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Malaysia**

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The Malaysian Society for Transparency and Integrity

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President's Message

GREETINGS from the Board and TI Malaysia Secretariat. TI Malaysia has had an exhilarating and rewarding year in 2008. We have consolidated the administration office and undertaken several productive projects that have been highlighted in previous newsletters and press reports. Our TI Malaysia advocacy role has been quite significant and I believe we have made considerable impact on the public policy scene and co-operated closely with government agencies, especially the Anti-Corruption Agency, to help build a more transparent society.

TI MALAYSIA is now gearing up for an eventful new year of 2009. It will be filled with training workshops, projects, more engagement with the Federal Government and state governments, and research. Some of the projects like Crinis had already kicked off in December. Crinis started as a joint project from Transparency International (TI) and the Carter Center to promote transparency and accountability in political financing in Latin America. A two-day methodology training workshop was held in Kuala Lumpur. The workshop provided participants from TI Malaysia, TI Bangladesh and TI Indonesia an introduction to the Crinis project and know-how on conducting the study. This is vital because the project will be carried out within our region this year. TI Nepal was absent due to unforeseen travel problems.

FOLLOWING up on the Freedom of Information (FOI) workshop in October 2008, TI Malaysia will be strengthening the push for an FOI legislation by organising an almost year-long project. TI Malaysia aims to promote further understanding of what freedom of information entails, to facilitate attitude change among different segments of society and to be part of the process in making information accessible.

UNDERSTANDING the importance of getting the youths involved in the fight against corruption, TI Malaysia will embark on a Youth Integrity Project. Called the H.I.T. (Honesty, Integrity and Trustworthiness) project, it will consist of four youth integrity camps in Peninsular Malaysia. The aim of the camps is to create awareness on corruption and sustainable solutions to prevent or stop it. It is timely to engage a new generation in the fight against corruption by emphasising the values of H.I.T. A Youth Integrity Survey will also be conducted. The target group is secondary students. The objective of the survey is to gauge Malaysian youths' perception of integrity and the awareness on corruption and behaviours related to corruption.

EVENTS to expect for the first quarter of 2009 are a gala fund-raising dinner, TI Malaysia's AGM and an Anti-Corruption Summit. Also, we are revamping our TI Malaysia website. Work is still in progress.

BETWEEN late October and early November last year, I attended the 13th International Anti-Corruption Conference (IACC), TI Regional Annual General Meeting and TI Annual General Meeting in Athens. There, I strongly urged that we should stress the importance of combating the supply side of corruption worldwide.
(Athens report—pg 6)

IN addition, TI Regional Director for Asia and the Pacific Pascal Fabie visited us on November 21 and 22, 2008. We had fruitful discussions with him on the way ahead for TI Malaysia and the region, which the executive council will consider in greater depth in future meetings.

We look forward to a better year ahead and we wish all our members a Happy New Year and all the best for 2009!

**Tan Sri Ramon V. Navaratnam
President
Transparency International Malaysia**

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TI Malaysia Projects in 2009: A Busy Year Ahead

Crinis

The goal of the Crinis Malaysia project is to strengthen the legitimacy and credibility of democratic institutions by increasing the levels of transparency and accountability in the political finance systems in the country. The Crinis tool is used to assess levels of transparency and accountability in the political finance system and enables targeted advocacy for reform of the regulatory framework and change in practices. In order to this, a survey of the different stakeholders will be conducted, using questionnaires and interviews-starting in January.

All findings will be given to Transparency International (TI) in Berlin by end of July. TI will compile the results and help to prepare a final report, with further inputs from the national TI chapters involved in the study. A methodology training workshop was conducted in Kuala Lumpur in December last year. TI Malaysia has already started academic research on political financing in the local and international context, using the expertise of two academicians-Prof Shad Faruqi and Prof Terence Gomez. In addition, workshops to discuss best practices on political financing will be conducted between late March and June. Participants are expected from political parties and corporate figures.

FOI 2009

The Konrad Adenauer foundation (Konrad Adenauer Stiftung) will be supporting this project. Part of the project comprised training a core group of people (from civil society organisations), who in turn will train or talk to other interest groups such as business people, lawyers and civil society advocates.

Awareness-raising sessions will be held for focus and target groups. All this will culminate in a national conference on access to information in October 2009, which will either be held in Selangor or Penang. This FOI 2009 project will start in January.

