
Brunei Darussalam

**TOBACCO
INDUSTRY
INTERFERENCE
INDEX
2023**

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Author:

Health Promotion Centre, Ministry of Health, Negara Brunei Darussalam

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Background and Introduction

Brunei Darussalam is fully committed in implementing the WHO Framework Convention on Tobacco Control to reduce tobacco use. Our laws and related circulars are aligned to achieve this and reduce tobacco use among adults by 30 percent in 2025.¹ In 2005 Brunei adopted the Tobacco Order, the primary tobacco control legislation which regulates smoke free places, tobacco advertising, promotion and sponsorship; and tobacco packaging and labeling. In 2012 the Tobacco (Labelling) (Amendment) Regulations was amended to update the health warnings on tobacco products and increased the required warning size for all tobacco products from 50 percent to 75 percent.²

There is no tobacco manufacturer or distributor in Brunei. Retailers who want to sell tobacco products are required to obtain a license that cost B\$300 (US\$222). No retailers have applied for licenses to sell. Electronic cigarettes and heated tobacco products are also banned on Brunei.

To implement the WHO FCTC Article 5.3, in 2019 the Prime Minister's Office issued a code of conduct containing measures prohibiting the involvement and interaction, and protecting government officials from tobacco industry interference. The code was circulated to all civil servants.

Brunei is committed to implementing Article 5.3 as indicate in the scores we have registered. The Ministry of Health continues to conduct due diligence when dealing with requests for meetings from foreign entities to ensure that the tobacco industry's interests are not channeled through other avenues such as trade and business bodies and the industry does not find a different route to meet with government officials. This includes vetting requests from business interest groups where the tobacco industry is an active member.

The report is based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance. There are 20 questions based on the Article 5.3 guidelines. A scoring system is applied to make the assessment. The score ranges from 0 - 5, where 5 indicates highest level of industry interference, and 1 is low or no interference. The 0 score indicates it is not applicable. The report includes information on incidents from April 2021 to March 2023, but also includes incidents prior to 2021 that are still relevant.

¹ Brunei Darussalam Multisectoral Action Plan for the Prevention and Control of Noncommunicable Diseases (BruMAP-NCD) 2021-2025. Available at:

<https://www.moh.gov.bn/Shared%20Documents/BRUMAP%20NCD%202021.pdf>

² Attorney General Chamber. TOBACCO (LABELLING (AMENDMENT) REGULATIONS, 13 March 2012. Brunei Darussalam. Available at: [s022.pdf \(agc.gov.bn\)](#)

Summary Findings

1 INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

The government does not accept, support or endorse any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interest in setting or implementing public health policies in relation to tobacco control.

The government does not allow any representatives from the tobacco industry in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates.

2 INDUSTRY CSR ACTIVITIES

The government is not allowed to support, form partnership with or receive any contributions from tobacco industry including CSR-related activities or contributions.

3 BENEFITS TO THE INDUSTRY

There is no tobacco industry as such in Brunei. No retailers applied for licenses to sell tobacco products. The license costs B\$300 (US\$222) per year. This is a prohibitive measure to discourage sales of tobacco products.

4 UNNECESSARY INTERACTION

Top level government officials do not meet with/foster relations with the tobacco companies or attend any social functions and other events sponsored or organized by the tobacco companies.

5 TRANSPARENCY

Any interactions with tobacco industry in cases where such interactions are strictly for regulation, these meetings have to be conducted in transparent manner to avoid any negative impression and conflict of interest. No such interactions happened in the period between 1st April 2021 and 30th March 2023.

6 CONFLICT OF INTEREST

The government prohibits contributions from the tobacco industry. No retire senior government officials form part of the tobacco industry nor hold any positions in the tobacco business.

7 PREVENTIVE MEASURES

A code of conduct issued by the Prime Minister's Office in 2019 and circulated to all civil servants prohibits involvement and interaction with tobacco industry including accepting any offers of assistance from the tobacco industry, any gifts/donations/ sponsorship or supporting any events organized or sponsored by the tobacco industry.

Brunei Darussalam

Tobacco Industry Interference Index 2023

Results and Findings

	0	1	2	3	4	5
INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government ³ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests. ⁴ in setting or implementing public health policies in relation to tobacco control ⁵ (Rec 3.4)	0					
The government does not accept, support or endorse any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interest in setting or implementing public health policies in relation to tobacco control.						
2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)	0					
The government does not accept, support or endorse policies or legislation drafted by or in collaboration with the tobacco industry.						
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)		1				
The government does not allow/invite the tobacco industry to sit in government interagency/multisectoral committee/advisory group body that sets public health policy.						
4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year. For non-Parties, apply a score of '0'		1				
The government does not nominate or allow representatives from the tobacco industry in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates.						
INDICATOR 2: Industry CSR activities						
5. A. Government agencies or their officials endorse, support, form partnerships with or participates in activities of the tobacco industry described as “socially responsible” or “sustainable”. For example, environmental programs. (Rec 6.2)	0					

