

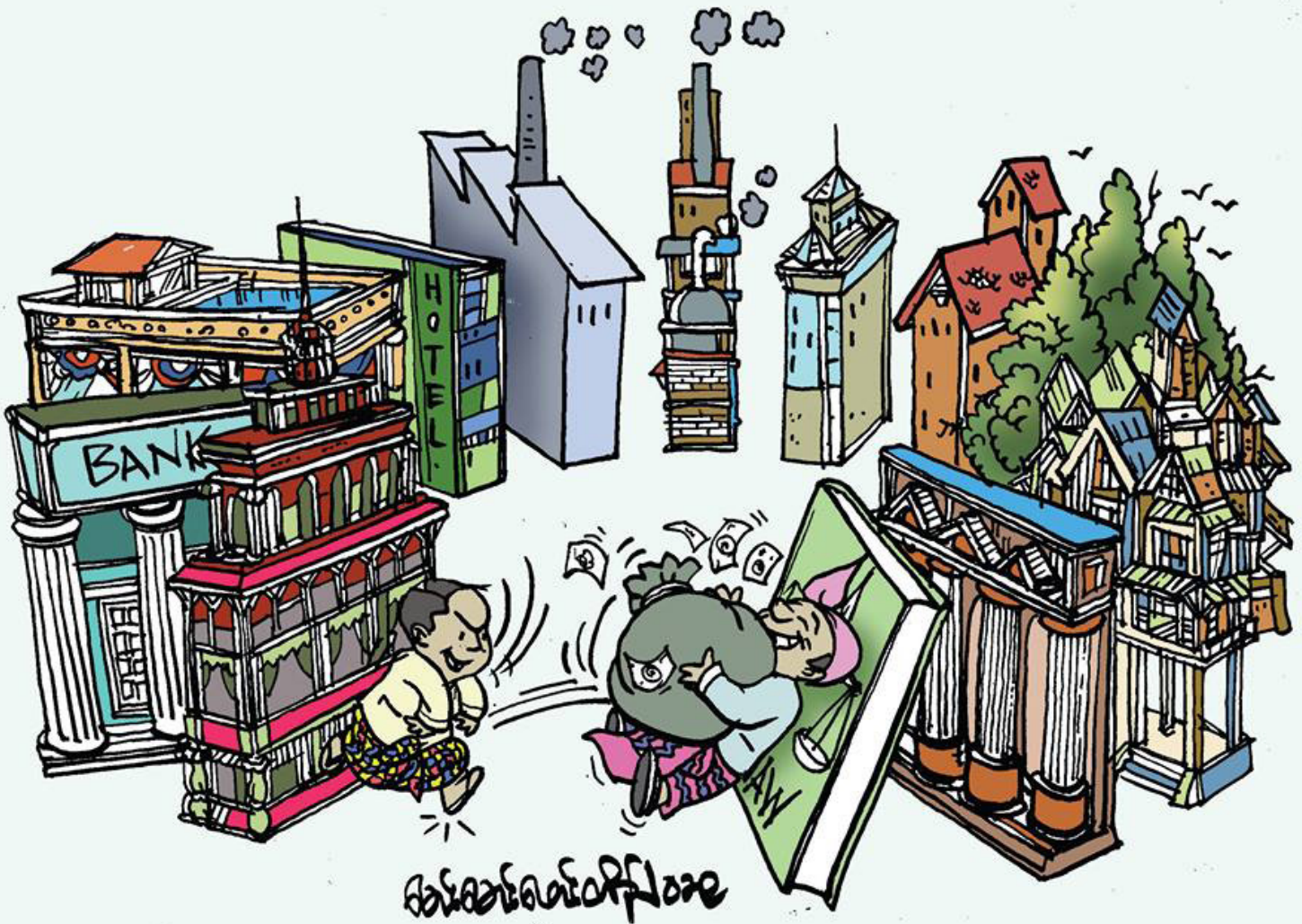


Myanmar Centre for  
Responsible Business



# Business Integrity

## A Handbook for Myanmar Businesses



## ABOUT THIS HANDBOOK

This Handbook was prepared by the Myanmar Centre for Responsible Business (MCRB). The Centre was set up in 2013 by the [Institute of Human Rights and Business](#), and the [Danish Institute for Human Rights](#) with funding from several donor governments. Based in Yangon, it aims to provide a trusted and impartial platform for the creation of knowledge, building of capacity, undertaking of advocacy and promotion of dialogue amongst businesses, civil society, governments, experts and other stakeholders, with the objective of encouraging responsible business conduct throughout Myanmar. Responsible business means business conduct that works for the long-term interests of Myanmar and its people, based on responsible social and environmental performance within the context of international standards. MCRB receives funding from the governments of UK, Denmark, Norway, Switzerland, Netherlands, and Ireland.

Research and writing of this guide was undertaken by Vicky Bowman, Phyu Phyu Zin and Maya Muller of MCRB. Some of the contents in the guide draw on the 'Good Governance Toolkit for Myanmar Businesses' developed in 2016 by the FCO, with technical support from Coffey and their consultant Elizabeth Hart. The content also draws on many of the resources mentioned in Annex E.

Myanmar case studies have been collected from conversations with businesses in Myanmar over the last five years. ACC, UNDP and MCRB would like to extend our thanks to all the representatives of business, NGO and government officials who have shared their insights and experiences during the research for this handbook, as well as Brook Horowitz, consultant to the UNDP FairBiz project.

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Translation, printing and dissemination was supported by the United Nations Development Programme (UNDP) under the [FairBiz programme](#) funded by the [Foreign and Commonwealth Office \(FCO\) Prosperity Fund](#).

We are honoured to feature the work of cartoonists Maung Maung Fountain and Karlu (Pyay).

## DISCLAIMER

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Any opinions expressed by individuals who are quoted in this document are theirs alone, and do not necessarily reflect the opinions of the ACC, UMFCCI, UNDP or MCRB. The information provided in this handbook does not, and is not intended to, constitute legal advice; instead, all information, content, and materials are for general informational purposes only. Information in this handbook may not constitute the most up-to-date legal or other information. This handbook contains links to other third-party websites. Such links are only for the convenience of the reader, user or browser; MCRB, ACC, UMFCCI and UNDP do not recommend or endorse the contents of the third-party sites. Users of this handbook should contact their lawyer to obtain advice with respect to any particular legal matter.

The examples used in this handbook represent the practices of selected partners and interviewees, as well as international sources. Examples do not necessarily represent all the good practices of companies or government agencies in Myanmar.

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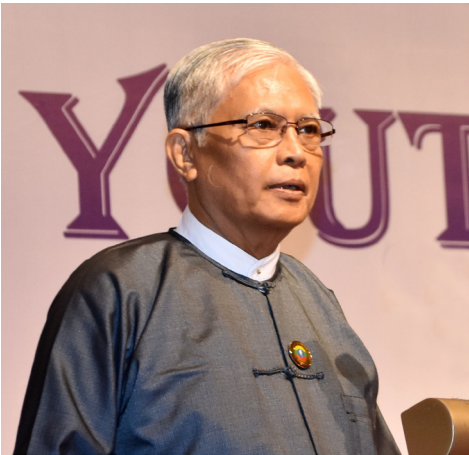
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## ABBREVIATIONS

ACC	Anti-Corruption Commission
ADB	Asian Development Bank
ASEAN	Association of South East Asian Nations
CAC	Coalition Against Corruption
CIPE	Centre for International Private Enterprise
CPU	Corruption Prevention Unit
DICA	Directorate for Investment and Company Administration
EITI	Extractive Industries Transparency Initiative
EU	European Union
FCPA	Foreign Corrupt Practices Act
FMI	First Myanmar Investment Public Co Ltd.
GE	General Electric
IFC	International Finance Corporation
MCRB	Myanmar Centre for Responsible Business
NGO	Non-governmental organisation
NLD	National League for Democracy
OECD	Organisation for Economic Co-operation and Development
OMI	Open Myanmar Initiative
PDF	Portable Document Format
SME	Small and Medium sized Enterprise
TiME	Transparency in Myanmar Enterprises (Pwint Thit Sa)
UMFCCI	Union of Myanmar Federation of Chambers of Commerce and Industry
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
UNGC	UN Global Compact
UNODC	UN Office for Drugs and Crime
WB	World Bank

## FOREWORD FROM U AUNG KYI, CHAIRMAN OF THE ANTI-CORRUPTION COMMISSION OF THE REPUBLIC OF THE UNION OF MYANMAR



Myanmar signed the United Nations Convention Against Corruption (UNCAC) in 2005 and formally ratified it in 2012. In 2014, a 15-member Anti-Corruption Commission (ACC) was established to pursue anti-corruption activities in Myanmar in accordance with Myanmar law and international standards on corruption. I was proud to take on the chairmanship of the Commission on 23 November 2017.

Tackling corruption is a national responsibility which plays an important role in Myanmar's current transition. Up to December 2019, the ACC has received 20,141 complaints, with action taken in 122 cases.

Our Strategic Plan for 2018-2021 includes goals such as:

- **Decreasing losses of public funds caused by corruption** in government construction projects, government services, procurement of goods, rentals and sales through transparency, accountability and due diligence.
- Combatting corruption to significantly **reduce systemic corruption** in public institutions.
- **Improving Myanmar's ranking** significantly in 'Control of Corruption' Indicator under Worldwide Governance Indicators issues by the World Bank.

The fourth amendment to the Anti-Corruption Law, adopted in 2018, contained two important changes affecting business. One was that the definition of corruption was extended to encompass 'direct and indirect abuse of his position' by any person and not just government officials. Secondly, the Commission was empowered to order private companies to establish codes of business ethics and anti-bribery and corruption policies. In October 2018, the Commission issued Notification 14/2018 which sets out principles for such codes, which are consistent with international good practice by businesses, as reflects the approach of other Anti-Corruption Commissions in the region.

Without the support of business, and in particular business leaders, we will not be able to achieve the reduction in corruption in Myanmar that we all want to see. I also know that business also needs an active approach by senior government officials to improve transparency, including in procurement, and reduce red tape and the opportunities for corrupt behavior. This is why, with support from the President, I have prioritised the establishment of Corruption Prevention Units (CPUs) in Ministries, including those with significant interface with business and the citizen, and I am encouraging them to step up their efforts to undertake reforms to prevent and reduce corruption.

Furthermore, in 2019, I created a Voluntary Advisory Group (VAG) which meets on a regular basis to give me feedback on how to implement the Commission's strategy, particularly as it relates to the private sector. The group, which is chaired by Vicky Bowman, Director of MCRB, with whom we have produced this Handbook, includes a mix of businesspeople and civil society activists, all of whom share a commitment to combat corruption.

I hope that this Business Integrity Handbook, developed in collaboration with the United Nations Development Programme (UNDP) and the Myanmar Centre for Responsible Business (MCRB) will give companies - and others - inspiration on how to put the principles in ACC Notification 14/2018 into practice, and how to work with other businesses, and with government to achieve collective action to combat corruption.

U Aung Kyi, Chairman



"Please don't refuse this present, it's only worth a tenth of the amount you're allowed to accept".  
"In that case, I'd like another nine!"

## FOREWORD BY U ZAW MIN WIN, PRESIDENT OF THE UNION OF MYANMAR FEDERATION OF CHAMBERS OF COMMERCE AND INDUSTRY (UMFCCI)



I heartily welcome this great opportunity for the Union of Myanmar Federation of Chambers of Commerce and Industry to join hands with Myanmar's Anti-Corruption Commission (ACC), Myanmar Centre for Responsible Businesses (MCRB) and the United Nations Development Programme (UNDP) to publish this Handbook for businesses in Myanmar on ways to combat and prevent corruption.

Corruption is an evil practice which impedes the promotion of ethical business standards and has a detrimental impact on companies which are members of our Chambers. Part 2 of this Handbook explains why.

I heartily welcome this great opportunity for the Union of Myanmar Federation of Chambers of Commerce and Industry to join hands with Myanmar's Anti-Corruption Commission (ACC), Myanmar Centre for Responsible Businesses (MCRB) and the United Nations Development Programme (UNDP) to publish this Handbook for businesses in Myanmar on ways to combat and prevent corruption.

Corruption is an evil practice for promotion of ethical and good business and has a bad impact on companies which are members of our Chambers. Part 2 of this Handbook explains why. In July 2018, our Federation signed a joint statement with the Anti-Corruption Commission committing us to work with them and together guide businesses in Myanmar on ways to combat it and share best practices with our businesses and industry. In December 2018 we organized a workshop on this subject with the help of MCRB, chaired by U Aung Kyi, the Chair of the Anti-Corruption Commission at our UMFCCI premises. The publishing of this Business Integrity Handbook now provides a concrete guide and support to our companies to help them better understand and combat corruption.

UMFCCI is an organisation which is over a hundred years old, promoting and leading the private sector. It brings together over 12,000 active members and 75 affiliated associations. It is also a member of regional organizations including in ASEAN. It has signed over 180 Memoranda of Understanding with overseas business organizations and Chambers to enhance economic cooperation for mutual benefits.

We are actively working with our members, our government and other business associations including in ASEAN to help build and promote a competitive, equitable, ethical and prosperous business environment in Myanmar. We are endeavoring to achieve ethical and responsible businesses growth that fosters and enhances long term sustainable economic development to benefit Myanmar and ushers in a new prosperous livelihood for its people. Corruption undermines and retards all these endeavors.



UMFCCI is encouraged by the vigour with which the Anti-Corruption Commission is pursuing its mandate. We believe that the establishment of Corruption Prevention Units (CPUs) in ministries is a necessity to create an action-oriented dialogue between the private sector and the Ministries to cut back on the red tape which hampers business, facilitates corruption and leads to demands for 'tea money'.

The Chamber ardently looks forward to working closely and collectively with the CPUs and all relevant organizations in combatting corruption, increasing transparency and improving the ease of doing businesses in Myanmar.

Zaw Min Win  
President  
UMFCCI



" A small token of respect, sir..."

" You're insulting me by doing this where everyone can see. Why don't you respect me with WaveMoney, KBZPay or TrueMoney?"

