14TH PRINCIPALS MEETING OF SEA-PAC
SINGAPORE
29 – 31 OCTOBER 2018

Fostering a culture of "zero-tolerance towards corruption" through engagement and partnership with stakeholders :
The MACC Experience

Dato' Shamshun Baharin B. Mohd Jamil
Deputy Chief Commissioner (Prevention)
Malaysian Anti-Corruption Commission

SCOPE OF PRESENTATION

1   **Who are our stakeholders?**

2   **Why is stakeholder engagement important in anti-corruption strategy?**

3   **Example of engagement with stakeholders**

STAKEHOLDERS

1 **Government**

2 **Private Sector**

3 **Education Institution**

4 **Non-Governmental Organisation**

5 **Community**

Why is Stakeholder Engagement Important in Anti-corruption Strategy?

1 ➡️ **Fighting corruption is a collective responsibility of all sectors**

2 ➡️ **Stakeholder engagement is an integral function of the MACC Sections 7 (c), (d), (e), (f) and (g) of the MACC Act 2009 (Act 694)**

3 ➡️ **Chapter II of UNCAC corruption preventive measures - require the involvement of others**

SECTION 7 MACC ACT 2009 (ACT 694)

(c) to examine the practices, systems and procedures **of public bodies** in order to facilitate the discovery of offences under this Act and to secure the revision of such practices, systems or procedures as in the opinion of the Chief Commissioner may be conducive to corruption;

