

**CORRUPTION CONTROL:
MORE THAN JUST STRUCTURES, SYSTEMS AND PROCESSES ALONE**

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I. BACKGROUND

Post independent Singapore has transformed itself from a corruption-infested city-state to one that has been consistently rated by independent survey agencies to be amongst the least corrupt countries in the world. We have been placed amongst the five least corrupt countries in the world by Transparency International in the last two years (not mentioning even third in 1995). The Political and Economic Risk Consultancy (PERC) on the other hand, has placed us, since the inception of the survey in 1996, as the cleanest in Asia.

It may sound immodest but I must hasten to say that this is certainly not due to some fortuitous circumstances, or some quirks or accidents in history. The Government was determined, through sheer political will, to reverse the trend of the colonial and the immediate post colonial days. It has made corruption control very much part of its national agenda, viewing corruption control as inextricably tied to good governance. Corruption control ensures our survival as a nation and as a people. Consequently, corruption which was probably once a way of life, gradually gave way to a counter culture that abhors corruption, nepotism and cronyism.

II. RATIONALE & GUIDING PRINCIPLES

Enough has been said publicly by government leaders about the need to maintain a corruption-free Singapore. I will, however, recount some of the more significant ones.

First, the mood for a strong anti-corruption policy and the resolve to curb corruption was struck by the government as early as 1960 in Parliament when it declared that:

“The Government is deeply conscious that a Government cannot survive, no matter how good its aims and intentions are, if corruption exists in its ranks and its public service on which it depends to provide the efficient and effective administrative machinery to translate its policies into action... Therefore, this Government is determined to take all possible steps to see that all necessary legislative and administrative measures are taken to reduce the opportunities of corruption, to make its detection easier and to deter and punish severely those who are susceptible to it and who engage in it shamelessly.”

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Second, the strong anti-corruption refrain was heard again and again including this one, made in 1979 by the then Prime Minister, Mr. Lee Kuan Yew, when he explained the need for a corruption-free Singapore in the following way:

“The moment key leaders are less than incorruptible, less than stern in demanding high standards, from that moment the structure of administrative integrity will weaken, and eventually crumble.

Singapore can survive only if Ministers and senior officers are incorruptible and efficient... Only when we uphold the integrity of the administration can the economy work in a way which enables Singaporeans to clearly see the nexus between hard work and high rewards.

Only then will people, foreigners and Singaporeans, invest in Singapore; only then will Singaporeans work to improve themselves and their children through better education and further training, instead of hoping for windfalls through powerful friends and relatives or through greasing contacts in the right places.”

Third, corruption control is not viewed simply as just a moral issue. Senior Minister Lee Kuan Yew explained as recently as 1999 that Singapore’s tough stand against corruption was “not a matter of virtue, but of necessity”. This is consistent with an earlier statement he made. As Prime Minister, he said: “Staying clean and dismissing the venal is one of the six guiding principles of the PAP Government.

III. SIGNIFICANCE OF POLITICAL WILL IN CORRUPTION CONTROL

What of this? How does this explain what works and what does not? How much does all the political will translate into success? I shall attempt to explain how political will, in my personal opinion, is almost everything, in this long and arduous road to relative success.

Political will provides the foundation for all anti-corruption efforts. It forms that all important sub-structure, upon which, all the super-structures of anti-corruption work rest. It provides the soil and the nutrient which allows the seeds of anti-corruption work to germinate and grow; first into a strong sapling, then into a sturdy tree.

But genuine political will has to be more than some pious rhetoric, some empty sloganeering. Words must match deeds. There has to be a sincerity of purpose and the all important display of personal example. Recognising this, political leaders have unflinchingly submitted themselves to scrutiny and demonstrated much verve and vigour fighting corruption. Knowing that if they were to live in glass-houses they cannot throw stones, they set personal examples and established the much needed moral authority to stamp out corruption. It is simply a question of honest men and honest deeds. Honest deeds, surely, are the ultimate expression of the political will for corruption-control.

Fired by a consuming political will, the government then set out to remove all obstacles that are in their way. Weak laws were strengthened when they could have easily been exploited by the ruling elite for their corrupt ends. They mobilised the public, the entire civil service and all apparatus of the state, including the judiciary, to fight corruption. Nobody works at cross-purposes. All efforts are harmonised. There is unity of action as much as there is unity of purpose. Everyone is galvanised by like-mindedness, almost as if they were swept by some royal or imperial edict.

