

## Singapore's three-pronged program to combat corruption: enforcement, legislation and adjudication \*

- by Chua Cher Yak  
Director,  
Singapore Corrupt Practices Investigation Bureau (CPIB)
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In Singapore, the Corrupt Practices Investigation Bureau (CPIB) which is directly subordinated to the Prime Minister's Office, is solely responsible for the investigation of corruption-related offences involving bribery in Singapore. Corruption through the embezzlement of funds, however, falls under the jurisdiction of the Commercial Affairs Department of the Singapore Police Force.

The country's anti-bribery provisions are enshrined in the Prevention of Corruption Act. While CPIB investigates offences falling within the ambit of this Act, prosecutorial powers reside with the Attorney-General. The Courts discharge the adjudication function.

After some 40 years, corruption in Singapore is very much under control. Transparency International ranks Singapore amongst the five least corrupt countries in the world while the Political and Economic Risk Consultancy (PERC) has ranked Singapore as the least corrupt country since the inception of the survey in 1998.

### **Development of Singapore's anti-corruption policy and action**

When Singapore became independent in 1967, the Government embarked on a thorough-going anti-corruption programme as part of its overall national agenda to rid the country of the scourge. Corruption was rife during the pre-independence days and the immediate post-independence period. A tough stand against corruption was hence taken, not as a matter of virtue or any high moral principle, but of necessity. Corruption control also provides Singapore the competitive edge and ensures national survival.

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\* Singapore has endorsed the Anti-Corruption Action Plan in the framework of the ADB/OECD Anti-Corruption Initiative for Asia Pacific in November 2001. Information on the Initiative is available at <http://www1.oecd.org/daf/asiacom>.

A three-pronged reform programme, involving the enforcement, legislation and the judiciary, was launched in the early post-independence years. These reforms were not only sustained over the years but reinvigorated through fresh initiatives periodically. What is described below, therefore, are the on-going efforts over a period of about 40 years.

Greater powers were conferred on the investigators. Independence of action was assured by subordinating the CPIB directly to the Prime Minister so as to block any undue interference from any quarters and to ensure that CPIB does not favour any particular department or agency. Under the wings of the Prime Minister's Office, CPIB was truly able to operate without fear or favour and regardless of colour, creed or station in life. By 1992, CPIB's independence of action was guaranteed by the constitution. It was this independence that enabled CPIB to take action against ministers and high-ranking civil servants all this while. Administrative reforms were undertaken within CPIB in three broad areas to bring about organizational excellence as part of the on-going civil service-wide reforms initiated in May 1995 under the broad umbrella of "Public Service in the 21st Century" (PS 21):

- Enhanced process control so as to better manage investigations, principally through the introduction of performance indicators involving "stretch targets" directed towards the mission of "swift and sure action", case management system, case conference, and a full review of all investigative processes as part of fulfilling ISO 9000 requirements.
- Enhanced personnel practices through the improvement of career opportunities and training, resulting in CPIB being conferred the People Excellence Award.
- Creation of an organizational ethos characterized by an adherence to the core values of tenacity, result-orientedness, devotion, daring, innovativeness, impartiality and teamwork. A system of peer appraisals and staff opinion surveys helped officers to align themselves to these values.

Consequently, CPIB performed well operationally over the years as borne out by the following statistics:

- Rate at which investigations are completed for the past 5 years shows that the trend has crept up significantly from 92% in 1999 to 99% in 2003:

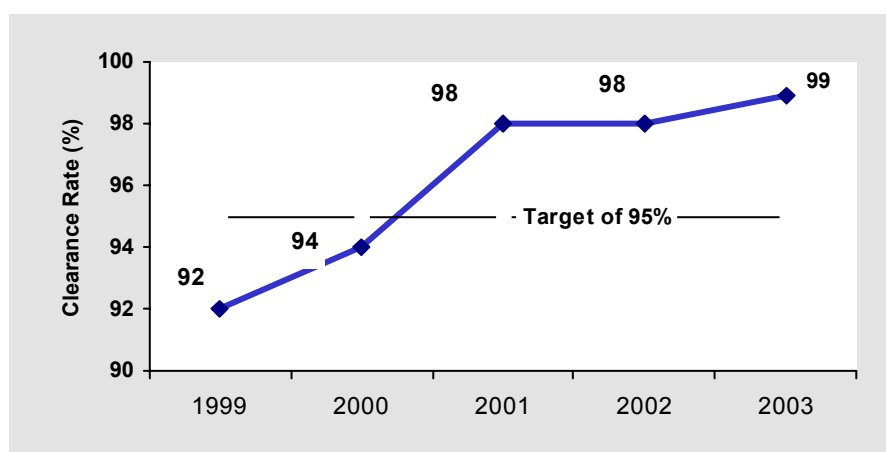


Fig. 1: Trend of completion-rate of investigations 1999-2003

- Cycle-time or time taken to complete an investigation shows an improving trend over the last 5 years, such that at the end of 2003
  - 67% of cases were cleared within 30 days or less
  - 94% of cases were cleared within 60 days or less
  - 98% of cases were cleared within 90 days or less

