

COUNTRY REPORT: BRUNEI DARUSSALAM

FORMULATION AND IMPLEMENTATION OF ANTI-CORRUPTION POLICIES AND STRATEGIES

- Introduction

Brunei Darussalam is a small country located in the north-west coast of Borneo Island. It has a total land area of 5,765 km and over 160 kilometres of coastline along the South China Sea.

The population of Brunei Darussalam is 398,000 with nearly 70% of the population residing in the Brunei-Muara district. The capital city, Bandar Seri Begawan is home to most non-oil business and government institutions. The second-largest population centre is Belait District, west of the capital, where the vast majority of hydrocarbons activity takes place in the town of Kuala Belait, Seria and Lumut.

This report will firstly introduce on preventive anti-corruption policies and practice, followed by the set up of the Independent Anti-Corruption Body in Brunei Darussalam. Next, report will outline on the 3 pronged strategies that has been adopted by Anti-Corruption Bureau, Brunei Darussalam in combating corruption in the country.

Preventive Anti-Corruption Policies and Practice

National Initiative in preventing corruption was first introduced in the country in 1952 with the enactment of criminal provision preventing bribery of Public Servant under the country's Penal Code. The same Code provides criminal sanction for embezzlement which also includes Criminal Breach of trust or misuse of State funds by public officials. Provision against bribery of public official was further strengthened with the introduction of **Public Officers (Conduct and Discipline) Regulations, 1961** and the Customs Act. The rule governing the Code of Conduct for Public Officials under the said Regulation was further amended in 1984 and incorporated under the Public Services Commission Act. The evolvement in the policy and practice of Brunei Darussalam in fighting corruption has been steadily reviewed and improved in tandem with development in the practice and initiative at regional and International level. The Anti-Corruption Bureau and Attorney general Chambers

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have participated in many of the regional and international initiatives and forums in keeping pace with new practices and approaches in the global fight against corruption. Brunei has implemented significant measures to combat corruption through Anti-Corruption Bureau. The ACB enforces a 'zero tolerance' on corruption by officials in combatting corruption in the country. Furthermore, the strong political will of His Majesty's Government in the fight against corruption is an inspiration to eradicate corruption in Brunei Darussalam.

Independent Anti-Corruption Body

National measures in eradicating corruption in the country took a further step in 1981 with the introduction of the Emergency (Prevention of Corruption) Order 1981 and the formation of Anti-Corruption Bureau in February 1982. The Order was later enacted in 1984 as the Prevention of Corruption Act. Since the formation of the independent and specialised body in combating corruption in the country, investigative measures have taken a more apparent approach where corruption offenders were apprehended, tried and convicted in the court of justice. On 8 February 2010, His Majesty Sultan Hj Hassanal Bolkiah Mu'izzaddin Waddaulah, the Sultan and Yang Di-Pertuan of Brunei Darussalam consented to the amendment to six sections of the Act. The objective of the amendment to the Prevention of Corruption Act is to enhance its effectiveness as well as to complement and meet the requirement of United Nation Convention Against Corruption (UNCAC) in combating all form of corrupt practices.

Strategies in combating Corruption

The Anti-Corruption Bureau, Brunei Darussalam in its effort in combating corruption has implemented the 3-pronged strategies in combating corruption and these are as follows:

- i. Investigative/ Enforcement Approach

The Anti-Corruption Bureau is entrusted to carry out its investigation and criminalised the offence of corruption whether it is committed by the private or public sector under the Prevention of Corruption Act. In addition, the Prevention of Corruption Act also provides provision for illicit enrichment and protection of

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reporting persons. The Anti-Corruption Bureau being the Law Enforcement Agency which is responsible in combating corruption in the country is equipped with wide and special powers of investigation which includes power of search, freezing proceeds of corruption and criminalisation of obstruction of justice.

ii. Prevention

The preventive strategy incorporated studies conducted by the Anti-Corruption Bureau into the work practices and procedures of government ministries and departments so as to minimise opportunities for corruption to occur. In the recent amendment of PCA, it is included in the PCA a mandate to examine the practices, systems and procedures of public bodies in order to facilitate the discovery of offences under this Act or any prescribed offences and to secure the revision of such practices systems and procedures as may, in the opinion of the Director, be conducive to corruption. With the commitment and cooperation of these relevant ministries and departments, the Bureau aims to further improve the working practices and system in government departments to eliminate any loopholes and opportunities of corruption in the public sector.

ACB has set up Integrity and Good Governance Center in 2009 as one of the tools in combating corruption in the country. The role of the center is to promote integrity and good governance in the public and private sector.

iii. Educational Approach

Other than focusing on creating awareness amongst the public sector on the menace of corruption, the education approach aims to encourage the participation of society and the private sector in the government's efforts and initiatives in fighting corruption in Brunei Darussalam. In this regard, the Anti-Corruption Bureau has adopted several measures in combating corruption.

One of the methods implemented by the Bureau under educational measures is by conducting lectures and seminars to civil servants and the public.

In addition, as part of the preventive strategies in combating corruption, ACB has embarked on the Prevention of Corruption Education in the National Curriculum on 7th January 2006. This project is a national program to include anti-corruption and

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prevention education in public education curriculum. ACB realised the importance of inculcating good integral values in combating corruption. It is a shared principle belief that with the inclusion of the Prevention of Corruption Education it will provide a wider and continuous preventive outreach program especially for the young generation to equipped them with anti-corruption awareness program.

The CPE is an ongoing project between ACB, Prime Minister's Office and Curriculum Development Department, Ministry of Education. The program is implemented nationwide from primary level (year 1 to year 6), secondary level (year 7 to year 11) and also in higher institutions. The objective of the program is to inculcate good values such as honesty, trust and sincerity among students beginning in their primary education and to instill these values as life principle and practice. This program also aims to create awareness on anti-corruption and understanding among students on the dangers and risks of corruption and to prepare students with values of self integrity, responsibility and righteousness.