

An Assessment of the Anti-Corruption Commission – Maldives – June 2014

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1 EXECUTIVE SUMMARY

- I. The current Anti-Corruption Commission of Maldives was established in 2008 as an independent body enshrined in the Constitution of the Republic of Maldives and established by an Anti-Corruption Act. The Commission is tasked to promote integrity, prevent and combat corruption in all spheres of the State. The Commission is accountable to the people's majils (parliament). The Republic of Maldives acceded to the United Nations Convention against Corruption (UNCA) on 22 March 2007.
- II. Since late 2008 until mid-2014, the Commission has taken steps to build the Commission such as putting structures in place, hiring adequate personnel and initiating operational work, including its administrative, accounting and management structures as well as developing support network, institutional coordination, and providing services including advocacy and communication tasks. In this context, faced with varying budgetary and human resources, the Commission through its management and operational staff have undertaken the initial step of institutional establishment to provide initial services amidst competing priorities and high expectations for tangible results.
- III. In May 2009, the Commission developed a strategy that took a three-pronged approach to developing capacity: enforcement, prevention, and public awareness. A number of objectives have been achieved, particularly on awareness raising on the impact of corruption as well as, to some extent, a number of successful investigations. Other objectives remain to be further carried out in order to yield the envisaged objectives. This report assesses recent progress as well as remaining challenges.
- IV. Five years after the constitutional creation of the Commission, the Organization has succeeded in creating a basic organizational structure, agreed a Memorandum of Understanding with the National Police Service and the Prosecutor General's Office, developed and began implementing an anti-corruption strategy, and secured increased budget allocations from Parliament. As a new period of more assertive operational undertaking and increased results awaits, the Commission will need to regularly reassess the implementation of the strategy, enhance internal operational mechanisms, including regular internal monitoring and evaluation to better shape policy and decision-making. Further developed educational and research unit, in-house training capacity, and expanded coordination with other relevant institutions that should be seen as partners to strengthen integrity, will be critical for enhancing further transparency and accountability in the Maldives and instrumental to prevent mismanagement of public funds and work towards robust investigative

teams focused on continuous development of its technical capacity, including in anti-money laundering and recover stolen assets. This report takes stock of past efforts, addresses both opportunities and challenges, takes stock of achievements and, hence, it builds into helping the Commission to shape its vision and future activities towards a new cycle.

2 TERMS OF REFERENCE

The terms of reference for the audit and review of the capacity and capability of the Anti-Corruption Commission Maldives (ACC) are as follows:

1. To review and report on the progress made since 2008 by the ACC;
2. To examine the current approach and structure of the ACC and provide recommendations for suggested changes;
3. To review the current legislative framework for the ACC and provide recommendations on reform;
4. To examine current operational systems and working practices and recommend possible areas for reform.
5. To consider the existing ACC strategy and provide guidance on possible areas for future development of the ACC strategy, including where possible, priority areas of work.

3 KEY OBJECTIVES

The key objective of this report is to provide the Maldives anti-corruption commission with an independent report which identifies the progress made since 2008, recommendations for future development and identification of the successes thus far achieved by the ACC.

This report is prepared at the request of the ACC Maldives and they shall have sole authority to decide on the level of confidentiality attributed to the report. It will be a matter for the ACC to decide if and how this report is utilised.

4 METHODOLOGY

Due to resource and time constraints, the review of the ACC will be carried out by two UNODC anti-corruption experts. The review shall be by way of the following:

- Desk Review of all documents as provided by the ACC
- In depth interviews with key personnel within the ACC and external agencies in the Maldives

5 OVERVIEW OF MALDIVES ANTI-CORRUPTION COMMISSION

Maldives Anti-Corruption Board: The first Official Anti-Corruption initiative

- The first institute dedicated to combat corruption in Maldives, Maldives Anti-Corruption Board, was formed in 21st of April 1991.
- The members were appointed by the President of Maldives.
- The leading piece of legislation on fighting corruption is the Prevention and Prohibition of Corruption Act 2/2000.

- Anti-Corruption Board was mandated with combating corruption in the country, mainly that involving state institutions and staff.
- Key areas mandated were Bribery and Abuse of power.
- Cases investigated had to be sent to the President for final decision.
- Several high profile cases were investigated.
- Final decision lay with the President.