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Spurred by a grand political purpose, the Government re-created and re-fashioned the Corrupt Practices Investigation Bureau out of the ashes of an ineffectual anti-corruption agency left behind by the colonial masters, to help it fight corruption. We became but one of the many instruments in the government's arsenal to fight corruption. CPIB, as reconstituted, however, could just be a still-born idea if not for the fact that political will and blessings allowed it to flourish. A revamped CPIB was never born out of a need to fight a corrupt government. We were re-created by an incorrupt government to fight corruption. We did not start as a civil movement fighting against a corrupt government. If we had, we would not have gone far. Unlike many agencies which grew out of a need to fight a corrupt establishment, we never have to work antagonistically against the Government and the entire public service. Certainly civil movements or NGOs played no significant role in the successful fight against corruption in Singapore. The presence of any such movement will, in fact, be seen as an affront to, and an indictment of the effectiveness of CPIB. After all, NGO is just a euphemism for lobby groups or pressure groups, established by those disenchanted or dissatisfied with the state of corruption.

Driven by an intense political will, there was an almost obsessive desire to succeed in the anti-corruption effort. The Government signalled this by taking complete control and ownership of the entire anti-corruption movement. It made CPIB report directly to the Prime Minister so as to block any undue interference from any quarters and to ensure that CPIB favours no one particular department or agency. Under the wings of the Prime Minister's Office, CPIB was able to truly operate without fear or favour. In fact, by 1992, CPIB's independence of action was more or less guaranteed constitutionally. With such independence of action, CPIB took action against Ministers and many top civil servants.

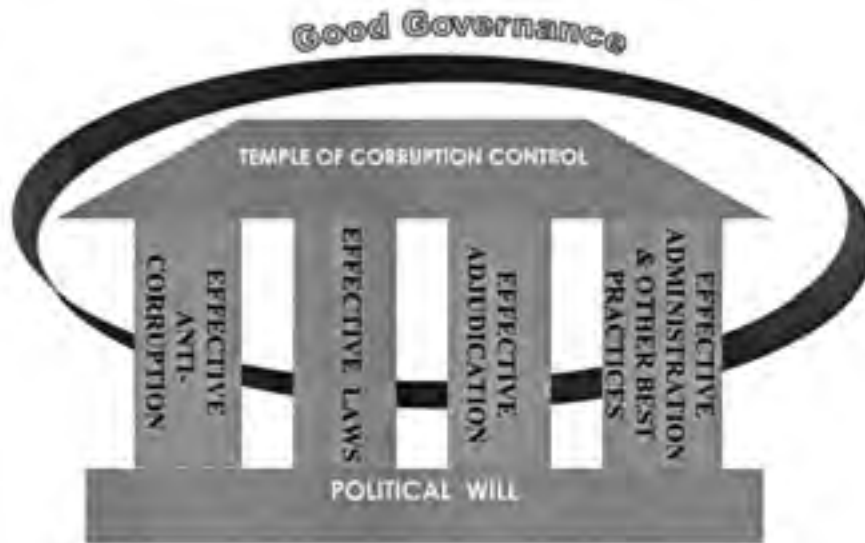
IV. A SIMPLE FORMULA?

So is there a simple formula in corruption control? An ancient Chinese official once said that corruption is the product of bad men and bad laws. If this be so, the formula must then be a frightfully simple one: have good men and have good laws. Let there be good men in government. Let them be blessed with the necessary political will. They will then have sufficient motivation, as standard bearers of anti-corruption, to enact good laws which are a sufficient deterrent against the wayward. If the bad strayed from the straight and narrow, they could be straightened and recycled through good laws so that they may become good again.

A. Framework: "Temple of Corruption Control"

Contemporary mankind is, however, more used to formatting solutions according to systems and frameworks. For this, I have constructed a framework which I shall call the "Temple of Corruption Control". This consists of four pillars resting on the foundation provided by "Political Will". These four pillars are: "Effective Anti-Corruption Agency", "Effective Laws", "Effective Adjudication" and "Effective Administration and Other Best Practices". Of course, the temple is shrouded by a halo, significantly known as "Good Governance". These constitute the National Integrity System. Having dealt with "Political Will" as an important foundation, I shall now elaborate on each of these four pillars.

Temple of Corruption Control



B. Effective Anti-Corruption Agency

It will, of course, be difficult for me to make judgement on how effective CPIB is, as an anti-corruption agency. But, let me say that we have always endeavoured to be a crack investigative agency, committed fully to our mission of “combat(ing) corruption through swift and sure action”. We hope to fulfil this sacred mission through three broad strategic objectives:

- (i) To continuously improve operational effectiveness;
- (ii) To be proactive through superb intelligence craft; and
- (iii) To support operations through learning and innovation and associated human resource programmes.