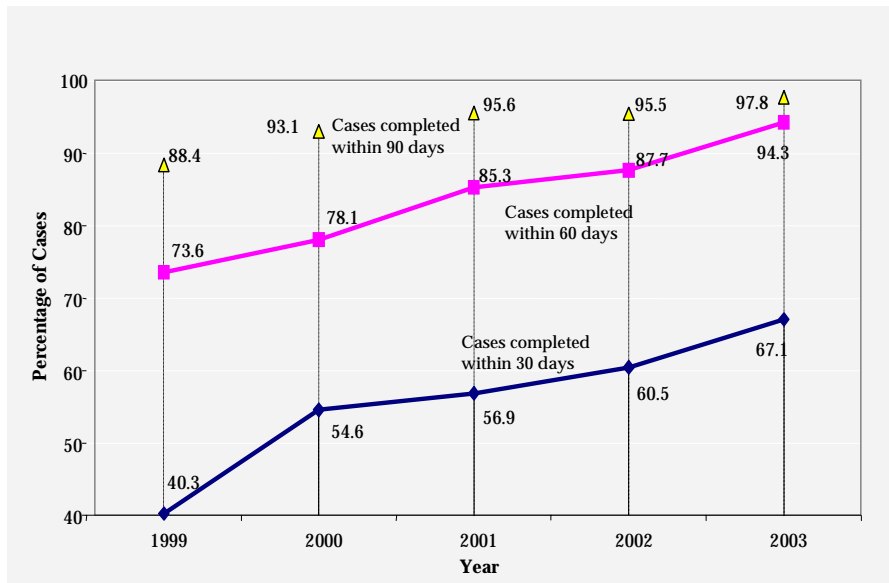


Fig. 2: Cycle-time to complete investigations 1999-2003

- The prosecution rate for highly pursuable cases (i.e. those with high solvability factors) exceeds the target of 80% set prior to 2003 and 85% with effect from 2003.

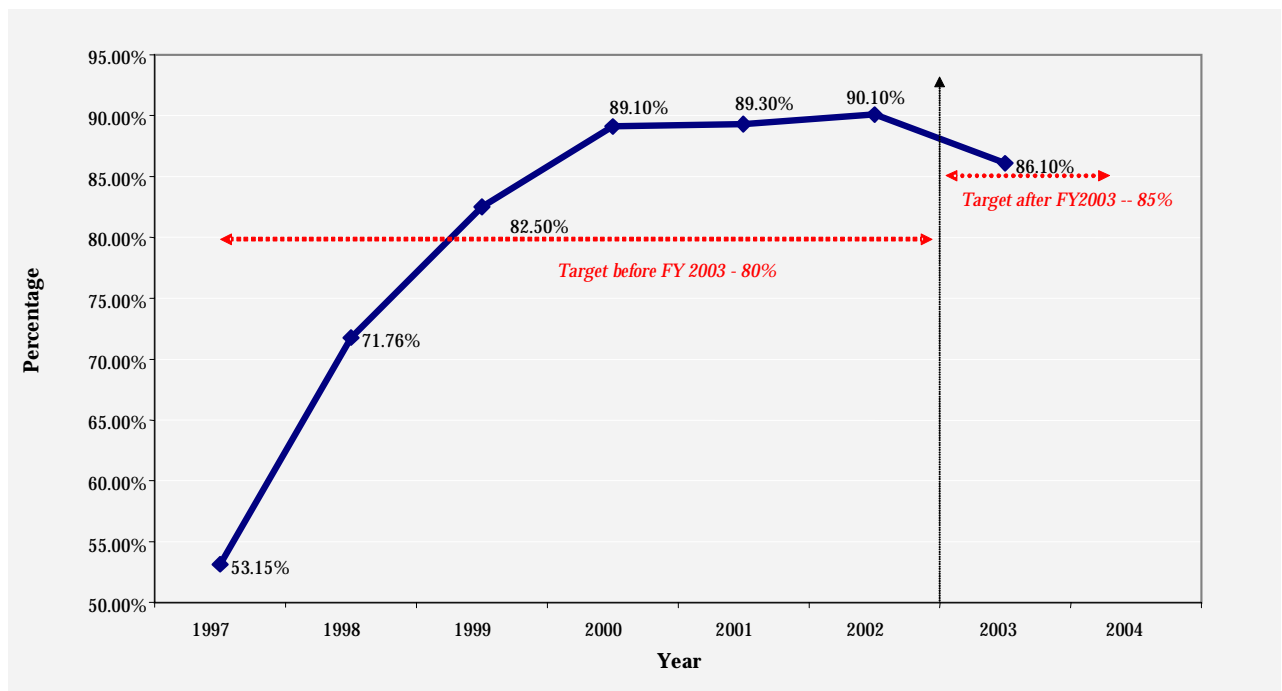


Fig. 3: Percentage of Highly Pursuable Cases resulting in court or disciplinary action 1997-2003