(d) to instruct, **advise and assist any person**, on the latter's request, on ways in which corruption may be eliminated by such person;
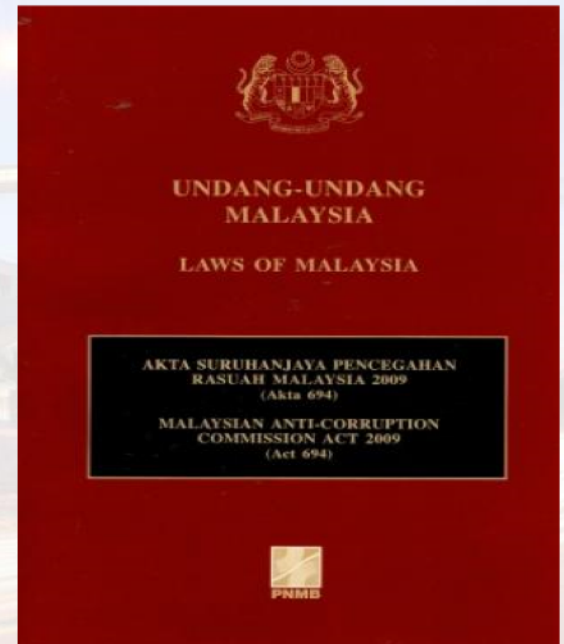
(e) to advise heads of **public bodies** of any changes in practices, systems or procedures compatible with the effective discharge of the duties of the public bodies as the Chief Commissioner thinks necessary to reduce the likelihood of the occurrence of corruption;
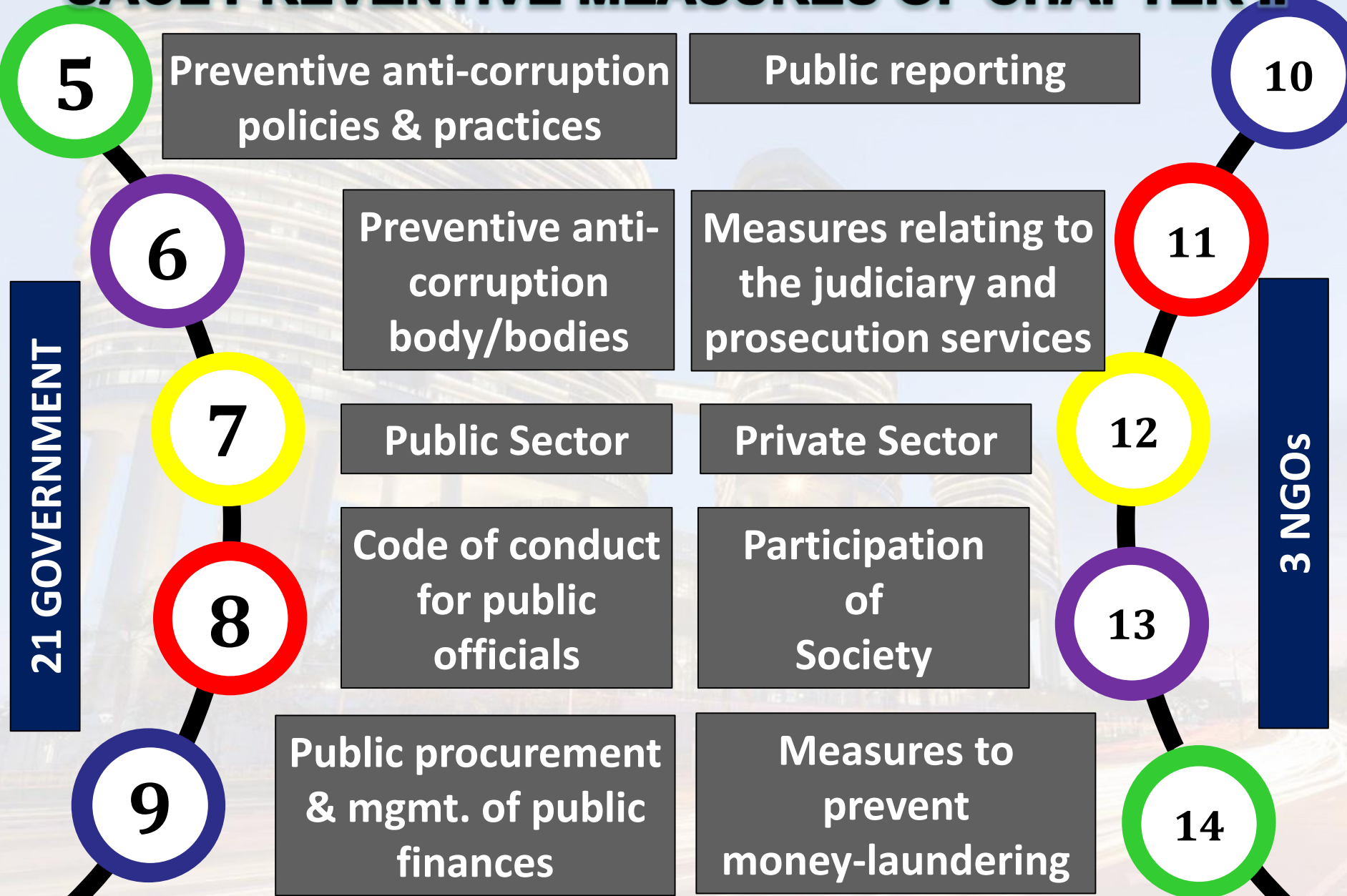
(f) to educate **the public** against corruption; and

(g) to enlist and **foster public support** against corruption.

UNDANG-UNDANG
MALAYSIA

LAWS OF MALAYSIA

AKTA SURUHANJAYA PENCEGAHAN
RASUAH MALAYSIA 2009
(Akta 694)

MALAYSIAN ANTI-CORRUPTION
COMMISSION ACT 2009
(Act 694)

