

SINGAPORE EXPERIENCE – DEALING WITH GOVERNANCE AND CORRUPTION

Corruption control has been top of the Singapore Government's agenda since we attained self-government in 1959 and subsequently independence in 1965. It is a social and economic necessity, inextricably tied to good governance, much less a virtue for its own sake. It supports the meritocratic ideal that we believe in and has strategic significance in our national development.

From 1959 till now, Singapore's success in the fight against corruption are broadly due on the following:

- a. Strong political will
- b. Effective anti-corruption agency
- c. Effective laws
- d. Effective adjudication
- e. Effective administration and good governance
- f. Strong public support

Political Will

Political will is the foundation stone for any anti-corruption movement. It, undoubtedly, is a key ingredient in the transformation effort from Singapore's corruption-infested past. It provided the necessary climate for the growth and sustenance of our anti-corruption movement. With patronage and drive from the top by our government, deeds matched words and anti-corruption programs automatically jump starts without having to contend with problems of consensus building and conflict management.

In the early beginning in the 1950s and 1960s, pay levels were low, society was poorly educated. But that did not stop government from taking a tough stance against corruption. Civil servants were charged in court for corruption even if it was because they

were poorly paid and need extra cash. At the same time, government enacted measures to uplift the living standards and pay levels were enhanced over the years.

Effective Anti-Corruption Agency

The Corrupt Practices Investigation Bureau, where I am from, reports to the Prime Minister. This gives us functional independence so that no government body can question or influence us in our enforcement and investigation efforts. In fact, by 1992, CPIB's independence of action was more or less guaranteed constitutionally. It was such independence of action that enabled CPIB to take action against Ministers and many top civil servants, all these years.

Strong enforcement is crucial in the fight against corruption. Regardless of what laws, systems of punishment, education and prevention that we have, if we are not able to enforce against corruption successfully, the corrupt offender will get away and we cannot suppress corruption. In Singapore, we developed over the years and we adopted a total approach to enforcement. The CPIB (Corrupt Practices Investigation Bureau) is the only agency empowered to investigate corruption in Singapore. We are one of the oldest dedicated anti corruption agency in the world, having been formed in 1952. There are some key aspects of our enforcement policy e.g.:

- a We are prepared to deal with big and small cases. We don't want to let cases involving small amounts get endemic and we don't want to let big cases escape punishment.
- b We can deal with corruption in both the private and public sector. Even conduct between 2 private parties can be subject to investigation. In the modern world, these 2 sectors are closely intertwined and hence behavior and developments can have cross influences.
- c We can deal with both giver and receiver of bribes as well as middlemen and we do prosecute all parties in court.

- d We can deal with other crimes uncovered in the course of corruption investigation. This is very important because corruption crimes may be mixed up with other crimes and investigators must be able to question the offenders on all other crimes.

Let me elaborate more on the rationale behind curbing both the demand and supply side of corruption and enforcing the anti-corruption law in both the public and private sectors. Sometimes, we refer to the private sector as the supply side and public sector as the demand side of the corruption problem. This is generally accurate. But it can over generalize and lead us to overlook some facts of corruption. Private companies can and do bribe other private companies. So both the demand and supply side are private companies. We cannot ignore this conduct. In Singapore, unlike some countries, enforcement action can be taken against such acts where private companies bribe other companies or where private individuals bribe other private individuals. Action consistently taken within the private sector will remind all and set the standards expected from businesses and companies.

In many instances, the demand and supply side is represented by the public sector and private sector respectively. In economic terms, demand and supply has a close relationship. Does demand drive supply or supply drive demand? Sometimes this is a chicken and egg issue - which came first? Was it the bribe demand that came first leading to bribe supply or was it the supply that came first and enticed the demand? In reality, we have seen cases where the government official was the greedy one, who sticks his hand out to press businesses for bribes. Then again, we have also seen cases where businesses actively offer bribes so as to entrap government officials to do their bidding. So who came first? This is ripe for an academic argument but it really does not matter. Both sides are equally devious and must be dealt with decisively.

Indeed in Singapore law, both are equally culpable. In addition, it is expressively provided in our law that the accomplice's testimony is not deemed unworthy of credit in

corruption cases (unlike in other criminal cases). We do often prosecute both parties and on many occasions both receive similar sentences by the court. We hardly grant immunity to givers or receivers and if we do, it is more often than not, only as a last resort. If the law only criminalizes one side, you can never eradicate corruption. If you try to deal with one side first followed by the other in sequential order, you will also never be able to reduce corruption. Our experience in Singapore is that you need to deal with both sides simultaneously.

Prosecuting both parties bring with it difficult challenges. If both sides are your accused persons, who then are your prosecution witnesses? We need to be thorough in investigation work, and amass all the evidence we can get by way of interviews with witnesses, interested parties, involved parties, gathering physical, documentary and computer evidence and chasing the money trail. Without comprehensive evidence, we will not be able to deal with both the supply and demand sides of the corruption equation.

We sometimes take it for granted that because there is an anti corruption agency, it will be effective. When we look at the agency fighting both demand and supply side, we need to be sure that the agency understands what is going on. The agency must understand how the public sector does things and how the private sector does its business. The private sector is large and varied, with different industry types. Anti Corruption agencies need to be capable of learning fast, understand what is going on so as to take effective action. No agency can be expert in understanding different fields of business and so it's incumbent on the any agency to develop its officer's ability to learn fast and to establish some link ups with experts in various business fields who can serve as resource persons when the need arises.