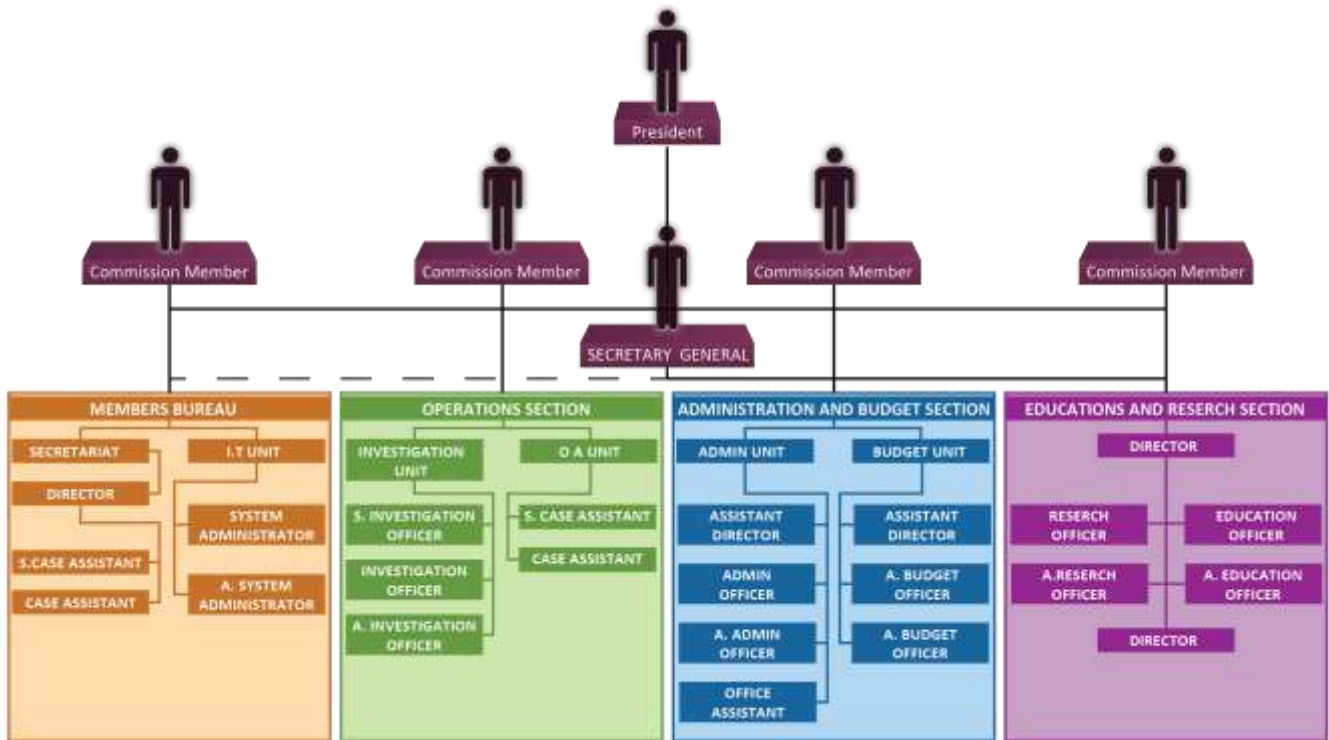
Anti-Corruption Commission of Maldives: Drive for independent Anti-Corruption Service

- The new Constitution of the Republic of Maldives was ratified on 7th of August 2008 which recognizes in its article 199 the establishment of an independent Anti-Corruption Commission (ACC).
- The ACC was thus established on 1st of October 2008, with a separate seal, possessing the power to sue and suit against, and to make undertakings in its own capacity. Its mandate is limited to corruption in the public sector. It does not investigate the private sector.
- Commission mandated to ***promote integrity, prevent and combat corruption*** within all spheres of the State without fear, and ACC is accountable only to the People's Majlis (parliament).
- The commission includes 5 members. The quorum of the commission members meetings is 3.
- Administrative work of the commission is handled by the Secretary General. This position was at the time of this assessment vacant but has now been filled
- There are 4 main sections in the commission. Namely;
 - Investigation Section
 - Administration and Budget Section
 - Education and Research Section
 - Members Bureau
- Members of the commission at all times are required to;
 - Adhere to the constitution, uphold rule of law,
 - At all times consider national and public interest,
 - Provide unbiased service, irrespective of race, gender, country of origin, color...
 - Function free from any influence,
 - Function free of any conflicts of interest,
 - Use power and authority appropriately without abuse,
 - Stay free from any other employment,
 - Uphold appropriate conduct at all times,
 - Annually declare assets, income, interests etc.
- Members or staff cannot be held responsible for an act carried out under the powers delegated by the Act.

- Greater independence has been guaranteed since removal from office is not controlled by the President, but the Parliament.
- The Commission has to report to the Independent Institutions Committee of Parliament.
- The powers and mandate of the Commission include;
 - Implementing and monitoring the execution of the Prevention and Prohibition of Corruption Act 2/2000 and
 - Formulate and put into practice all rules necessary for the enforcement of the Act.
 - Carrying out investigations of all allegations of corruption; any complaints, information, or suspicion of corruption.
 - Conducting seminars, workshops and other programs to enhance public awareness on the prevention and combating of corruption and promote the values of honesty and integrity in the operations of the State.
 - Carrying out research on the prevention of corruption and submitting recommendations for improvement to relevant authorities regarding actions to be taken.
 - ACC has the authority of entry, search, seizure, summoning of witnesses, interrogations, obtaining written statements, checking and freezing of bank accounts, restrain persons being interrogated from departing from the Maldives.
 - ACC has the authority to exercise its power on all the offices and institutions of the executive, legislative and judiciary, government operated or shared companies, social groups or organizations, political parties or other such bodies that are financed by the government etc.
 - ACC Employ a three-pronged strategy in combating corruption.
 - Education
 - Enforcement
 - Prevention

By July 2011, the Anti-Corruption Commission of Maldives faced a number of challenges such as geographical dispersion of islands that renders costly and time-consuming for field trips; absence of adequate legislation to fight corruption, ACC recommendations to government institutions or order were met with defiance and initial resistance. The Commission had a shortage of specialized staff, inadequate financial resources and limited confidence from the public in generally. The Government Strategic Plan (2009-2013), notwithstanding, included in its policies, among others: (i) the provision of adequate funding for the Commission, (ii) legislative amendment to strengthen the anti-corruption framework, (iii) fully implement UNCAC, (iv) the establishment of a mechanisms for the protection of whistleblowers, (v) adequate resources for the development of human resources.

Organizational Structure of the ACC



ACC is headed by a **Chairman** and **Vice-Chairman** elected by a majority vote among the members. The members are responsible for the discharge of functions under the ACC Act. Currently the Commission has a total of 84 staffs.

Secretary General (SG): Responsible for the day to day administrations of the Commission..

Investigation Unit: Comprises of 46 investigators responsible for the investigation of cases. Investigators are grouped in teams including mostly lawyers, accountants and former police investigators.