PNMB

MALAYSIAN EXPERIENCE : RESPOND UNCAC SACL PREVENTIVE MEASURES OF CHAPTER II

21 GOVERNMENT

3 NGOs

5 Preventive anti-corruption policies & practices

10 Public reporting

6 Preventive anti-corruption body/bodies

11 Measures relating to the judiciary and prosecution services

7 Public Sector

12 Private Sector

8 Code of conduct for public officials

13 Participation of Society

9 Public procurement & mgmt. of public finances

14 Measures to prevent money-laundering

Example of Engagement with stakeholders

1 **Government**

2 **Private Sector**

3 **Education Institution**

4 **NGO**

PROGRAMS 2018

GOVERNMENT 446

NGO 29

EDUCATION INSTITUTION 72

PRIVATE 34

COMMUNITY 84

ENGAGEMENT WITH GOVERNMENT

- **Special Cabinet Committee on Anti-Corruption (JKKMAR)**

- **Committee on Anti-Corruption (JAR)**

- **National Centre for Governance, Integrity and Anti-Corruption (GIACC)**

JKKMAR & JAR

Special Cabinet Committee on Anti-Corruption (JKKMAR)

Committee on Anti-Corruption (JAR) National

(JAR) Ministry, Dept. & Federal Agencies / State

(JAR) State Govt.

Special Cabinet Committee on Anti-Corruption (JKKMAR)

- **Chair – Hon. Prime Minister**
- **Meeting: Triannual (Mac, July & November)**
- **Membership:** Federal Ministers appointed by PM, Chief Secretary to Govt., Secretary General of Treasury, Attorney General, Auditor General, Director General of GIACC, Chief Commissioner of MACC, all Secretary General of Federal Ministries

Role & Responsibility:

- **Consider and determine policies** relating to the strengthening of governance, integrity and anti-corruption within the Government's administrative management system.

- **Monitor and evaluate** the effectiveness of the implementation and effectiveness of **policies, laws, regulations and system procedures** to strengthening governance, integrity and anti-corruption within the Government's administrative management system; and

- **Consider and approve** proposals submitted by the members of JKKMAR and JAR - National Level on the implementation of initiatives and action plans

Committee on Anti-Corruption (JAR)

- **Chair –** Chief Secretary to Govt.
- **Meeting: Triannual (January, May & September)**
- **Membership:** Director General of Public Service**,** Secretary General of Treasury, Attorney General, Auditor General, Director General of GIACC, Chief Commissioner of MACC, all Secretary General of Federal Ministries, all State Secretary

Role & Responsibility:

- Determine the **high-impact issues across agencies** and **recommend solutions and improvement** to JKKMAR;
- **Recommend remedial measures** and recommendations to JKKMAR;
- Identify, analyze and design preventive measures to address governance, integrity and anti-corruption issues; and
- Identify **issues of governance, integrity and anti-corruption weaknesses** based on audit reports, rating reports or any relevant reports.

National Centre for Governance, Integrity and Anti-Corruption (GIACC)

- set up in May 2018

- Headed by : Director General: former MACC Chief Commissioner

- **AIM**
  - to coordinate and monitor all activities related to governance, integrity and anti-corruption activities in the country

- **RESPONSIBLE**
  - responsible for planning, formulating strategies and evaluating policies in ensuring that all government affairs are implemented on good governance, integrity and zero-tolerance towards corruption.