³ The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

⁴ The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

⁵ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

	0	1	2	3	4	5
<p>B. The government (its agencies and officials) receives CSR contributions⁶ (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests during the pandemic. (Rec 6.4)</p> <p><i>NOTE: exclude enforcement activities as this is covered in another question</i></p>						
<p>The government is not allowed to support, form partnership with or receive any contributions from tobacco industry including CSR-related activities or contributions.</p>						
<p>INDICATOR 3: Benefits to the Tobacco Industry</p>						
<p>6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)</p>	0					
<p>There is no tobacco industry as such in Brunei. No retailers applied for licenses to sell tobacco products. The license costs B\$300 (US\$222) per year. The cost of the license is a prohibitive measure to discourage sales of tobacco products.</p>						
<p>7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)</p>	0					
<p>The government does not give privileges, incentives, exemptions or benefits to the tobacco industry.</p>						
<p>INDICATOR 4: Forms of Unnecessary Interaction</p>						
<p>8. Top level government officials (such as President/ Prime Minister or Minister⁷) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)</p>	0					
<p>Top level government officials do not meet with/foster relations with the tobacco companies or attend any social functions and other events sponsored or organized by the tobacco companies.</p> <p>The Ministry of Health implements the code of conduct for civil servants by conducting due diligence when dealing with requests for meetings from foreign entities to ensure that the tobacco industry's interests are not channeled through other avenues such as trade and business bodies. The government remains diligent to ensure the industry does not find a different route to meet with officials. This includes vetting requests from business interest groups such the US-ASEAN Business Council where the tobacco industry is an active member.</p>						
<p>9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)</p>	0					
<p>The government does not accept assistance/offer of assistance from the tobacco industry on any enforcement activities.</p>						

⁶ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

⁷ Includes immediate members of the families of the high-level officials

	0	1	2	3	4	5
10. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1) <i>NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i>	0					
The government does not accept, support, endorse or enter into partnership or agreements with the tobacco industry.						
INDICATOR 5: Transparency						
11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)	0					
Any interactions with the tobacco industry in cases where such interactions are strictly for regulation, have to be conducted in transparent manner to avoid any negative impression and conflict of interest. No such interactions happened in the period between 1 st April 2021 and 30 th March 2023.						
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)						5
Currently, such rules do not exist.						
INDICATOR 6: Conflict of Interest						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11) / Never 5 Yes		1				
The government prohibits contributions from the tobacco industry.						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	0					
No retire senior government officials form part of the tobacco industry.						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)	0					
No government officials hold any positions in the tobacco business.						
INDICATOR 7: Preventive Measures						
16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)			2			
No, however as per the circular (code of conduct) distributed to all civil servants in November 2019 states that any interactions with the tobacco industry and its representatives must be conducted in transparent manner.						

	0	1	2	3	4	5
17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2); <i>1 for whole of government code; 2 for Yes but partial if only MOH</i>		1				
<p>Yes. The code of conduct was endorsed and circulated to all civil servants in November 2019.⁸ The code of conduct prohibits involvement and interaction with tobacco industry, which applies to all civil servants. The prohibition includes:</p> <ul style="list-style-type: none"> • Providing special treatment to the tobacco industry; • Accepting any gifts, sponsors, donations, helps or special treatments from tobacco industry; • Accepting any funds from tobacco industry, whether financially, expertise or technical assistance, even in the basis of corporate social responsibility; • Attending or supporting any events that is organized or sponsored by tobacco industry; - Involve in promoting and advertising of any tobacco products; • Engaging in any tobacco-related business activities; and • Working or recommending any individuals to work with any company associated with tobacco industry. <p>Also stated in the code of conduct is any interactions with tobacco industry where such interactions are strictly necessary for regulation, it has to be conducted in a transparent manner in order to avoid any negative impressions and conflict of interest. Furthermore, the code of conduct prohibits civil servants from smoking in government premises.</p>						
18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities. (5.2)	0					
Not applicable. There are no tobacco manufacturers in Brunei.						
19. The government has a program / system/ plan to consistently ⁹ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)			2			
There are no program/system/plan available, however, through the circulation of the code of conduct in November 2019, heads of departments are responsible to distribute and monitor such activities within their department.						
20. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)		1				
Yes, these are stated in the code of conduct, which was endorsed and distributed to all government agencies in November 2019. The code prohibits accepting any gifts, sponsors, donations, assistance or special treatments from tobacco industry.						
TOTAL SCORE				14		

⁸ Prime Minister Circular. Prohibition of involvement of the tobacco industry and smoking in government premises. Brunei Darussalam. 11 Nov 2019. Available at: <https://bit.ly/31BZVIQ>

⁹ For purposes of this question, "consistently" means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.