Youth H.I.T. project

The project consists of four regional camps, which will run throughout the year. There will be a camp for each quarter of 2009. The first one will be held in late February. Participants will comprise college and university students aged between 18-24.

Youth Integrity survey

The target group for this particular survey is secondary students (ages 13 to 18). The objective of the survey is to gauge Malaysian youths' perception of integrity and the awareness on corruption and behaviours related to corruption. The next step can then be taken to determine whether a review on the provision of integrity and moral education in Malaysia is needed or whether it is sufficient.

More

Research and work will also begin to address corruption in the forestry sector.

2009 Events

TI Malaysia Gala Fund-Raising Dinner

Date: TBA

Venue: TBA

TI Malaysia AGM

Date: TBA

Venue: TBA

Time: TBA

Anti-Corruption Summit

Date: March 30-31

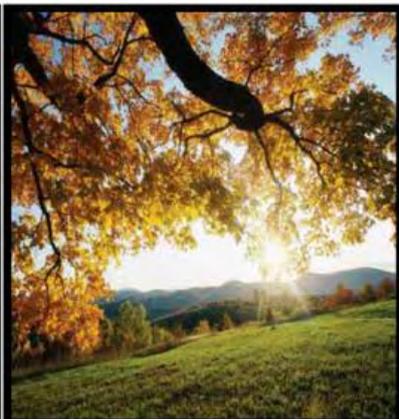
Venue: Sime Darby Convention Centre

Occasional Talks

TBA

Condolences

Transparency International Malaysia member Dato' Dr S. Vijayarajam passed away in Seremban on Nov 3, 2008. We offer our deepest condolences to his family.





International Business and Bribery: At what costs?

Bribe Payers Index

Companies based in emerging economic giants, such as China, India and Russia, are perceived to routinely engage in bribery when doing business abroad, according to Transparency International (TI)'s 2008 Bribe Payers Index (BPI), released on Dec 9, 2008.

Among the 22 countries ranked in the index, Belgium and Canada showed good results, sharing the first place with a score of 8.8 out of 10 (see BPI scores - pg 4). This followed the survey conducted among senior business executives in 26 developed and developing countries, which includes Malaysia.

The other countries surveyed were Argentina, Brazil, Chile, Czech Republic, Egypt, France, Germany, Ghana, Hungary, India, Indonesia, Japan, Mexico, Morocco, Nigeria, Pakistan, Philippines, Poland, Russian Federation, Senegal, Singapore, South Africa, South Korea, United Kingdom and the United States.

In each country, a minimum of 100 senior business executives were interviewed. There was a total of 2,742 interviewees. The enterprises they represent were selected through a stratification process that took into consideration the size of firms, their sector and location.

Additionally, due to the nature of the phenomenon under analysis, namely the flow of bribery entering the country from foreign-based companies, TI requested an oversampling of large and foreign-owned firms.

These countries were chosen based on the volume of their imports and inflows of foreign direct investment, using data from United Nations Conference on Trade and Development (UNCTAD).

The Malaysian Situation

BRIBERY

In the supplementary material to the BPI 2008 (material that is specific to Malaysia that also focuses on the Asia Pacific region) sent to TI Malaysia, it has been found that Malaysian business people believe that their own companies are highly involved in corrupt practices in the country and the region (see Table 1).

While the business people viewed bribery practices more or less the same as in all the 26 countries in the survey, there was a less critical viewpoint in terms of 'bribery to high ranking politicians or political parties' and 'bribery to low level public officials to speed things up'.

The response to these questions in Malaysia was only 42% and 38%, respectively, while the Asia Pacific region had a 47%, or 763 responses, and 45%, or 769 responses, out of the average 2292 and 2430 responses received, respectively.

FIGHTING CORRUPTION

In the fight against corruption, Malaysian business people were highly critical of their government's efforts to do so compared to the other Asia Pacific countries in the region (see Table 2).

Malaysia recorded a 46% response (out of 100 respondents) for being ineffective in its efforts to curb corruption while Asia Pacific had a 31% response in the same assessment.

MOST CORRUPT

The most corrupt institution, according to Malaysian business executives, was the police - with a BPI measurement of 4 (scale: 1 - not all corrupt; 5 - extremely corrupt).