Administration & Budget Section: Responsible for the administrative and budgetary functions of the Commission.

Member’s Bureau: Responsible for the day to day dealings of the members’ affairs and case management.

Operations Section: Receive complaints and deals with the administrative affairs of the investigators.

Prevention Section: Responsible for carrying out audits, public education and raising awareness.

IT section: Deals with the day to day IT affairs of the Commission.

Cases Statistics

Cases Received 2011- 2013	2011	2012	2013
Cases registered at ACC	950	1138	1085
Cases initiated by ACC	52	156	231
Total	1002	1294	1316

Type of Corruption Cases by completion 2011 - 2013	2011	2012	2013
Decisions made to forward PG Office for Trial	28	54	51
Decisions made on Recommendations to Public Offices	114	186	199
Cases closed due to insufficient proof & evidence	297	329	504

Cases Completed by Corruption Categories 2011 -2013	2011	2012
Attainment of undue advantage	32	57
Facilitation of attainment of undue advantage	126	246
Contravention of corruption related regulations	186	96
Loss to the Stat	13	0
Embezzlement	27	0
Fraud	9	1
Bribery	1	3
Violation of ACCs decisions	1	1
Abuse of power	0	3

Cases by geographic locations of Maldives 2011-2013	2011	2012	2013
Haa Alifu Atoll	50	61	69
Haa Dhaalu Atoll	43	40	33
Shaviyani Atoll	16	18	9
Noonu Atoll	42	23	33
Raa Atoll	21	41	28
Baa Atoll	21	22	46

Lhaviyani Atoll	28	16	25
Kaafu Atoll	14	32	18
Alifu Alifu Atoll	9	22	23
Alifu Dhaalu Atoll	13	17	31
Vaavu Atoll	1	5	9
Meemu Atoll	15	23	11
Faafu Atoll	24	36	23
Dhaalu Atoll	16	32	27
Thaa Atoll	59	35	38
Laamu Atoll	56	81	75
Gaafu Alifu Atoll	43	82	41
Gaafu Dhaalu Atoll	111	127	60
Gnaviyani Atoll	17	12	24
Addu Atoll	47	57	47
Male' Capital City	356	512	646

Cases submitted to Prosecutor General Office by type of Corruption Crimes 2011 -2013	2011	2012	2013
Facilitation of attainment of undue advantage	23	91	70
Attainment of undue advantage	13	3	37
Asset recovery	..	17	27
Contravention conduct against State benefit	8	25	20
Violation of ACCs decisions	1	1	8
Bribery	..	1	5
Embezzlement	7	1	4
Offense of giving wrong information	..	1	4
Destroying/hiding of evidence	..	1	2
Attempt of crime	1
Recovery of bribed money	..	1	..

6 DETAILS OF REVIEW

The main sources of information for this review were from interviews with key staff and from a desk review of documents provided by the ACC. In light of the terms of reference and the need to maintain the confidentiality of the sources of the information in this report, the details are set out below by direct link to the terms of reference:

1. To review and report on the progress made since 2008 by the ACC

- From meetings with staff internally and from discussions with external agencies, it was noticeable that the ACC is generally seen as being a credible agency and in the lead in tackling public sector corruption in the Maldives. The public perception has improved and this is believed to be reflected in the greater willingness to report acts of corruption to the ACC.
- The creation of a strategy for the ACC is also a good development for the organization. The last 5 year ACC strategy was commenced in 2009. A further strategy is now due and as part of that process there was an acknowledgement for a need for building a regular review process into the strategy.
- Security of tenure among the Commissioners have been generally maintained and allowed for progressive institutional development of the agency. This has been widely acknowledged among different interviewed staff of the Commission. It is important that the recruitment of Commissioners and the security of tenure allows for a strong, independent and effective commissioners to continue to build the ACC. Staff of the Commission has generally acknowledged as an improvement recent the increase in budget allocation for 2014 while at the same noted that there has been key positions vacant for some time.

2. To examine the current approach and structure of the ACC and provide recommendations for suggested changes

- The consideration of all cases by the commissioners is a serious bottleneck in the operation speed of the ACC. It is considered that a criteria can be developed so that the commissioners keep an overview of all cases but at the same time have the ability to devolve their powers to senior enforcement officials in the smaller cases to take decisions. Alternatively commissioners can also only review cases which the ACC is considering not prosecuting.
- Some concerns were raised about the staffing levels and ACC should carry out a thorough review of capacity to assess if current staffing levels are sufficient to tackle the expeditiously the work of the ACC, and in particular, evaluating the needs for field work activities in other islands.
- A challenge highlighted numerous times was the geographical spread of the Maldives as opposed to the central location of the ACC. It was noted that cases in the Atholls were difficult to investigate as no one was locally present to carry out the investigation. In addition lack of funds for travel by investigators meant that significant delay was built into cases. Consideration should be given to identifying how to address this, for example, by the deployment of staff to the Atholls or having decentralised offices. Likewise, prevention activities should also be planned and included as part of field work tasks.