# 1

## WHO SHOULD READ THIS HANDBOOK?

This Handbook is intended to help owners and managers of businesses in Myanmar who want to resist corrupt practices and reduce exposure to the risks that corruption creates. It is meant for all types of businesses, and particularly small and medium-sized enterprises (SMEs). Not every idea and recommendation will be relevant to every business. When it comes to combatting corruption, the first step for managers and company owners is to assess their risks and decide which approach is right for them.

While the government has the leading role in combatting corruption, by increasing transparency, cutting red tape and reducing opportunities for corruption, enforcing laws and prosecuting those engaged in corruption, business also has a role. Companies can be part of the solution by promoting good business practices, being transparent and advocating for reform. They can do this individually and collectively, and also by working together with government and civil society.

Myanmar is in transition. Many international companies entering Myanmar put a high priority on finding local business partners who will not engage in corrupt practices, since this is a legal liability for the international investor. After so many decades, reform is not easy, and there will be resistance to change.

This Handbook aims to provide guidance for businesses in Myanmar to support their anti-corruption programmes, drawing on inspiration from examples in Myanmar and elsewhere. It is structured around the eight principles for companies to take action to combat corruption issued by the Anti-Corruption Commission in 2018. It provides suggestions to companies on how to put those eight principles into practice, and how to work with others to do so.

If a business wishes to raise a specific complaint about corruption with the Anti-Corruption Commission they can do so via the online form on the ACC website ([www.accm.gov.mm/complaint](http://www.accm.gov.mm/complaint)), by sending an email to [accm@accm.gov](mailto:accm@accm.gov), or by visiting one of the three ACC offices (10am-3pm, Mon-Fri) at the Naypyidaw, Yangon or Mandalay ACC offices.

Complaints should include the identity and contact details of the complainant, where and when the corruption case took place, who was involved and why the complainant believes corruption to be involved. Action may be taken against complainants making deliberately false accusations, in accordance with Article 59 of the Anti-Corruption Law.

“Corruption is an obstacle to foreign investment, healthy competition, and creates unnecessary risks for firms in Myanmar. Surveys show that the majority of private sector actors see corruption as an obstacle and an impediment to growth rather than as a chance to do lucrative insider-deals.”

- MATTHIAS BAK, TRANSPARENCY INTERNATIONAL OVERVIEW OF CORRUPTION AND ANTI-CORRUPTION IN MYANMAR (2019).

“Any company doing business in Myanmar, particularly if they come from North America or Europe, faces exceptional scrutiny of their operations to a degree which they would not face for investments in Laos, Cambodia, or Vietnam.”

- VICKY BOWMAN, DIRECTOR, MYANMAR CENTRE FOR RESPONSIBLE BUSINESS (MCRB)

အလုပ်ကိစ္စအတွက်တော့ လက်ဖက်ရည်ဖျိုးလုံးဝလေးစရာမလိုဘူး...  
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ပုလဲပြားလား...



“No need to pay tea money, just buy my stuff: I’ve got calendars, postcards, T-shirts, ball pens, VCD copy songs, honey, traditional medicines...”

## 2

### WHY SHOULD BUSINESS CARE ABOUT CORRUPTION?

#### **CORRUPTION CAN MAKE BUSINESS MORE DIFFICULT AND COSTLY**

The costs of corruption can be very significant, particularly for smaller businesses. Just one shipment stuck in Customs is a big problem for a small company; a larger company may have the option to wait longer. Small businesses may also not have the influence to escalate the problem and fix it without paying a bribe.

#### **CORRUPTION IS ILLEGAL**

It is illegal for public officials to ask for, or take, bribes. When the National League for Democracy (NLD) government came to power in 2016, they prioritised the fight against corruption, and immediately published new guidelines on the acceptance of gifts by public servants which inter alia, reduced the maximum value of a gift to 25,000 kyats (Annex C). Previously it had been 300,000 kyats.

**"An important policy we have in place covers how we respond to legitimate requests for donations. It is a highly restrictive policy. The only people to whom donations can be given are monks and monasteries. We apply the 25,000 kyats' limit to them too, because it is easy for staff to remember. If there is more than one monk at a monastery, 25,000 kyats can be donated to each, so this can be a substantial donation. We can donate more than 25,000 kyats to legitimate causes but I have to clear it first. And if it is over \$100, I have to bring it before our Donations Committee in headquarters."**

- MANAGER WORKING FOR AN INTERNATIONAL COMPANY OPERATING IN MYANMAR

#### **CORRUPTION IS RISKY**

If a company participates in an illegal action, who does it complain to if the bribe does not work? And once a company is known to be willing to pay bribes, the requests will keep coming.

#### **CORRUPTION MEANS FEWER BUSINESS OPPORTUNITIES**

Under national laws in other countries such as the United States Foreign Corrupt Practices Act (FCPA) and the UK Anti-Bribery Act, international businesses can be convicted in the UK or USA for bribes made by their agents, suppliers or subsidiaries in Myanmar.

Furthermore, if a company is convicted of engaging in corrupt practices, many organizations, including the World Bank (WB), Asian Development Bank (ADB), and the European Union (EU) now exclude them from bidding on contracts. This could mean lost business opportunities in a country like Myanmar, where opportunities to win contracts funded by international aid and multi-lateral financing are growing, for example in the construction sector.

## **WEAK ANTI-CORRUPTION CONTROLS ARE A 'RED FLAG' FOR POTENTIAL BUSINESS PARTNERS**

When international companies bound by anti-corruption laws are considering establishing a business relationship with another company, they do due diligence to identify potential 'red flags', or warning signs. Discovering too many such 'red flags' could lead the international company to terminate the business relationship. Red flags could include discovering that the company:

- Is not transparent about ownership
- Has public officials in its ownership or management
- Was aggressively recommended by a government official
- Does not publish accounts according to generally recognized accounting standards
- Does not update its public filings with the company registry - i.e. DICA in Myanmar
- Is registered in an offshore jurisdiction with weak regulation (i.e. tax havens) or does not have a physical address in Myanmar
- Has previously engaged in illegal or suspicious activities
- Has little relevant experience, or is not known to people within the industry
- Asks for unusual payment arrangements, such as abnormally high commissions or success fees
- Runs a charity (even bona fide) affiliated with a government official or political party

All-in-all, an effective company anti-corruption programme has many business advantages:

- It enhances the professionalism of company management and builds the company's reputation, which means you can attract better employees, maintain higher morale and professionalism and be less at risk of internal fraud by employees.
- If your company has a reputation for not offering bribes, it is likely that your employees will be asked for them less often.
- High ethical standards can attract and help build strong customer loyalty.
- It helps protect you from being penalised or blacklisted by international companies or organisations such as the World Bank for the actions of your employees.
- Meeting the anti-corruption requirements of one international firm or organisation can give a company access to other international contracts and investment.
- Contracts won through clean competition are more enforceable.

## WINNING BUSINESS WITH INTERNATIONAL PARTNERS

US Company General Electric (GE) Oil and Gas was considering entering into a channel partnership with Myanmar company SMART Technical Services to distribute its equipment. GE first had to do due diligence to satisfy itself that SMART had anti-corruption controls in place before they could become business partners. As an American company, GE is subject to the US Foreign Corrupt Practices Act (FCPA). The [2019 Update of their Anti-Corruption Guide](#) emphasises that a strong anti-corruption programme is a critical component of a successful business.

SMART has an [Anti-Bribery and Corruption policy](#). It is also a member of [TRACE](#), an organisation which provides members with anti-corruption resources and tools that are easy to use and implement. SMART's Quality Management System complies with ISO 9001:2008, ISO 14001:2004 and HACCP.

The decision by GE to partner with SMART demonstrates that they consider them to be a reliable company with a focus on business integrity. This has increased their attractiveness as a business partner for other international companies with similar standards.

**“For a small company, one important benefit of strong anti-corruption policies and practices is it helps planning. You can plan your operational costs more effectively when you do not pay bribes. When you pay bribes, you never know how many times you will have to pay. Also, you do not know if there will be bigger consequences later.”**

- MYANMAR BUSINESSPERSON

# 3

## WHAT IS CORRUPTION?

Corruption is often described as “**the abuse of entrusted power for private gain.**” Corrupt actions are any activity in which a person or organisation takes advantage of the power that has been entrusted to them to get a benefit (for himself, herself, the organisation, or their relatives) that is more than what they are due within the applicable laws or other rules.

Corruption does not always involve interactions between business and the public sector. Corrupt practices can take place between or inside businesses too, for example procurement or insider trading in public companies with shares, and other forms of fraud.

### A NATIONAL VISION FOR COMBATTING CORRUPTION

Objectives of the 2013 Myanmar Anti-Corruption Law, Section 4, as amended:

1. To carry out anti-corruption as a national responsibility
2. To be of benefit as a clean government and good governance;
3. To enhance integrity and accountability in the public governance
4. To protect the State-owned properties, humanity and rights and interests of the citizens from corruption;
5. To take effective action against persons who commit corruption;
6. To be more transparent in rule of law and governance sector and develop the economy by domestic and foreign investments.

### THE LEGAL DEFINITION

The 2013 Myanmar Anti-Corruption Law has undergone four amendments since 2013, most recently in [June 2018](#). A significant change under the 2018 amendments is that the Commission is allowed to investigate on its own initiative when they are provided with credible information about corruption concerning civil servants. Until then, it could only probe allegations of corruption in response to formal complaints filed with strong supporting evidence. The amended Law also reduced the maximum punishment for those found to have made a false complaint in order to defame a person from five years to three years – apparently to encourage genuine whistleblowing.

In the original [2013 Myanmar Anti-Corruption Law](#), corruption used to be legally defined as '**bribery**'. However, the term 'bribery' was replaced throughout in the 2014 amendment by '**corruption**' which is defined in the Section 3(a)(1) and (2) of the 4th amendment to the Law (2018) as [unofficial translation]:

1. the act by any person (in Burmese, *meh-thu-ma-so*) of giving, or attempting to give, or taking, or attempting to take, directly or indirectly, by abuse of position or otherwise, any benefit, in order to do something illegal, avoid doing something legal, or to give any person, or deprive them of any rights to which they are entitled;
2. the act by any person of causing loss of, or damage to, State-owned finance or property, by violating any existing rules, regulations or procedures while managing State-owned finance in government departments, government organizations, public organizations or other organizations, or claiming, acquiring, administration, or liquidation of their assets, or entering into or executing any agreement relating to them."

The replacement in the 2018 amendment to S.3 of '**competent authority**' (*louq-pain-kwin ar-nar-shi-thu*) i.e. public official by '**any person**' (*meh-thu-ma-so*) is significant. This means that not only public officials, but anyone, including business people, whether local or foreign, are now prohibited from engaging in any kind of corrupt activity, directly and indirectly. The 2018 amendment also gave a new power (Article 16q) to the Commission to instruct private sector companies to establish effective codes of conduct to prevent corruption.

To implement this, in October 2018 the ACC issued a Notification with eight principles for company controls. These are similar to guidelines issued by the Thai National Anti-Corruption Commission (NACC), in October 2017 ("*Appropriate Internal Control Measures for Juristic Persons to Prevent Bribery of State Officials, Foreign Public Officials, and Agents of Public International Organizations*"). The eight principles are explained in more detail in part 4.



## **INTEGRITY**

While it is important to understand corruption, and the types of corrupt practices that should be avoided, it is also good to think positively about what you want your company to do and to be. What are the values that you want your company to be associated with?

The core value you may want your company to have is **integrity**. A company with integrity has the skills, resources, and values to achieve its business goals without resorting to corruption. In 'Live and Work with Integrity: You Can Do It! (2015)', Integrity Action (a UK based NGO) defines integrity as the alignment of accountability, competence and ethical behaviour so that there is no gap or difference between words and actions.

### **Accountability**

- We take responsibility for our actions
- We do what we say we do
- We provide stakeholders with the information they need to check our work

### **Competence**

- We have what it takes to get the job done
- We do it well
- We manage our work professionally

### **Ethical behaviour**

- We value others' opinions
- We can be trusted
- We work for the public good

### **Integrity and alignment also mean:**

- We work without corruption
- We use tools to make corruption difficult
- We support those who try to reduce corruption

These are all values and behaviours that Myanmar companies should be able to aim for.

# 4

## WHAT CAN MY COMPANY DO TO FIGHT CORRUPTION AND OPERATE WITH INTEGRITY?

Principle No.10 of the UN Global Compact, a voluntary commitment on responsible business to which a number of Myanmar companies have signed up, says that “**Businesses should work against corruption in all its forms, including extortion and bribery.**” The UNGC suggests that companies implement this through Individual Action and Collective Action. They identify three elements for action:

### Individual Action

- **Internal:** As a first and basic step, introduce anti-corruption policies and programmes within their organizations and their business operations;
- **External:** Report on the work against corruption in their annual UNGC Communication on Progress; and share experiences and best practices through the submission of examples and case stories.

### Collective Action

- Join forces with industry peers and with other stakeholders to scale up anti-corruption efforts, level the playing field and create fair competition for all. Companies can use the [Anti-Corruption Collective Action Hub](#) to create a company profile, propose projects, find partners and on-going projects as well as resources on anti-corruption collective action;

This chapter covers **individual action**. It is structured around Anti-Corruption Commission Notification 14/2018 which set out eight principles for companies to take action to combat corruption. It provides suggestions to companies for how they can implement these eight principles in practice.

1. Strong, effective policy and support from top-level management to fight corruption
2. Risk assessment to effectively identify and evaluate exposure to corruption
3. Enhanced and detailed measures for high-risk and vulnerable areas
4. Application of anti-corruption measures to business partners
5. Accurate books and accounting records
6. Human resource management policies complementary to anti-corruption measures
7. Establish trustworthy reporting mechanisms to report suspected corrupt behavior
8. Periodic review and evaluation of anticorruption prevention measures

The eight principles reflect similar guidelines issued by the Thai National Anti-Corruption Commission in 2017. In Thailand, the NACC uses these to determine whether companies have adequate anti-corruption controls.

