



NEWSLETTER

A Nation Without Corruption, A Society with Integrity

Volume 46 (May-July 2022). KDN Permit No: 11959/03/2019 (025399)

PRESIDENT'S MESSAGE

As we are now in the 2nd half of 2022 with rumors of the general elections to be called anytime, the nation was shocked last week when Public Accounts Committee (PAC) announced the findings of the investigation on the Littoral Combat Ship (LCS) scandal. For TI-Malaysia this news is not new as we highlighted to the government before during the Corruption Perception Index (CPI) launch and in the Government Defense Integrity Index 2020 to investigate, release the findings in a transparent manner and ensure there in accountability. So, is it any wonder that Malaysia's CPI score has been on a downward trend for the past two years since 2019?



As for our work, over the past 4 months our society has been active in the education initiative on the "Post Section 17A Corporate Liability Enforcement Date" specifically targeting the Small & Medium Scale Enterprises. It remains a big challenge for the SMEs as their understanding and commitment to establish "Adequate Procedures" is weak. We conducted programs jointly with MACC in Penang, Seremban and Alor Setar. Another three programs are planned to be held in Kuching, Kota Kinabalu and Johor Bahru.

We successfully completed our second training program in June on Investigative Journalism. More than 30 young journalists attended the training program. TI-M is committed to play a role in growing this niche field of journalism by organising regular workshops on investigative journalism to train young journalist and expose them to the reality of the art behind investigative journalism.

With the recent passing of the Anti-Hopping Law in both Dewan Rakyat and Dewan Negara to prevent persons who are elected under the ticket of a political party from crossing over to another political party after winning a seat, we see a new hope of bipartisan politics in the country for reforms. Our next target is to push the enactment of the long outstanding Political Financing Law to stop money politics. An "All Party Parliamentary Group" (APPG) has been formed with members from political parties, the Bar Council and civil society members. TI-Malaysia is represented by our exco member Mr Alan Kirupakaran. Political Financing Law has long been resisted not only by coalition parties from the ruling government but also from the opposition. A draft proposal of the act has been drafted by this APPG for Political Financing and among our recommendations is to cap political donations to RM50,000 from individuals, RM 100,000 from companies and RM500,000 from group of companies per year. Also, under our recommendations is to ban Government Linked Companies, Government Linked Investment Companies and foreign bodies from funding our political parties. Although this is a very good development but it remains to be seen how this new law can be pushed through. Learning from the "Anti Hopping Law" forming a bipartisan select committee to conduct public consultation before tabling it in parliament for debate could be a good approach.

Dr Muhammad Mohan

President

Transparency International-Malaysia

EDITORIAL

The first imperative of the modern kleptocrat is moving and investing money transnationally, and the second but equally critical is whitewashing one's reputation i.e., Reputation Laundering.

The first use of the phrase "reputation laundering" was in 1996, in the book *The United Nations and Transnational Organized Crime*, which defined it as "the process of acquiring respectability in a new environment".

An early use of the phrase in mass media was in 2010, in a Guardian article headlined "*PR firms make London world capital of reputation laundering*", a report which focused on the use of public relations (PR) firms by heads of state (including Saudi Arabia, Rwanda, Kazakhstan, and Sri Lanka) to obscure human rights abuses and corruption.

The phrase was in common use by 2016 when it was used by Transparency International in their report "*Paradise Lost: Ending the UK's role as a safe haven for corrupt individuals, their allies and assets*". In that report, they defined reputation laundering as "the process of concealing the corrupt actions, past or present, of an individual, government or corporate entity, and presenting their character and behaviour in a positive light."

Once the kleptocrats have distanced themselves from the source of their illicit funds and are firmly established in open societies, they're able to manipulate democratic institutions in their favour. This influence is how reputation laundering differs from other forms of image management.

Presently, this is very prevalent among our own kleptocrats. We have many of them who are facing multiple charges and have resorted to reputation laundering to lend credence to their artificially created 'clean' image.

Since reputation laundering is a very lucrative business many public-relations firms are on the quiet offering such services. Their services range from subtler forms of reputation management, monitoring and shaping relevant open-source material, such as Wikipedia entries, or generating targeted social-media trends and campaigns on behalf of their clients. In certain cases, firms even pressure journalists and publishers to refrain from publishing materials that might emphasize clients' unseemly activities or otherwise damage their reputations.

The murkier cousin to reputation laundering is the so called "black PR" aimed at sullyng the reputations of the kleptocrat's rivals, both political and common people.

Although such work is legal, it can easily cross ethical lines. Anyway, it will be funded by laundered illicit funds and is nonetheless ethically questionable. Does anybody really care? These days, the ordinary Malaysian is more worried about his bread and butter. So, what can we do?

'Unfortunately, there are no quick fixes for successfully laundered reputations and manipulated public opinion'. So where do we even begin to discuss what could be done? The first step is to remain assured that something can be done. Perhaps, we could start by bringing together coalitions of academic researchers, journalists, and civil society groups to conduct an in-depth study of this threat and come up with workable innovative ideas in countering the disinformation.

Dorai Balasundarum Sinnadurai

POST SECTION 17A AND THE CHALLENGES IN ESTABLISHING ADEQUATE PROCEDURES FORUM SERIES

ENHANCING DEFENCE MECHANISM OF CORPORATE AND SMEs

Following the previous forum held in Penang earlier this year, TI-Malaysia continued the Post Section 17(A) forum series in two other states-Negeri Sembilan and Kedah.

The forum in Negeri Sembilan took place at the Royale Chulan on May 30, 2022 while the forum in Kedah took place at Raia Hotel on 27 June, 2022. The aim of the workshop was to discuss the corruption issues within corporations and SMEs, as well as particular challenges and practical solutions for companies in implementing Adequate Procedures in their businesses.

FREE REGISTRATION
<https://tinyurl.com/17aworkshop>
 *LIMITED SEATS AVAILABLE

Organised by: **TRANSPARENCY INTERNATIONAL MALAYSIA**
 Supported by: **CIPB** (Center for International Private Enterprise) and **SMEcorp**

POST SECTION 17A AND THE CHALLENGES IN ESTABLISHING ADEQUATE PROCEDURES FOR CORPORATE AND SMEs NEGERI SEMBILAN WORKSHOP
 30 MAY 2022 | MONDAY | 9.00 AM - 12.30 PM
 THE ROYALE CHULAN SEREMBAN

KEYNOTE ADDRESS
 P/KPKPJ TUAN AWGKOK AHMAD TAUFIK PUTRA
 Director of MACC Negeri Sembilan

WELCOMING REMARKS
 DR MUHAMMAD MOHAN
 President, TI-Malaysia

MODERATOR
 MR ALAN KIRUPAKARAN
 CEO, TI Malaysia

SPEAKERS
 PUAN EULIS RACHMATIAH
 Founder & Principal Trainer, Ethiculture Training & Consultancy
 MR TAM WAH FIONG
 Managing Director, Thuntprests Ltd, Sdn Bhd
 PUAN SHATHESH MORGAN
 Senior Investigation Officer, MACC Negeri Sembilan

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Forum in Negeri Sembilan poster

We were honoured to have the Director of MACC Negeri Sembilan, P/KPKPJ Tuan Awgkok Ahmad Taufik Putra and Director of MACC Kedah, TPJ Dato’ Shaharom Nizam Abd Manap joining us to deliver the keynote address to kick off the forum in Seremban and Kedah respectively.