- It was noted that there is a good but limited Education and Research Division. This seems to be focused on external training activities. No specific training unit exists to train the staff in-house. This is considered to be a major deficiency. Consideration should be given to developing an in-house training capacity for staff. The effectiveness of the ACC comes from the quality and strength of its staff. As a result it is considered important that efforts are taken to improve and develop the staff at the ACC in a systemic and organized manner.
- The ACC has developed a good reputation for independence and operational autonomy. At the same time it was noted that the budget for the ACC is controlled and set by the executive. Although currently there are no concerns about the executive exercising control of the ACC via financial allocations, the reviewers have known from their experiences that such a risk exists. If the ACC is to be truly independent, it must have financial as well as operational independence. The control of finances by the executive runs the obvious risk that the ACC will be 'punished' if it seeks to take action against political elites in power. Whilst this may not be the case currently, it may happen in the future if steps are not taken to build financial independence for the ACC.
- A good practice identified in the existing structure was the separation of the procurement unit from the payments unit. This is a good way of avoiding corruption within the ACC and its immediate implementation demonstrates a strong commitment to tackle internal corruption. In a similar vein, the ACC should consider if further steps are required to identify and tackle internal corruption. An internal affairs department and integrity testing mechanisms may help in preventing the corrupting of staff at the ACC. Consideration could also be given to periodic hiring of audit services to internally audit performance compliance with existing rules and regulations as a tool to proactively address any potential irregularity, without prejudice to the regular mandate and audits from the Auditor General's Office.
- The current process of budget planning is in essence based on the activities planned by sections. Whilst this is good in identifying needs 'bottom up', it is considered that the existing process can be improved by two further actions; first, a mechanism to check activity on progress needs to be built; second as part of the budget development, a 'top down' element looking at strategic goals needs to be included.
- Time management is an important element of the proper running of any organisation. At the same time, the resources dedicated to it should not outweigh the gain from effective time management. The current time management system is a manual one where significant resources are required to manage the process. Consideration should be given to a system where managers are given devolved powers to exception report and focus the most costly parts of time-management to those situations where a disciplinary or other need is identified. The current system's drawbacks seem to outweigh its purpose.
- In terms of the court process, it was commented that delays are caused by the failure to include required documents and the inclusion of documents that are not required. Although this is principally the responsibility of the Prosecutor General's Office, it is suggested that the ACC in conjunction with the courts and Prosecutor general's Office analyse and develop a clear understanding of the key documents that should be included in a file and those that are not required.

3. To review the current legislative framework for the ACC and provide recommendations on reform

- A number of persons interviewed highlighted the lack of power within the ACC to take administrative action. The reviewers considered that the ability to take administrative action is a necessary adjunct to the legal powers of the ACC.
- In terms of strengthening the ACC, it was felt that the ability to seek orders directly with the courts should be a necessary part of the ACCs powers.
- Although the Anti-corruption Act 13/2008 specifies that the ACC can seize documents, a practice has grown to seek court orders before doing so. This in essence provides criminals with an opportunity to hide or destroy evidence. It would appear necessary to ascertain why existing powers are not used and, if legitimate reasons exist, further consideration be given to allow for immediate seizure of documents on the authority of the Chief Commissioner.
- It was noted that the procedures for protecting whistle-blowers and witnesses were present, or if present were not properly understood by all agency staff. It is considered necessary to ensure that effective mechanisms are put in place to protect reporting persons and potential witnesses to corrupt activity. Such practices will give confidence to persons and thus encourage greater reporting and prosecutions.
- Another approach which may assist in improving the report of corrupt activity is the development of a rewarding mechanism. This should be considered by the ACC to see if it would help in the context of the Maldives.
- There was little experience of pro-active investigations in corruption cases. There appears to be no legal powers or capacity to use special measures such as phone tapping, under-cover police or video surveillance in the ACC. The capacity to use special measures should be developed in-house within the ACC and more pro-active operations carried out to strengthen the ACC's ability to get the best evidence against corrupt criminal actors.
- Bearing in mind the types of cases being investigated, it is considered important that the ACC investigators have the same powers as the police in carrying out their investigations. In particular the following powers should be part and parcel of the powers available to ACC investigators:
 - Powers of arrest
 - Powers of entry
 - Powers to search and seize documents
 - To use reasonable force for self-protection and to prevent the obstruction of an investigation
 - To investigate a wider range of related offences, e.g. money laundering where it relates to corrupt activity.
- Although not directly related to the ACC, it was noted that there was no Criminal Procedure Act (CPA) in the Maldives. This causes problems in understanding the procedure for agencies such as the ACC and as a result the ACC may consider supporting the establishment of a CPA with the Attorney General.

- It was noted that the absence of an incentive for guilty pleas in corruption cases has meant that all cases are contested and take a significant time to finalise. The benefit of incentives for guilty pleas is reducing the workload of courts, improved timeliness of finalisation of cases and reducing the need (and cost) of a trial. It is recommended that the ACC consider how to develop an incentive process for guilty pleas in corruption cases (or more generally within the criminal justice system).
- Although there is an AML law in the Maldives, there is no law that specifically deals with the recovery of assets in non-drug trafficking cases. This would be a significant tool in the context of the corruption work and thus may be something the ACC seeks to have added to the Maldivian law.
- Similarly, there is no offence of illicit enrichment. This may be another useful offence that the ACC could seek to have added to the Maldivian law.
- The current offences that the ACC can investigate is limited to offences under the Prevention and Prohibition of Corruption Act 2000. Although there are numerous offences included within this Act, key offences which are missing are as follows:
 - Offering and accepting a bribe – private sector;
 - Private sector embezzlement;
 - Money laundering;
 - Bribery of foreign public officials and officials of public international organisations;

It is considered that the limitations of the ACC only looking at some of the offences related to corrupt activity defeats the purpose of having a national ACC. If such an institution exists, it should be able to investigate all forms of corruption. In particular, the absence of the money laundering offence is a serious deficiency as it limits the ability of the ACC to address the financial aspects of the transfer and conversion of corrupt activity, which is inextricably linked to the original offence.

