

INTERNATIONAL ANTI-CORRUPTION DAY 2023

ANTI-CORRUPTION NEWSLETTER

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Eliminating Corruption is a collective, national duty that rests upon every Maldivian. The government and the people must work together to shut down every avenue to corruption. We are committed to upholding integrity and honesty in governance at every level, ensuring a transparent and accountable administration.

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Dr. Mohamed Muizzu

President of the Maldives



INTERNATIONAL ANTI-CORRUPTION DAY 2023

Message by Chief Justice of the Maldives on the Occasion of International Anti-Corruption Day 2023

On the occasion of the International Anti-Corruption Day, I would like to extend warm greetings to everyone. Corruption can cripple the development of a country. It undermines the strength, authority, and the realisation of human rights, not only because it deprives society of finite resources that could be used for basic needs, but also due to its damaging repercussions on the functioning of state institutions.

As we mark the International Anti-Corruption Day, I would like to highlight the impact of corruption on the judiciary. In particular, its effect on the administration of justice.

The Constitution of the Republic of Maldives provides for an independent judiciary, with measures to safeguard the functions of judges from any outside influence. Judges when making a decision are required to be independent, and are strictly bound by the Constitution and the law, as stipulated in Article 142 of the Constitution. Needless to say, judges must at all times refrain from succumbing to any pressures direct or indirect, that they may face.

Moreover, Article 141 imposes a prohibition on all persons, including those performing public functions, from interfering with and influencing the functions of the courts. In other words, not only is there an obligation on judges to be free from any external pressures, but there is an equally strict obligation on all persons, including state institutions, to refrain from influencing or intervening with the administration of justice.

A just and fair society that promotes international best practice is no doubt the cornerstone to development, be it social or economic. Predictable, reliable and the speedy disposition of cases will foster confidence in the judiciary. No interest of a single entity should ever prevail over the Constitution and the law, for this would shatter the rule of law, and result in nothing but corruption seeping into the system.

A judgment tainted by corruption may be a quick fix to parties concerned. But the long-term results may be far more damaging than we can begin to fathom. A single bad judgment will have an impact only on the parties concerned. Its effect on the rest of the society may not be so imminent today. However, when that judgment begins to get referred to as a judicial precedent, this impacts many lives, many homes, and many families over a period of time. The repercussions of corruption in the judiciary is grave and should not be treated lightly.

Fundamental rights would be compromised. Laws would be nothing but meaningless words on a piece of paper.

In order to carry out the functions of the judiciary as envisaged in the Constitution; it is imperative that the judiciary remain untainted by corruption. Members of the judiciary, including judges and staff, must act with unwavering integrity and diligence. The role of a judge is not about appeasing popular opinion. The role of a judge is to ensure that the Constitution and the laws are upheld, and that justice is delivered in accordance with the law. In the same regard, all persons must ensure that judges remain free from any influence whatsoever. The duties and obligations under the Constitution are not only privy to the state. Each and every one of us, as an individual, has obligations to respect and uphold the Constitution.

It is our duty to say no to corruption and actively fight against it, whichever shape or form it may appear in.

I sincerely hope that coordinated efforts by various stakeholders help the Maldives to eliminate corruption, with the realization that true development comes by upholding the rule of law, which would result in creating a safe environment in all aspects of life, and foster confidence in the system.

Uz. Ahmed Muthasim Adnan
Chief Justice of the Maldives
Supreme Court



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Message by President of Anti-Corruption Commission



The 9th of December serves as a powerful reminder of our collective commitment to combatting corruption and fostering integrity on a global scale. While we celebrate the 20th anniversary of United Nations Convention Against Corruption (UNCAC), it is important to highlight the milestones we have achieved collectively and individually and the challenges that we are facing constantly.

As an utmost priority, the Anti-Corruption Commission of the Maldives has been working to strengthen anti-corruption institutional and legal frameworks. In this quest, the work towards establishment of a robust asset recovery regime that aims to recuperate Instrumentality and proceeds of crime. This stands out as a noteworthy achievement, signifying a substantial and impactful contribution to fortifying our nation's anti-corruption efforts.