Meanwhile in the Asia Pacific region, political parties were the ones singled out as the most corrupt, with a BPI measurement of 3.6. The outcome of this survey concerning the two sectors are similar to the results in the Global Corruption Barometer 2007.

CONCLUSION

TI believes that while most of the world's wealthiest countries already subscribe to a ban on foreign bribery, under the OECD Anti-Bribery Convention, there is little awareness of the convention among the senior business executives interviewed in the BPI. Therefore, it is crucial governments have an important role to play in ensuring that foreign bribery is stopped at the source - and by making good on commitments to prevent and prosecute such practices.

They need to go beyond speeches and proclamations and show greater dedication to combat bribery and corruption in spite of great resistance by self-serving pressure groups whose main interest is to benefit themselves even at the expense of the civil society.

(see Table 1 and Table 2 - pg 5)

Bribe Payers Index 2008

Rank	Country/Territory	BPI 2008 Score	Respondents	Standard Deviation	Confidence Interval 95 %	
					Lower Bound	Upper Bound
1	Belgium	8.8	252	2.00	8.5	9.0
1	Canada	8.8	264	1.80	8.5	9.0
3	Netherlands	8.7	255	1.98	8.4	8.9
3	Switzerland	8.7	256	1.98	8.4	8.9
5	Germany	8.6	513	2.14	8.4	8.8
5	United Kingdom	8.6	506	2.10	8.4	8.7
5	Japan	8.6	316	2.11	8.3	8.8
8	Australia	8.5	240	2.23	8.2	8.7
9	France	8.1	462	2.48	7.9	8.3
9	Singapore	8.1	243	2.60	7.8	8.4
9	United States	8.1	718	2.43	7.9	8.3
12	Spain	7.9	355	2.49	7.6	8.1
13	Hong Kong	7.6	288	2.67	7.3	7.9
14	South Africa	7.5	177	2.78	7.1	8.0
14	South Korea	7.5	231	2.79	7.1	7.8
14	Taiwan	7.5	287	2.76	7.1	7.8
17	Italy	7.4	421	2.89	7.1	7.7
17	Brazil	7.4	225	2.78	7.0	7.7
19	India	6.8	257	3.31	6.4	7.3
20	Mexico	6.6	123	2.97	6.1	7.2
21	China	6.5	634	3.35	6.2	6.8
22	Russia	5.9	114	3.66	5.2	6.6

This table shows the 2008 BPI results along with additional statistical information that indicates the level of agreement among respondents about the country's performance, and the precision of the results.* Scores range from 0 to 10, indicating the likelihood of firms headquartered in these countries to bribe when operating abroad. The higher the score for the country, the lower the likelihood of companies from this country to engage in bribery when doing business abroad.

* The standard deviation is provided to give an indication of the degree of agreement among respondents in relation to each country: the smaller the standard deviation, the broader the consensus among respondents. The confidence intervals show the range of minimum and maximum values where with 95% of confidence the true value of the index lies.

Table 1. Percentage of respondents answering that the following practices are prevalent among companies from their own countries, when operating in their own continent or region.

Country/Territory	Bribery to high ranking politicians or political parties		Bribery to low level public officials to speed things up		Use of personal and familiar relationships on public contracting	
	Percentage	Number of Responses	Percentage	Number of Responses	Percentage	Number of Responses
Malaysia	42%	92	38%	94	44%	93
Asia Pacific	47%	763	45%	769	44%	762
Average (26 countries)	41%	2292	43%	2430	42%	2401

Figures were calculated as percentage of respondents answering 4 or 5 to the question of "how often companies from these countries engage in ...". (Respondents used a scale from 1 to 5, where 1 means never and 5 almost always). Don't know responses were excluded.

Table 2. How would you assess the actions of the government in this country in the fight against corruption?

Country/Territory	Very Ineffective	Ineffective	Neither	Effective	Very Effective	DK/ A	Number of Responses
Malaysia	27%	46%	9%	12%	6%	0%	100
Asia Pacific	31%	31%	12%	16%	10%	0%	817
Average (26 countries)	34%	32%	11%	16%	5%	1%	2742

* Tables prepared and released by Transparency International.