PENDAFITARAN ADALAH PERCUMA
<https://tinyurl.com/kedahworkshop>

Ditajarkan oleh: **TRANSPARENCY INTERNATIONAL MALAYSIA**
 Dengan sokongan: **CIPB** (Center for International Private Enterprise) and **SMEcorp**

FORUM ANTIRASUAH DAN TATACARA MENCUKUPI BAGI BADAN KORPORAT & PKS (SME) SEKSYEN 17A AKTA SPRM 2009 ALOR SETAR, KEDAH
 27 JUN 2022 | ISNIN | 9.00 AM - 12.30 PM
 RAIA HOTEL ALOR SETAR

UCAPTAMA
 TPJ DATO’ SHAHAROM NIZAM ABD MANAP
 Pengarah SPRM Kedah

UCAPAN ALU-ALUAN
 DR MUHAMMAD MOHAN
 President, TI-Malaysia

MODERATOR
 CIK EFFIE HAMZAH
 Pengurus Eksekutif, Celcom Axiata Berhad

PENCERAMAH
 PUAN DARSHINI GUNASELAN
 Ketua Unit Pemenuhan & Perundangan SPRM Kedah
 PUAN EULIS RACHMATIAH
 Pengasas & Juruaah Utama, Ethiculture Training & Consultancy
 CIK LIM HANG THING
 Chief Operating Officer, Tril Maju Sdn Bhd

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Forum in Kedah poster

MACC Negeri Sembilan and Kedah sent a representative to speak on Section 17A corporate liability meanwhile other speakers invited from corporate and SMEs spoke on their experience in the implementation of Adequate Procedures. Each speakers shared their experience, difficulties and process of implementing Adequate Procedures in their companies.



From the left: Mr. Alan Kirupakaran, Pn. Eulis Rachmatiah, P/KPKPJ Tuan Awgkok, Dr. Muhammad Mohan, Pn. Yasmin Azura, Tn. Shatish, Mr. Tam Wah Fiong

After all the three speakers had concluded their segments, the moderator, opened the floor for questions from the participants which led to a lively and interactive question and answer session. The event concluded with the closing remarks from all three speakers. We would like to thank our speakers for sharing their valuable insights and the interactive session with the participants, and all parties that helped make this event a success.



From the left: Cik Effie Hamzah, Pn. Darshini Gunaselan, TPJ Dato’ Shaharom Nizam, Dr. Muhammad Mohan, Pn. Eulis Rachmatiah, PKPJ Tuan Wong Chu Hong, Cik Lim Hang Thing

TRANSPARENCY INTERNATIONAL MOVEMENT SUMMIT: THE BUSINESS CASE FOR INTEGRITY

SUPPORTING BUSINESS INTEGRITY AT THE NATIONAL LEVEL

On June 20, 2022, TI-Malaysia (TI-M) participated in a movement summit organised by the TI Secretariat in Berlin entitled “The Business Case for Integrity”. Mr. Raymon Ram, TI-M Secretary General was one of the panel member, of the session. The discussion highlighted the difficulties of businesses to attain full transparency and integrity. Responding to the question by the moderator, Mr. Ravi Prasad on Mr. Raymon’s opinion bringing businesses, governments and society to strengthen integrity and anti-bribery mechanism, he mentioned that as a national chapter, TI-M must act together with the private sector and law enforcements, bridging those actors and create a channel for dialogue. This will help to clear any doubts or concerns they may have in adopting the best anti-bribery and anti-corruption practices.

Furthermore, he shared Malaysia’s recent move in adopting the Corporate Liability Provision under Section 17(A) of the MACC act 2009. With the enactment of this act, companies are finally allocating resources towards the integrity management, having proper compliance and put in adequate procedures in order to prevent any person associated with these commercial organisations from getting involved in such act of bribery or corruption. Another key takeaway by Mr. Raymon Ram was that although different organisations have different corruption risks and size of resource allocation, risk assessments should be the backbone of any preventive measure or business integrity management mechanism within the organisation. With this, TI-M is working hand-in-hand to have a proper risk assessment done for them.



Group photo of the discussion



Mr. Raymon Ram sharing business integrity situations in Malaysia

TRAINING WORKSHOP ON INVESTIGATIVE JOURNALISM SHINING LIGHT ON TO CORRUPTION

Transparency International Malaysia's (TI-M) fight for Transparency and Integrity in Malaysia often requires the efforts of journalists to bring to light and news surrounding corruption in Malaysia. As such, our organisation requires more brave journalists particularly those who specialise in investigative journalism to assist our organisation in raising awareness and publishing the truth dispassionately and equitably. Investigative journalism is needed more than ever present in Malaysia today. Behind every corner now is a new scandal or some form of embezzlement. Integrity and accountability are waning and our public's confidence in our government and its institutions are on a decline.

TI-M decided to play a role in growing this niche field of journalism by organising a workshop on investigative journalism to train young journalist and expose them to the reality of the art behind investigative journalism.



Dr. Mohan giving the opening remarks

The workshop titled Training Workshop on Investigative Journalism was held on the 7th of June 2022 from 9am to 5pm. The workshop was open to young Malaysian journalists aged below 35 years old. Initially TI-M planned for the workshop to have 30 participants at most. However, due to the overwhelming response to our invitation, 35 participants from 27 organisations, took part in our workshop. All our participants were based in Peninsular Malaysia. It was unfortunate that there were no participants from Sabah and Sarawak

despite our best efforts as they were not able to send representatives to attend the physical session in Peninsular Malaysia. TI-M's next goal is to host a similar event in East Malaysia targeting the young journalists based in Sabah and Sarawak.

We were fortunate to have Dr. G Manimaran as our moderator and facilitator for the event. Dr. G Manimaran also carefully curated the speakers for this workshop based on his years of experience in the media.

First speaker was Mr. Chew Phye Keat. Mr. Chew is the managing partner of Messrs Raja, Darryl & Loh and a TI-M EXCO member. His segment was titled "Whistleblowers Protection Act and the Media". He spoke at length on the Whistleblower Protection Act 2010 and explained to the participating journalists.



Mr. Chew spoke on The Whistleblower Protection Act

The second speaker was Dato' Dr Ahmad Murad Merican who is a professor of social and intellectual history, an essayist, and a columnist. He delivered a session filled with honesty and worldliness, talking about his experience in the sphere of journalism. His segment titled "Investigative Journalism: Theorizing the Practice" was a lesson in journalism from an academic perspective. The participants had the opportunity to question him on how academic knowledge in journalism could help enhance expertise in investigative journalism.



Dato' Dr Ahmad Murad sharing his academic knowledge in journalism

Mr. Terence Fernandez, managing editor of The Vibes, was the third speaker for the workshop. He spoke on his experience in the journalistic field and how to source a story during his segment titled “The Role and Responsibilities of Investigative Journalism in Strengthening a Culture of Integrity, Good Governance, and a Corruption-Free Environment”. Mr. Terence gave the participants a candid look into his illustrious career in journalism which included attempts to bribe him and even threats.



Mr. Terence answering participants' questions

Last but not least was Ms. Farrah Naz Abdul Karim, Manager of Creative, Content and Integration for TV3. She shared with the participants her depth of knowledge from her experience in journalism in her two-part segment titled “How to Tell Better Stories & Sourcing for Great Story Ideas”. The participants enjoyed her segment greatly as it gave an easily-understood guide on how to source and frame a story for public consumption. She provided the participants with real examples from her career on how she pursued a story and acquired the information needed to publish it.



Presentation by Ms Farrah Naz on her experience as a investigative journalist

After the sessions concluded, the participants were each given certificates as proof of participation and a warm message from our president, Dr. Muhammad Mohan with hopes that they will use the knowledge gained in this workshop to pursue a career in investigative journalism.



Group photo with speakers and participants



Participants taking down notes

INITIAL MEETING WITH INTERNATIONAL REPUBLICAN INSTITUTE (IRI) PUT A SPOTLIGHT ON POLITICAL FINANCING

According to the “Public Opinion Poll: Residents of Malaysia” conducted by the International Republican Institute’s (IRI) Center for Insights in Survey Research (CISR), only 64% of Malaysians believe their country is moving in the right direction, down from 83% in 2020 poll.

Malaysians were increasingly losing confidence in the country’s trajectory and are dissatisfied with its political leaders, according to a recent poll. Johanna Kao, the regional director for the Asia Pacific at IRI in a news report by the Malay Mail dated 18 May 2022 mentioned that, “It’s obvious that the instability in national politics that we’ve seen since 2020 has dampened enthusiasm for the future”.