Not all anti-corruption programmes look the same. They should reflect the risks that the company is exposed to, and the resources available to address those risks. A small company providing only local services may not need to establish an extensive training programme for local suppliers, for instance. But it still needs clear rules to help employees resist demands for bribes and understand the proper limits on giving or receiving gifts. Companies operating in oil and gas, mining, forestry and construction have much higher exposure to corruption risks involving high-value kickbacks for land concessions or licenses. Trading firms face more risks related to small bribes to clear goods through customs or move them around the country. They would need a more detailed programme.



## **STRONG, EFFECTIVE POLICY AND SUPPORT FROM TOP-LEVEL MANAGEMENT TO FIGHT CORRUPTION**

Every business needs to be sure it has rules in place that clearly define acceptable practices, particularly in risky areas, and take steps to ensure those rules are implemented.

Every company should have a short and simple (one page is enough) **anti-corruption policy** that clearly states the company's stand against participating in bribery or other types of corruption ('zero tolerance') and has been approved by the Board of Directors.

The Anti-Corruption policy should be communicated clearly to all staff, as well as suppliers and agents. This is particularly important for any directors, owners, staff, suppliers or agents involved in high-risk activities such as seeking licenses and permits, clearing and transporting goods, seeking contracts for the company or procuring goods and services.

It is important that this communication comes from the highest-level management, to let everyone know that company leadership supports this effort and most importantly that management will support employees when they run into problems while trying to avoid bribery and other forms of corruption. This "tone from the top" is an essential part of a successful anti-corruption programme. It should be more than just talk. High-level managers and owners should demonstrate that they too act in line with company policies and support their employees to do the same.

An anti-corruption policy is usually a statement of essential principles. A company also needs to have clear guidance of what its policy means in concrete terms. This is usually captured in a **Code of Conduct** or staff handbook. This typically deals with more issues than just corruption.

The Code of Conduct must define acceptable and unacceptable behaviours related to corruption, and 'grey areas'. For example, it could make clear that the following are **never acceptable**:

- Anything illegal;
- Anything offered to someone who is about to make a business decision concerning the company, for an example, the award of a contract;
- Cash or cash equivalents (gift vouchers or anything redeemable for cash), such as shares, regardless of the amount involved

Other areas could be highlighted as requiring **special consideration**, and must be authorized by senior management or even the Board:

- Travel expenses of third parties involving flights and overnight stays;
- Invitations to particularly expensive cultural or sporting events
- Gifts on special occasions, such as births and weddings.

In cases where the gift or event places either party under an obligation to reciprocate, or where the exchange is (or appears to be) an attempt to influence a business decision, it should not be offered or accepted.

## EXCERPT FROM ANTI-BRIBERY POLICY OF FIRST MYANMAR INVESTMENT PUBLIC CO LTD (FMI)

The Group does not tolerate any form of bribery or corruption.

You must not offer, pay, make, seek or accept a personal payment, gift or favour in return for favourable treatment or to gain any business advantage. You must follow the anti-bribery and corruption laws to which you and the Group are subject, remembering that Myanmar anti-bribery and corruption laws apply wherever you are operating.

You are liable to disciplinary action, dismissal, legal proceedings and possibly imprisonment if you are involved in bribery and corruption.

You must ensure people who work for and with you understand bribery and corruption is unacceptable.

You must comply with the Group procedures for the prevention of bribery and corruption.

This policy will be disseminated and published to all employees, contractors, suppliers and business partners together with all updates and clarifications.

THE COMPLETE POLICY IS AT <http://fmi.com.mm/anti-bribery-policy/>

The Code could explain that the following are **normally acceptable**:

- Token seasonal gifts, where such gifts are a common cultural feature and the value of the modest gift is within the Company's financial and the receiver's limits;
- Modest, occasional business meals with a business partner that fall within the Company's financial limits;
- Small corporate, promotional gifts, for an example, pens or notebooks marked with the company logo and similar items.

**"Because our Anti-Corruption Policy is clear, and all our employees are trained on our Code of Conduct, our operations are more efficient. For example, our employees who work with the ministries know very well that they cannot pay tea money or other extras. So they do not need to waste time asking me for instructions when this problem comes up. They can immediately tell the official that the company policy is that they cannot pay anything. Since our policy is already well known outside the company, our employees get fewer and fewer of these requests for extra payments."**

- MYANMAR BUSINESSPERSON

**"We refuse to offer gifts to the General Administration Department and the Ward Administration Office. We show our Anti-Bribery policy, and Code of Business Conduct to explain that this is our company policy."**

- MYANMAR BUSINESSPERSON

**"Our overseas recruitment agency did not want to pay a bribe to the Department of Immigration and the Department of Labor like other companies. We work with a zero tolerance policy in our company, with the help of a strongly enforced anti-corruption policy. Our employee explained this to the officer in charge, and we did not have to pay the bribe."**

- MYANMAR BUSINESSPERSON

The Code should specify procedures for dealing with corruption situations, including reporting, and clarify who is responsible for implementing a company's anti-corruption programme. It should be the basis for basic company anti-corruption training. See Annex A for more suggestions on how to frame a Code of Conduct.

Anti-corruption policies and commitments should not just be communicated through a single memo or meeting, or as an employee receiving a copy of the policy when they start employment. Wall posters and other notices are important reminders, but not sufficient on their own. An annual reminder to all staff from the CEO in the form of an email or other message is important.



## RISK ASSESSMENT TO EFFECTIVELY IDENTIFY AND EVALUATE EXPOSURE TO CORRUPTION

Corruption generally happens for three reasons:

- To speed up processes
- To fix or hide wrongdoings,
- To secure business opportunities, contracts, licenses or approvals.

The simplest way to assess corruption risks in your company is to talk to your front-line employees. This is also a good opportunity to discuss realistic strategies to prevent and resist corruption, i.e. how to mitigate those risks.

- Start by explaining that you want to strengthen the company's efforts to reduce corruption and explain the risks that participating in corruption can pose to the company.
- Give staff a safe and open environment to talk about corruption risks. Reassure them that they will not get into trouble by 'saying the wrong thing'. If your staff are uncomfortable discussing this, you could ask them to write down the areas where they encounter corrupt practices and count up the "votes" or use online polling systems such as Mentimeter ([www.mentimeter.com](http://www.mentimeter.com)) to get the discussion started.
- Encourage staff to tell you:
  - When and how do we interact with public officials or other companies?
  - In those interactions, are we asked to participate in any corrupt or risky behaviours, such as making facilitation payments, giving or receiving gifts or 'donations', or seeking inside information?
  - Which areas of our business are these risky practices most common? Seeking contracts? Buying goods and services? Paying taxes? Getting services (electricity, telephone, internet)? Seeking permits and approvals?
- Discuss these risk areas and identify the most important

**“I assess risks by reading social media. I see complaints from and about my employees on Facebook. Sometimes I use these to inform the company’s anti-corruption training or policies.”**

- YANGON-BASED BUSINESS MANAGER

**“The risks are permits, licenses, letters which have to be signed off by a civil servant. For anything involving land documents, they probably have to do a field survey that you are then told might take several months before they can get around to doing that. And maybe some travel expenses. In other words, you will have to pay him some money which he will pass up to the boss.”**

- FOREIGN BUSINESSPERSON

- Discuss how the company and its employees can prepare well and prevent themselves being exposed to demands for bribes and resist paying (see below for more ideas).
- Be honest about whether the company’s practices are part of the problem and discuss how to change this.
- Recognise that changing practices will bring costs as well as benefits. Old practices may be hard to eradicate when they run against core business interests or employee performance targets, like winning a contract or reducing a tax bill.
- Discuss whether there is scope for collective action with other businesses, or what the consequences of whistleblowing would be.
- Use this information to map out your risk areas and decide what areas to prioritise as you develop and implement your anti-corruption policy and procedures.

## **Prevent and Resist**

Ways to **prevent** situations where employees might be pressured to be involved in a corrupt action include:

- **Finding out in advance** as much as possible about the rules, official costs and time requirements for a permit, license or other service including from others who have experienced it. Have the right paperwork completed correctly, and submit it in good time. When involved in complex processes like bidding for a large contract, know what is and is not allowed (such as giving beneficial information to only one bidder, or setting the requirements to give advantage to a single company), as this may give your company - or another - the basis on which to lodge a protest if proper procedures are not being followed.

- **Following the rules.** Shortcuts may seem a good idea in the short-term, but they can give officials an opportunity to demand a bribe, and a company will not have any basis for complaint if it is already in violation of the law. Find out in advance what information that might be requested and try to bring relevant business documents to appointments. Do not offer to help “speed things up” at the first mention of a delay. The delay might be justified; find out more and seek legal ways to expedite the process.
- **Four eyes:** send at least two employees to meetings if there is a possibility a bribe will be demanded
- Taking **care when working with agents or brokers.** Make sure they know your company’s policies. Rules are changing fast in Myanmar, and can be difficult to navigate. Some agents and lawyers specialise in assisting companies to comply with official processes. But the company should be sure they are doing it based on knowledge of the rules and procedures and not through facilitation payments.
- **Keeping good records.** Be sure to keep all the records of what has been submitted, who received it, and when. Ask for a date stamp and signature on a receipt showing when documents and payments are submitted. Create a log showing the number and frequency of audits or inspections and ask the official to sign for each visit. After a meeting with officials, follow up with a letter documenting what was said or agreed. If asked for a bribe, write an internal memo describing what happened.

**“When I was a procurement manager, I never gave my personal address to potential suppliers. I met with suppliers only at my office during office hours.”**

- MYANMAR NGO WORKER

**“One of our employees had to get a construction permit, but he was told he needed to make a ‘donation’ to the official before the permit would be approved. This is not allowed by our Code of Conduct, so the employee told the official he would have to get permission from his manager, and that the official would have to provide a receipt. When the official insisted, our employee told him that our company had already paid for its official license to operate in Myanmar, so no ‘extra’ fees would be paid. Finally, the employee got the construction permit.”**

- COMPLIANCE OFFICER AT AN INTERNATIONAL COMPANY BASED IN MYANMAR



**"I know of an oil and gas logistics company based in Myanmar that tackles airport corruption by asking the Customs official to take a picture next to each container that passes through customs. It acts as a deterrent to stop the official from asking for a bribe. If a bribe is demanded, the company is able to identify the picture and take it when they go to Customs to complain about it. More and more logistics companies are starting to do this."**

- MM BUSINESSPERSON



**Ethics & Compliance**  
The REAL Thing. The RIGHT Way.

The Coca-Cola Company does not pay for favors of any kind. I am prohibited from making such payments, even from my own pocket. With all due respect, please do not ask me for money or anything of value. I will be required to notify my Company management since such a payment would be a violation of Company policy and law.

The Coca-Cola Company and its bottler Coca-Cola Pinya Beverages Myanmar are committed to economic development in Myanmar through job creation and the empowerment of women. We are also committed to doing business without corruption, with respect for Human Rights and according to our values expressed in The Coca-Cola Company's Code of Business Conduct and Workplace Rights Policy.



Coca-Cola Pinya Beverages Myanmar Ltd



**Ethics & Compliance**  
The REAL Thing. The RIGHT Way

ကိုကာကိုလာကုမ္ပဏီသည် မည်သည့်အကူအညီ မျိုးအတွက်မဆို ငွေပေးခြင်းမပြုပါ။ ထိုသို့ပေးခြင်း အား မိမိအိတ်စိုက်ဖြစ်စေကာမူမပေးရန် ကျွန်ုပ်အားတားမြစ်ထားပါသည်။ လေးစားသည့် အနေဖြင့် ကျွန်ုပ်ဆီမှ ငွေကြေး သို့မဟုတ် တန်ဖိုးရှိသည့်အရာ တစ်ခုခုတောင်းခံခြင်း မပြုပါနှင့်။ ထိုသို့ပေးခြင်းသည် ကုမ္ပဏီမူဝါဒနှင့် ဥပဒေကိုချိုးဖောက်ရာရောက်သဖြင့် ကျွန်ုပ်မှ နေ့ချီ ကုမ္ပဏီ၏အုပ်ချုပ်ရေးပိုင်းအား အကြောင်းကြားရန် လိုပေလိမ့်မည်။

ကိုကာကိုလာကုမ္ပဏီနှင့် ၎င်း၏ထုတ်လုပ် ကိုကာကိုလာ ပင်းယအဖွဲ့အစည်းများသည် တို့သည် အလုပ်အကိုင်ဖန်တီးခြင်းနှင့် အမျိုးသမီးများအားလုပ်ပိုင်ခွင့်ပေးခြင်းတို့ မှ တဆင့် မြန်မာ့စီးပွားရေးတိုးတက်ရန် ဦးတည်လုပ်ဆောင်နေပါသည်။ ကျွန်ုပ်တို့သည် လုပ်ငန်းအား လာဘ်ပေးလာဘ်ယူကင်းစွာဖြင့် လည်းကောင်း၊ လူ့အခွင့်အရေးကိုလေးစားခြင်း ဖြင့်လည်းကောင်း၊ ကိုကာကိုလာကုမ္ပဏီ လုပ်ငန်းဆောင်ရွက်မှုစည်းမျဉ်းဥပဒေနှင့် လုပ်ငန်းခွင်အခွင့်အရေးမူဝါဒတို့တွင်ဖော်ပြ ထား သည့် ကျွန်ုပ်တို့၏တန်ဖိုးများနှင့်အညီ လုပ်ဆောင်နေပါသည်။



Coca-Cola Pinya Beverages Myanmar


**Compliance Card**

**TOTAL E&P MYANMAR**

TOTAL does not pay for favours. I am prohibited from making such payments, even if I pay with my own money.

I respectfully request that you do not ask me for money or anything of value, unless it is an official fee for which a receipt will be provided. Otherwise, I will be required to notify my company management as such a payment would be a breach of TOTAL policy and law.

"TOTAL is committed to doing business sustainably, considering the rights and aspirations of our host communities, and in compliance with law."




