought together civil society and governmental experts to discuss the review process and implementation of UNCAC chapters III and IV. There were representatives of 14 countries present at the workshop.
- It created a platform for participants to discuss, share, and learn from the collective wealth of experience and expertise on anti-corruption matters,
- It enabled exchange information and clarifies key concepts relating to the UNCAC framework and practical exercises focused on the methodology of country reviews under UNCAC.
- It gave an insight into the workings of UNCAC and clearly explained all the chapters and articles along with the role of the country, including government focal points and civil society.

We commend UNODC for working together so effectively with civil society groups to put together this workshop. And we commend the participating governments for the openness and willingness to engage in dialogue with civil society groups attending the workshop. The workshop helped to foster lasting constructive collaboration between governments and civil society groups on UNCAC implementation.

I would also like to speak about our involvement in the MACC's UNCAC Working Committee.

- Malaysian Anti-Corruption Commission (MACC) representatives invited TI-Malaysia to be a member of the MACC's UNCAC Working Committee and to provide them with a list of CSOs to include in a coalition of stakeholders from civil society to be consulted.

- Additionally, the MACC requested TI-M's support and assistance in reviewing the implementation of Chapter II and then circulated the report to CSOs for input before the final version was released.
- The MACC has also informed us that they will also invite us to assist in the second cycle of reviews.

Finally, a couple of words about our support to the government in the form of proposals for strengthening the legislative framework.

- Out of all the countries reviewed for the first UNCAC implementation cycle to date, MALAYSIA RECEIVED THE HIGHEST NUMBER OF SUCCESSES AND BEST PRACTICES
- However, Malaysia's corruption laws were also found to be weak. The criminalization of illicit enrichment, for instance, COMES UNDER SECTION 36 of the Malaysian Anti-Corruption Commission Act (MACC) Act 2009 without to prove an element of corruption. The UNCAC review found that Malaysia is now in the process of amending the law under section 36.
- Malaysia is now in the process of amending the law under section 23 of MACC Act 2009 regarding to find the best mechanism to fight the awarding of contracts, tenders and procurements by a member of the administration to his nearest family member.
- Another MACC Act to be amended is to include corporate liability provision .Once it comes into effect, companies can be held responsible if their employees commit bribery under the amended act, unless they can prove that they have taken adequate measures to prevent it.
- It is also found risks of lack of independence of the (MACC), due to the MACC's Chief Commissioner being appointed or dismissed only at the recommendation of the Prime Minister to the Head of State of Malaysia. The MACC chief commissioner's post should be upgraded to be on par with important posts such as the Attorney General and the Auditor General. Proposal has also been made to remove those risks.

TI Malaysia has been pleased to work with the MACC and the Malaysian government on UNCAC implementation and looks forward to providing continued support in the future.

Thank you for your attention.