From this survey, TI-M saw Malaysians’ frustration with the current political environment. Significant reforms should be implemented soon if we want to see a reversal to these downward trends. We believe that lack of voter’s confidence can be partially restored through the enactment of political financing act, showing transparency and integrity to the funds that are raised and spent for political purposes besides the enactment of the anti-hopping law.

It is important to recognize that the monetization of politics is a widespread phenomenon in Malaysia and that it contributes to the cancer of corruption. Since anti-corruption efforts has been TI-M’s central work, TI-M discussed this issue with the Resident Program Director of International Republican Institute (IRI), Mr. Brian R. Braun and is looking forward to potential collaboration with IRI on our future projects.



From the left: Mr. Alan Kirupakaran, Prof. Madya Dr. Zaleha Othman, Dr. Muhammad Mohan, Mr. Brian R. Braun, Mr. Justin Bryann Jarett

POLITICAL FINANCING ACT: CURRENT STATUS, CHALLENGE AND THE WAY FORWARD

INDEPENDENCE OF REGULATING POLITICAL FINANCING

On May 19 this year, Prime Minister YAB Dato' Sri Ismail Sabri bin Yaakob announced that the Special Cabinet Committee on Anti-Corruption has agreed in principle to the proposed enactment of the political financing bill and that the policy scope will be tabled to the Cabinet before further engagement with the political parties. This has put the political financing act in a new light. Since 2009, numerous reform proposals have been made by various parties, and a bill was created during the Pakatan Harapan administration but was never introduced.

In response to a resurgence of interest in the subject, IDEAS and the Malaysian Bar Council co-organized a joint conference on the Political Financing Act on 23 June. The conference consisted of 4 sessions. Mr. Alan Kirupakaran, TI-M Executive Committee Member was the speaker of the third session entitled, "Independence of Regulating Political Financing: A Proposed New Commission". The session covered the pros and cons of establishing a new commission to monitor political financing versus relying on the current institutions such as the Election Commission.

In 2009, TI-M published a book on political financing resulting from research, interviews and proposed recommendations. The book, "Reforming political financing in Malaysia" was a hot topic. However, more than 13 years later, Malaysia still does not have a political financing law in place. According to Alan, there are two entities that can play the role in monitoring political financing-The Election Commission (EC) and The Registrar of Societies (ROS). As stated in the book 13 years ago, TI-M saw EC and ROS as possible regulators for political financing apart from having a separate new commission.



Mr. Alan Kirupakaran sharing his views during the session



The poster of the conference

Nevertheless, both entities possess their own shortcomings and inadequacies. The independence of EC is always questioned, while ROS, on the other hand, has no requirement for the political parties to disclose their sources of funding. Mr. Alan also mentions that what is important is to address the shortcomings and make sure that it is truly independent besides having legislation that allow them to function independently.

BANK ISLAM ORGANISATIONAL ANTI-CORRUPTION PLAN (OACP) LAUNCH

Bank Islam recently launched their Organisational Anti-Corruption Plan (OACP) to strengthen their governance, integrity and anti-corruption controls. The OACP was launched by their Chairman Tan Sri Ismail Haji Bakar and their Group Chief Executive Officer En Mohd Muazzam Mohamed together with other board members and their senior management. Bank Islam’s initiative is in line with the National Anti-Corruption Plan Strategic Objective 6.2 for greater corporate entities resilience against the threat of corruption.

Bank Islam’s OACP is done with a 5 steps approach as shown in exhibit 1.

What is interesting is Bank Islam’s leadership has set the tone starting from the board, senior management, middle management and right to the operations. The Chairman in his address mentioned that, “It is incumbent upon Bank Islam to consistently display and adhere to a high standard of work excellence and professionalism, good behaviour and exemplary conduct to instil, maintain and foster the confidence of financial industry stakeholders in the ability of Bank Islam to fulfil its duties and responsibilities”.

This clearly demonstrates the commitment of top management in Bank Islam to leverage on the OACP to strengthen their governance, integrity and anti-corruption controls to further the Bank’s efforts to maintain and comply to high standards of a Shariah compliant bank.

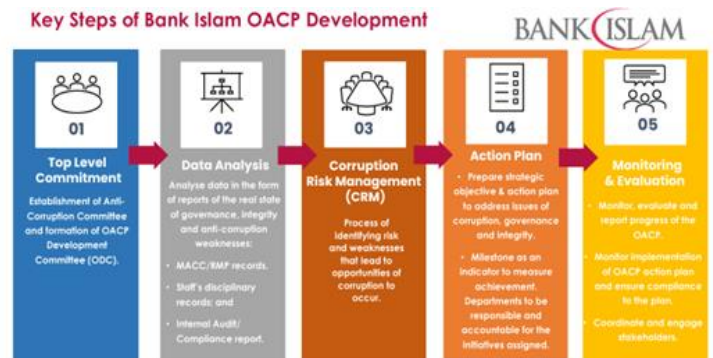


Exhibit 1: 5 key steps of Bank Islam’s OACP Development



Bank Islam’s OACP Development

TI-M IN THE NEWSPAPER

Come clean on Sg Chandong pollution, urges TI-M



The river turned pink on June 29 after effluents from the Pulau Indah industrial area flowed into it. Courtesy of JAKSRT/AGRI/SPRINT

KUALA LUMPUR: Transparency International Malaysia (TI-M) has urged the Klang Municipal Council, the Drainage and Impaction Department and the Sewerage Services Department to provide a transparent report on the recurrence of pollution in Sungai Chandong in Klang.

The river turned pink on June 29 after effluents from the Pulau Indah industrial area flowed into it. The high tide that ensued the next day returned the river water to normal. However, TI-M voiced concern on the lack of publicly-available information on the actions and control measures taken to resolve the incident.

MORE NEWS

- Fishermen, anglers urged to report marine pollution
- Come clean on Jelutong landfill site redevelopment (NSTT)
- Motorists urged to follow Plus/TTA when planning journey
- Suppayah's wife a big help in engaging voters

"The issue is concerning as it impacts the ecosystem and livelihood of the local people. Based on the information received from the local people, the pollution has been ongoing for years, causing the river to change to black, red or purple depending on the type of chemical released. The pollutants were later carried away to sea during high tide and people who are not from the area were unaware of this situation.

Previously, the area attracted controversy when it was discovered to be filled with industrial waste, plastic bottles and discarded clothing similar to a landfill.

There have been allegations of inadequate oversight of pollution monitoring in the area," it said in a statement today.

TI-M also questioned whether authorities had taken firm action against illegal factories operating along the riverbanks that led to pollution.

It also echoed calls for the Department of Environment to take stringent action against river polluters under sections 25 and 29 of the Environmental Quality Act 1974.

"We are not against the manufacturing sector. However, excessive factories in Selangor have been continuously polluting our rivers," TI-M added.

MOST POPULAR

- PM calls on 811 members to close ranks, hints that GE15 is near
- AA investigates after fines let off during Community Shield
- Bin Laden family donated \$1m to Prince Charles charity: Report
- Missing hijacker at Bukit Keluang found safe
- Inside the super-secure Swiss lab trying to stop the next pandemic
- Klapp praises Humez as Liverpool win Community Shield
- PM to launch 2022 MARRA app Aug 6

VACCINE

- World: Jul 30, 2022 @ 6:41pm New vaccine treatment testing, but Europe will have to wait
- Mal: Jul 28, 2022 @ 9:26am Kuala Lumpur: World Health Day - get vaccinated, stay protected
- Nation: Jul 27, 2022 @ 9:05am Vaccine prevented deaths
- World: Jul 26, 2022 @ 6:57pm WHO says 40 million, dengue, treatments and vaccines
- Nation: Jul 27, 2022 @ 10:35am COVID-19 vaccination prevented thousands of deaths
- World: Jul 29, 2022 @ 5:11pm Record number of Covid-19 deaths in Australia as Omicron surges

ACROSS NEW STRAITS TIMES

- Source: 5 minutes ago PM calls on 811 members to close ranks, hints that GE15 is near
- Nation: 4 hours ago Crisis from Chinese rocket crashes into Malaysian airspace (NSTT)
- Sabah: 6 hours ago

Understanding the Corruption Perceptions Index (part 1)

Updated 20 hours ago · Published on 25 Jul 2022 at 10:04PM · 0 Comments

CONTROVERSY on the acceptance of the Corruption Perceptions Index (CPI) surfaced recently. Earlier this year the 2021 CPI was announced and Malaysia was ranked 62 with a score of 48, which is another drop for two consecutive years, and this caused a corruption watchdog to criticise the CPI report on Malaysia.