Effective Laws

Effective laws are enforcement-friendly laws that give us the necessary teeth and the cutting edge. This is particularly necessary because corrupt practices, by their very nature, make evidence collection and the eventual conviction in a court of law difficult. Corrupt practices are consensual in nature, with both the giver and the taker motivated by

mutual interests. Some of the distinctive features of our law, the Prevention of Corruption Act that gives us the much needed cutting edge are:

- a. An acceptor of gratification can be guilty even if he does not have the power, right or opportunity to return the favor.
- b. Wealth disproportionate to income is admissible as corroborative evidence of corruption in a trial.
- c. Every person under investigation is legally obliged to give information.
- d. Customary practices (wedding and new year gifts etc) are not valid defenses in court.
- e. Extra-territorial jurisdiction can be exercised against Singapore citizens committing corruption offences outside Singapore. (For this, we will need the help of our counterpart agencies in other jurisdictions to secure the necessary evidence)
- f. Punishment is sufficiently deterrent. A single charge attracts a maximum fine of \$100,000 or an imprisonment term not exceeding 5 years or both. A penalty equal to the amount of bribes taken shall also be imposed. In addition, the Corruption, Drug Trafficking and other Serious Crimes (Confiscation of Benefits Act) can also be invoked to confiscate any benefits derived from corruption from anyone convicted of the crime.

Effective Adjudication

Sure detection and strict enforcement of laws, no matter how effective, must however, be complemented by effective adjudication. Detection, prosecution and subsequent court conviction have specific deterrence on offenders. This also has a general deterrence on the like-minded. It is about prevention through sure detection and conviction in a court of law. Aided by the tough laws, the Judiciary successfully created a regime of punishment that is deterrent enough to hammer home the message that corruption does not pay.

Effective Administration and Good Governance

Corruption control which forms part of the broader framework of good governance in Singapore, has benefited us in at least 2 ways:

- a. Corruption control, a key feature of good governance, helps the government to create national wealth – that initial abundance and prosperity that enables it to pay public officials commensurate wages, thus reducing correspondingly their likelihood of resorting to corruption.
- b. There is an inter-relationship between efficiency and corruption control. The theory is that when an administration is so efficiently run, there is no room for corruption which thrives better in an inefficient and ineffective administration.

On-going and sweeping civil service wide reforms under “Public Service in the 21st Century” to attain sound administrative governance, organizational excellence and service excellence can certainly reduce corruption even further. Likewise, various government agencies, including CPIB, are working with private sector organizations and companies to improve the standards of corporate governance to achieve, amongst others, the objective of reducing corruption in the private sector. The public also has direct access to government to report government wastage and to cut red tape via the internet. Businesses can make suggestions to the Pro Enterprise Panel to enhance business facilitation by the government. Direct channels such as these provide the public and businesses the means to influence the efficiency of government and keep governance strong.

Strong Public Support

Public support so vital in any anti-corruption program, is best won through successful action against the corrupt, regardless of color, creed or status and executed without fear or favor, firmly and fairly. Public support cannot be taken for granted. The Bureau makes itself accessible to the public. Anyone with a complaint of corruption has

many easy means to lodge the complaint. They can go through the internet, through walk in to the Bureau, through phone calls, through letters and faxes. As we are accessible, we even find public coming to us with problems which are not corruption matters, but matters more appropriately handled by other government departments such as the Police, Immigration or Ministry of Manpower. Our Bureau will not turn away these complainants but will take down the information and pass on to the relevant department. This is in line with the spirit of the government's "No Wrong Door" policy. This approach helps to keep public's faith in the Bureau and in government. Public perception surveys are done regularly by the Bureau and many government departments to gauge public sentiments. The media is an ally in the fight against corruption as it helps highlight the corruptors charged in court. They will often print the photograph of the accused and spread the deterrent messages.

Trends and Challenges

Before I conclude, I will like to briefly talk about the some of the trends and challenges we faced:

- a. Most of our cases now come from the private sector. Low rates of corruption in the public sector means that we have the added task of ensuring that public officials do not become complacent as corruption is likely to creep in and take root once complacency sets in. When everyone, especially the management and the supervisors, thinks everything is fine, corruption can creep in undetected right under our nose.
- b. Corruption crimes are getting more and more sophisticated. While we are enhancing our capabilities in detecting corruption and gathering evidences, the criminals are also moving in the same direction albeit to avoid detection. They, like us, are also leveraging on technology and thus we have always got to strive to be a step ahead of them. From our recent experiences, computer forensic capabilities are a must in any anti-corruption outfit or for that matter, any enforcement agency. The seizure

and analysis of computers and electronic storage medium is critical and could often be the breaking point in solving cases.

- c. It is also increasingly difficult for us to distinctly link a specific benefit/favor to a specific bribe. There have been instances where bribes were given not for any specific favor at that material time but as a form of “cultivation” for future favors. For example, few years ago, we prosecuted and convicted a crime syndicate boss for giving bribes to numerous police officers as a form of cultivation for future favors when the need arises.

- d. International and cross border co-operation is increasingly critical in fighting corruption as economies become more and more globalized. We believe strongly in agency to agency co-operations whether in operations or capacity building.

Conclusion

Today, Singapore has managed to keep corruption at bay and under control. We have been ranked consistently by PERC and TI as one of the least corrupt nations in Asia and in the world. This, however, does not mean that we have completely eradicated corruption. No societies ever will, given the fact that mankind is fallible, not infallible.