Similarly, the development of a Corruption Risk Self-Assessment Toolkit is a strong preventive measure that works to empower institutions to self-examine the potential corruption risks prevalent in the system enabling preventative actions. This initiative also marks the beginning of a guide that can allow the Commission to ascertain the resilience of the governance system.

The establishment of the Maldives National Anti-Corruption Academy signifies a strategic move toward cultivating human resources in this field and can contribute to the growth of investigative and corruption prevention excellence. The Commission envisages the Academy to be an institution that aspires to offer top-tier anti-corruption educational opportunities, not only locally, but also worldwide.

In our relentless pursuit of a corruption-free Maldives, we acknowledge the crucial role of state actors in leading by example. By promoting sustainable integrity measures, we aim to shape future generations conscious of the detrimental impacts of corruption, actively participating in its suppression and eradication.

The achievements do not leave the effort off challenges. A fully fledged anti-corruption system requires an agency with complete fiscal autonomy as stated by the Jakarta Statement on Principles for Anti-Corruption Agencies. The system which creates doubt among the public about its criminal justice system should be tackled carefully with zero tolerance to corruption impunity. A comprehensive witness protection regime should be legislatively introduced urgently. A Court dedicated for offenses of corruption should be brought before dialogue and discussion immediately. And as a state we should adhere to a culture of evidence-based decision-making swiftly which gives high priority to complete principles of governance. State Enterprises that welcome corporate integrity should be fostered.

This International Anti-corruption Day brings us the opportunity to remain vigilant in our efforts to minimize the impacts of corruption while forging stronger ties with the international community. Through collaborative action, we can learn from global experiences and come together to explore innovative changes to be ahead of the development of criminal behavior as envisioned by chapter IV of UNCAC. Together we can promote a resilient stance against corruption as we collectively strive for a more just world.