Most recently, the Malaysian Anti-Corruption Commission (MACC) chief commissioner made a statement that the CPI is not a true measure of "the reality" of corruption in the country and was merely a "perception".

In fact, statements like this show the lack of understanding of the parties making such statements as to how the index is derived and their effectiveness in gauging the level of corruption in a country. Allow us to explain what exactly the CPI is but as a preliminary point let me state that Transparency International (TI) has never, since this index was first released in 1995, made any statement implying that the CPI is a "true measure of corruption".

I repeat, never.

The CPI serves as an index that functions more as a "measured indicator" because such indicators help to give a signal on many things that happen in the country, each of which correlates with the corruption problem that the authorities such as MACC need to focus on.

Notwithstanding the negative voices on the CPI, many parties welcome the results of the report by urging that it be used as a lesser to improve Malaysia's position, thus achieving the goals of the National Anti-Corruption Plan.

For educational purposes through this article, we would like to focus on the criticism claiming that the CPI has unfairly tarnished the country's image. That is absolutely not the intention of any agency that produces an international level index. The same party criticising the CPI has thrown various questions at TI Malaysia (TI-M) and also recommended Malaysia to leave the CPI survey as some countries do.

The polemic on the CPI involving Malaysia should be seen in a positive light and not one of "let's get out of it because we don't do well in it". This is not the first time CPI results have been criticised by some parties in the country. Looking at the background of the said critics, TI-M is somewhat ambivalent about why they choose not to accept the fact that Malaysia's position in the CPI has declined. These same persons were quick to cheer when the country's ranking was said to be good, as was the case for the 2019 report when Malaysia for the first time managed to improve its score from 47 to 63 and improve its position from 81 to 51 out of 180 countries in the world. In such occasions, these parties accepted the CPI with open hearts.

Surely the maturity of a nation is measured by the ability to accept bitter findings.

EDITOR'S PICK

- Time to re-examine the Malay narrative, say scholars
- Masa untuk semak semula naratif politik Malaysia, kata pengarang meja bulat
- Pakatan could lose Negeri Sembilan, say observers
- Malaysia's political landscape is changing
- Malaysia's political landscape is changing

Accept 'bitter findings' and find ways to improve, TI-M says after MACC chief downplays Corruption Perception Index



Transparency International Malaysia president Muhammad Mohan gives a speech during a Transparency International forum at the Grand Hyatt Kuala Lumpur September 18, 2022. Photo by Mohd Anwar

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By Ashley Young Monday, 23 July 2022 8:18 PM MYT

KUALA LUMPUR, July 23 — Tan Sri Azam Baki's view that Transparency International Malaysia's (TI-M) Corruption Perception Index (CPI) was not based on "facts" but merely "perception" reflects a lack of understanding of how the Index works, the group said today.

The Malaysian Anti-Corruption Commission (MACC) chief told the media last week that the CPI was not indicative of the country's actual situation, arguing that it only measured "perceived" graft.

TI-M president Muhammad Mohan explained that while the CPI has never been represented as a "true measure of corruption" since its inception in 1995, it was globally accepted as a "measured indicator" on developments in participating countries.

"A country's score is given based on several surveys and expert assessments, which looks at various factors in a country including democratic aspects, openness to foreign investors and economic factors," Muhammad said in a statement.

He said that the CPI also helps to indicate a country's economic and political status and its tendency to engage in corruption, and signal to relevant authorities on corruption problems that need more attention.

Such criticism of the index was not new, he added when noting previous suggestions for Malaysia to be omitted entirely from the CPI.

Malay Mail

RUASAH BUSTERS

JUST IN

Kenyataan orang No.1 SPRM mengenai Rasuah disifatkan kurang kefahaman



Othman Hidayatuddin Ayub, Chairman of the Malaysian Anti-Corruption Commission (MACC).

Yang berbangkit telah sebagai indikator yang boleh diukur kerana indikator tersebut dapat membantu memberi kesan terhadap perkara yang berlaku dalam negara ini, yang mana setiap satunya berkuatkuza dengan masalah rasuah yang perlu dibet perhaluan sewajarnya sah, pihak berkuasa seperti SPRM.

"Jadi sebagai suara negatif yang berkuatkuza mengenai CPI, banyak pihak yang membuat baik hasil laporan CPI dengan mengesakan agar ia dijadikan panduan untuk memperbaiki kedudukan Malaysia, sekali gus mencapai matlamat Pakatan Harapan (PH) yang mana CPI adalah ukuran sebenar rasuah.

"Saya yakin, tidak pernah, CPI bertukar sebagai indeks

TI-M sannah Azam Baki



Azam Baki, former Attorney General of Malaysia.

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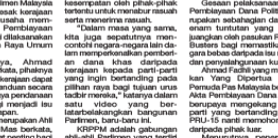
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Percepat bentang Akta Pembiayaan Dana Politik



Ahmad Dahli, Minister of Finance.

Percepat bentang Akta Pembiayaan Dana Politik

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'POOR GOVERNANCE'

TI-M: PROBE LCS SCANDAL, FREEZE PAYMENTS DUE

Despite RM6b paid to BNS, no littoral combat ship in sight, says anti-graft watchdog

MUHAMMAD AGUZZINDU ALI HASSAN
KUALA LUMPUR
NEWS/ISSUE COPY

TRANSFARENCY International Malaysia (TI-M) has called for a probe into the multi-billion-rings Littoral Combat Ship (LCS) project scandal.

The anti-graft watchdog said there was no sight of the completed ships although RM6.083 billion had been paid to Bousted Naval Shipyard Sdn Bhd (BNS).

This is a major question mark as to the integrity, transparency and good governance of this project, said TI-M president Dr Muhammad Mohan.

On Thursday, the parliamentary Public Accounts Committee revealed that the LCS project contract was awarded to BNS via direct negotiation, not through competitive bidding.

TI-M urged the authorities to investigate all levels of contractors and subcontractors for the project to check if unnecessary, intermediary dummy companies were used to unlawfully take a cut from the deal.

TI-M called for standard operating procedures to be put in place for mid-stream audits to be conducted for all public sector projects involving billions of ringgit.

This will help spot potential issues and address them before they become a problem that leads to delays and involve potential budget overruns, Mohan said in a statement yesterday.

TI-M called for a mandate requiring all high value, high-impact projects involving taxpayer money to be reviewed by Parliament before they are approved and to ensure the project go through a competitive tendering process.

TI-M said action should be taken against civil servants involved in the project if they were found to have neglected their duties.

It called for criminal proceedings against anyone suspected of bribery, corruption and abuse of power under the Malaysian Anti-Corruption Commission Act 2009.

Mohan said in examining the background of the LCS project, many questions had cropped up, such as:

WHY was a multi-billion-rings project of this size awarded via direct negotiation and what was the justification?

WHY was BNS awarded the contract? What was the justification for changing the design specification from the LCS preferred by the Royal Malaysian Navy, resulting in a change of vendor, and who approved this change?

WHY were rigorous procurement practices not maintained to ensure value for money and to remove outstanding layers that further inflated the project cost? For example, it was reported that two companies controlled by Bousted Heavy Industries Corp (BHC) were allowed to deliver products for the project at marked up rates when BHC could undertake the task itself.

TAN Sri Dr Abdul Aziz Jaafar, former chief of the RMN, said he wrote 10 letters to various levels of the government expressing his deep concerns about the risks and non-compliance of the LCS project.