Cleaning up the judiciary

TI Malaysia's survey on judicial independence

OCT21: TI Malaysia's survey, which was conducted among the members of the Malaysian Bar in March / April 2008, revealed that the Malaysian judiciary had yet to see the beginning of the end to the popularly-held opinion that influence from outside played a key role in the operations and decisions of the Courts. The survey found that the overall perception was quite negative and unforgiving. The Malaysian judiciary came under harsh criticism from among the 339 respondents, with only 1% of the interviewees holding the judiciary in high esteem. The majority of between 209 and 317 (between 62% and 96%) held a very low opinion of the judiciary. The results of the survey clearly reflected the negative view of the legal fraternity on the integrity of the judiciary. Therefore, to eliminate any weaknesses and restore confidence in the judiciary, significant measures to reform the judiciary need to be carried out and TI Malaysia welcomes the Prime Minister's commitment to reform the judiciary before he leaves office in March 2009 and we call on civil society to also support the PM on this measure. TI Malaysia secretary-general Datuk Paul Low sent a letter to the Prime Minister's office late last year highlighting TI Malaysia's concern over the issue of corruption in the country and that TI Malaysia is ever supportive of PM's efforts to carry out judiciary and law reforms and make the Anti-Corruption Agency more independent and effective.



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13th International Anti-Corruption Conference (IACC), TI Regional Annual General Meeting and TI Annual General Meeting (October 24-November 3, 2008)

TI Malaysia president Tan Sri Ramon Navaratnam and executive council member G. Rasamalar attended the IACC last year. The conference is held biennially and last year, Athens played host. The theme was 'Global Transparency: Fighting corruption for a sustainable future' - with focus on corruption and sustainable and equitable development.

The International Anti-Corruption Conference is the leading forum for the anti-corruption community. The conference aims to foster cooperation and innovation in developing tools to tackle corruption and provide a forum for discussion. An Asia Pacific Governance Meeting, Strategic Plan and TI Malaysia presentations were also held. The

private sector-supply side corruption was also discussed during a workshop.

Briefing on Crinis was made while the issue of forest governance was brought up.

(See Tan Sri Ramon V. Navaratnam's report- below)

Athens report and feedback

Events and key issues covered:

1. Asia Pacific Governance Meeting
2. Strategic Plan and TI Malaysia presentations
3. Forest Governance
4. Workshop on private sector-supply side corruption
5. Crinis briefing

I participated actively and contributed to all the discussions. TI Malaysia led the discussions especially in those that helped to bring balance to the discussions on the North-South roles in the Transparency International movement. I also met and discussed TI and TI Malaysia issues with the president, Huguette Labelle, managing director Cobus de Swardt, Regional Director for Asia and the Pacific Pascal Fabie, other top leaders of TI Secretariat and chairmen of different TI chapters on how to make the TI movement much more effective and filled with more impact.

My discussions with the above leaders kept TI Malaysia in the limelight and projected its leadership in all the major discussions at the conferences. TI Malaysia joined other like-minded leaders in bringing more balance to the debates especially on the supply side of corruption.

I raised the point repeatedly that the Asia-Pacific region has the lowest budget

allocations and that we should get more priority in terms of regional projects and more financing for them.

Outcome of events relevant to TI Malaysia

With the stronger relations now established with the TI Secretariat, TI Malaysia should be able to tap its rich resources, especially in terms of transfer of technology and expertise to adopt more projects and programmes, and fund-raising techniques to advance our own TI Malaysia work.

Action points to consider

TI Malaysia could keep in closer touch with the TI Secretariat to:

1. tap into its expertise and resources;
2. consolidate our strategic planning;
3. send staff for training in consultation with Pascal Fabie;
4. strengthen our advocacy role;
5. organise a walk against corruption and to raise funding (PNG successful example); and
6. push forward our regional forestry, Crinis and other projects.

Conclusion

I think we showed strong leadership during the meetings in Athens. We should continue a high profile role and co-operate closely with the TI Secretariat.

Iraqi delegation on learning visit

Delegates from the Knowledge and Science Association in Iraq visited TI Malaysia office on Nov 27, 2008.

TI Malaysia executive officer Usha Devi briefed the 14-member delegation about TI Malaysia's anti-corruption advocacy work, experience and current projects, with emphasis on the Integrity Pact.

The visiting group, comprising inspector generals from different ministries in Iraq, was here to learn more about the anti-corruption efforts in Malaysia.

Besides TI Malaysia, they also visited the Malaysian Institute of Integrity, Malaysian Anti-Corruption Academy and the Anti-Corruption Agency.