Romaric Roignan

Living our values everyday

Total သည် မျက်နှာသာရစေရန် မည်သည့် ငွေပေးချေမှုမျှ မပြုလုပ်ပါ။ ကျွန်ုပ်၏ ကိုယ်ပိုင်ငွေကြေးဖြင့် ပေးခြင်းဖြစ်သည်တိုင် ထိုသို့သော ပေးချေမှုမျိုးအား တားမြစ်ထားသည်။

လက်ခံခြင်းမပြုဘဲ ထုတ်ပေးနိုင်သည့် တရားဝင်တောင်းခံသော အခမဲ့အခမဲ့ပေးလျှင် ငွေကြေး သို့ တန်ဖိုးရှိသည့် တစ်ခုခုတစ်ရာကို ကျွန်ုပ်ထံမှ မတောင်းခံရန်လေးစားစွာတောင်းဆို အပ်ပါသည်။ သို့မဟုတ်ပါက ယင်းသို့သော ပေးချေမှုသည် Total ကုမ္ပဏီ၏မူဝါဒ နှင့် ဥပဒေကိုချိုးဖောက်ခြင်းဖြစ်သည် အတွက် ကုမ္ပဏီ၏ စီမံခန့်ခွဲမှု အပိုင်းသို့ ကျွန်ုပ်အနေဖြင့် အကြောင်းကြားရန် လိုအပ်ပါသည်။

"Total သည် ကျွန်ုပ်တို့ လူမှုအသိုင်းအဝိုင်းများ၏ လုပ်ပိုင်ခွင့်နှင့်များစွာ ရည်မှန်းချက်များကို ထည့်သွင်း စဉ်းစားကာ ဥပဒေကို လိုက်နာလျက် ရေရှည်အကျိုးဖြစ်ထွန်းစေမည့် လုပ်ငန်းများကို ဆောင်ရွက်ရန် တာဝန်ရှိထားပါသည်။"



Romaric Roignan

Living our values everyday

In Myanmar, Coca-Cola and TOTAL (as well as some NGOs and UN agencies) provide its employees with a card they can use to resist demands for bribes, particularly while travelling.

**Ways to resist** requests for bribes include finding alternative ways to say no. When it is not possible to directly refuse to pay a bribe, alternatives can include making the request more complicated for the government official:

- Would you please show me the rule that says this payment is required?
- Could I have this in writing?
- May I speak with your manager?
- Can I know your name and your position?
- I do not have access to extra funds.
- I have to refer all extra payments to our senior manager.
- I am not looking for special services or arrangements.
- I need an official written receipt
- My company has a very strict policy against giving bribes. This is our Code of Conduct. I would lose my job if I violate this policy.
- My business is constantly being audited by international partners who set strict rules for us.
- I will give feedback on your company's Facebook page.

If these **prevent** and **resist** strategies do not work, and an alternative is not available, **acting collectively** (see *Part 5*) may be an option. Sometimes it is easier (and possibly safer) to resist or escalate the situation in the company of others than to try to tackle a problem alone. Check with others if they have had problems with the same agency or person.

'Whistle-blowing' to higher authorities including law enforcement authorities, the Anti-Corruption Commission or the media can carry risks, particularly when undertaken by individual companies, and where the agency or individual being complained about is powerful and can take retribution against the company. As of early 2020, a Protection of Public Interest Whistle-blower Law was in preparation.



## ENHANCED AND DETAILED MEASURES FOR HIGH-RISK AND VULNERABLE AREAS

There should be clear policies for identified high-risk areas. In Myanmar, these typically include:

### Facilitation or 'grease' payments ('Tea Money')

Even though payments to "speed up" a service to which a company is already entitled to may be common in many countries, but they are still a form of corruption. In Myanmar, it is illegal for a public official to accept any kind of bribe, so facilitation payments are illegal, even

though they are so common that most people think they are essential for getting things done, since if a business permit, electricity connection, customs clearance or safety clearance takes too long, the business is at risk. However, this can lead to an unending cycle of bribe-paying.

Sometimes facilitation payments cannot be avoided, for example if there is a threat of violence or other direct harm. In this case, employees need to know that they will be supported by the company and not punished for doing something to protect their safety. A policy that requires the reporting of bribes paid in situations where there is really no alternative can help send that message. At the same time, these reports can help the company learn more about its major risk areas so that it can develop plans and strategies for reducing that risk in the future.

## CODE OF CONDUCT ON GIFTS FOR PUBLIC OFFICIALS IN MYANMAR (APRIL 2016)

**Basic principle:** It is forbidden for members of the government, or of Commissions or organisations established by the government, or public employees to receive or accept Gifts from any person or organization which are offered due to their official position.

### Gifts from persons and organizations which are prohibited

- A person or organization that is seeking a favor based on one's position or authority;
- A person or organization that is doing business or seeking to do business with an organization that is under one's responsibility or supervision;
- A person or organization that will benefit from an action pursuant to one's responsibilities; or
- A person or organization that will benefit from an omission to act pursuant to one's responsibilities.

### Exceptions

- Gifts with a value of no more than 25,000 kyats (the maximum value of gifts which may be received from a person or organization within a year shall be 100,000 kyats);
- Gifts which are received not because of one's official position but because of family relationship or personal relationship, unless one of the situations above pertains; and
- Gifts with a value of no more than 100,000 kyats and which are given on a special annual occasion such as Christmas or Thadingyut.

## Gifts and Entertainment

The NLD government's April 2016 Guideline for Acceptance of Gifts (summarised above) observes that "bribery can start from gift-giving" (see Annex C). In Myanmar and other countries, there are many occasions when gifts are given to pay respect and to recognise special occasions, like the end of Buddhist Lent or the New Year. In business, exchanging gifts

or providing meals or other entertainment is generally part of building good relationships. But expensive gifts or lavish entertainment, or very frequent gifts, can constitute corruption. The Myanmar government guidelines say that no public official may take a gift that is worth more than 25,000 kyats or gifts that add up to more than 100,000 kyats in a year.

Anti-corruption policies and codes of conduct need to be very clear about giving or receiving gifts or entertainment. It can be difficult to know where to draw the line between a gift and a bribe, particularly when gift-giving is a very common and respected tradition, as it is in Myanmar. Gifts can look like bribes, even if they are not intended that way. Gift giving is particularly risky if your company needs a decision or permit from the recipient organisation or if you are trying to do a business deal with the recipient.

Think about whether people outside your company might see a gift as an inappropriate attempt to influence a decision or gain some other favour. This is also true of business-to-business gifts: you may damage your company's reputation with some international firms, for example, if you try to give an expensive gift to them.

Small gifts, particularly at traditional times, are usually considered reasonable. But expensive gifts, particularly if there is any appearance that they are given to try to get an illegal advantage in a business matter, may look like bribes, and they can hurt your company's reputation.

### **Receiving Gifts**

Companies should have clear policies on what to do if a valuable gift is offered to an employee or manager, particularly one responsible for procurement or hiring. Owners and managers should encourage employees always to ask questions and receive guidance on gifts – either receiving or giving them. It is better to ask questions in advance than to have problems later.

Sometimes it would be inappropriate or offensive to refuse a gift, particularly if it is offered at a public occasion. However, there should be a plan for what to do with them. It is almost never appropriate to keep a valuable gift for personal use. The receipt of the gift should be recorded, and maybe given to a charity or auctioned among staff or included as part of a lucky draw. It can be helpful to inform the giver about what has been done and why, in order to avoid the same situation in the future.

### **Donations, Sponsorships, and Political Contributions**

Some Myanmar government offices maintain a box for 'donations', as a vehicle for facilitation payments. Others will request 'donation' of equipment or supplies to supplement to their operating costs, or in response to a humanitarian crisis.

When asked for a 'donation' by a government official, here are some questions to ask yourself:

- Is the 'donation' illegal, or something which is prohibited in my company code of conduct
- If not prohibited, is there a higher-level approval process required?
- Will it set a precedent with the government officials, that will lead them to expect me or our company to provide it in future?
- How will it look to a stakeholder e.g. media, business partner?

## EXAMPLE OF A MYANMAR COMPANY'S DONATIONS POLICY

In response to criticism of a donation made to the military in September 2017, Myanmar Breweries Ltd (majority owned by Kirin) conducted an internal enquiry and established a new, published, Charitable Donations and Volunteering Policy in 2018. This says:

1. As part of MBL's corporate citizenship programme, we support selected Myanmar civil society organisations working in the fields of education, health, sport and humanitarian disaster relief. This may take the form of financial sponsorship, gifts in the form of food or other goods, or practical assistance from our own employees sharing their time and expertise. We support projects where we know our partners well, and can clearly identify the beneficiaries.
2. We provide support only to legitimate social organisations who work in one of these areas, and who work for the benefit of all the people in their communities, regardless of ethnicity, social background or religion.
3. We do not provide donations to individuals. Our objectives are exclusively humanitarian, and we only support projects that are politically neutral.
4. Our charitable activities are intended as an expression of goodwill and a sign of our commitment to the communities among whom we work. In the same spirit, and in accordance with local practice, our local offices may make seasonal donations to religious centres in the neighbourhoods where we work. We do not expect anything in return for any of these donations. In particular, we will not make charitable donations with a view to influencing an official or business decision, or in order to gain any advantage to which we are not entitled.
5. Our donations are always transparent, and never given in secret. We will always keep accurate records of our donations.
6. We need to know our corporate citizenship partners before we make a donation. In order to fulfil our own company regulations, we must be able to report on how our donations are used. Before approving a donation, we will need to understand who runs the partnership organisation, and how it is managed. We expect our partners to keep accurate records of how they use our donations and, if requested, to share those records with us. We also expect that, if our partners use our donations to engage third parties to carry out services, they will require those third parties to behave in a compliant and ethical manner, to ensure that our donations are not applied for corrupt or improper purposes.

Even where a 'donation' is not made to an individual, it can constitute bribery if it is done in order to gain a special advantage or favour. Examples include donating to a decision maker's favourite charity, or agreeing to sponsor an event, activity, or sports team they are involved in, or contributing to their political party. Always consider how the contribution might look to outside observers, particularly if your business is seeking a service, approval, or contract from anyone associated with the receiving organisation or individual.

It is good practice to have a Donations Policy in which any significant donation requires high-level approval in the company, on the basis of a clear business case. It is also a good idea to establish a register of donations to any organisation or individual, whether made by bank transfer, in cash and kind, which can be audited.

## DEALING WITH DEMANDS FROM ARMED GROUPS

One NGO working in areas of Myanmar which are contested provides their field staff with letters in the local language. These are addressed to local community leaders because the NGO cannot have direct contact with a prohibited organisation or person. These letters explain to the community that there are international sanctions or legal prohibitions on some ethnic armed organisations (EAOs) present in the area and may mention which ones these are. The letter explains that if this EAO demand fees, taxes, or other payments, in cash or in kind (such as providing fuel, food, medicines), the NGO will need to withdraw from the area. The letters make it clear that the NGO does not wish to make a judgement about the legitimacy of the EAO, and that as a neutral and apolitical organization the NGO does not wish to take sides. Rather this is a question of legal liability, since if the NGO were to provide cash or goods to the proscribed organisation then the NGO would be legally liable. The letter therefore explains to the community why they would, in such situations, need to withdraw from implementing projects in that area.

The NGO provides its field staff with these letters to give to community leaders before demands are made for payment. This is to reduce the risk that the EAO needs to 'step back' from a demand. If they know in advance that demands will mean that the NGO leaves, then they are clear what the effect of a demand will be. NGOs always work on the basis of acceptance, and so if the EAO does not accept project implementation, then the NGO needs to withdraw. The same logic can be applied to businesses who wish to operate legally and ethically.

### Operating in conflict and contested areas

In Myanmar, a particular challenge comes when ethnic armed organisations in areas of contested control, or organisations linked to them, demand payments from companies and NGOs. Payment demands may be ad hoc, or regular. They may be presented as 'taxes', 'license fees', 'support for protection or guarding staff and assets', etc. All demands for payments of this nature should be investigated, the identity and status of the group established, and discussed at Board level, with action documented.

As mentioned above, if there is an immediate threat of violence or other direct harm, for example at a checkpoint, staff may find that to resist - for example, by showing a card explaining company policy - will put them in danger. In such circumstances, they may have to pay. However, they should report the payment to senior management, and these reports should be used to develop strategies for reducing the risk in the future.

Some ethnic armed organisations may be on national or international lists of organisations and individuals that are considered to use terrorism, deal narcotics or use child soldiers. These organizations and individuals can be checked through commercially available screening databases which compile information about sanctions. In Myanmar, two organisations are currently designated under the Myanmar Counter-Terrorism Law, ARSA (in 2017), and the United League of Arakan (ULA)/Arakan Army (AA) (in 2020).

Paying money to groups designated as terrorists is against Myanmar law. The company or organization that pays is therefore criminally liable. In other countries, companies have been successfully prosecuted for such payments (for example Chiquita Bananas who paid right-wing Colombian paramilitaries designated by the US government as terrorists). A company may therefore need to conclude that it cannot operate in the area as not paying would put staff and assets at immediate risk.

There are ethnic armed organisations in Myanmar which are not designated as terrorists but in some cases are considered illegal by the Myanmar government. The 1908 Unlawful Associations Act defines an “Unlawful Association,” as “an association which encourages or aids persons to commit acts of violence intimidation or of which the members habitually commit such acts”. While some associations are declared to be unlawful by the President of the Union, there is no public list of which these groups are. According to Article 17(1) of the law, anyone who contributes or receives or solicits any contribution for the purpose of any such association or in any way assists the operations of any such association, shall be punished by a 2-3 year prison term. There are also Ethnic Armed Organisations which are not considered illegal as they have signed the National Ceasefire Agreement.

Understanding the organisations that a company may encounter is an essential part of a company’s corruption risk assessment, as well as an important part of human rights due diligence and conflict risk assessment.

### **Conflicts of Interest**

Wherever a person or organisation potentially has another interest that may compete with the overall good of the company, there is a potential for conflict of interest. This potential conflict should always be declared to the relevant authority such as company management so that mitigating measures can be put in place. Undeclared and unmitigated conflicts of interest are not illegal everywhere, but they are in many countries.

For example, where the family-owned company of an employee making a procurement decision wants to bid for a contract, another purchasing manager might be given responsibility for this contract, or an open bidding process could be set up so that it is clear that if the family company is chosen, it is because it provided the best product at the best price.