We would like to think that we have through swift and sure action heightened the perceived risks of involvement in corrupt activities. We also hope that through our strong action, we have rendered corruption a high risk, low return business.

Our aspirations and what we stand for, is best captured by the following features in our logo:-



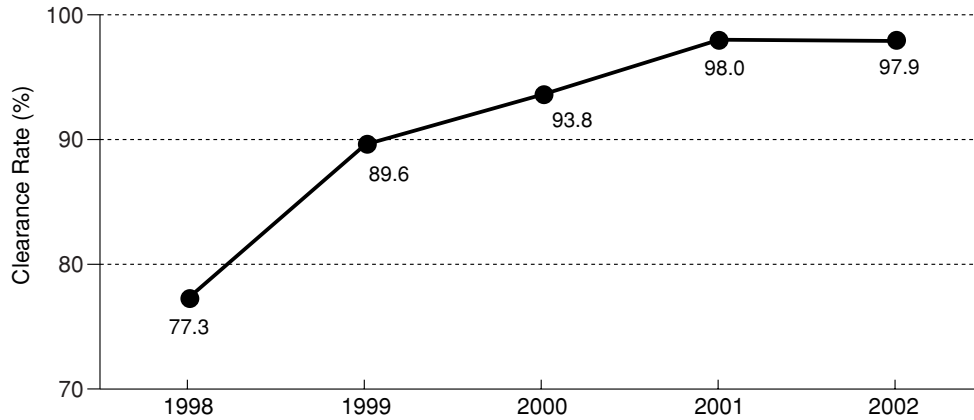
- (i) A “cascade of squares” symbolises the pervasive effects of our anti-corruption efforts, besides being a stylised version of the letter ‘I’ in CPIB’. Significantly, a square is both an icon and a metaphor for fairness;
- (ii) The dot in the letter ‘i’ doubles as an eye and a globe. As an eye, it proclaims our watchful and vigilant stance while the globe symbolises our aspiration as an effective agency on a global scale.

What statistics have we to back this up? The following facts and figures are pertinent.

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(i) *Clearance Trend*

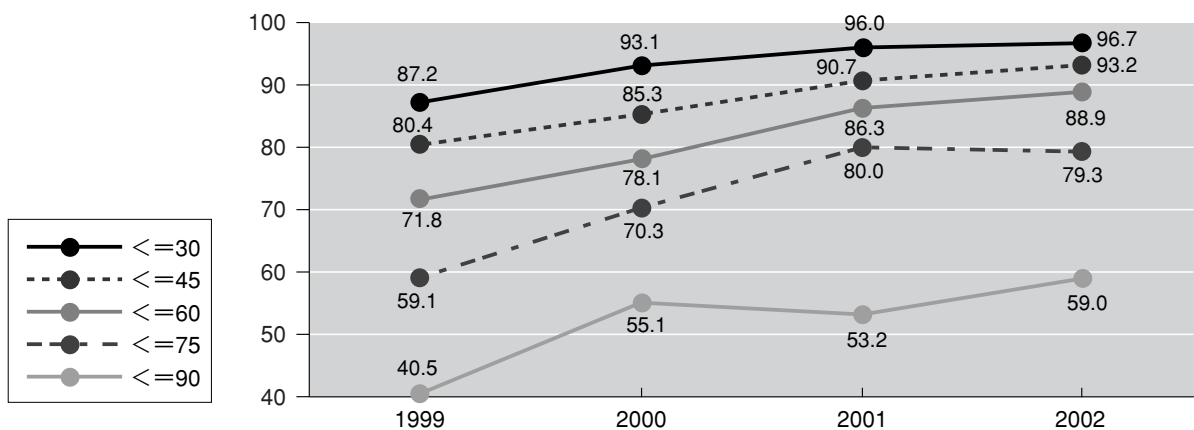
The Clearance Trend for the past five years shows that it has crept up significantly from 77.3% in 1998 to 97.9% in 2002.



(ii) *Cycle Time*

The Cycle-Time which shows an improving trend over the last five years, such that at the end of 2002:

- 59% of cases were cleared within 30 days or less
- 79.3% of cases were cleared within 45 days or less
- 88.9% of cases were cleared within 60 days or less
- 93.2% of cases were cleared within 75 days or less
- 96.7% of cases were cleared within 90 days or less



(iii) *Prosecution Rate*

The Prosecution Rate shows that between 187 and 251 persons were charged in court in the last three years, and between 74 and 125 were disciplined for the same period. Expressed as a percentage of the cases completed, the prosecution rate for the past three years is between 73.4% and 87.3%.