Uz. Adam Shamil
President
Anti-Corruption Commission

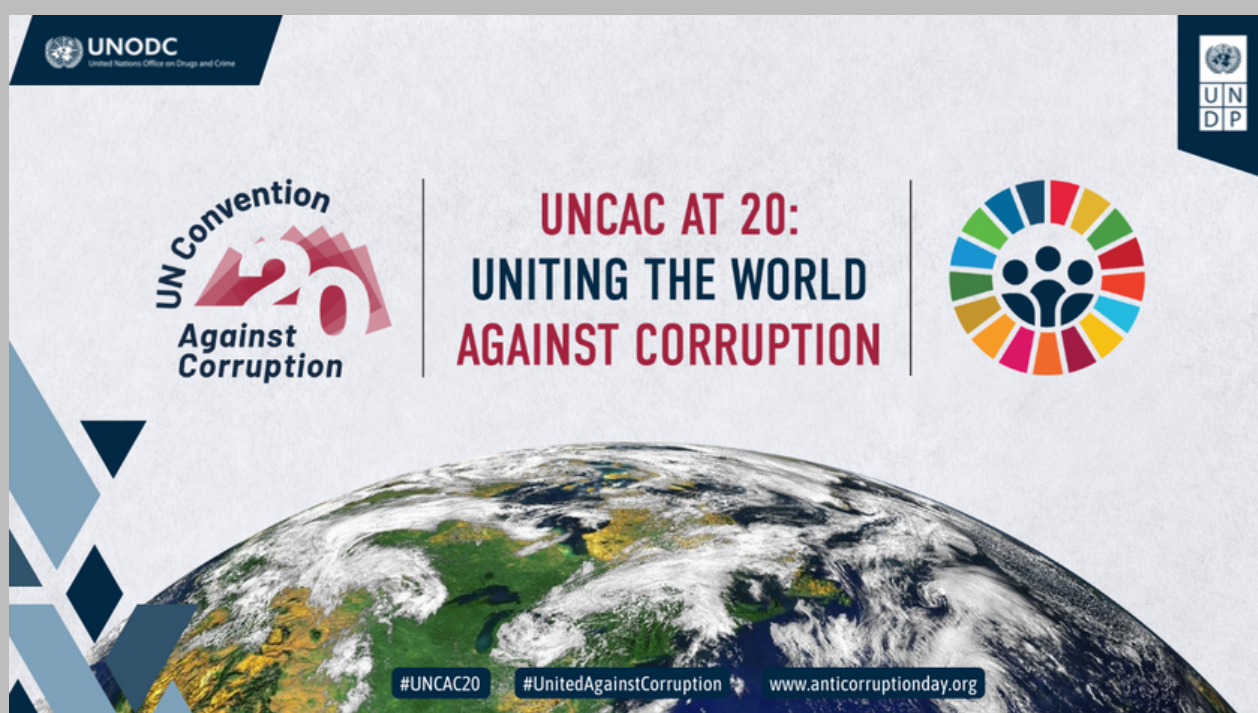


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UNODC Executive Director's Message International Day Against Corruption 9 December 2023

Two decades ago, the international community made history by adopting the UN Convention against Corruption – the UNCAC. As we commemorate its 20th anniversary, the Convention embodies the vision of a world where integrity prevails. By leveraging the UNCAC, we prevent resources from being siphoned away from public services and crisis response. We recover stolen assets and disrupt illicit financial flows. We cut off revenue streams for organized criminal groups and terrorist organizations. And we uphold the rule of law and promote public trust, strengthening the foundation for peace and security, human rights, and our efforts to achieve the Sustainable Development Goals. Through the Convention, the international community has taken major strides against corruption, establishing strong legal frameworks, reforming institutions, and bolstering international cooperation. As the guardian of the UNCAC, the UN Office on Drugs and Crime has proudly supported Parties in honouring their commitments, and helped more countries accede. Today, the UNCAC is near-universal with 190 Parties, a remarkable milestone that speaks to a shared global commitment. We must build on this milestone going forward. We must step up our efforts to end impunity and face emerging corruption risks, from the corruption enabling the destruction of our planet to the use of new technology for money laundering, and beyond. And we must empower anti-corruption champions, especially among youth and women, and boost partnerships with civil society, academia, and the private sector. This International Anti-Corruption Day let's reaffirm our commitment to the UNCAC for a world truly united against corruption.

Ghada Fathi Waly
Executive Director, UNODC



INTERNATIONAL ANTI-CORRUPTION DAY 2023

In December 2003, at least 98 countries gathered to sign the United Nations Convention Against Corruption (UNCAC), a convention established to promote and enhance measures to prevent and eradicate corruption.

Until its 20th year in 2023, UNCAC is the only universal, legally binding anti-corruption instrument whose approaches and provisions effectively overcome corruption.

One of UNCAC's approaches to eradicating corruption is international cooperation, as the preamble, general provisions, and Chapter IV emphasize. The above context was the basis for establishing a MoU between KPK and ACC, which was signed on November 7, 2023.

Thus, we believe that the ongoing collaboration between KPK and ACC this year can be seen as a noteworthy endeavour in line with the objective of the 2023 IADC theme, aptly titled "UNCAC at 20: Uniting the World Against Corruption".

On this International Anti-Corruption Day, let us use this momentum to reflect on how far we have implemented UNCAC and reaffirm our commitment to implementing UNCAC recommendations. KPK wishes you a Happy International Anti-Corruption Day!

**Message by Corruption Eradication
Commission (KPK),
Indonesia**

"International Anti-Corruption Day is a call-to-action for governments, businesses, civil society, and citizens to work hand in hand towards a corruption-free world. It serves as a reminder that each of us has a role to play in promoting transparency, upholding the rule of law, and demanding accountability. It is an opportunity to reflect on the strides made in preventing and addressing corruption while exploring innovative solutions to strengthen transparency, accountability, and the principles of integrity.

We in the Oversight and Anti-Corruption Authority 'Nazaha' of the Kingdom of Saudi Arabia, believe that this special day serves as a platform to raise awareness of the pervasive impact of corruption and to mobilize concerted efforts to address this global challenge.