Other high risk areas include business travel expenses for customers or clients, requests for favours, and specific terms of payment in contracts (such as commissions and consultancy fees, location and method of payment). More suggestions on how to manage these can be found in the [Transparency International SME guide](#), along with the other guides listed in Annex E.



## APPLICATION OF ANTI-CORRUPTION MEASURES TO BUSINESS PARTNERS

Companies should view third-party risk as their own corruption risk. Companies should identify which suppliers and other sub-contractors are in sectors with high corruption risk such as shippers and freight forwarders. Where a company uses third party agents, they should be prohibited from paying bribes on behalf of the company. One way to ensure that suppliers and sub-contractors understand what is expected of them to include contractual clauses. There are a variety of clauses available online and International Chamber of Commerce (ICC) has developed a standard [Anti-Corruption Clause](#).

The use of agents should be recorded, and the impacts and likelihood of risk analysed and proper controls put in place. All suppliers should be trained on the company's business integrity approach, including reporting mechanisms, and should be audited.

**"My company does not use agents, local partners or other proxies. Our own employees are trained to deal with government employees, operating with strict guidelines so that they have control of the situation at all times. That is the only way for companies to know what is going on, which is key to maintaining our compliance standards."**

- FOREIGN BUSINESS PERSON



## ACCURATE BOOKS AND ACCOUNTING RECORDS

Every company needs to keep an accounting system. Its sophistication will depend on the size of the company, but as a minimum:

- All non-electronic payments should always be recorded and backed up with receipts.
- All cash withdrawals should be recorded and signed for.
- Cash payments and receipts should be limited to small transactions. Define the maximum amount and make sure that employees know what it is.
- Restrict the use of cash advances for employee's personal use.
- All payments above a certain amount should require more than one signature.
- The company's procurement policy should require quotes from more than one supplier for every major purchase (establish a minimum value).



- Keep accurate records. Accounts should reflect all transactions of the company - nothing should be 'off the books'.
- Require that receipts are given and received for all transactions
- Ensure regular external audits by an independent auditor. Make sure that the auditor meets professional standards and understands the values of the company. Auditors can also be asked to review the company's internal controls and make recommendations where they find weaknesses.

The Myanmar Accountancy Council issued a Notification 20/2018 in July 2018 requiring public accountants to use international auditing standards by 2022/23 and DICA Announcement of 5 December 2018 encouraged earlier compliance by companies.

The Myanmar Internal Revenue Department (IRD) has clarified that bribes or similar payments to public officials are non-deductible expenses for income tax (Practice Statement 1/2018 of 29 October 2018). "Public officials" are defined as:

- Government officials (including officials from outside Myanmar);
- Those with positions in the Legislative, Judicial, and Executive Branches of the Myanmar Government;
- Those who have been appointed to a Board or related Commission as organized by the Myanmar Government;
- Those who work for public international organizations.

**"We have a specific format for reporting expenses incurred, for example when getting permits to go out into the field or buying coffees for government officials. We require receipts and the names of government officials have to be written on them. These are added to our company's database. The data is cross-checked for consistency with the April 2016 government guidelines. For example, if the cost is over K25,000 someone in the company will check if there was more than one person at the dinner."**

- FOREIGN BUSINESS PERSON



## HUMAN RESOURCE MANAGEMENT POLICIES COMPLEMENTARY TO ANTI-CORRUPTION MEASURES

You can encourage employees - and business partners - to implement the company's policies by providing incentives and disincentives and providing training. Anti-corruption training should:

- Use simple language and avoid legal jargon
- Have diverse content and format - not just lectures
- Use scenarios and role play (see Annex D)
- Include staff from different departments and different seniority levels
- Be included in the job requirements, with staff guaranteed time to attend
- Be repeated annually. For high-risk areas, this should be face to face to give an opportunity to, ask questions about specific problems they might have encountered and get advice on how to deal with them. For low risk areas, in large companies, repeat training can be online.
- Be recorded as having been undertaken, in case the company has to prove it has an anti-corruption programme in place.

**"A lot of foreign companies here have a strong stance against corruption. But the reality is that when employees are asked to get a document signed, they tend to pay tea-money with their own salary even though they are not earning a lot. This is because there is no chance of getting the job done unless they pay the tea money... and that's just the way it is. At the same time, they are putting their job at risk by going against the companies' Code of Conduct, while paying for it from their own pockets."**

- EMPLOYEE OF A FOREIGN OWNED COMPANY IN MYANMAR

**"When someone is fired or punished because of corruption, we inform department managers about the type of problem that came up, how it was investigated and what we found, though we never mention the individual name(s). This is a way for the company to learn from experiences we've had and improve our management in the future."**

- COMPLIANCE OFFICER OF A MYANMAR COMPANY

**“There are several different guidelines that employees are familiar with. Our company has an annual bribery and corruption standard and a Myanmar specific anti-bribery & corruption training program.”**

- CONSULTANT TO AN INTERNATIONAL COMPANY OPERATING IN MYANMAR

**“One big problem is when employees are told they cannot be involved in corruption, but at the same time the company is telling employees to get things done fast. I need my company to support me when I try to resist corruption. My performance evaluation should include integrity.”**

- MYANMAR EMPLOYEE OF A BIG COMPANY

Training should be complemented by continuing communication of the company’s policies and values. For example, team meetings and company memos can be important ways to reinforce the company’s values and code of conduct. Meetings and memos that encourage better performance against sales goals, for instance, should also clearly state that these goals should not be pursued through corrupt or other questionable actions.

Remember that the people who are most distant from the headquarters are often the ones who face the most complicated situations or feel the least connected to the company’s support and monitoring structures, and maybe even its core values. Companies should make extra efforts to reach these employees with training and communications about resisting corruption.

A company can have good anti-corruption policies, but if they do not have consequences, then they do not mean anything. Positive consequences - i.e. **incentives** - include:

- Fighting corruption and other ethical behaviour as part of the **evaluation criteria for employee performance reviews**. Ethical behaviour should be a factor in determining who receives a merit bonus or promotion. Key performance indicators (KPIs) for bonuses should not be designed so that they require corrupt behaviour to achieve them.
- **Rewarding ethical behaviour with private and public recognition:** A person who reports corruption should be congratulated by the leaders of the company. Some companies give small bonuses for actions that save money or protect the company’s reputation. Others give an annual (or monthly/bi-annual) award to employees who best represent the company’s values, implementation of the code of conduct, or overall commitment to integrity.

Companies should have a clear policy on what types of **penalties** will apply for corrupt or unethical actions. It is important to apply the policy fairly and consistently. No one should be seen as getting special treatment or being unfairly punished. At the same time, penalties should be proportional to the seriousness of the offense. These can include:

- **Repayment:** When an offence is small and it is determined to be the result of lack of knowledge or otherwise unintentional, an employee may be asked to pay back the costs that the company incurred (such as the amount of the unofficial payment).
- **Reprimand:** This is a written memorandum to the employee for committing a simple offense or an offense committed for the first time. This may be combined with repayment in some cases.
- **Suspension:** The employee does not come to work and does not earn pay and does not accrue benefits. An employee being investigated can be put in suspension while the investigation is going on.
- **Dismissal:** A dishonourable discharge from the company. A dismissed employee loses his accrued leave and other benefits, including severance (separation) pay. Although Myanmar lacks laws on blacklisting or data protection, publishing details of employees who have been dismissed for corruption or fraud is not good practice.



## ESTABLISH TRUSTWORTHY REPORTING MECHANISMS TO REPORT SUSPECTED CORRUPT BEHAVIOR

All companies need a way for employees to raise concerns and ask questions, and, if necessary, speak out. This procedure should be outlined in a staff handbook or Code of Conduct. It can include:

- **Reporting to a supervisor or manager:** Supervisors should usually be the first point of contact if an employee sees a violation or has a concern. They need to be trained in how to respond. There should be an alternative channel for any employee who has a concern about the manager or supervisor.
- **Reporting hotline or other alternative:** For reports that cannot go to a manager or supervisor, employees need a way to reach someone else. Large companies often have a phone number or email address - sometimes outsourced to another company - where employees can report concerns. A smaller company could designate an advice officer or set up a box where employees can submit written reports. The location of a box should be easily accessible, but private. All reports should be kept confidential until a fair investigation is made. The identity of employees who make reports should always be kept confidential.
- **Dealing with reports:** There should be a plan for how reports will be handled. Small cases might be investigated by the supervisor or manager of the department where the problem is reported to be. For cases that involve serious offences, large amounts of money, or high-level employees or managers, a company should establish a committee to ensure fair investigation and treatment of the problem. Effective investigation of the facts reduces the risk that reporting channels will be abused.
- **Protecting people who report:** Even with confidentiality, suspicions can arise among the staff, or particularly from the accused person, about who might have reported the problem. The company should have a clear policy that people who make reports in good

faith (meaning, they do not make malicious reports or reports they know are not correct) will be protected from any sort of retaliation. It is the responsibility of owners and managers to make sure that this policy is followed.

- **Follow-up on reports.** If employees report violations but never see any action to resolve them, your reporting system—and perhaps your whole anti-corruption system—will break down very quickly. It may lead to rumours and more suspicions. Companies should register every report, keep track of the conclusion, and follow up with the person who made the report (if they did not report anonymously).
- **Communicate.** Newsletters, quarterly/bi-annual/annual ethics updates with case studies, or other means of reporting back to give employees updates on particular cases can help everyone learn from experience and build trust that the processes are open and fair. However, confidential information, and employees' privacy should be protected, by removing names or changing identifying details such as the particular department or business unit location.

Remember that any reporting mechanism is only as good as the trust you instil in employees that their concerns will be taken seriously, and they will not suffer reprisals for reporting in good faith. Have an open door policy and make sure everyone knows that the person(s) responsible for ethics and compliance is always available to answer questions and provide advice.

**“Our company’s leadership training really emphasises the importance of speaking up. People are sometimes afraid to discuss corruption or other problems, and we want our staff to understand it is important for our business to honestly address these challenges.”**

- COMPLIANCE MANAGER FOR A MYANMAR COMPANY



## PERIODIC REVIEW AND EVALUATION OF ANTI-CORRUPTION PREVENTION MEASURES

A good internal anti-corruption programme needs control and a system for monitoring corruption risks and progress over time. The programme should be audited and periodically reported on to the Board via the Audit Committee, if the company has one.

Monitoring should include regular re-assessment of risks (Principles 2 and 3), financial management controls and audit (see Principle 5), processes for rewarding good behaviours and penalising bad ones (Principle 6), and a system for reporting suspicions of corruption (see Principle 7). Annual staff surveys or group discussions are an opportunity to hear from employees about knowledge of anti-corruption policies, their challenges in implementing or following it, their views on training, and any pressures they have experienced to participate in corruption.

Careful attention should be paid to high-risk areas such as use of cash, travel spending, gifts and hospitality, donations and political contributions and selection of suppliers and agents. Authorisation of these expenses should be checked and if relevant, a register maintained which is regularly monitored by senior management. Trends should be monitored. Employees should be reminded periodically of their obligation to declare information in accordance with this policy.

### Communicating Externally

As mentioned at the start of this Chapter, the UN Global Compact encourages companies to report on the work against corruption and share experiences and best practices through the submission of examples and case stories. Publishing data gathered through periodic review and evaluation sends a strong signal to potential investors and clients about your commitment and facilitates their desk-based due diligence of your business. Make sure your website includes your Anti-Corruption Policy and Code of Conduct. Include evidence of implementation such as how you train staff, assess risks and monitor progress, and summarise any actions taken against corrupt practice.

## PWINT THIT SA (TRANSPARENCY IN MYANMAR ENTERPRISES)

Since 2014, Myanmar Centre for Responsible Business (MCRB) has published the annual Pwint Thit Sa report which assess companies on their disclosure of corporate governance information. The [fifth report in April 2019](#) was completed in partnership with [Yever](#), a Myanmar business consultancy, which contributed pro bono to the report. Out of 248 companies assessed in 2019:

- 8% had an anti-corruption programme/procedure and 9% disclose a Code of Ethics or Code of Conduct. 6% disclose how they implement and monitor compliance with the code.
- 11% provided contact details via the company's website or Annual Report which stakeholders (e.g. customers, suppliers, general public etc.) to voice their concerns and/or complaints for possible violations of their rights.
- 6% disclosed that all directors/commissioners, senior management and employees are required to comply with the code of ethics or conduct
- 8% had a whistle blowing policy in place and 9% make it possible to submit an issue anonymously. 5% have a policy or procedure to protect an employee/person who reveals illegal/unethical behaviour from retaliation.
- Only 2% of companies met all of the above criteria.

More details and the criteria for the assessment are available on MCRB's website. They provide guidance for good practice on corporate disclosure not only on anti-corruption programmes but other issues.

# 5

## HOW CAN MY COMPANY WORK WITH OTHERS TO COMBAT CORRUPTION?

Even if a company does everything “right” with regard to its internal policies and practices, it still can be very difficult to operate with integrity, particularly where corrupt practices are common and widely accepted as normal. Often red tape, or a problematic legal framework, is a cause of corruption, which means that engagement with government on ‘hot-spots’ and particular problems is essential. Working **collectively**, with allies such as other businesses - and where appropriate with the Anti-Corruption Commission, government and civil society - can be a better way to improve the broader business environment.

### BUILDING AN EVIDENCE BASE: BUSINESS SURVEYS IN MYANMAR

In June 2019, Asia Foundation released the first [Myanmar Business Environment Index 2019](#) (MBEI) as a diagnostic tool to better understand the local business environment. Funded by UK Aid through the DaNa Facility, the MBEI provides Union and State/Region governments with the evidence base to pursue economic governance reforms. It found (Page 106) that the median score for number of corruption cases per firm was 0.11. While 77% of firms believed they do NOT have to pay informal charges, 42% of them highly expect delivery of service IF a bribe is given.