ENGAGEMENT WITH PRIVATE SECTOR

1 **Corruption Free Pledge (IBR)**

2 **Corporate Integrity Pledge (CIP2.0)**

3 **Corporate Liability (CL)**

4 **Anti-bribery Management System (ABMS)**

Corruption Free Pledge (IBR)
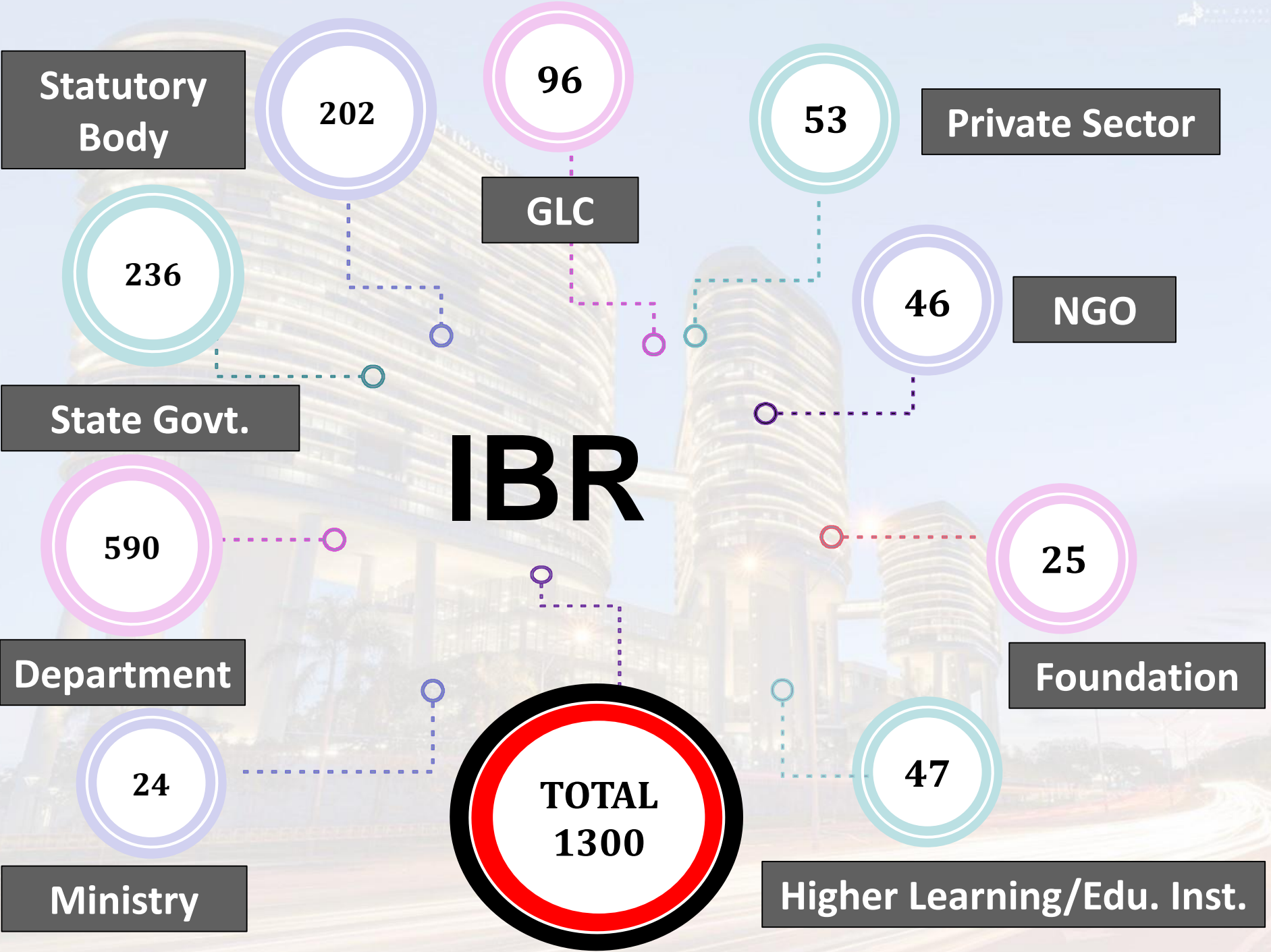

1 Pledge by an individual

2 Witnessed by MACC

3 Taking oath to never engage in corruption activities

4 Signing the pledge document

Statutory Body — 202

96 — GLC

53 — Private Sector

236 — State Govt.

46 — NGO

IBR

590 — Department

25 — Foundation

24 — Ministry

TOTAL 1300

47 — Higher Learning/Edu. Inst.