4. To examine current operational systems and working practices and recommend possible areas for reform

- The current system of case management seems to be time-consuming and difficult to maintain. Although there is ongoing consideration on this point, it is recommended that a comprehensive and IT-based case management system is developed. In addition this should include a high level of training of all staff so that the system is used to its maximum effectiveness and efficiency.
- It was noted that although corruption and related offences have a financial benefit, there was little or no knowledge of how to link offences of money laundering to corruption offences. As a result it is considered necessary that ACC provide good training to all investigators on money laundering offences and on how this can be applied in the Maldives to corruption cases.
- Similarly, training on the use of mutual legal assistance to gain evidence or other assistance from overseas jurisdictions is important to improve the efficiency of the ACC. A comprehensive training in asset recovery, along with other relevant institutions, is essential to expand on existing investigative approaches.

- Staff overall indicated a good deal of satisfaction with their work and their working conditions. Some consideration should be given to providing a 'risk allowance' where investigators are working on dangerous cases. In addition a procedure to protect staff (if and when a threat is identified) needs to be in place so that it can be activated immediately when required.
- Although there are good links with the Prosecutor General's Office (PGO), it appears that the engagement of the prosecutor is not regular or early in an investigation. In order to build a strong case, consideration should be given to early engagement of prosecutors in the investigation. This should include the possibility of having a specific group of prosecutors to assist the ACC by way of formal secondment to the ACC. Finally, some consideration should be given to joint training with the PGO in order to build stronger ties at the operational level between PGO and ACC.
- It was noted that there was little in the way of knowledge management within the ACC. If the ACC is to grow and develop into a more mature organization, it is important that institutional knowledge is not lost with the movement of staff. As a result it is considered necessary that the ACC assess a way to maintain and manage institutional knowledge.
- Some concerns were raised about the existing grievance procedures. It was felt that a two-track process whereby staff could raise grievances with the commissioners in confidence to supplement the existing process may build more staff confidence and permit the raising of grievances which currently cannot be raised due to concerns about the objectivity of the existing process.
- A good practice that was identified was the notification of results to complainants where there details are known. In addition the ACC may wish to consider whether results for all cases are published regularly so that even in the case of anonymous complaints, society can see that progress is being made and action is being taken.
- The reviewers noted that the absence of IT infrastructure and basic communication tools (fax, scanners, printers) is a hindrance to the efficiency of the ACC. Some further consideration needs to be given to how the ACC and its staff efficiency can be improved by investing in IT infrastructure and other communication tools. Bearing in mind the limited IT outside of the capital, the need to maintain faxes is considered essential for now.

5. To consider the existing ACC strategy and provide guidance on possible areas for future development of the ACC strategy, including where possible, priority areas of work.

- The current ACC strategy dates back to May 2009. It is thus over 5 years old. In this time no evaluation of the survey has been carried out either internally or externally. If a strategy is to have added value, it is important that some form of evaluation is built into the process.
- In terms of progress, in the table below is the list of the objectives and where the reviewers perceive current progress based upon the review undertaken and interviews:

The ACC strategy takes a three-pronged approach to developing capacity		
1. ENFORCEMENT		
OBJECTIVE	PROGRESS	COMMENTARY
1.1. To strengthen the computer forensic	No in-house forensic capacity due	This is an important tool in the investigation of

investigations	to financial constraints. Police expertise use as and when required.	corruption and resources should be made available to build in-house capacity.
1.2. To use Special Task Force (STF) for rapid investigation of high priority corruption complaints	Not achieved as yet but plans in place for 2 teams to be created for this purpose.	The creation of a STF is a positive move however it will not lead to swift results in high priority cases unless and until MoUs are agreed with the Prosecutor General's Office and the Courts to also expedite such cases.
1.3. To strengthen the capacity of ACC's staff through human resource development programmes	Training is ad-hoc due to financial constraints.	A proper strategy for in-house training and capacity building is essential for the long-term development of the ACC.
1.4. To achieve international recognizance for organisational effectiveness in enforcement.	Guideline procedures comply with international standards – almost achieved.	It is good to note that the Maldives ACC has adopted guidelines for enforcement in line with international norms and standards.
1.5. A sole agency to coordinate the investigations of all corruption complaints	Problem is duplication with police – we have signed MoU that requires corruption cases to ACC – limited to offences in CPPA. But new Bill will include broader definition of corruption and how commission works. Includes asset declaration and illicit enrichment. However it does not include corruption in the private sector.	The ACC should seek to develop the legal framework so that it is the sole agency that deals with corruption related offences. Inparticular this should include money laundering, illicit enrichment, asset declaration offences and private sector corruption offences.
1.6. High reward for whistleblowers	Not achieved – new Bill reward included	The absence of rewards for whistleblowers weakens the armoury of tools available to the ACC. It is welcomed that there is a Bill which will address this and ACC should press for swift enactment of an effective reward mechanism.
1.7. To strengthen the witness protection programme for whistleblowers	Not achieved – new Bill will cover this. Internal procedures protect witnesses.	Witness protection is an important tool. Specific legislation that deals with this and resources to support a witness protection programme are both important to strengthen the ACC capacity.
1.8. To review laws and regulations for effectiveness in combatting corruption	Not done systematically but have looked at new Bills in parliament as required. Where we find loopholes in procedures we request changes.	The ACC should consider developing a more integrated strategy whereby issues relating to corruption are always jointly discussed with the Attorney General's Office and the Ministry of Justice.
1.9. To recruit informers in reporting corruption	Not been able to recruit informers – not able to do this.	It would appear that the legal framework for the ACC to recruit informers does not exist. In its absence ACC should develop MoUs with intelligence agencies to see if better intelligence pictures can be developed in the context of corruption cases.
1.10. To strengthen covert surveillance	Not able to do this directly but via police with whom we have signed MoU.	In-house surveillance capacity as more broader use of special investigative techniques is an essential part of the ACC's investigation
2. PREVENTION		
OBJECTIVE	PROGRESS	COMMENTARY
2.1. To strengthen the continuous review of practices and procedures	Procedures are reviewed as part of visits to islands when ACC staff will look at procedures and recommend change. It is done as part of investigation. Looked at	It is good that the ACC has looked at improving practices and procedures as part of the investigation process. Consideration should however be given to a 'risk based' implementation of reviews of practices. In essence the ACC