The **World Bank Enterprise Survey** is a global survey which analyses the constraints for the private sector. It was conducted for the first time in Myanmar in [2014](#), interviewing 632 firms, and then repeated in 2016/2017 after the NLD government assumed power. The [second survey](#), which covered 607 small, medium and large firms in manufacturing, retail and services in five states/regions (with over 50% of companies surveyed based in Yangon), showed a slight improvement in scores on [corruption indicators for Myanmar](#). Bribery incidence (firms in Myanmar who experienced at least one bribe payment request was 29%, down from 43% in 2014 (2016 comparison with other countries: 27% East Asia Pacific (EAP), global 17%).

The percentage of firms expected to give gifts in meetings with tax officials was 20% in Myanmar, a reduction (i.e. improvement) from 37% in 2014. Comparable regional/RoW 2016 figures were 17% EAP, 13% global. For a construction permit, the figures were 48% for Myanmar (unchanged) and 33% EAP and 21% global.

In the 2016 Survey, 6% in Myanmar identified corruption to be a major constraint, down from 9%. However, the 2016 regional average EAP was 23%, and global average 33% (despite overall lower incidence figures than Myanmar) suggesting a level of business acceptance about corruption in Myanmar which may make change more difficult.

## The Advantages of Collective Action

Collective action:

- amplifies the voice of businesses that want to improve their practices and the business environment they work in. Instead of each company working alone to address corruption problems, working together strengthens business' voice. Smaller businesses can benefit from the influence of larger companies in the alliance.
- is more efficient, and avoids duplication and can offer a structured platform for engaging with policy makers i.e. public-private dialogue (PPD).
- consolidates knowledge and creates a deeper understanding of corruption issues by basing it on many companies' experiences of specific problem areas. This allows for a sound evidence base to be built through conducting surveys (see above) or process mapping. This enables more targeted advocacy and recommendations
- creates a shared sense of community among businesspeople who want to promote integrity and reduce corruption. Shared standards, particularly certification, create a sense of pride and achievement and may also be a valuable resource for international companies seeking local partners.
- creates solutions that will be more sustainable as they are perceived as more credible and acceptable, by building a level playing field for companies trying to resist corruption and operate with integrity. When a significant number of companies agree to act together and commit to the same standards and practice for instance to avoid bribery in a big tender—each one can feel more confident it has a fair chance of winning the contract based on the merits of its bid rather than the extra money they paid in bribes.

Collective action efforts may focus on a **one-off** project, like a government tender or a complaint about a particular official or department. Alternatively, they can be **longer-term** initiatives which aim to promote a set of shared principles and standards of behaviour, and provide a forum for information sharing and mutual learning. They may involve collaboration with government to improve the policy and institutional environment. Types of collective action include:

- **Integrity Pacts:** An Integrity Pact is a short-term, project-or transaction-specific formal agreement between a customer (usually a public entity) and a bidder (usually a company), in which the parties agree to adhere to a fair and transparent public procurement bidding process (Developed by Transparency International)
- **Anti-Corruption Declarations:** Anti-Corruption Declarations are short-term, project-or transaction-specific statements of intent to ensure compliance with anti-corruption commitments. Companies, governments and/or sub-contractors can all be signatories of an Anti-Corruption Declaration
- **Certifying Business Coalitions:** Certifying Business Coalitions can be applicable to a country, region or sector. To join, a company must show a clear commitment to anti-corruption principles and adhere to ethical business standards. Regular independent audits and monitoring processes ensure compliance.



- **Principle-Based Initiatives:** Principle-Based Initiatives promote the integration of transparent business practices in a country's corporate culture in a sustainable and long-term manner
- **Education and training:** Education and training can be conducted as part of Collective Action, and are critical to raising awareness and building capacity to fight corruption

## COLLECTIVE ACTION AND INTEGRITY INITIATIVES IN ASEAN

**Thailand:** The [Private Sector Collective Action Coalition Against Corruption \(CAC\)](#) organises workshops on a quarterly basis to help participants understand corruption risks. In January 2019, CAC launched an Anti-Bribery Toolkit for SMEs, as well as a self-assessment guide and a certification process to measure corruption. Now with 1011 members, and 433 companies certified, the CAC works closely with the Thai National Anti-Corruption Commission and other civil society groups to promote good practices in the Thai business community.

**Vietnam:** 'Helping SMEs in Vietnam resist corruption' is an initiative led by the Vietnam Chamber of Commerce and Industry (VCCI) co-funded by the UK Prosperity Fund and the Vietnamese Government. It includes an online [Anti-Corruption Toolkit](#) (based on the SME toolkit that [IBLF Global](#) produced in 2015) and a team of local trainers. Over 1100 SMEs in 8 different cities have been trained in a 3 month period, followed by a round-table organised by the VCCI in Hanoi, attended by over 40 business and government leaders. A [policy paper was submitted to government](#) with recommendations on creating a business-government integrity alliance.

**Philippines:** "Project SHINE" ran between 2010 and 2017, with support from Siemens, as "a private sector-led campaign that aims to promote the re-establishment of common ethical and acceptable integrity standards among various sectors of society." It was incorporated as [Integrity Initiative Inc.](#) in 2013. It has developed a Unified Code of Conduct for Business, an Integrity Compliance Framework and an Integrity Self-Assessment Tool.

**Indonesia:** [Indonesia Business Links](#) was established after the financial crisis to build the capacity of business stakeholders to practice ethical and responsible business in Indonesia and has supported a number of integrity initiatives and collective actions.

## COLLECTIVE ACTION INITIATIVES IN MYANMAR

The **Ngwe Saung Beach Hoteliers Association** works together to find solutions for shared problems. This has included frequent requests to provide free entertainment or venues for official events and rooms for visiting officials. The Association wanted to support official visits and activities, but members also needed to control costs. Members agreed to respond to all official requests as an Association, not as individual businesses. This allowed the members to establish an agreed level of contribution (for example, standard rooms for overnight visitors) and to distribute the contributions across all the members. All requests for official visits must now be submitted to the Association, which considers each one according to the policies of the Association and responds for the member.

*Source: Interview, October 2019*

In 2019, over 25 **overseas employment agencies** had worked collectively to bring a corruption case to the Anti-Corruption Commission, the President's Office, the Ministry of Labour, Immigration and Population, and the Parliamentary Committee on Labour Affairs. This concerned the Labour Attaché and his two assistants at the Myanmar Embassy in Bangkok whom they accused of having taken \$144,000 of bribes. The Labour attaché was accused of having demanded 100 baht from labour agencies for each worker. On receiving the complaint, the ACC interviewed witnesses, and studied documents and bank accounts in Myanmar and Thailand. The ACC subsequently filed a lawsuit with the North Dagon police station in Yangon and the attaché was arrested and put on trial.

*Source: media reporting*

In July 2018 the **Myanmar Anti-Corruption Commission (ACC) and Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI)** signed a joint statement, with the support of the UN Global Compact Network Myanmar. They jointly committed to draft a code of conduct regarding anti-bribery measures, issue the guidelines to domestic businesses, and organise anti-corruption educational programmes and raise awareness among the business community, including sharing the industry's best practices. Since then, the Anti-Corruption Commission has issued the Guidelines in Notification 14/2018 which this Handbook aims to support, and UMFCCI partnered with MCRB and international investors including Coca Cola and Telenor to co-host a [workshop on 5 December 2018](#) on combatting corruption, which was addressed by the Chair of the ACC and the Director-General of DICA.

## Collective Action with Corruption Prevention Units

Established in 2019, with the guidance and support of the President, Corruption Prevention Units were established by the Myanmar Government in most ministries and departments as part of the Public-Private Collaboration against Corruption plan, a key part of the Anti-Corruption Commission's 2018-21 strategy.

While larger corruption cases in public institutions will be investigated by the ACC, CPUs are intended to work under the leadership of the Ministry, and the guidance of the ACC to:

- Scrutinize and identify corruption problems in departments
- Solve corruption problems which have been identified
- Prevent civil servants from engaging in further corruption

All CPUs have six tasks to:

1. Develop terms of reference (ToR) to fit the needs of the individual organisation
2. Assist Departments to develop Standard Operating Procedures (SOPs) and distribute these to branches which provide public-facing services, and to ensure that these are understood by the public
3. Propose amendment of law, rules, regulations, orders and instructions which carry potential risks of corruption
4. Ensure that businesses connected to the organisations are operating ethically
5. Hold free and transparent discussions between departmental officials and businesses forums will be held among departmental officials and associated businesses
6. Ensure that public services are fulfilled through establishing face to face and phone-based feedback mechanisms (such as the SMS-based Public Feedback Programme (PFP) Pyi-Zi-Jin ပြည့်ဆည်းခံ့ (meaning 'fulfillment')

Since CPUs are encouraged to conduct 'corruption risk assessments' to determine areas of risk in their Ministries, there is scope for businesses to work collectively with CPUs, in accordance with CPU task 5, to identify corruption problems and make suggestions on how these can be solved.

As CPU Task 2 recognises, one way to reduce corruption is to publish clear information about processes and fees, both online and in the office. This should include the **official fees** for the service that office delivers and the **time required** for each step (permit, license, approval, utility connection, etc.). This empowers customers with knowledge and gives them a realistic understanding of what they should expect. Web sites, newspaper advertisements and even outdoor signs can be used to inform of fees, timelines, and **required documents or prior approvals** to help businesses prepare collectively.

Governments should make processes for registering the company, getting licenses, or connection services like electricity and water, as simple as they can be, while still fulfilling the regulatory needs of government. This is recognised in CPU Task 3.

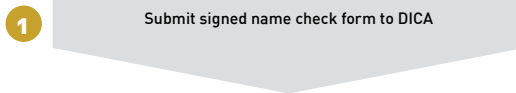
Businesses can also work collectively with CPUs to analyse rules and permit processes, for example by **process mapping**. This means outlining all the steps required to complete

## II. GUIDE MAPS ON THE PROCEDURES TO REGISTER COMPANIES IN MYANMAR

### 1. REGISTRATION OF MYANMAR PRIVATE COMPANIES

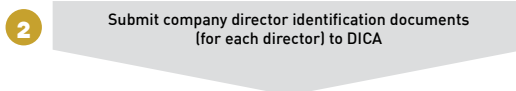
#### Step 1

Check availability of company name at DICA



1. Name-check form (bought from DICA or downloaded from DICA website)

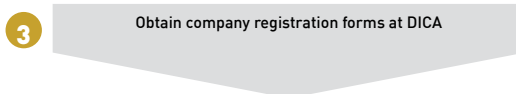
+ 1,000 kyats



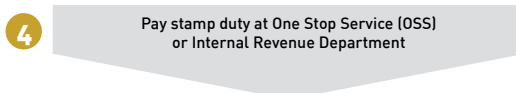
1. Copy of national registration card

#### Step 2

Obtain company registration forms at DICA and pay stamp duty



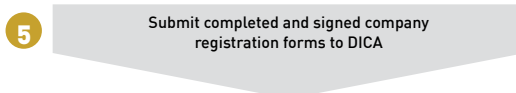
1. Application cover letter  
2. Declaration of registration (Form 1)  
3. Situation of registered office form  
4. Statement of company objectives  
5. Directors' details (Form 26)  
6. Memorandum of Association  
7. Articles of Association



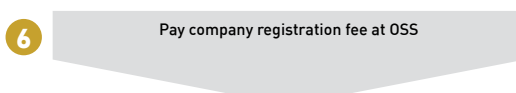
+ 5,100 kyats

#### Step 3

Submit signed company registration forms at DICA and pay registration fees



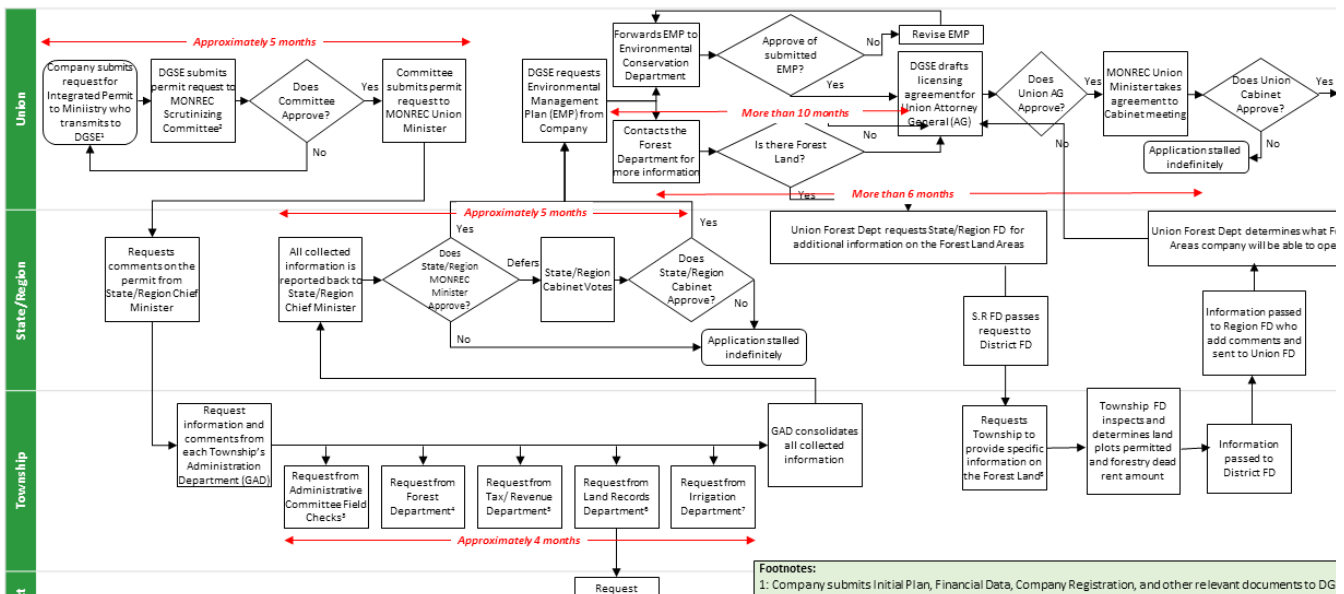
1. Application cover letter  
2. Declaration of registration (Form 1)  
3. Situation of registered office form  
4. Statement of company objectives  
5. Directors' details (Form 26)  
6. Memorandum of Association  
7. Articles of Association