### **Enforcement-friendly laws**

The laws were revamped to make the detection of corruption easier and to deter and punish severely those who engage in it. It is particularly necessary that the laws are made enforcement-friendly to provide CPIB the necessary enforcement-teeth because corrupt practices, by their very nature, render the collection of evidence and the eventual conviction by a Court difficult. As a consensual offence, there is always a satisfied giver and a satisfied taker in a bribery offence. The legislative reforms enhanced the law in the following aspects:

- “gratification” is so broadly defined that it covers a whole multitude of sins as it embraces, inter alia, “favour or advantage of any description whatsoever”.
- a presumption that any gratification received by a public officer from a person who has or seek to have dealings with him or the department, is deemed to have been received corruptly, shifting the burden of proof to the defence;
- an acceptor of a gratification can be guilty even if he does not have the power, right or opportunity to return the favour;
- the “accomplice-rule” which views the evidence of an accomplice as unworthy of credit unless corroborated, is removed;
- wealth disproportionate to income is admitted as corroborative evidence of corruption in a trial;
- the Public Prosecutor can order any other public officers or persons who can assist in the investigation of a public officer, to furnish sworn statements, specifying property belonging to him, his spouse and children, including money and property transferred out of Singapore;
- every person under investigation is legally obliged to provide information;
- the Public Prosecutor can obtain information from the Comptroller of Income Tax on anyone under investigation;
- extra-territorial jurisdiction can be exercised against Singapore citizens committing corruption offences outside Singapore;
- punishment is sufficiently deterrent. A single charge attracts a maximum fine of SGD 100,000 (approx. USD 60,000) or an imprisonment term not exceeding five years or both. For offences involving government contracts or those involving bribery of a Member of Parliament, the maximum jail term is extended to seven years, while the maximum fine remains SGD 100,000. A penalty equal to the amount of bribe taken shall also be imposed. The Corruption, Drug Trafficking and other Serious Crimes (Confiscation of Benefits) Act can be invoked to confiscate any benefits derived from corruption from anyone convicted of the crime.

The law continues to be reviewed periodically. Action is now underway to further review the law to provide a more rigorous definition of a corrupt act and to tidy up various newly-found loopholes that surfaced through experience over the years.

### **Judicial Reforms**

The Judiciary undertakes judicial reforms independently. As the Registrar of Courts reported at the 10th UN Congress on the Prevention of Crime and the Treatment of Offenders in 2000, more than 1,000 justice-related reforms took place between 1992 and 1999. These reforms “enhanced access to justice and advanced public trust and confidence in the justice system and in the rule of

the law. [...] The justice processes became more transparent and visible to public scrutiny". Today the Courts practice a code of conduct which they call the "Ten Commandments". These are

- Transparency in the selection and promotion of judges based on merit, competency in legal knowledge and experience, besides publicly gazetting all promotions and appointments.
- Adequate remuneration to judges and court staff, according to salary scales prescribed by the Judges Remuneration Act.
- An independent yet accountable Judiciary. The Courts are free of any external interference in the judicial decision making process. At the same time, the Judiciary is subject to external audits to ensure accountability in the courts' use of public resources.
- A coherent system of case management which eliminates backlog and shortens waiting time, rendering the Judiciary almost invulnerable to mismanagement of cases.
- A Justices' Scorecard for the Judiciary and the Judges which rigorously tracks performance measured through time-based, volume-based and disposal-based indicators.
- Consistent and objective criteria in the administration of justice, including the establishment of a centralised sentencing court, standardised composition fees and fines and the application of tariffs in sentencing, etc.
- Clear ethical markers and guidelines for the Judges, comprising the Judges' Oath of Office, Judicial Ethics Reference Committee Report, Code of Judiciary Ethics and the Government's Instruction Manual.
- A common vision for the Judiciary and Leadership by Example by the Chief Justice provides unity of vision and purpose. This checks any likely corrupt tendencies arising from uncertainties and uncoordinated action.
- Transparency in the justice process as all court proceedings are open, public hearings. Decisions are documented and subject to public scrutiny. Both the prosecution and the defence can appeal against any decision made by the Courts.
- Learn from forward-looking institutions, through the forging of strategic partnership with forward looking, progressive judiciaries and justice-related institutions.