	social housing scheme project/scholarship scheme/min of Islamic affairs. Also engage OAG where necessary	should focus its efforts to improve practices and procedures where it will have maximum benefit for society as opposed to simply where an investigation is ongoing.
2.2. To strengthen the assessment of Anti-Corruption initiatives introduced at various government institutions	Not systematic. Integrity pledge. 2011 have integrity award. Evaluation committee will look at integrity awards.	It would appear that the progress on this objective has stalled and ACC should consider how to reinvigorate this objective.
2.3. To strengthen the coordination of agencies in the governance sector in combatting corruption	There is inter-agency coordination – It should be part of national AC strategy but MoUs signed with key agencies.	ACC has already got in place MoUs with Police and Prosecutor Generals Office. It should develop this further with other key agencies including in particular the courts.
2.4. To to strengthen the code of conduct for public sector employees	ACC has not studied them – no review done.	Although the primary responsibility for this rests with the civil service commission (CSC), ACC should seek to develop a working group with the CSC to see if the codes of conduct can be reviewed and strengthened.
2.5. To establish and promote best practices for various industries in the public and private sector	Started E&R staff – not looked at private sector and guidance given to public sectors on SOPs	At present the ACC has little legal scope to look at private sector corruption. Despite this some work has been done. This needs to be formalised with a larger role for ACC based on specific law.
2.6. To strengthen the ethical behaviour of new government employees by conducting special lectures	Achieved. Civil service induction includes ACC training.	The ACC is to be commended for including a specific training module on anti-corruption for civil servants as part of their induction.
2.7. To strengthen the transparency in the disclosure of assets of prominent public employees	Not done but new Bill will include this.	The AC should ensure that the legislative framework for asset declarations gives them a primary role and that the law has sufficient ‘teeth’ to allow for effective action for failures to disclose assets.
2.8. To establish integrity awards noted for exemplary work towards combatting corruption and promoting ethical behaviour	Not achieved but in final stages – evaluation committee formed and guidelines ready.	Progress is being made and it is anticipated that this will be achieved in the coming year.

3. PUBLIC AWARENESS

OBJECTIVE	PROGRESS	COMMENTARY
3.1. To conduct public awareness educational programmes	Achieved. This year ACC started with awareness programmes for students.	ACC needs to develop this further in the next strategy.
3.2. To publicise anti-corruption messages in the mass media	Achieved. ACC has built links with the media and regularly publicises anti-corruption messages.	The ACC is to be commended for this progress and should ensure it continues further.
3.3. To establish and coordinate work with civil society in combatting corruption	ACC works with TI and democracy house. Although not systematic some achievements have been made.	It is good that some coordination has been developed and ACC should try and develop a more systemic and regular coordination mechanism with civil society, including in the atolls.
3.4. To establish a national curriculum for providing information on corruption and anti-corruption measures	Not achieved – this will only happen as part of a national strategy.	ACC should continue to press for a national AC strategy.
3.5. To hold national anti-corruption contests, discussions and debates	One held every AC day – debate competition	The ACC is to be commended for this progress and should ensure it continues further.
3.6. To provide online education on anti-	Not Achieved	The reviewers query whether any purpose is

corruption and enhancing integrity		served with developing an online education programme when internet and IT are not widely used.
3.7. To design, develop, publish and distribute educational materials on anti-corruption	Achieved – leaflets posters and booklets prepared.	The ACC is to be commended for this progress and should ensure it continues further.
3.8. To organise special occasions such as the international anti-corruption day by conducting publicity campaigns to create public awareness on corruption	Achieved.	The ACC is to be commended for this progress and should ensure it continues further.

7 RECOMMENDATIONS

The following is a list of the Recommendations that the assessors make based on their review of the ACC:

1. ACC should strengthen powers of investigators to be on a par with the powers of the police or agree police secondments to ACC to assist investigation teams. (Enforcement)
2. Increase powers of investigators to gain entry and seize assets – or properly apply law as it stands - Law 13/2008 ACC Act gives power to ACC seize documents but despite this ACC seems to require obtaining of a court warrant. (Enforcement)
3. ACC need to design a way to deregulate decision-making by way of a vetting process and delegation of authority to senior investigators in minor cases. [draft vetting criteria will be designed] (Management)
4. Consider delegating operational issues to the Sec General and focus Commissioners on policy; inter-institutional coordination and representation. (Management)
5. Introduce a more effective case management system (Management – M)
6. Develop an in-house capacity for training trainers on all aspects of their job. Also other staff development programmes should be developed. (Management – HR)
7. There is a need to develop and/or deepen strategic links with PG’s office and the criminal court. (Management)
8. Develop a knowledge management system to retain institutional memory. (M)
9. HR systems need to be developed to safeguard effective and independent grievance process. (M)
10. Need to secure independent funding stream for ACC – need to review and amend law to allow for ACC budget to be linked to national GDP and not at the discretion of any government agency. (Regulatory Framework & Management)
11. Consider introducing a regular internal audit of the institution and finances to prevent, detect and address irregularities that may compromise the integrity of the agency as a whole. This is separate from OAG but for commissioners to use to develop the institution.
12. Develop strategic planning and monitoring mechanisms to enhance performance and improve monitoring of implementation (e.g. of agreed strategies, decision-making process, and accountability). (Management)

13. Consider increasing focus on developing and implementing the Commission's prevention mandate. (Management)
14. Continue to enhance institutional collaboration with key state agencies, and, as applicable, civil society, academia and the private sector. (Management)
15. Develop internal mechanisms for monitoring and performance of the strategy and corresponding work plans.