1. Payment acceptance letter from OSS

+ 500,000 kyats

#### Company Case Study: Integrated Permit for Prospecting, Exploration, and Feasibility (Valid for 5 years, with possibility of an additional extension of 4 + 2 years)



**Company Comments:**  
After the company submitted the Integrated Permit request, it moves through multiple Township/Village Tracts where it receives instruction of the regional government. The time period for requesting an Environmental Management Plan (EMP)

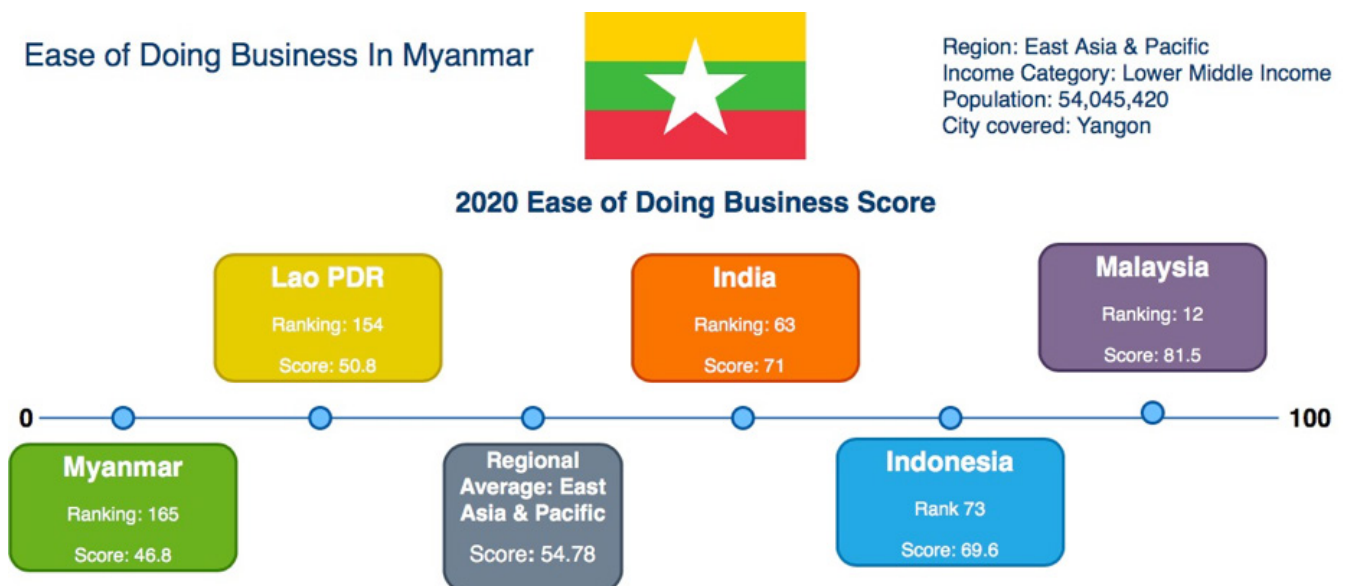
Extract from a process map recording a company's experience of obtaining an integrated mining permit, adapted from MCRB's Sector Wide Impact Assessment (SWIA) on Limestone, Gold and Tin Mining in Myanmar (2018).

Figure 1: Company experience

a certain function and describing the problems that businesses can encounter with these steps. Mapping a process in this way helps to highlight how complicated some processes are, and where there are gaps or contradictions among different laws that apply to a particular process.

This provides pointers to government agencies on how to simplify red tape, and possibly where processes can be put online to reduce face-to-face transactions. The Myanmar Business Forum worked on mapping several important processes, including obtaining a hotel permit, and registering a lease.

This all supports an improved '[Ease of Doing Business](#)', a government priority. The Myanmar government is using the World Bank's annual Ease of Doing Business Report as a basis for measuring the success of its reforms, and has an ambitious target to be in the Top 100.



In the 2020 report, due mainly to efforts of the Directorate of Investment and Companies Administration (DICA) to reduce red tape around 'starting a business' including eliminating the minimum capital requirement for local companies and streamlining incorporation procedures, Myanmar rose six places to 165th, but still ranks second lowest of the 25 Asia-Pacific countries (above Timor-Leste).

Remaining problematic areas where Myanmar is ranked 20th or less out of 25 include getting electricity (22nd), paying taxes (22nd), enforcing contracts (24th) and trading across borders (25th). Many are associated with corruption risk.

To support CPUs with their Task 6, companies can also encourage them to put in place systems for gathering **customer feedback** on service delivery to identify good performance, problem areas and assess progress. A business association or collective action initiative can act as a channel for feedback, or the government can collect it direct as with the Pyi-Zi-Jin programme.

Feedback can be sought using paper-based forms. For example, part of a larger anti-corruption programme, the Myanmar Directorate of Investment and Company Administration (DICA) has started collecting written and online feedback from customers to monitor the progress of its anti-corruption programme. The feedback is not published but is used by DICA management to identify problem areas and find ways to address them.

However, a more effective, user-friendly, systematic and confidential route could be to use SMS, apps, or online user surveys. In 2019, some government departments with the help of the World Bank, introduced an SMS-based Public Feedback Programme (PFP) - “ဖုန်းပြောဆည်းခင်း” to survey users on their experience of government services, both positive and negative. Users provide their phone number and receive a text seeking feedback.

It is important that such systems are designed to ensure that the identification of any complainant is not revealed to the officials concerned, so as to minimise the scope for retribution. These kinds of surveys are more useful for routine and relatively anonymous tasks (e.g. hospital services, passports) and may not be so useful, reliable or trusted for business licencing, particularly where the company themselves may be colluding in corruption.

### Working with civil society

Social movements - particularly those involving young people - often share the objectives of companies committed to business integrity and can bring different perspectives. Companies can work together with them, or in parallel, to advocate for policy and legal reforms that help fight corruption and promote integrity and to raise awareness about corruption and ways to ‘resist’. If more people understand the costs of corruption and ways they can resist it, then businesses will have more allies in their efforts to fight corruption and work with integrity. Annex F lists CSOs in Myanmar with an interest in corruption.



## ANTI-CORRUPTION YOUTH PROGRAMMES IN ASEAN

**Myanmar: Youth Integrity Camps** In 2019, the Anti-Corruption Commission (ACC) held Youth Integrity Camps in Naypyidaw and Mandalay to discuss the role of youth in fighting corruption, in collaboration with the Ministry of Education (MoE) and with support of UNODC

**Thailand:** The **Thai Youth Anti-Corruption Network** is a Facebook group supported by UNDP to empower young people by sharing knowledge and training to help fight corruption.

**Philippines: Anti-Corruption Youth Programs** established in September 2019 are targeted at Filipino youths in over 2000 public and private universities across the country. The programmes focus on Ethics and Accountability in the Public Service. Ethics teachers will also be taught how they can disseminate this information more widely among their students.

**YouthCo: Lab** is an initiative supported by FairBiz to train young entrepreneurs in ASEAN countries in order to increase their capacity to:

1. Understand the importance of addressing integrity and good governance practices as part of their business models;
2. Adopt business integrity and good governance practices to minimize reputational or economic risks in their business environment;
3. Identify collective action initiatives at the regional and country level so as to strengthen business integrity and transparency in the ASEAN region.

### Media

Businesses that want to combat corruption should support investigative journalism. Ways to do this include providing accurate online information about the company and its activities to facilitate good quality business reporting. Where corruption is suspected, businesses might want to alert journalists and provide off-the-record background.

The media is a business too, and needs income to undertake quality investigations. Companies are encouraged to subscribe to, and advertise with, media engaged in quality business and anti-corruption reporting. Business groups should also speak out to government both in private, and even in public, when media and civil society groups which promote accountability are under threat.

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မှတ်တမ်း




# မြန်မာ့အသံ

The First In-depth and Investigative Magazine in Myanmar



Dawei Watch  
The Voice of Minorities



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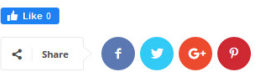
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By admin - December 24, 2019



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Published by Mawtun Team at December 12, 2019





# ANNEX A

## GUIDANCE FOR KEY ELEMENTS OF A CODE OF CONDUCT

The Public Sector Commission of the Government of Western Australia gives the following advice on Codes of Conduct:

- Use positive or inclusive language such as 'we' or 'our'
- Make sure your code is clear, concise and use plain language so everyone understands it.
- Avoid having a code that reads like a list of what not to do.

### Key elements

- Personal message of commitment from the CEO
- Why a Code of Conduct?
- Values, vision and mission/strategic direction of the company
- Conduct areas:
  - Personal behaviour - explain how individual employees are expected to behave
  - Fraudulent or corrupt behaviour - draw a clear line between what is and what is not tolerated
  - Use of company resources - outline how the company's property should be safeguarded, including record-keeping, use of information, intellectual property and confidentiality
  - Conflicts of interest, and gifts and benefits - explain how gifts and other grey areas should be handled
  - Reporting suspected breaches of the code
  - What happens when the Code of Conduct is breached
  - Where to get advice
  - Code of Conduct review date

The Hong Kong Independent Commission against Corruption offers more ideas for content and includes explicit mention of Directors.

### Acceptance of Advantage

- Prohibit directors and staff from accepting advantages from persons with whom they have official dealings and from their colleagues/subordinates, except with the company's permission, as this may affect their objectivity in conducting the company's business.
- Specify the permissible value of token gifts they are allowed to accept in their official capacity.
- Lay down the procedures and authority for approval of acceptance of advantages under specified circumstances.

- Offering Bribes
- Prohibit directors and staff from offering bribes or illicit advantages to directors, staff or agents of another company or organization, in conducting the company's business.
- Acceptance of Entertainment
- Advise directors and staff to avoid accepting overly lavish or frequent entertainment offered by business associates, as this may be a "sweetener" to build up a store of goodwill for future demands of unjustified favours.
- Declaration of Conflict of Interest
- Require directors and staff to avoid and declare any actual or perceived conflict of interest.
- Remind them not to misuse their position in company or abuse the power entrusted in them to make personal gains or to benefit their relatives or personal friends.
- Require directors to make a declaration to the board and the staff to their supervisors when a conflict of interest arises.
- Provide examples of conflict of interest in work situations (e.g. those relating to procurement and recruitment of staff).
- Provide a standard form for declaration of conflict of interest.
- Specify the actions for managing declared conflict of interest, such as requirements to abstain from related meetings or to reassign the tasks.
- Protection of Company Property and Information
- Remind directors and staff to use company assets and information solely for the purpose of the company's business and prohibit any unauthorized use.
- Require directors and staff to protect the company's classified information in their possession and prohibit unauthorized disclosure of such information.
- Compliance with the Code
- State the disciplinary sanctions against breaches of the Code, such as warning, dismissal, etc.
- Designate a staff member of the appropriate level, if resources allow, to handle enquiries on the Code.
- Compliance with the Law
- Remind directors and staff to comply with the local laws and those of overseas jurisdiction when conducting the company's business.

# ANNEX B

## MODEL GIFTS POLICY

Taken from the [Business Principles for Countering Bribery SME Edition](#),  
*Transparency International*

BUSINESS COMMITMENT	NOTES FOR IMPLEMENTATION
<p>Our business has committed to not giving or receiving bribes. As gifts and entertainment could sometimes disguise bribes, or be misinterpreted as bribes, we have set out these rules which clearly define what we consider to be genuine and acceptable and what is not.</p>	
<p><b>GIFTS</b></p> <p>Our business rule is that gifts we give must be of moderate value, legal under local law, and agreed by management.</p>	<p>There are usually laws or regulations on what government officials may accept (see Annex C). It will help you to discuss and decide what gifts to offer customers, rather than to leave it to one individual. Remember your customers may also have a gifts policy.</p>
<p>We may accept gifts of small items of limited value. We may not accept valuable items. Although we may accept a gift now and then, we may not accept gifts which are given regularly or often.</p>	<p>You may wish to set a limit on the value, e.g. US\$30, or to give examples of small gifts such as promotional items, flowers or chocolates. Examples of valuable items are gold jewellery, expensive watches or airline tickets.</p>

Valuable items received as gifts will be returned, or disposed of as agreed by management.

Sometimes it would be rude to refuse a gift, e.g. at a public event. It helps to have thought about this in advance and to have guidance prepared. In such cases the gift could be accepted, but returned later with a letter of explanation. Alternatively, its value might be donated to charity. The giver should be told what you have done and why, to avoid gifts of value being presented on other occasions.

#### **ENTERTAINMENT**

We may give and accept reasonable, hosted entertainment which is in the legitimate interests of the business.

We will not give or accept lavish or frequent entertainment, or entertainment which is not hosted

Where no-one from the business offering the event attends to host guests, e.g. at a sporting event, this is then a gift, not entertainment, and falls under the rules on gifts. There ought to be an element of business involved, e.g. promoting good relations or following a business meeting. Lavish entertainment goes beyond what is appropriate, e.g. weekend accommodation at expensive hotels, and including spouses. It is fine to do this, but each business should pay its own travel and accommodation expenses

# ANNEX C

## MYANMAR GOVERNMENT GUIDELINES FOR ACCEPTANCE OF GIFTS BY PUBLIC OFFICIALS (APRIL 2016)

### Aims

1. Given the prevalence of bribery and corruption in Myanmar, it will be very challenging to eradicate it rapidly and completely. Nonetheless, it is necessary to get to grips with bribery and corruption given the damage it does to society, the economy, and the rule of law.
2. Bribery can start from gift-giving. However not every gift is an act of bribery. The purpose of these guidelines is to distinguish between gifts given for social purposes and those with corrupt intentions.

### Definition

3. "Gifts" include money and other items of value such as gold, silver, air tickets, free accommodation, meals, entertainment, golf club membership etc.

### Basic principle

4. It is forbidden for members of the government, or of Commissions or organisations established by the government, or public employees to receive or accept Gifts from any person or organization which are offered due to their official position.