The letters were addressed to, among others, the chief secretary of the defence ministry, the defence minister, the chief secretary to the government, the prime minister and the deputy prime minister. How were his concerns addressed, if at all?

MULTIPLE audits by separate entities were conducted, including by the National Audit Department, Special Investigation Committee on Governance, Procurement and Government Financial Issues and BHC, highlighting the

project's issues. Was any action taken because of these reports?

In January, the Malaysian Anti-Corruption Commission detained two senior executives over the LCS project. What is the outcome of the detentions and has there been any follow-up actions?

Mohan said many governance and audit structures in the public sector were responsible for preventing corruption and improving good governance, such as integrity units, internal and external audits, integrity committees at ministries, the

National Anti-Corruption Committee headed by the chief secretary to the government and the Special Cabinet Committee on Anti-Corruption headed by the prime minister.

"With all this in place, how could the LCS project, which started in 2013, be allowed to become a colossal procurement and governance failure for so long?"

"How could they collectively have missed all the red flags? Or has it become conveniently invisible, just like the ships that were supposed to be delivered?"

"Where is the oversight, governance and accountability? Or has it become conveniently invisible, just like the ships that were supposed to be delivered?"

"Is it any wonder that Malaysia's CPI (Corruption Perception Index) score has been on a downward trend in the past two years since a high in 2017?"

Mohan said Malaysia was increasingly known for its poor governance practices, resulting in the loss of billions of ringgit of public funds to the pockets of a few.

"Action has been and continues to be taken over 1MDB. How long do we have to wait for those responsible for another fiasco to be prosecuted?"

He said if the government failed to act or do so in time, it would show a lack of sincerity in its commitment towards institutional reforms and in its fight against corruption.

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MALAYSIA

TI-Malaysia condemns LCS scandal, says country becoming known for mismanagement of public funds



TI-M president Muhammad Mohan called the debacle a major question mark as to the integrity, transparency and good governance of this project. —Picture by Photo Agency

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By Zarrah Mardiah
Monday, 08 Aug 2022 9:53 AM MYT

KUALA LUMPUR, Aug 8 — Transparency International Malaysia (TI-M) today criticised the Littoral Combat Ship (LCS) scandal, comparing it to the Malaysia Development Berhad (MDB) scandal and saying that Malaysia is increasingly becoming known for its bad governance practices resulting in the loss of billions of ringgit of public funds.

In a statement this morning, TI-M asked several questions pertaining to the background of the LCS controversy including on what basis Bousted Naval Shipyard Sdn Bhd was awarded the contract.

It also made several recommendations such as not making further payments until the delivery of the ships, investigating all levels of contractors and subcontractors, and a mandate on all high value and high impact projects to be reviewed by parliament before approval.

"With numerous governance and audit structures within the public sector which are responsible to prevent corruption and improve good governance practices in place, how could the LCS project which started in 2013 be allowed to become a colossal procurement and governance failure for so long? How could they collectively have missed all the red flags?"

"Where is the oversight, governance and accountability? Or has it become conveniently invisible, just like the ships that were supposed to be delivered? Is it any wonder that Malaysia's Corruption Perception Index (CPI) score has been on a downward trend in the past two years since a high in 2017?"

TI-M president Muhammad Mohan called the debacle a major question mark as to the integrity, transparency and good governance of this project.

Former deputy defence minister Liev Chin Tong yesterday alleged that Datuk Seri Ahmad Zahid Hamid had approved the project when he was the defence minister in 2011.

Moham Zahid had previously told *Utusan Online* that he was not the defence minister at the time the project was awarded.

Last week, Senior Minister of Defence Datuk Seri Hishammuddin Hussein said that the Public Accounts Committee's (PAC) report and recommendations about the littoral combat ships (LCS) scandal will be scrutinised by the Ministry of Defence (MinDef).

PAC chairman Wong Kah Woon revealed that cost overruns for the Littoral Combat Ship (LCS) project totalled RM1.4 billion, with RM400 million used to pay old debts from an old patrol vessel project.

The LCS project is the largest procurement in the history of MinDef with a total cost of RM8 billion.

The said contract began in 2013 with a ten-year time frame and six LCS ships were expected to be built and delivered to the country by the end of 2023.

'Tanggung bayaran hingga kapal LCS siap ikut jadual'

Dan Zarrah Mardiah - 08/08/2022 09:53 AM MYT



Datuk Seri Ahmad Zahid Hamid (dua) dan Datuk Seri Hishammuddin Hussein (tiga) berunding mengenai projek kapal LCS. —Picture by Photo Agency

KUALA LUMPUR, 8 Ogos 2022 — Transparency International Malaysia (TI-M) meminta kerajaan tidak membuat bayaran lanjut bagi projek pembinaan enam kapal tempur Littoral Combat Ship (LCS) sehingga penghantaran kapal yang mematuhi spesifikasi kontrak dibuat dan setimpul dengan jumlah RM6.083 bilion yang dibayar sehingga kini.

TI-M mendesak kerajaan untuk menamatkan projek LCS dan menghentikan bayaran sehingga penghantaran kapal yang mematuhi spesifikasi kontrak dibuat dan setimpul dengan jumlah RM6.083 bilion yang dibayar sehingga kini.

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Nasional

'Tanggung bayaran hingga kapal LCS siap, ikut spesifikasi'

TI-M ges siasat kontraktor, subkontraktor LCS pada semua peringkat

08/08/2022 09:53 AM MYT

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Selasa, 8 Ogos 2022 10:11



Keratan akhbar BH, 8 Ogos 2022

PAC desak LCS 1 belum siap, bina alternatif 2027

TI-M ges siasat kontraktor, subkontraktor LCS pada semua peringkat

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Managing Third-Party Bribery Risks in Corporate Malaysia

By: Raymon Ram

Managing Principal

Certified Fraud Examiner (CFE), Certified anti-Money Laundering Specialist (CAMS)

Secretary General of Transparency International Malaysia

Corporate anti-bribery and corruption efforts would prove futile without a comprehensive Third-Party Risk Management (TRPM) process. As a consultant in the area of financial crime prevention, detection and response, I have come to realise that many organizations are looking at the TRPM wrong when adopting existing technology, processes and procedures to manage the risk of bribery and corruption. Putting matters into perspective, the enforcement of Section 17A, MACC Act 2009 back in 2020 (Corporate Liability Provision) had clearly established that strict liability is placed upon Senior Management and the Board of Directors of Commercial Organizations for *active bribery* perpetrated by any “*persons associated*” to it for the benefit of the Commercial Organization. Keeping in mind that the definition of “*person associated*” covers both internal and external parties acting on the organization’s behalf, the Malaysian Anti-Corruption Commission (MACC) is now focused on the fact that the onus falls on those running the Commercial Organization to prove that they were not part of the offence and had put in place proper “*adequate procedures*” to prevent their “*persons associated*” from acting corruptly at their expense.

In fulfilling the Ministerial Guidelines on **Adequate Procedures**, released by the Minister in the Prime Ministers Department in December 2018, Commercial Organizations are responsible for establishing preventive measures which are “*proportionate*” to their nature of business and context of the environment in which it operates. Commercial Organizations would need to ensure that a comprehensive Corruption Risk Management (CRM) process is practiced to drive their decisions on resource allocation, internal controls (financial and non-financial), monitoring activities and continuous actions for bribery and corruption prevention and deterrence.

As the risk assessment / management process forms a basis for establishing these “*proportionate*” measures, many seem to neglect the high exposure from those in the supply chain, subsidiaries, intermediaries and partner firms acting on their behalf. Based on the Transparency International Malaysia’s latest publication on the Guidance for Good Practice and Checklist for Adequate Procedures (2022), it stresses on the importance of maintaining policies and procedures for due diligence through specific type of “*person associated*” and the risk it poses to the Commercial Organization, having documented a due diligence report prior to entering into an agreement and having relevant contract clauses, which requires compliance to the Commercial Organization’s anti-corruption/bribery program (e.g. reflection of ABC Policy, termination in instance where corrupt acts had been detected and right to conduct investigation when an allegation or suspicion is encountered).