8 ACKNOWLEDGEMENTS

This report could not have been possible without the openness and complete support of the Maldives Anti-Corruption Commissioners and indeed the dedicated staff that took time out of their busy work schedules to assist the reviewers to understand the nature of the challenges and achievements of the ACC.

Particular thanks are extended to the Chief Commissioner Mr. Hassan Luthfee, the Vice President Muaviz Rasheed and the Commissioner Mohammed Shafeeu for their willingness to undergo such a review and accept constructive criticism of their own efforts in order to develop the ACC. Such a selfless approach is worthy of commendation and is at the very least acknowledged by the reviewers.

The reviewers wish to also thank the Registrar's for the Supreme Court of Maldives, the Anti-Money Laundering Authority, the National Police Service, the Ministry of Finance for taking the time and effort to assist in the review. Their assistance is as valuable as that of the ACC in the understanding from an outside perspective how the ACC is viewed and how it can develop.

The reviewers also wish to thank the Australian Department of Foreign Affairs and Trade for their support in developing anti-corruption capacity globally.

9 ANNEX 1 – LIST OF KEY DOCUMENTS REVIEWED

- Maldives Anti-Corruption Commission Strategy 2009
- Prevention and Prohibition of Corruption Act 2000
- Anti-Corruption Commission Act 2008
- Panama Speech – Mr. Muaviz
- Anti-Corruption Commission Regulations
- South-South Exchange on Effective Anti-Corruption Agencies, UNDP Democratic Governance, 2012
- Penal Code of Maldives

10 ANNEX 2 - SUMMARY OF INITIAL FINDINGS

Progress since 2008

1. ACC has established itself as lead agency for addressing public sector related corruption.
2. Security of tenure among the Commissioners have been generally maintained and allowed for progressive institutional development of the agency. This has been widely acknowledged among different interviewed staff of the Commission.
3. Public perception of ACC is improving as reflected by increasing willingness of the public to report complaints.
4. ACC strategy is in place since 2009 but needs to be reviewed.

Good practices

1. Basic induction of all staff when they start with ACC
2. The Commission has been established on a constitutional basis. This safeguards institutional permanence, irrespective of any ruling administration holding office.
3. The Commission has developed internal code of conducts for its staff.
4. Ensuring that specialisation of investigations is not limited to one investigation team means that continuity of experience is secured if staff move away from ACC.
5. Working in multi-disciplinary teams increases effectiveness of investigations.
6. Complainants are kept informed of results of cases.
7. Communication with other agencies is developing and improving.
8. Separation of payroll and procurement from payments is a good practice to avoid possible corrupt activity.
9. The work on raising awareness of corruption in the public and developing training of the new civil service entrants via a training course are excellent examples of the broader prevention work undertaken by the ACC.
10. Annual public reporting has been performed on a regular basis.
11. Progressive and increased visibility of the Commission's work and improved understanding of its mandate by the general public. This is as a result of the Commission's engagement on awareness raising.
12. During the period being assessed, the Commission underwent audit conducted by the Office of the Auditor-General.
13. Those staff that referred to conditions of service expressed satisfaction with them.
14. The recent budget increase to perform the Commission's mandate has been widely welcomed by the different staff of the Commission and identified as necessary to strengthen the Anti-Corruption Commission.
15. Progressive use of electronic files that are shared electronically helping to reduce photocopy costs and a better administration of available resources.

Challenges

1. Funding for ACC is restraining ability of ACC to make progress and to develop institutional capacity.
2. ACC has no discretion in terms of what it investigates – this leads to limited resources being utilised on minor cases.
3. The requirement that Commissioners consider and decide on all cases is major bottleneck within the ACC.
4. Geographical challenges remain and dealing with cases from North and South Atholls remains a problem due to lack of presence of ACC in these atholls.
5. No proper electronic case management system.
6. Limited planning and monitoring skills for activities and strategic direction.
7. Challenges to financial autonomy resulting in budget reduction compromised the institutional effectiveness and efficiency.
8. Gaining documentary evidence is a challenge
9. ACC needs to obtain court orders via PG's office. This builds delay and also increases risk of leaks of investigative actions.
10. Cases from atholls are normally minor but are resource intensive. Need to develop a way to minimise ACC resource use in dealing with cases from atholls.
11. There is a perception that ACC is looking at minor cases instead of larger corruption cases. This needs to be addressed with a proactive focus on grand corruption cases and corresponding specialised skills need to be developed.
12. Delays in getting cases finalised is a major problem.
13. There is no systematic in-house training for investigators
14. The lack of a proper HR department is causing concern in staff in terms of having an effective and independent grievance process.
15. The ACC has independence of position but financial control remains within government. This is a risk in terms of the ACC being able to effectively work on corruption within government.
16. There are challenges for investigation teams to communicate with atholls. Sending letters is slow and builds delay and there is a lack of fax or email to allow for swifter communication.
17. Investigators have not had broad training on AML, procurement or financial investigations.
18. The process of manual checking of time-records is time-consuming and resource intensive.
19. The ACC only has legal powers to consider anti-corruption cases as defined in the ACC law. This does not include embezzlement, private sector corruption or AML as related to corruption cases.
20. Limited implementation of the Anti-corruption strategy, due in part to inadequate resources but also limited monitoring and evaluation of implementation.
21. Limited focus on implementing its prevention mandate due to funding constraints and personnel turnover.