**Message by Oversight and
Anti-Corruption Authority
(Nazaha),
Kingdom of Saudi Arabia**



INTERNATIONAL ANTI-CORRUPTION DAY 2023

Message from the Commissioner of Independent Commission Against Corruption, Hong Kong



Y M WOO

Commissioner - Independent
Commission Against
Corruption
Hong Kong - China

The theme of this year's International Anti-Corruption Day is "UNCAC at 20: Uniting the World Against Corruption", which rightly points out the vital role of the United Nations Convention against Corruption (UNCAC) for achieving an effective global regime against corruption. The Convention provides a global framework for, and promotes the implementation of, common standards to fight corruption.

The UNCAC came into force for China and became applicable to the Hong Kong Special Administrative Region in 2006. Over the years, ICAC has been actively sharing Hong Kong's anti-graft experience to the international community. ICAC, serving as President of the International Association of Anti-Corruption Authorities (IAACA), have also joined hands with over 160 member authorities, including ACC, to promote globally the effective implementation of the UNCAC.

ICAC and ACC have worked closely with each other on experience sharing and professional trainings. In February 2024, ICAC will establish the Hong Kong International Academy Against Corruption, which will be an international hub for anti-corruption training and research. I hope that our collaboration will be strengthened on this important platform in the years to come.

As Confucius, an ancient Chinese philosopher, once said, "If you are virtuous, you will not be lonely. You will always have friends." I have every confidence that all graft-fighters will fortify their partnership and network with each other. Let us spend our concerted efforts to build a corruption-free world!



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RESEARCH PAPERS PUBLISHED IN 2023

White Paper on Transparency of Beneficial Ownership of Companies

The Policy or White Paper on the Transparency of Beneficial Ownership of Companies intended to understand the registration procedure of private companies, and the current legal system to register the beneficial owners, and to understand the international best practices in this regard.

The challenges identified in the paper include:

- Disclosing beneficial owners is not compulsory by the Maldivian Law
- Trust Funds are not required to be registered.
- Lack of a verification process in the registration process.
- Subsidiary companies do not need to report to any authoritative body.
- The Privatization Corporatization Board does not have regulatory authority.
- Several state-owned enterprises share identical mandates, leading to an increased dependence on the state.

Some of the recommendations made in response to these challenges include:

- To mandate the disclosure of individuals with significant control and beneficial owners of the company.
- To disclose shareholders of the company
- To consider performing a comprehensive assessment and restructuring of State-Owned Enterprises to streamline their mandates and ensure each entity has a separate and specialized purpose.
- Regulation or legislation requiring trust funds to register.
- Include a verification mechanism during the company registration step.
- The Privatization and Corporatization Board to be given the authority to regulate the State-Owned Enterprises
- To develop a legal framework to establish, monitor and regulate subsidiary companies.

Research Paper on Recovery of Stolen and assets and money

The paper intended to identify the challenges in the current legal system for a comprehensive asset recovery mechanism in the country and provide respective recommendations.

This research employed a doctrinal method and thus perused the laws and regulations along with the mandates of the responsible stakeholders. Furthermore, to understand the international best practices, countries that are known to have consolidated asset recovery mechanism was studied and there were reflected while providing the recommendations.

As such the paper found the following challenges;

- The Maldivian legal system does not stipulate to recover assets and money obtained through the crime of corruption unless the crime is also combined with money laundering.
- The current legal system is not comprehensive but indicates a scattered system.
- The stakeholder collaboration is weak.
- Lack of an asset and wealth declaration system in the Maldives.
- Some of the recommendations offered to the challenges identified include;
- A law to specifically stipulate that assets including money stolen through crimes of corruption can be recovered.
- A comprehensive asset recovery act to be in place, detailing specifics of criminal and civil forfeitures, and what shall be done to the recovered asset and who shall be the responsible party to monitor and oversee these.
- A national networking plan where specifics of information sharing regarding asset recovery are defined.
- Ratification of the Asset Declaration Bill at the People's Majlis with the proposed amendments.