CORRUPTION-FREE PLEDGE (IBR)

I, ……………………………………………. NRIC No. ……………………………………………………., hereby solemnly and sincerely pledge the following throughout my service with the (name of organisation),:

I.   I shall fully abide by the nation's law, rules, procedures and policies on corruption prevention and abuse of power;

I.   I shall abhor and reject all forms of corruption and abuse of power, and shall give my full cooperation to the Malaysian Anti-Corruption Commission in preventing corruption and abuse of power;

I.   I shall not indulge in any form corruption and abuse of power either directly or indirectly, with any party dealing with the (name of organisation);

I.   I shall ensure that my subordinates shall not indulge in any act of corruption and abuse of power in any dealings concerning the (name of organisation);

I.   I shall instantly report any form of corruption and abuse of power either involving me or my subordinates, to the Malaysian Anti-Corruption Commission.

Signature   : ……………………………………………………….
Name   : ……………………………………………………….
NRIC No.   : ……………………………………………………….
Designation : ……………………………………………………….
Date   : ……………………………………………………….

Witnessed by:

Signature   : ……………………………………………………….
Name   : ……………………………………………………….
NRIC No.   : ……………………………………………………….
Designation : ……………………………………………………….
Date   : ……………………………………………………….

CORPORATE INTEGRITY PLEDGE (CIPV2.0)

- Voluntary commitment - to make a unilateral declaration against corrupt practices

- Target group – companies in Malaysia

PROCESS

1. Get Information on CIP2.0
2. Signing the pledge
3. Registration CIP2.0
4. Review & Monitor
5. Event CIP2.0 (recognition)

7 INITIATIVES

1. Leadership
2. Anti-corruption Policies
3. Corruption Risk Management
4. Training & Communication
5. Performance Evaluation
6. Anti-corruption Reporting
7. Code of Ethics

Corporate Liability (CL)

- MACC Amendment Act 2018 – Corporate Liability for corruption offences.

- Gazetted on 4 March 2018, will be enforced in two years' time (2020)

- **Section 17A MACC Act:**

   "a commercial organisation commits an offence if any person associated with the commercial organisation commits a corrupt act in order to obtain or retain business or advantage for the commercial organisation".

- **Penalties**
   a)A maximum fine of 10 times the sum of gratification involved, or RM1 million, whichever is higher;
   b)A maximum jail term of 20 years; or
   c)Both penalties of the fine and jail term.