Aided by some tough laws, the judiciary is intent on creating a regime of punishment that is deterrent enough to hit home the maxim that corruption does not pay. In the words of the Chief Justice: "The Government recognises that deterrence remains the cornerstone of our penal philosophy. Our sentencing policies must continue to reflect the importance of public order and discipline. The criminal justice system must bear down on the recidivist. The framework for benchmark sentence should be consistently reviewed and refined, in the light of evolving criminal trends."

Consistently over the last five years, Singapore has attained high conviction rates to back this penal philosophy. The average is above 95%, with the figure peaking at around 99% in 2002 and 2003. Resulting from all the judicial reforms, our judiciary has been rated as No. 1 in the world by the World Bank since 1997.

### **Strategic Effects of Reforms**

The reforms ensure effectiveness in enforcement, legislation and adjudication. Effective enforcement, effective legislation and effective adjudication form 3 of the 4 pillars of corruption-

control in Singapore with political will providing the necessary foundation and the other pillar being effective administration. Amending the law to remove loopholes to make the detection and conviction of offenders easier is strategic in that this automatically resulted in more effective adjudication and enforcement.

The reform programmes were driven top-down by Government, spurred on by an intense political will. Corruption-control in Singapore is a state-imperative. It is also a Government initiative, a Government sponsored endeavour, trickling down from the top, rather than bubbling up from the ground. Success was hence better assured. The entire civil service executed the reforms through the steersmanship of the Anti-Corruption Advisory Committee formed in 1973 and disbanded in 1975 after its initial tasks were completed. It comprised the heads of the respective ministries, known as Permanent Secretaries, under the chairmanship of the Head of the Civil Service. Everyone was galvanized right from the start as the directive by Government to wipe out corruption assumed the weight of an imperial edict. Personal example set by the Government provides immense moral authority for the anti-corruption movement. This, together with an almost obsessive desire to succeed, is largely instrumental in sustaining the entire anti-corruption programme.

### **Conflict Resolution and Sustaining the Effort**

Consequent to the patronage and drive from the top by Government, the reform programmes jump-started without having to contend with the attendant problems of consensus building and conflict-group management, which bedevils most reform efforts. As the ruling government enjoys 40 years of unbroken reign, Singapore, consequently benefited from 40 years of sustained anti-corruption work. The importance of sustaining the anti-corruption movement is succinctly put as follows by Mr. Lee Kuan Yew: "There is no greater compliment that a man can pay to himself and to his group than to pass the torch on to like-minded people, fired by the same ideals, but younger, more vigorous, more capable to meet a more contemporary situation." and "We have not become decadent and corrupt after 41 years in office. The old guard sets high standards; the new guard has to maintain this self-discipline and integrity in the midst of growing affluence. Otherwise, the Singapore story will not have a happy ending."

### **Securing Public Support**

The public, generally the victims of corruption, benefited from the anti-corruption program and rallied strongly behind the efforts. By the 60's and the 70's, Singapore began to enjoy success in its anti-corruption programme. Success begets success. The public appreciated immensely, a new public service that is free of all encumbrances of a previously corruption-rife situation. It whetted their appetite for further corruption control. Demands when met resulted in even higher expectations, touching off a virtuous cycle.

### **Success Factors: Lessons Learnt**

Political will is the corner-stone of any anti-corruption movement and is the foundation of success. It provides the necessary climate for the growth and sustenance of the anti-corruption movement. Spurred by a strong political will, the government assumes ownership of the anti-corruption movement, making it a state-sponsored endeavour. This has a decidedly better chance of success than one driven by interest-groups which are inevitably fractious, with contending group-interests. Worse still, any government possesses enough firepower to crush the efforts of even the most purpose-driven anti-corruption agency.

It is strategic for reform-efforts to focus on the 3 related areas of enforcement, legislation and adjudication, as a package. Any weakness in any of this 3-link chain can be fatal. Effective enforcement, legislation and adjudication form the “Holy Trinity” that can ensure success in any anti-corruption movement.

A simple, no-frills 3-pronged strategy is implemented. By adopting a simple approach, we avoided being side-tracked unnecessarily. Early success is thus possible through focused action and unity of purpose. Success begets success, generating a momentum of its own and creating a virtuous spiral.

Public support, so vital in any anti-corruption programme, is best obtained by successfully taking action against the corrupt, regardless of station in life and without fear or favour. Clear, demonstrable success is the surest way to win the assent of the public.