Recommendations

16. ACC should strengthen powers of investigators to be on a par with the powers of the police or agree police secondments to ACC to assist investigation teams. (Enforcement)
17. ACC need to design a way to deregulate decision-making by way of a vetting process and delegation of authority to senior investigators in minor cases. (Management)
18. Consider delegating operational issues to the Sec General and focus Commissioners on policy; inter-institutional coordination and representation. (Management)
19. Introduce a more effective case management system (Management – M)
20. Increase powers of investigators to gain entry and seize assets – or properly apply law as it stands - Law 13/2008 ACC Act gives power to ACC seize documents but despite this ACC seems to require obtaining of a court warrant. (Enforcement)
21. Develop an in-house capacity for training trainers on all aspects of their job. Also other staff development programmes should be developed. (Management – HR)
22. There is a need to develop and/or deepen strategic links with PG’s office and the criminal court. (Management)
23. Develop a knowledge management system to retain institutional memory. (M)
24. HR systems need to be developed to safeguard effective and independent grievance process. (M)
25. Need to secure independent funding stream for ACC – need to review and amend law to allow for ACC budget to be linked to national GDP and not at the discretion of any government agency. (Regulatory Framework & Management)
26. Consider introducing a regular internal audit of institution and finances to prevent, detect and address irregularities that may compromise the integrity of the agency as a whole. This is separate from OAG but for commissioners to use to develop the institution.
27. Develop strategic planning and monitoring mechanisms to enhance performance and improve monitoring of implementation (e.g. Of agreed strategies, decision-making process, and accountability). (Management)
28. Consider increasing focus on developing and implementing the Commission’s prevention mandate. (Management)
29. Continue to enhance institutional collaboration with key state agencies, and, as applicable, civil society, academia and the private sector. (Management)
30. Develop internal mechanisms for monitoring and performance of the strategy and corresponding work plans.

11 ANNEX 3 – DETAILS OF ASSESSORS

11.1 NIMESH JANI

Law Graduate from University of London, Queen Mary and Westfield College. Qualified as a solicitor in the UK.

Prosecutor for over 15 years with the Crown Prosecution Service (CPS). Worked as an advocate and as a Prosecutions Manager dealing with all types of cases from road traffic through to murder cases.

5 years in UK as UK national policy lead for the CPS on fraud and corruption; human trafficking and forensic science.

2 years as an adviser to Lord Goldsmith and Baroness Scotland, 2 Attorney Generals in the UK, looking particularly at human trafficking and corruption. Worked on the extradition of NatWest 3, case of BAE and alleged bribery of Saudi Prince in Al Yam mama defence contract; also worked on the investigation into potential war crimes in Iraq by the British military.

Also worked for DFID as a Senior Regional Adviser – was UK lead on negotiations for the development of the UNCAC review mechanism. Worked on the pilot review of UK (as reviewed state), and Tanzania, Indonesia and Pakistan (as expert reviewer). Also dealt with OECD phase II review of USA and represented UK at OECD deliberations.

2 years in Afghanistan working as Anti-Corruption Adviser and mentor to the Attorney General's Office and in particular as adviser to the anti-corruption unit. Developed the legislation for the use of special investigative techniques in Afghanistan and worked on high profile cases against politically connected, including Kabul Bank case.

Currently working with the United Nations Office on Drugs and Crime (UNODC) as Regional Adviser on anti-corruption for South Asia. Responsible for assisting in the implementation of UNCAC in India, Sri Lanka, Bangladesh, Maldives, Nepal and Bhutan.

11.2 CLAUDIA SAYAGO

LLM Public International Law, international criminal law specialization, University of Leiden, The Netherlands; and, Juris Doctor, specialized in Public International Law, University of Buenos Aires, Argentina. Qualified as attorney-at-law in Argentina.

Over 15 years of experience, of which 12 years as international legal officer within the United Nations, working in internationalized court justice systems, institutional building, justice & anti-corruption reform in Eastern Europe, South America, Africa and South-East Asia.

Since 2012, UNODC advisor to Small Islands Development States (SIDS) at the Corruption and Economic Crime Branch of the UNODC responsible for the implementation of UNCAC in the Caribbean, Atlantic and Indian Ocean SIDS as well as responsible for global anti-corruption tools for SIDS.

Previous to that, UNODC Anti-Corruption Expert in Bolivia co-located at the Vice-Ministry on Transparency where mentored staff to conduct anti-corruption gap analysis, pilot self-assessment on the UNCAC implementation and conducted training for police investigators and prosecutors throughout the country.

UNMIT Judicial Affairs Officer (institutional development and anti-corruption), co-located at the Anti-Corruption Commission of Timor-Leste where advised the Commissioner and senior staff, among others, on the establishment, organizational foundation and strategic development of the anti-corruption agency, including legislative development, compliance with the implementation of UNCAC and mentoring to the staff of the Commission.

UNMIL Judicial Affairs Officer (Liberia) responsible for assisting the Attorney General's to build integrity in their case-management system, conducted institutional assessments, advised and mentored national prosecutors and monitored case performance on serious crimes. UNDP Chief Technical Advisor on justice reform responsible for enhancing transparency in case-management systems within the Judiciary and the Office of the Prosecutor's, South Kordofan State, Sudan.

UNMIK Legal Officer at Department of Justice, (Kosovo) assisted to international prosecutors in the prosecution of cases ranging from ethnically motivated homicides to corruption, organized crime, terrorism, crimes against humanity and as lead legal officer responsible for war crimes committed in Kosovo. Work in that jurisdiction also include legal research for international judges and as a judicial inspector conducting inquiries into allegations of misconduct involving judges and prosecutors.

Previous to all that conducted appellate court work in human rights cases in Argentina.