Year	Total No. of Persons Charged in Court	Total No. of Persons sent for Disciplinary Action
2000	242	125
2001	187	94
2002	251	74

It is also important to mention that we subscribe fully to the principle of continuous improvement. Our yearly targets are reviewed. Fresh targets and benchmarks are set annually in a bid to raise the bar.

C. Effective Laws

Effective laws are enforcement-friendly laws that give us the necessary teeth and the cutting edge. Enforcement-friendly laws are particularly necessary in corruption control. This is 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. Often, a happy situation exists. There is a satisfied giver and a satisfied taker. Bonded by such mutual interests, one, naturally, will not squeal against the other.

The distinctive features of our law that gives us the much needed cutting edge are:

- (i) “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”.
- (ii) 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 proving otherwise to the defence (and a very significant shift at that);
- (iii) an acceptor of a gratification can be guilty even if he does not have the power, right or opportunity to return the favour;
- (iv) the “accomplice-rule” which views the evidence of an accomplice as unworthy of credit unless corroborated, is removed;
- (v) wealth disproportionate to income is admitted as corroborative evidence of corruption in a trial;
- (vi) 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;
- (vii) every person under investigation is legally obliged to give information;
- (viii) the Public Prosecutor can obtain information from the Comptroller of Income Tax on anyone under investigation;
- (ix) extra territorial jurisdiction can be exercised against Singapore citizens committing corruption offences outside Singapore;
- (x) punishment is sufficiently deterrent. A single charge attracts a maximum fine of \$100,000 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, although the maximum fine remains at \$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.

D. Effective Adjudication

Sure detection, and strict enforcement of laws, no matter how effective, must however, be complemented by effective adjudication. Detection, prosecution and subsequent conviction in a court of law exert a powerful specific deterrence directly on the person indicted for the offence. This also has a general deterrence on the like-minded. To borrow an old Chinese saying, this amounts to “killing one to frighten a hundred”. Or, as they also sometimes put it, it is “killing the chicken to teach the monkey”. It is prevention through sure detection and conviction in a court of law. In the words of the Chief Justice:

“The Government recognizes 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.” (Subordinate Courts Workplan Seminar, 2003).

Yet nothing is more poignant than what Senior Minister Lee Kuan Yew said when he was Prime Minister, in Parliament in 1987:

“The strongest deterrent is in a public opinion which censures and condemns corrupt persons; in other words, in attitudes which make corruption so unacceptable that the stigma of corruption cannot be washed away by serving a prison term.”

Consistently over the last five years, we have very good conviction numbers to back this penal philosophy. The average is above 95%, with the figure peaking at 99.1% in 2002. This is not possible if the prosecution office and the judiciary do not see themselves as having a part to play in dispensing justice to ensure overall crime control, including corruption control. How well has our Judiciary played this role? At least well enough to be rated as No. 1 in the world by World Bank since 1997. The prelude to this were some extensive judicial reforms undertaken from 1992 to 1999, during which more than 1,000 justice-related initiatives were implemented. In a paper presented to the 10th UN Congress on the Prevention of Crime and the Treatment of Offenders in 2000, Lau Wing Yum, a judge and a registrar of courts, said: “This (the reforms) greatly enhanced access to justice and advanced public trust and confidence in the justice system and in the rule of law ... in turn prevents the breeding of corruption within the court system, as the justice processes become more transparent and visible to public scrutiny and as the Judiciary makes itself accountable to the public for the use of its resources.”

In the same paper, Lau also mentioned that the Courts observed the “Ten Commandments” in order to keep the Judiciary corruption free. The “Ten Commandments” are:

1. Transparency in the selection and promotion of judges based on merit, competency in legal knowledge and experience, besides publicly gazetting all promotions and appointments.
2. Adequate remuneration to judges and court staff, according to salary scales prescribed by the Judges Remuneration Act.
3. 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.
4. A coherent system of case management which eliminates backlogs and shortens waiting time, rendering the Judiciary almost invulnerable to mismanagement of cases.
5. A Justices' Scorecard for the Judiciary and the Judges which rigorously tracks performance measured through time-based, volume-based and disposal-based indicators.
6. 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.

