

BRUNEI DARUSSALAM

2020

TOBACCO
INDUSTRY
INTERFERENCE
INDEX

Brunei Darussalam: 2020 Tobacco Industry Interference Index

Background and Introduction

Efforts to strengthen tobacco control in Brunei Darussalam started as early as the 1970s. These have been further strengthened by the ratification of the WHO Framework Convention on Tobacco Control (WHO FCTC) in June 2004, and the enactment of the Tobacco Order (TO) 2005, which came into force in 2008. Since then, Brunei continues to implement and enforce tobacco control measures under the WHO FCTC and TO 2005. Currently, there are no tobacco companies operating in the country and since May 2014, no distributors have applied for the license or renewal of license. However, citizens are still allowed to bring tobacco products for their own consumption.

While there is no tobacco industry as such in Brunei Darussalam, however representatives of the tobacco industry in the past had made attempts to contact the government on policy issues. Hence Brunei has taken steps to implement Article 5.3 to protect public health policies from commercial vested interest. In 2019, Brunei has made progress in implementing Article 5.3 and improved its score in the Tobacco Industry Interference Index developed by the Southeast Asia tobacco Control Alliance.

Summary of 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 in setting or implementing public health policies in relation to tobacco control. The government does not allow any tobacco industry representative in its delegation to the COP or its related meetings.

2. INDUSTRY CSR ACTIVITIES

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

3. BENEFITS TO THE INDUSTRY

The government does not give privileges, incentives, exemptions or benefits to the tobacco industry, nor allow any extension in the implementation of policy and legislation.

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 necessary for regulation, has to be conducted in transparent manner to avoid any negative impressions and conflict of interest. No such interactions were conducted in 2019.

6. CONFLICT OF INTEREST

No retired senior government official forms any part of the tobacco industry, nor any current officials hold any positions with a tobacco company.

7. PREVENTIVE MEASURES

A code of conduct (circular) was endorsed and circulated to all civil servants in November 2019. Any interactions with the tobacco industry and its representatives must be conducted in transparent manner. The Code disallows the acceptance of all forms of contributions/gifts from the tobacco industry including offers of assistance.

RECOMMENDATIONS/NEXT STEPS

With the endorsement and distribution of the code of conduct, monitoring and evaluation of its implementation is required in ensuring all the measures are being put in place and followed. Hence, a survey

is planned to be conducted to assess its implementation. Any future action will be determined by the results of this survey.

Results and Findings

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INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government ¹ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry ² in setting or implementing public health policies in relation to tobacco control ³ (Rec 3.1)	x					
The government does not accept, support or endorse any offer for assistance by or in collaboration with the tobacco industry 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)	x					
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)	x					
The government does not allow/invite the tobacco industry to sit in government interagency/multi-sectoral 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) ⁴ (Rec 4.9 & 8.3)		x				
The government does not nominate or allow representatives from the tobacco industry in the delegation to the COP or other subsidiary bodies or accept their sponsorship for delegates.						
INDICATOR 2: Industry CSR activities						
5. A. The government agencies or its officials endorses, supports, forms partnerships with or participates in so-called CSR activities organized by the tobacco industry. (Rec 6.2)	x					
B. The government (its agencies and officials) receives contributions ⁵ (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)	x					

¹ 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

² The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

³ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

⁴ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

⁵ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

	0	1	2	3	4	5
The government is not allowed to form partnerships with or receive any contributions from tobacco industry including CSR-related activities or contributions.						
INDICATOR 3: Benefits to the Tobacco Industry						
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)	x					
The government does not accommodate requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law.						
7. The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)	x					
The government does not give privileges, incentives, exemptions or benefits to the tobacco industry.						
INDICATOR 4: Forms of Unnecessary Interaction						
8. Top level government officials (such as President/ Prime Minister or Minister ⁶) 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)	x					
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.						
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)	x					
The government does not accept assistance/offer of assistance from the tobacco industry on any enforcement activities.						
10. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1) <i>NOTE: This must not involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i>	x					
The government does not accept, support, endorse or enter into partnerships 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)		x				
Any interactions with tobacco industry in cases where such interactions are strictly necessary for regulation, has to be conducted in transparent manner to avoid any negative impressions and conflict of interest. No such interactions were conducted in 2019.						

⁶ Includes immediate members of the families of the high-level officials

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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)						x
Currently, there is no rules 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)		x				
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)	x					
No retired senior government official forms any 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)	x					
No government official holds 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)			x			
No, however as per the circular (code of conduct) distributed to all civil servants in November, any interactions with the tobacco industry and its representatives must be conducted in transparent manner.						
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)		x				
Yes. The code of conduct was endorsed and circulated to all civil servants in November 2019.						
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)	x					
Not applicable. There are no tobacco manufacturers in Brunei.						
19. The government has a program / system/ plan to consistently ⁷ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)			x			

⁷ 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.

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No specific program or system available, however, through the circulation of code of conduct in November 2019, head of departments are responsible to distribute and monitor such activities within their departments.						
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)		x				
Yes, these are stated in the code of conduct, which was endorsed and distributed to all government agencies in November 2019.						
TOTAL						14