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Presentation: TI Malaysia executive officer Usha Devi explaining some of the current projects to the Iraqi delegation in Kuala Lumpur on Nov 27, 2008.

Marking UN International Anti-Corruption Day

In conjunction with the UN International Anti-Corruption Day on Dec 9, 2008, TI Malaysia marked it with a public service announcement (psa) on corruption and an interview was arranged for Tan Sri Ramon V. Navaratnam over BFM radio (BFM Media Sdn Bhd). RedFM of Star Rfm Sdn Bhd helped broadcast the psa written by TI Malaysia staff.

Fruitful meeting: Crinis Workshop Kuala Lumpur (Dec 5-6, 2008)



Snapshot: Participants of the Crinis Workshop smiling for the camera outside the Delicious Restaurant in the heart of Kuala Lumpur on Dec 5, 2008. The core participants comprised researchers and executive officers from TI Bangladesh, Indonesia and Malaysia, with trainers from Transparency International, Bruno Speck and Tinatin Ninua.

Access to information way to improving accountability

Access to public information promotes better transparency and accountability. TI Malaysia recognises this and understands the importance information plays in promoting the culture of zero corruption.

With this in mind, the workshop on freedom of information and the media's role was held on Oct 9 and 10, 2008, at the PJ Hilton.

Participants comprised representatives from the print media, electronic media, NGOs, the Malaysian Bar Council, Anti-Corruption Agency, government ministries, embassies and academic institutions. The chief facilitator was Toby Mendel, who has directed the Law Programme at Article 19 for the last 11 years.

Article 19 is an international non-governmental



Sharing experience: Prof Claes Sandgren from Stockholm University presenting his paper to the FOI participants. He spoke on freedom of information and how it can fight corruption and promote accountability, using Sweden as a case study.



Launch: Ambassador of Sweden, H.E. Helena Sangeland, welcoming the speakers and participants to the FOI workshop.

organisation focusing on freedom of expression and the right to information. During the two-day workshop, speakers touched on freedom of information and how it could fight corruption and promote accountability.



Serious thought: FOI participants engaging in a group discussion during the workshop.

TI Malaysia is committed to the achievement of a socially just and equitable society within a sustainable, plural democracy that is free of corruption.



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Speech: Secretary-General of Information Ministry Datuk Kamaruddin Siarag giving his keynote address at the FOI workshop.



Let's begin: Mendel introducing the workshop, highlighting the objectives and format at the workshop.



Brainstorming: Another group discussion being conducted at the workshop.

Room for improvement

Transparency International released the 2008 Corruption Perceptions Index (CPI) on Sept 23 last year. Published annually, the CPI is a barometer to measure the degree of corruption in each country and the index is used by governments as well as leading institutions to gauge the level of corruption. TI Malaysia launched the CPI at the Wisma FMM in Kuala Lumpur during a press conference.

While Tan Sri Ramon V. Navaratnam, president

of TI Malaysia, made the welcome remarks, TI Malaysia secretary-general Datuk Paul Low gave a background briefing on CPI and a Q&A session followed after that.

In the CPI 2008, Malaysia is assessed to have a score of 5.1, the same as the score for 2007. The score for Malaysia for the last eight years since 2001 has straddle between 4.9 (2002) and 5.1 (2005, 2007 & 2008). This shows that the trend of the CPI for Malaysia has remain mediocre at midpoint with no improvement

for the last eight years. In terms of country ranking, Malaysia shows a gradual decline from 36 placement (out of 91 countries surveyed) in 2001 to 43 (out of 179 countries) in 2007 and 47 (out of 180 countries) in 2008. In comparison with the Asean nations, Singapore came first with a score of 9.1, Malaysia (score: 5.1), Thailand (3.5), Vietnam (2.7), Indonesia (2.6), Philippines (2.3), Cambodia (1.8) and Myanmar (1.3).

Working together to promote integrity

An Integrity Pact (IP) training workshop was held on July 28, 2008, in Petaling Jaya. TI-Indonesia executive director Rizal Malik was invited to speak at the workshop on the integrity pact and Indonesia's experience. TI Malaysia executive council member Josie Fernandez spoke about IP implementation in the Malaysian context.