The level of due diligence performed and criteria for re-appointments must be set based on the level of risk posed to the Commercial Organization. Risk profiles can be assigned to all third parties using a set of standard criteria which takes into account the geographical location of operations, geopolitical environment, types of transactions at stake and nature of partnership. A salient feature of the MACC Act 2009 is its extra-territorial reach. Under the Act, a Malaysian citizen or permanent resident who commits an offence outside of Malaysia may be subject to prosecution under the Act.

Diligent management of significant investments are also pertinent to ensure acquisitions or mergers does not include elements of “*corrupt intent*”. This can be done with proper policies which highlights clear criteria for investments that resorts to valuation, identification of overall corporate structures, its beneficial owners and rational behind business decisions. The organizations procurement policy is also vital to ensure that there is a basis for action throughout the procurement lifecycle which includes strategic communication between various functions, assessment, approval, payments and performance evaluation of appointed vendors, contractors or

other service providers. As an addition to this, practices of managing third parties must be complemented with proper awareness, education and evaluation of vendor or contractor code of conduct, and accessible whistleblower mechanism in place.

With the current issues surrounding supply chain disruptions and global economic turmoil resulting from the war in Ukraine and resurgence of the Pandemic, we should stay mindful of not making rash decisions when managing our third parties or undermine damages that the Commercial Organization could incur due to the corrupt actions taken by any person or entity associated to it.

Disclaimer:

The views, information and opinions expressed in this article are the author's own and do not represent Transparency International Malaysia. TI-M is not responsible for any inaccuracy or error.

Ghosn case, Wirecard scandal... Beyond good governance, reform the government of the corporation

By François Valérian

Member of the International Board of Transparency International and of the Board of Transparency International France, Professor of Finance, Regulation and Supervision at Mines ParisTech and Associate Professor of Finance at Conservatoire National des Arts et Métiers¹

Summary: The international arrest warrant issued by France for Carlos Ghosn, the former automobile tycoon, reminds us of the Ghosn affair. Ghosn, Wirecard: twenty years after Enron and WorldCom, the big international corporations still need a true reform of how they are governed, beyond all the nice speeches about corporate governance.

France a few days ago issued an international arrest warrant for Carlos Ghosn, the once much praised and acclaimed French automobile tycoon, former CEO of both Renault and Nissan.

The warrant was issued over €15m in suspect payments between the Renault-Nissan alliance that Ghosn once headed and an Omani company, Suhail Bahwan Automobiles (SBA). The allegations involved the misuse of company assets, money laundering and corruption².

Beyond the diverse offences that Ghosn allegedly committed, this latest episode in Ghosn's judiciary saga invites us to reflect about use and abuse of power by some of those who are chosen to rule major international corporations.

Let us briefly recall the facts³. Renault-Nissan, one of the world's largest car manufacturers, with important bases in France, Japan, the United Kingdom and the United States, was to a large extent in its current shape a creation by Carlos Ghosn, who was successful at restructuring both the Japanese and French companies, also unfortunately at a high social cost.

On November 19, 2018, Carlos Ghosn arrived at Tokyo airport. The passport control employee tells him that there was a problem and that he must go to a room next door. Ghosn was impatient, his job is to grow an empire all over the world, not to waste time in airports, but he has to comply. The same night he was arrested on the orders of the Tokyo prosecutor's office for having concealed \$80 million in deferred income from investors between 2010 and 2018.

A year later, on December 29, 2019, Ghosn chose to escape justice and finances for 7 million dollars, plus 13 million dollars of abandoned bail, his escape from Japan organized by a commando of mercenaries. He took refuge in Lebanon. An escape, clearly, that not everyone could afford...

Within a few months after his arrest in November 2018, the carefully entertained image of a business and manufacturing genius fell apart under a series of charges brought by the Japanese prosecutors, followed by the US Securities Exchange Commission⁴ and the French prosecutors, as well as stories told by the media: partial concealment of an enormous \$20m annual income that had to be fully disclosed under the post-financial crisis regulations, use of millions of Nissan dollars to cover losses during the 2008-2009 financial crisis, kickbacks allegedly received off \$15m Nissan payments to an Oman-based car distributor owned by one of Ghosn's billionaire friends, mansions bought in Rio and Beirut through Nissan, private travels paid by Renault-Nissan, as well as fastuous expenses such as those for Ghosn's 2014 birthday party at France's Palace of Versailles.

As a result of the Ghosn affair, thirty thousand jobs destroyed worldwide

Ghosn was the CEO of both Renault and Nissan, with Renault owning 43% of Nissan. The Ghosn affair destroyed billions of dollars of shareholder value in both companies, and above all nearly thirty thousand jobs worldwide (15,000 at Renault⁵, 12,500 at Nissan⁶).

In 2019, Renault filed a complaint against Ghosn in Paris and in 2020 Nissan filed a complaint against him in Tokyo.

The question is obviously why the two companies waited until the fall of their CEO to file against him.

The answer seems simple: because he was the CEO and therefore nobody could act against him. But it is this simplicity of the answer that poses a problem.

For decades there has been talk of corporate social responsibility and good corporate governance. But these beautiful ideas are only empty words if ethics are not practiced in the CEO's office, and the very principle of ethics since Plato and Aristotle is to expose oneself to the contradiction of others: a CEO who is not contradicted by anyone is deeply unethical. While a number of human societies have evolved towards political organizations governed by a system of checks and balances, the government of many companies is still all too often a regime of unchecked monarchy. I am talking about corporate government, i.e. the way power is exercised within the company, and am supposedly not using the often blurred concept of governance. We sometimes talk about tone at the top. This however is not about hitting the right tone at the top of a pyramid, but about placing the top at the center of the company, surrounded by bodies that control and regulate it.

It is indeed the exercise of power that posed a problem at Renault-Nissan, it is an autocratic exercise of power that prevented any proceedings from being launched against Carlos Ghosn before Nissan whistleblowers handed over files to the Tokyo prosecutor's office. Let us read what the authors of the report⁷ commissioned by Nissan since Ghosn's arrest are saying.

Carlos Ghosn was "deified" within Nissan

"Based on the Special Committee Report, the Company believes that the primary root cause of the misconduct was the concentration of all authority in Mr. Ghosn, including those regarding human affairs and compensation issues. Mr. Ghosn made the certain administrative departments which would be able to discover management misconduct opaque by concentrating authority in such departments in a few particular persons (...), and thereby created a situation in which it would be difficult to detect Mr. Ghosn's demands for his personal gain. As a result, the checks and balances function of certain administrative departments did not necessarily function effectively with respect to the problem concerning Mr. Ghosn's demands for his personal gain."

"In the context of his contributions to the reconstruction of Nissan, personality cult of Mr. Ghosn developed and then a tendency to regard his activities as an impenetrable territory was established in Nissan. (...) Mr. Ghosn realized the concentration of authority in himself by substantially gaining authority regarding human affairs and compensation issues".

"When the responsible persons were questioned by Statutory Auditors or Accounting Department regarding the issues with payment of compensation and the personal use of funds and expenses, they refused to provide detailed explanations, such as by simply responding that it was a "CEO matter".

"Mr. Ghosn requested the Board of Directors to complete its meetings as quickly as possible, thereby creating an atmosphere where it was not possible to ask questions about or give opinions on the agenda at the meetings.

"Until June 2018 when 2 Independent Outside Directors were newly appointed, the average duration of meetings of the Board of Directors was less than 20 minutes. Mr. Ghosn disliked having questions and/or opinions raised at meetings of the Board of Directors. He sometimes summoned Directors or Statutory Auditors who stated opinions etc. to his office after meetings and he did not re-elect so-called "fastidious Statutory Auditors." One of the staff was told by Mr. Ghosn to look for Statutory Auditors who do not state opinions. Eventually, meetings of the Board of Directors were not an environment for robust debate.

"Mr. Ghosn was in a way deified within Nissan as a savior."