7. 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.
8. 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.
9. 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.
10. Learn from forward-looking institutions, through the forging of strategic partnership with forward looking, progressive judiciaries and justice-related institutions.

E. Strategic Intent

Whatever the framework may be, the strategic intent is that corruption control should form part of the broader framework of good governance. It is an important "enabler", which, at least in Singapore, resulted in two spin-offs; which in turn, set off a virtuous cycle.

1. It helps the Government to create national wealth. This concomitantly, enables it to pay public officials fairly attractive wages. Decent wages were, thus, only possible because it was corruption control that helped create the initial abundance and prosperity. Yet, are high wages a strategy in corruption control? High wages satisfies needs but does it curb greed? The Government's views on this are best captured by Bob Crew of the South China Post in Aug 1973, when he said:

"by giving people their self respect and enough money in their pockets - by restoring to them, if you like, their dignity and its corresponding integrity of purpose, they are more likely to regard corruption as beneath them and less likely to abandon their public and private consciences; less likely to sell their souls to the devil.

If one's wallet is as big as one's conscience then, in the view of many a worldly-wise cynic, one's conscience is better able to succeed."

2. It helps to bring about efficient administration, an obvious outcome of good governance, perhaps. The inter-relationship between efficiency and corruption control is again succinctly summed up by Bob Crew of the South China Post when he said in the same previously cited article, the following:

"Singapore's approach to the problem of corruption is, we are told, simply one of efficiency in administration.

The theory is that the administration is so tight, so efficiently run and controlled, that there is no room for corruption which thrives much better in an inefficient administration in which there are plenty of loopholes for it to flourish unnoticed and unchecked, where there is scope for hoodwinking and beating the system.

Singapore takes the view that if a Government can institute and operate an efficient system, then it can as easily achieve an efficient anti-corruption sector as it can achieve efficient business, industrial, political and military sectors.

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Additionally an efficient administration can only be run by people who are turned on by and, good at, efficiency; people who are thereby content rather than discontent, fulfilled rather than frustrated, dedicated rather than disloyal, satisfied rather than dissatisfied, incorrupt rather than corrupt.”

Imbuing in public officers a desire for service orientedness definitely has far reaching consequences. Since service excellence and the need to comply with standard operating procedures are incompatible with corrupt practices, any quality related movement will militate against corruption, and hence have pre-emptive potential. And in this, the stark question is, “what if CPIB itself, of all agencies, underperforms?”

Singapore has a head start of some forty odd years in corruption control. But success came as early as in the 60's and the 70's, during which two turning points caused a fundamental shift in the national psyche. These were:

1. the conviction in 1975 of Wee Toon Boon, a Minister then, and the subsequent investigation of other political leaders, had tremendous symbolic significance for the public. The public saw for themselves the Government's sincerity and resolve to fight corruption. They probably reasoned that if the Gods at Mount Olympus are not spared of the due processes of the law, what chance would lesser mortals like them have; and
2. the public, so used to a previous situation in which corruption was rife, appreciated immensely, a new public service in the 60's and the 70's that was free of all encumbrances brought upon by corruption. This whetted their appetite for further corruption control. Demands when met resulted in even higher expectations. This touched off yet another virtuous cycle.

V. CONCLUSION

The moral of my story, the bottom-line, is that it is far easier to have a good, clean government administering a good, clean system than it is for a good anti-corruption agency to clean up a corrupt government and a crooked system. In the latter case, the result is almost predictable; the anti-corruption agency is likely to come off second best. Clearly, most governments will possess enough fire power to overwhelm even the most intense, well-meaning anti-corruption agency. They can make or mar the efforts of any anti-corruption agency. So, we in CPIB can only be as effective as the government wants us to be. CPIB has the structures, systems and processes that were allowed to work, given the right operating environment created by a strong political will. Unless the will to succeed is forged, much of any anti- corruption programme will remain a passive declaration of intention. They will be nothing more than some idle talk. There is, therefore, always the need to walk the talk. Clearly, mere systems, structures and processes, do not necessarily provide the template for success. The magic is in the sincerity of purpose; genuine efforts, not the less than honest labour.

CPIB has to a large extent, executed the Government's will. Propelled by a strong political will, CPIB helped create a strong anti-corruption ethos and the accompanying odium attached to corruption. This, however, does not mean that we have completely eradicated corruption. No society ever will, given the fact that mankind is fallible, not infallible. By nature man is acquisitive, almost covetous. While the majority in Singapore falls in line, there is always the offending few who will find it necessary to satiate either their greed or their needs.