Developed by Transparency International, the IP is a tool aimed at preventing corruption in public contracting. It consists of a process that includes an agreement between a government or a government department (at the federal, national or local level) and all bidders for a public contract. It contains rights and obligations to the effect

that neither side will: pay, offer, demand or accept bribes; collude with competitors to obtain the contract; or engage in such abuses while carrying out the contract. The IP also introduces a monitoring system that provides for independent oversight and accountability. TI Malaysia will continue to engage the private sector in this.

The IP is a tool aimed at preventing corruption in public contracting.



Feather in the cap

TI Malaysia is happy to announce that a Memorandum of Collaboration (MOC) to Promote Integrity and to Combat Corruption was signed between engineering consulting firm Minconsult Group of Companies and TI Malaysia on Nov 18, 2008, in Petaling Jaya.

TI Malaysia and Minconsult Group of Companies signed a memorandum of collaboration on an Integrity Pact outlining the areas of partnership to promote greater integrity, transparency, accountability and ethics in

business and other professions.

The purpose of the MOC is to effectively put in place structures and processes to eliminate corruption by advocating and promoting accountability, transparency and integrity in all business dealings and transactions with government and the private sector.

It also aims to create a culture of intolerance towards corruption and seeks to build institutional integrity in both the government and the private sector.

The purpose of the MOC is to effectively put in place structures and processes to eliminate corruption by advocating and promoting accountability, transparency and integrity in all business dealings and transactions with government and the private sector.

TI Malaysia welcomes passing of MACC and JAC Bills

The passing of the Malaysian Anti-Corruption Commission (MACC) Bill and the Judicial Appointments Commission (JAC) Bill is most welcomed and long awaited by Transparency International Malaysia (TI Malaysia). The Prime Minister has kept his promise and tabled both the MACC and JAC in Parliament.

TI Malaysia is delighted with this commitment by the Prime Minister. Furthermore, the most salient points TI Malaysia raised were addressed and put aboard the MACC.

These included being a more independent body with prosecuting powers when dealing with all cases and no longer having to consult the Attorney-General's office and be influenced by the pulls of party politics.

Prosecuting Powers

With the Anti-Corruption Agency (ACA) director now termed as Chief Commissioner with the powers of a Deputy Public Prosecutor, TI Malaysia hopes that upon the passing of the law it will be properly enforced and provide the ACA far reaching powers to prosecute and investigate all cases.

TI Malaysia also stresses that it is important to have people with the highest integrity and a proven track record to sit on the commission.

All processes with regards to the MACC and four other committees must be just and transparent, as this will ensure the *rakyat's* faith and

confidence in the system.

Anyone living above his means should be accountable for it and the onus is on him to be able to prove that his wealth is not ill-gotten.

The onus should be on the accused and this should be clearly defined and reflected positively in the law.

Whistleblowers

TI Malaysia welcomes the provisions in the law providing full anonymity to whistleblowers. However, it is regretted that those lodging false reports are liable to be jailed for up to 10 years and fined up to RM100,000.

This punitive action will seriously discourage potential whistleblowers. The Complaints Committee must take it upon themselves to ensure that whistleblowers are protected against the abuse of allegations that they are making false reports.

TI Malaysia stressed that the fines should be considerably reduced and that amendments on this aspect be made by the Committee.

BPI findings

(Refer to *Bribe Payers Index - pg 3*) There is very low level of confidence and recent events (such as the landslide in Kuala Lumpur) show that there are greater mistrust and distress towards our institutions.

It is timely and necessary that the MACC should strive to show results quickly and gain wide publicity. The

government must show they mean business in fighting corruption.

The BPI also showed that Malaysian business people were less critical in terms of bribery to high ranking politicians or political parties. This suggests that it has become part of our culture to accept and overlook disreputable practices of politicians.

With issues concerning corruption and money politics being a large and significant phenomenon in our country, TI Malaysia reiterates that the enactment of these Bills will help curb this social ill and set things straight.

The test of the pudding will be in the eating, so the bottom line is that the ACA must show results within the next three months.

Conclusion

The MACC shows the seriousness of the PM's resolve and efforts and helps restore a sense of trust in the systems. If kept transparent and according to plan, the Bill will keep our systems clean and clear. TI Malaysia will monitor the developments of this law carefully and hopes it will become very much part of our nation's way of life.

TI Malaysia urges everyone to support the Bill. It must be a part of our everyday lives and people must uphold it with absolute steadfastness for a cleaner and better Malaysia for all to enjoy.