One of the peaks of this Ghosn apotheosis was to be reached by Renault in 2015 when a glowing Vanity Fair article on Carlos Ghosn, presented as the world's most influential French person, was published on the group's global corporate website⁸, along with information for investors and the strategic plan.

Corporate fraud and corruption are very often made possible by the CEO's abuse of his or her power. Wirecard⁹; a German listed company specializing in digital payments, which was praised by the German business and global digital world for years, went bankrupt in the summer of 2020. The management would have falsified the accounts so much with false revenues that they presumably had to create €1.9 bn of false cash at hand in Philippine banks to account for the false profit generated. This grossly falsified balance sheet had allowed them to borrow real cash from banks which they had used, among other things, to have Wirecard purchase in 2015 an Indian business for €326m weeks after it changed hands for €37m, resulting in a huge profit for a middleman maybe linked to Wirecard managers.

24 bn of shareholder value was destroyed and nearly a thousand Wirecard employees lost their jobs.

The former CEO of Wirecard, Markus Braun, is in jail, now indicted on fraud and false accounts. The former COO, Jan Marsalek, had engaged in dealings so clean that apparently they brought him excellent friends: according to media releases he now lives in Moscow under the Russian secret service's protection¹⁰.

The power wielded by the two men at Wirecard was also unbounded. As one former company executive put it, "Braun ran the company like a lord in his domain, as if it were his property. The members of the company's board ("Aufsichtsrat") had a strong financial interest in remaining on the board, which was largely dependent on Braun's goodwill. Their compensation varied between €200,000 and €300,000.

Braun and Marsalek's answer to the auditors, and in general to all those who questioned the reality of the accounts, was always "We are a high-tech company, don't ask us so many questions, everything is going so well!" Braun and Marsalek, like Ghosn, as long as they were successful, were not questioned by anyone. Similarly, Bernie Ebbers, CEO, and Scott Sullivan, CFO of the defunct WorldCom, exerted pressure on their staff that nothing could stop, using intimidation and belittling emails, or describing efforts to establish a corporate code of conduct as "a colossal waste of time" according to the 2003 SEC report of investigation. And Jeffrey Skilling, the CEO of Enron, was known internally as Darth Vader, the Star Wars character, or referred to as Machiavelli's Prince, The Prince being mandatory reading for a number of new recruits.

Enron went bankrupt in 2001, WorldCom in 2002. After the bankruptcy of these two giants, the Sarbanes-Oxley Act required a number of disclosures and increased transparency. After the 2008 crisis, largely related to the lack of control over bank executives and conflicts of interest between boards and executives, Dodd-Frank and several other regulations further strengthened transparency, disclosure requirements, even in some cases the CEO's personal signature.

But now, after the Ghosn affair at Renault-Nissan, after Wirecard, what will we do? What else should be published? Isn't it time, beyond disclosure, to demand deeds?

Beyond disclosure, let us demand deeds and a reform of corporate government

It is clearly necessary now to intervene inside the company and not only on what it communicates to the shareholders or the outside world. The exercise of power must be reformed so that the company is no longer handed over to a charismatic boss, Skilling, Ebbers, Ghosn, Braun or Marsalek, bosses who, as long as they seem to be successful, are the object of a true cult and cannot be criticized by anyone.

Establishing ethics in the company means ensuring that an independent manager can express his or her disagreement with the CEO on compliance issues from the inside.

Internal audit functions have grown significantly in recent years, but a final step must be taken to create a really independent internal audit function. It is true that there is now external control by the board of directors' audit committee over the internal controls in place or the choice of external auditor, but the Wirecard affair has again shown that these developments have done little to improve the quality of controls.

As long as the person in charge of internal audit, the Chief Compliance Officer, depends on the CEO for his or her appointment or career, we will still have Ghosn cases, Wirecard cases, or other similar cases. About ten years ago I proposed¹¹ the establishment, in the main world stock exchanges, of a regulation requiring all listed companies to appoint the Chief Compliance Officer from the outside for five non-renewable years, with no possibility of remaining in the company afterwards. In this way we would create a population of competent and independent individuals who would have the power to control and investigate within the company. In the event of a disagreement between the CEO and the Chief Compliance Officer, the disagreement would be brought to the attention of the Board, which would decide.

The possibility offered to whistleblowers, whether inside or outside the company, to report wrongdoings also contributes greatly to the preservation or introduction of ethics in the company. A truly independent audit function would be the natural recipient of these ethical complaints, which all too often, for the time being, either cannot prosper internally, or go through external channels that are far away from the reality of the company.

One can easily imagine the resistance to this type of proposal. I do not claim that this is the only way to reform corporate government, but what I do believe is that without real reform of corporate government we will always go from scandal to scandal.

The argument of efficiency, which is often the same as that of Ghosn when he reduced Board meetings to twenty minutes, will be raised. To this objection, there are answers and decision-making processes, such as quickly referring disagreements between the CEO and the Chief Compliance Officer to the Board. But above all, how has Mr Ghosn's efficiency benefited Renault-Nissan? What are the economic, the social consequences of such a weak ethic?

1) I would like to thank my friend and colleague Laurence Cockcroft, a founding member of Transparency International, for his careful reading of a first version of this article and his always very valuable advice.

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- 3) Greimel (Hans) & Sposato (William), *Collision Course. Carlos Ghosn and the Culture Wars that Upended an Auto Empire*, 2021.
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- 8) “Carlos Ghosn voted “World’s most influential French person” by Vanity Fair”, *Renault Group*, 22 December 2015, <https://www.renaultgroup.com/en/news-on-air/news/carlos-ghosn-voted-worlds-most-influential-french-person-by-vanity-fair/>.
- 9) Holtermann (Felix), *Geniale Betrüger: wie Wirecard Politik und Finanzsystem bloßstellt*, 2021
- 10) “„Bild “: Marsalek soll in Moskau gelebt haben”, *Nachrichten Und Informationen Rund Um Die Uhr*, 11 April 2022, <https://gschirrl.at/2022/04/11/bild-marsalek-soll-in-moskau-gelebt-haben/>.
- 11) Valérian (François), *Crisis in Governance. Business Ethics and the Race for Profit*, 2011

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Misunderstanding About the Corruption Perception Index (CPI)

By: Dr. Muhammad Mohan

President of Transparency International Malaysia

Part I

Polemic regarding the acceptance of the Corruption Perceptions Index (CPI) has surfaced recently. Earlier this year the Corruption Perception Index (CPI) of 2021 was announced and Malaysia was ranked 62 with a score of 48, which is another drop for two consecutive years and this caused a corruption watchdog to criticize the CPI report on Malaysia. Most recently, the Chief Commissioner of MACC made a statement that the CPI is not a true measure of "the reality" of corruption in the country and was merely a "perception".

In fact, statements like this show the lack of understanding of the parties making such statements as to how the Index is derived and their effectiveness to gauge the level of corruption in a country. Allow us to explain what exactly the Corruption Perception Index is but as a preliminary point. Let me state that Transparency International (TI) has never since this index was first released in 1995, made any statement implying that the CPI is a "true measure of corruption". I repeat, never.

The CPI serves as an index that functions more as a "measured indicator" because such indicators help to give a signal on many things that happen in the country, each of which correlates with the corruption problem that the authorities such as MACC need to focus on and pay attention to.

Notwithstanding the negative voices on the CPI, many parties welcome the results of the CPI report by urging that it be used as a lesson to improve Malaysia's position, thus achieving the goals of the National Anti-Corruption Plan (NACP).

For educational purposes through this article, we would like to focus on the criticism claiming that the CPI has unfairly tarnished the country's image. That is absolutely not the intention of any agency that produces an international level index. The same party criticising the CPI has thrown various questions at TI Malaysia (TI-M) and also recommended Malaysia to leave the CPI survey as some countries do.