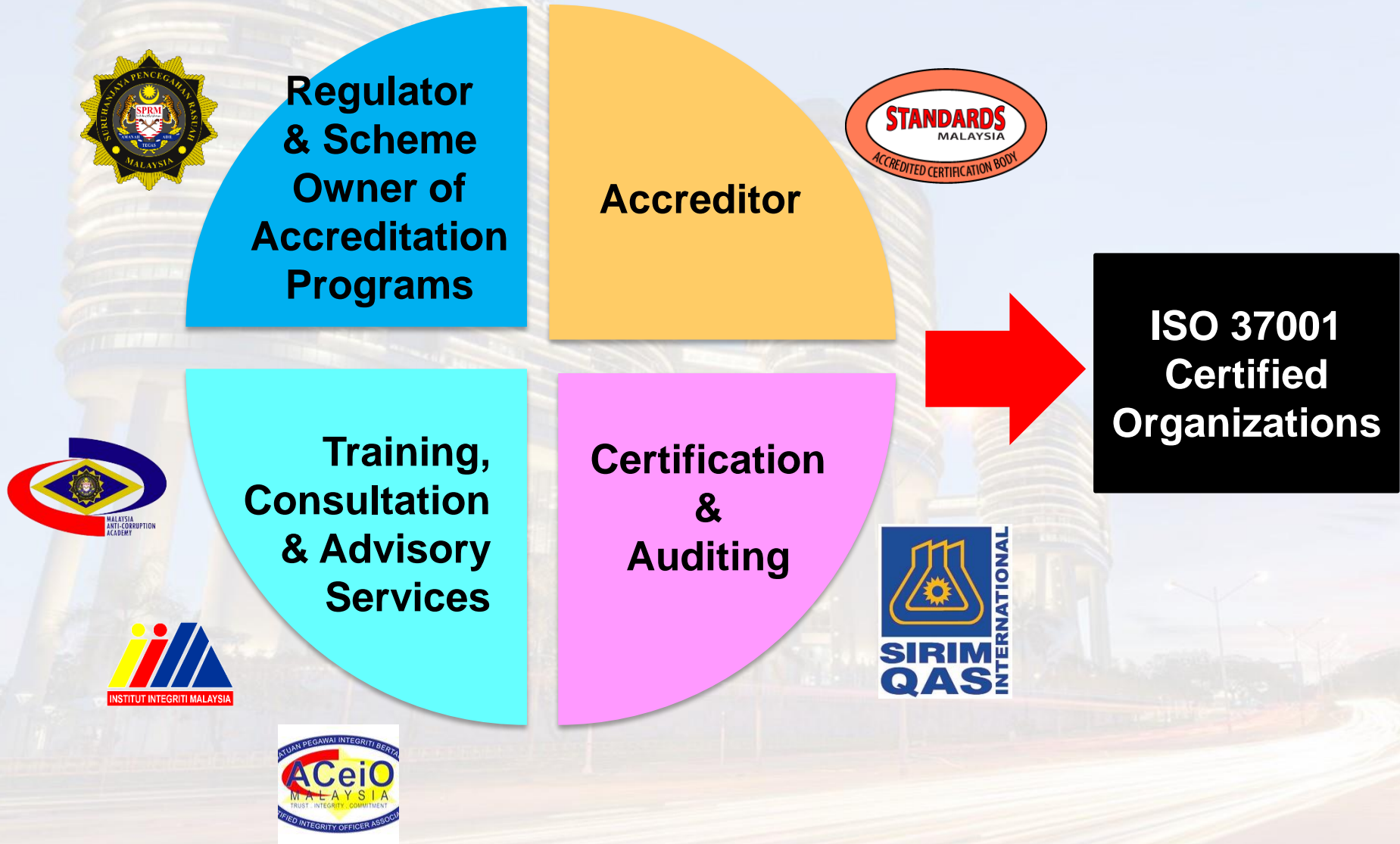# ANTI-BRIBERY MANAGEMENT SYSTEM
ABMS MS ISO: 37001: 2016

■ **Guiding and assisting organizations** in implementing and improving their anti-bribery management system.

■ Flexible and can be adapted to a wide range of organizations, including:

- ❑ Large organizations
- ❑ SMEs
- ❑ Public & Private Sectors
- ❑ NGOs

10 SCOPE of MS ISO 37001: Anti Bribery Management System					
1	Scope	5	Leadership	8	Operations
2	Normative Reference	6	Planning	9	Performance evaluation
3	Terms and definitions	7	Support		
4	Context of the organisation			10	Improvement

ANTI-BRIBERY MANAGEMENT SYSTEM
MS ISO: 37001: 2016

Regulator & Scheme Owner of Accreditation Programs

Accreditor

Training, Consultation & Advisory Services

Certification & Auditing

ISO 37001 Certified Organizations

ENGAGEMENT WITH EDUCATION INSTITUTIONS

1   **Anti-Corruption Students Force (AMAR)**

2   **Anti-Corruption Heroes (WAR)**

Anti-Corruption Students Force (AMAR)

Form a young generation who hates and rejects corruption and abuse of power in the effort to make Malaysia a corruption-free country.

Promoting efforts of good values, anti-corruption and abuse of power among students of Higher Education Institutions

Anti-Corruption Heroes (WAR)

- WAR : Corruption prevention education focusing on primary and secondary-level students

- Aim: raising a generation that rejects corruption and embraces integrity.

- Forum, talk, performance, quiz,

ENGAGEMENT WITH NGO

- Raising the awareness and responsibility of NGOs in combating corruption.

- 44 NGOs signed IBR

- Programs : Roundtable discussion, face to face, workshop, Dialog & Discussion.