The polemic about the CPI involving Malaysia should be seen in a positive light and not one of "let's get out of it because we don't do well in it". This is not the first time CPI results have been criticized by some parties in the country. Looking at the background of the said critics, TI-M is somewhat ambivalent about why they choose not to accept the fact that Malaysia's position in the CPI has declined. These same persons were quick to cheer when the country's ranking was said to be good, as was the case for the 2019 report when Malaysia for the first time managed to improve its score from 47 to 53 and improve its position from 61 to 51 out of 180 countries in the world. In such occasions, these parties accepted the CPI with open hearts.

Surely the maturity of a nation is measured by the ability to accept bitter findings, thinking deeply and figuring out together how to improve the country's position.

The important question we need to ask is how did we managed to score 53 in 2019 from 47 in the previous year, and later dropped two years in a row, as announced at the end of January this year.

Like it or not, Malaysia's success in improving its position in the CPI for 2019 was a very proud achievement. This shows that we have the knowledge and the people who are given the responsibility to determine planning and policies related to integrity, governance, and anti-corruption know what needs to be done and have succeeded in

restoring the country's image in the eyes of the world. This is empirical evidence that cannot be denied by any party - that Malaysia can be among the best countries in this corruption perception index.

Unfortunately, many of us today seem complacent and do not continue the concrete efforts to combat corruption in an exhaustive manner that was started in 2018 through the initiatives contained in the NACP. The country needs to maintain a continued strong momentum in increasing the score or points, which is the determinant of the country's position in the index.

There is no shortcut to achieving the goal of making Malaysia a truly corruption-free country. Efforts to achieve those objectives must be carried out with full steadfastness, vigour and commitment.

Perhaps not many people realize that the CPI produced by TI, besides measuring 180 countries also uses at least 9 to 13 other indices.

Each country measured has data that can be compared to each other. The three best countries in the world, Denmark, Finland and New Zealand scored 88 which put them at the top while South Sudan was at the bottom with a score of 11/100.

A country's score is given based on several surveys and expert assessments, which looks at various factors in a country including democratic aspects, openness to foreign investors and economic factors. Malaysia is believed to be capable of becoming even better. Therefore, it is important for us to understand how TI came up with the calculation of points, and how the government can devise strategies to obtain better scores.

Please refer to Datuk Dr. Anis Yusal Yusoff in his column "Rintihan Rakyat" in the Sinar Harian newspaper dated 27 January 2022 which gave a good explanation with the title "CPI: What do we need to know?".

Therefore, for Malaysia to rise again, every other aspect or factor needs to rise or be improved. For example, Malaysia needs to become a country where investors find it easy to come and do business, besides becoming a more democratic country. This is not a one-party effort, either the work of the MACC or the work of the Governance, Integrity and Anti-Corruption Center (GIACC) alone, instead it involves the role, function and responsibility of every agency and ministry including the support of all the people. Part II of this Article to follow

Part II

In the previous article, I referred to Datuk Dr. Anis Yusal Yusoff's writings which explained well what we need to know about the Corruption Perception Index (CPI). Based on his independent work, it has been shown that the CPI score is calculated based on a combination or from several different sources. It is not a conceptual or statistical problem or a mere "perception without any reality".

This is how composite pointers work. They aggregate different measurements that describe the same phenomenon. In the case of CPI, all sources are closely related to each other. This means that all of them, although measuring different aspects of corruption, effectively capture a broader underlying phenomenon, namely public sector corruption.

Regarding the number of sources used to calculate the different country scores, the statistical audit also concluded that "there is no pattern between the CPI score and the number of sources used to rate a country". This means that the number of sources used to calculate the CPI score is not associated with better or worse outcomes.

Some parties put forward suggestions as to whether we should follow the example of the absence of Brunei in the list of countries under review and decide to leave. In fact, TI only reports scores for countries covered by at least three sources and Brunei, like many other small countries, often failed to meet that threshold. The fact that a country moves in and out of the CPI is the reason why TI emphasizes the importance of focusing on scores rather than rankings. In fact, according to TI, this is not a methodological issue, but instead just a feature of how ranking works. Therefore, the sample of countries that TI covers in the CPI has remained stable since 2012.

At the same time, the view mentioning that the change in CPI coverage as the cause of Malaysia's decline in the CPI is also incorrect. If TI maintains all the fundamentals used continuously, Brunei's exit from the survey, for example, will benefit Malaysia's position in the ranking.

In short, changes in rankings or scores have nothing to do with changes in coverage or sources of CPI Malaysia assessed by the same nine sources in 2020 and 2021.

As suggested by Datuk Dr. Anis Yusal, what is important for us is to use knowledge and information in the best way to create a strategy that can have a positive effect and impact on the country. CPI sees corruption in its entirety and not like some of us who assume that corruption is related to the work solely done by the Malaysian Anti-Corruption Commission (MACC).

The CPI also looks at data from the Economist Intelligence Unit and the Country Risk Service. It evaluates data from the IMD World Competitiveness Yearbook. In other words, they also take into account the views of experts from Political and Economic Risk Consultancy Asian Intelligence and Varieties of Democracy.

They are all interrelated to one another. If a country's democratic system continues to be shackled by leaders who rule at will, it will result in a country governed by abuse of power. The same is true that if the bureaucracy in the administration of a country is not curbed, the administrator will take the opportunity to extort and burden the people, and only when the people bribe them (such as giving "duit kopi"), only then the bureaucracy will be simplified.

Things like this can be seen around us. The relationship between economy, politics and the way we manage a country has an important correlation to the results of the country's achievements. If seen from the outset, there are important indicators that encourage corruption, misuse of power and bribery, hence the country has a higher tendency to encourage corruption. For instance, some government departments have succeeded in reducing the complicated processes that trouble people who want to start a business in the country and that effort has helped improve our achievements in some of the aforementioned indices such as the IMD World Competitiveness Yearbook.

This is what we need to understand, especially from MACC's perspective who is tasked with fighting corruption holistically in the country. We need to look at the perception of corruption in a country such as Malaysia from various angles of the role of government agencies and ministries. This includes the responsibility of enacting a new legislative framework related to democracy and empowering the MACC, strengthening the implementation of the National Anti-Corruption Plan (NACP), providing provisions related to the approval of investment and business applications and ensuring the government's open attitude in guaranteeing the interests of the people and stakeholders. If no improvement, correction and empowerment actions are taken, the perception of the people and those surveyed by TI will continue and Malaysia's score in the CPI will not change, and there is even a possibility of falling further.

The perception of CPI, whether directly or indirectly, is related to the extent to which the authorities are concerned in improving the people's quality of life in every aspect. The drainage of the people's money will affect the quality of life of the people as is often raised in the Auditor General's Report.

In short, we need to look at all these factors thoroughly if we want to improve Malaysia's score and position in the CPI.

If the NACP and the 115 initiatives are implemented as outlined in 2019, surely Malaysia's score will improve incrementally. Unfortunately, four years after the plan was launched, we were informed that only 33% had been achieved, while the five-year NACP plan will end next year.

We at TI Malaysia strongly support the efforts planned and contained in the NACP as it looks at corruption in totality. Delaying efforts and changing what we have planned have resulted in us falling consecutively from 2020. That is why, when I announced Malaysia's latest score, I suggested that the government today, be serious in implementing the plan that was launched in January 2019.

We should not look at the plan from the viewpoint of which government is in power. This is the National Anti-Corruption Plan of all Malaysians which has been proven as a good working document and which has been endorsed by all the "Governments of the day" since it was incepted. That's why we think it should continue to be seriously implemented.

With due respect, rather than continuing to criticize the findings of the CPI, TI-M appeals to the MACC Chief Commissioner to focus on delivering the outcomes outlined in the NACP and in that way help Malaysia to improve its position in the CPI next year.

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MEET OUR TEAM

Introducing our new intern in TI-Malaysia:

Siti Nur Aqilah Binti Anuar

We welcome our summer intern, Ms. Aqilah to the team. Aqilah is a third-year student at Peking University, Beijing. She is currently pursuing her Bachelor's Degree in International Relations. Due to her interest in good governance and International Non-Governmental Organizations, she hopes that her time in TI-M will bring impact to the society through the series of anti-corruption forums she helped manage during the internship.