### Gifts from persons and organizations which are prohibited

5. Gifts from the following are prohibited:
  - a. a person or organization that is seeking a favour based on one's position or authority;
  - b. a person or organization that is doing business or seeking to do business with an organization that is under one's responsibility or supervision;
  - c. a person or organization that will benefit from an action pursuant to one's responsibilities; or
  - d. a person or organization that will benefit from an omission to act pursuant to one's responsibilities.

### Exceptions

6. Gifts may be accepted in the following situations:
  - a. Gifts with a value of no more than 25,000 kyats (the maximum value of gifts which may be received from a person or organization within a year shall be 100,000 kyats);
  - b. Gifts which are received not because of one's official position but because of family relationship or personal relationship, unless one of the situations in section 5 pertain; and

- c. Gifts with a value of no more than 100,000 kyats and which are given on a special annual occasion such as Christmas or Thadingyut.

### Receipt of prohibited gifts

7. The following action shall be undertaken if a prohibited Gift is received:
  - a. return the Gift;
  - b. if the recipient intends to retain the Gift, they should refund the giver a sum equivalent to the market value of the Gift
  - c. perishable Gifts (e.g. fruits and flowers) should be distributed to departmental staff.

### Gifts from foreign governments

8. The following Gifts from foreign governments are exceptionally permitted:
  - a. Gifts with a value of not more than 400,000 kyats;
  - b. costs of travel for official purposes (e.g. air ticket, accommodation and meal expenses);
  - c. scholarship;
  - d. medical expenses; or
  - e. where the Gift given by foreign governments contravenes the above-mentioned criteria, but refusal would cause loss of face, such Gifts shall be handed over to the relevant ministry or department.

### General

9. The following shall be observed concerning Gifts:
  - a. no-one should demand a Gift directly or indirectly;
  - b. no-one shall receive any Gift in relation to any matters which would have an influence on one's official duty;
  - c. Gifts should not repeatedly be accepted even if such gifts are permitted under these guidelines;
  - d. when offered a Gift, senior management should be immediately informed regardless of whether the gift is accepted or refused; and
  - e. in connection with sub-section (d), Deputy-Director Generals of all departments must inform the Minister of the President's Office immediately of any Gifts given to the President or Vice Presidents.

# ANNEX D

## CORRUPTION TRAINING SCENARIOS - WHAT WOULD YOU DO?

Below are some training scenarios which can be used to start discussions.

### Scenario 1: At the customs department

Daw Aye Aye is a wholesale importer and distributor of imported foods and gifts. She has many customers who are shop owners and who are waiting for their orders. But she is still waiting for her goods to be released by the Customs Department. When she met with an officer there, she was told there are problems with her import permits, but they might be able to resolve the problems together. She believes the official is asking for a bribe, but she also knows that offering a bribe may make her vulnerable to more demands for bribes.

### Possible Responses

- Make sure all your documents are in order and that you have followed all required procedures.
- When you meet with the Customs official, bring someone with you to act as a witness. Having a witness will make it more difficult for the official to solicit a bribe.
- At the meeting, ask the official to explain exactly what the problems are with the documentation.
- Do not give the impression that you are under a tight deadline. Be calm and gentle, yet persistent.
- Take everything the official says at face value and ignore hints for a bribe. The official may not ask for a bribe directly, since he or she knows it is illegal. If you do not pick up on hints and if all your documentation is in order, the official may just give up and release your shipment.
- Let the Customs official know that paying a bribe is not an option for you.
- If the Customs official is unreasonable, ask to speak to his or her supervisor or somebody higher.
- Discuss the problem with your customers and ask for extra time for delivery.

### Scenario 2: At the tax office

U Aung Min has successfully operated a hotel for the past three years. He has been paying taxes every year, but he does not know how the amount is determined, and it seems to change from year to year. This year, he was told he owed much more than in previous years. He does not believe he should have to pay the higher amount, but he also does not want to pay a bribe to the tax assessor.

## Possible Responses

- Meet with the tax assessor and ask him or her to explain the basis for the tax assessment. Bring all documents showing revenue over the past years, and previous assessments.
- Review the Internal Revenue Department rules and regulations to learn as much as possible about tax assessments.
- Consult with an outside accountant or lawyer to make sure your company's records have been kept correctly.
- Communicate to the tax assessor that you will never resort to bribery to resolve an issue and instead will use all available channels for challenging the assessment such as the Tax Appellate Tribunal. (This allows taxpayers to file an appeal by submitting an application by himself/herself or by a legal representative when a party is dissatisfied with an order made by the department responsible to collect tax or an order made by the tax department or final decision made by a government department or organisation assigned with such duty from to time. A review application is prepared for a review of a decision made by the tribunal).
- If you are able to negotiate a lower tax assessment, ensure that it is properly documented.
- Do not give in to any bribery demands. Once you start, the official may keep coming back with more demands.

## Scenario 3: Managing the risks of agents or sub-contractors

Skyline Transport has a lot of shipments coming across the border post at Myawaddy. They have been working with a local clearing agent for years. The agent provides effective clearance at a good price. But the agent's invoices are very general and do not provide any details about how the money Skyline pay him is actually used. The accounting department of Skyline is concerned this could be a cover for bribes.

## Possible responses

- Explain to the clearing agent that company policy is changing, and more details are needed in their invoices that explain exactly what fees are being paid for clearing goods.
- Require the agent to provide the official receipts for clearing fees that are included in invoices.
- Before a new contract is signed with the agent, do a due diligence review of the company to be sure its business practices are not in contact with company practices.
- If the clearing agent is involved in bribery, do not renew the contract, and make a plan for dealing with possible higher costs or longer delays at the border as a result of new practices and standards.



# ANNEX E

## RESOURCES

The following resources are available in Myanmar language:

- Transparency International: [Business Principles for Countering Bribery–Small and Medium Enterprise \(SME\)](#) Edition 2014
- Building Markets: [Sample Code of Ethics and Employee Handbook on Anti-Corruption](#)

This 'Business Integrity Handbook for Myanmar Companies' has drawn on a number of these English-language resources:

- [Business Anti-Corruption Portal](#). Free anti-corruption compliance & risk management resources, including e-learning training, country risk profiles and due diligence tools
- [UN Global Compact online resources](#)
- [Center for International Private Enterprise \(CIPE\)](#), an affiliate of the U.S. Chamber of Commerce, which is active in Myanmar. It has free online training resources in English to teach Small and Medium-sized Enterprises (SMEs) about international best practices and anti-corruption compliance principles as well as other resources.
  - [Online Primer: The Business Case for Anti-Corruption Compliance](#)
  - [Anti-Corruption Compliance: A guide for mid-sized companies in emerging markets](#) (2019)
  - [Corporate Compliance Trends blog](#) writes about SMEs and the role of business associations and chambers of commerce in raising compliance awareness and finding solutions to tackle corruption.
  - [Anti-Corruption Manual for SMEs](#) (CIPE/Asian Institute of Management, Hills Program on Governance, Manila, 2011)
- [G20-B20 Anti-Corruption Toolkit for SMEs](#) prepared by the International Business Leadership Forum (IBLF) Global
- Independent Commission Against Corruption (Hong Kong): [Governance and Internal Control: A Best-Practice Checklist \(for SMEs\)](#)
- International Finance Corporation [SME Integrity Tool](#)
- World Bank Institute [Fighting Corruption Through Collective Action - A guide for business](#).
- World Economic Forum (WEF), "[Partnering Against Corruption -- Principles for Countering Bribery](#)" Partnering Against Corruption Initiative (PACI)

- Transparency International has a number of resources in English including:
  - [Handbook on Curbing Corruption in Public Procurement](#)
  - [Teaching Integrity to Youth](#)
  - [Countering Small Bribes: Principles and good practices guidance for dealing with small bribes including facilitation payments](#)
  - [Doing Business Without Bribery](#) Interactive on-line training
- International Chamber of Commerce, Transparency International, UN Global Compact, and World Economic Forum, [RESIST–Resisting Extortion and Solicitation in International Transactions: A company tool for employee training](#). 2011. Scenario- based discussion tool (PDF). English, French, Spanish.
- The Institute of Business Ethics has online/app-based tools such as '[The IBE Speak-Up Toolkit](#)' which helps employees prepare for raising a concern at work, the [IBE Say No Toolkit](#) which provides advice on how to 'resist' in different corruption situations.

The sources of advice in Annex A for developing a Code of Conduct include:

Government of Western Australia, Public Sector Commission  
["Conduct Guide: Developing a Code of Conduct"](#)

Hong Kong Independent Commission Against Corruption (ICAC)  
["Anti-Corruption Programme: A Guide for Listed Companies"](#)

# ANNEX F

## MYANMAR CIVIL SOCIETY ORGANISATIONS

The following Myanmar-based civil society organisations are working on business integrity, transparency and corruption:

### MYANMAR EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE (MEITI)

The Myanmar government has signed up to the EITI, a global standard for transparency and accountability in the oil, gas and mining industries. Under EITI, governments publish what they receive from extractive companies and companies publish what they pay to governments. These figures are reconciled in an annual public report, together with contextual information relating to a range of natural resource governance issues in the country.

[www.facebook.com/MyanmarEITI/](https://www.facebook.com/MyanmarEITI/)

### MYANMAR ALLIANCE FOR TRANSPARENCY AND ACCOUNTABILITY (MATA)

MATA is a national network comprised of over 450 civil society actors and individuals from all of Myanmar's 14 states and regions that aims to ensure the participation of citizens and civil society and the incorporation of the principles of transparency and accountability in the development and implementation of policies, laws and guidelines in Myanmar. MATA supports members to collaboratively examine economic, political and social reform issues and to advocate for transparency and accountability of governance in Myanmar - with a focus on extractive industries. MATA was formed during 2013 amidst heightened civil society activity around the EITI mechanism. A number of civil society actors had focused on EITI before 2013, however the alliance formed a critical mass following a commitment from the President of Myanmar to join EITI. In October 2013, a core group of civil society actors collaboratively organised an EITI National Conference of CSOs. These groups formed MATA - then named the Myanmar Coalition 4 Transparency; which was subsequently changed to reflect a focus on accountability issues.

[www.facebook.com/Myanmar-Alliance-for-Transparency-and-Accountability-MATA-672103292860036/](https://www.facebook.com/Myanmar-Alliance-for-Transparency-and-Accountability-MATA-672103292860036/)

SANDHI GOVERNANCE  
INSTITUTE

The Institute raises public awareness about transparency and democratic accountability regarding Public Private Partnerships (PPPs) and public procurement. Sandhi holds the vision of creating a just, democratic and open society and its mission is to promote democratic governance in Myanmar. Sandhi's main objectives focus on enhancing capacity of main political parties, increasing transparency and accountability in public sector and strengthening participation of all key stakeholders in public affairs and major investments. Sandhi's main programs include offering trainings on public-private partnership (PPP) and research [programs](#).

[www.facebook.com/sandhigovernanceinstitute/](http://www.facebook.com/sandhigovernanceinstitute/)

SPECTRUM  
SUSTAINABLE  
DEVELOPMENT  
KNOWLEDGE NETWORK

Spectrum focusses on access to information to support accountability and transparency. Their aim is to empower citizens to make informed decisions about the future direction of the country. They do this by providing resource materials, training, sharing relevant research and case studies while promoting positive engagement between the Myanmar government, private sector and society. <https://www.spectrumsdkn.org/en/>

YONE KYI YAR

Yone Kyi Yar was founded by university students and active youth groups in Mandalay in 2011 as a free public library which now runs training, research and policy advocacy and libraries in Mandalay, Sagaing and Magway regions.

[www.facebook.com/  
YoneKyiYarKnowledgePropagationSociety/](http://www.facebook.com/YoneKyiYarKnowledgePropagationSociety/)

OPEN MYANMAR INITIATIVE

OMI is a non-profit organization that promotes the right to information and education so that citizens are engaged in Myanmar's transition towards democracy. OMI was founded in 2013 by members of the 88 generation and former political prisoners as an independent think tank and research centre, as well as an education and training centre which monitors parliament and the budgetary and promotes the right to information.

[www.facebook.com/OpenMyanmarInitiative/](http://www.facebook.com/OpenMyanmarInitiative/)

## **YANGON WATCH**

Yangon Watch is an independent organization, led by former Yangon Region MP Daw Nyo Nyo Thin that monitors government and parliamentary performance in Yangon Region

[www.facebook.com/Yangon-Watch-977840208998856/](https://www.facebook.com/Yangon-Watch-977840208998856/)

## **BUILDING MARKETS**

Building Markets is a non-profit social enterprise active in 11 crisis-affected countries including Myanmar. They aim to connect local entrepreneurs to new business opportunities, and build their capacity to access them including through anti-corruption training.

[www.facebook.com/BuildingMarketsMyanmar/](https://www.facebook.com/BuildingMarketsMyanmar/)

## **USAID PROMOTING RULE OF LAW IN MYANMAR (PRLM) PROJECT**

USAID's Promoting the Rule of Law in Myanmar (PRLM) project (2018-2023), managed by Chemonics, aims to protect legal rights and increase access to justice for Myanmar's people. To achieve this goal, PRLM strives to build accountability and competency within justice sector institutions and enhances legal services and advocacy efforts by civil society. By promoting greater respect of legal rights, PRLM supports Myanmar to develop a legal system that is more accessible, credible, and legitimate in the public eye.

[www.facebook.com/chemonicsinternational/](https://www.facebook.com/chemonicsinternational/)

## **ACCESS TO JUSTICE INITIATIVE (A2JI)**

The Access to Justice Initiative (A2JI) is a civil society-led initiative designed to support the adoption of structural and policy changes that will strengthen access to justice in Myanmar. The A2JI coalition of more than 40 leading civil society organizations and individuals was launched in July 2015 to form a unified platform for constructive advocacy efforts as the country prepared for its first open election in more than two decades. A2JI consists of three clusters - Research, Advocacy, and Monitoring & Oversight - that collaboratively pursue research-based advocacy for reform of specific laws, and promote transparency and citizen oversight of public justice actors.

Email: [zawkhinlay.71@gmail.com](mailto:zawkhinlay.71@gmail.com)



1 : "See that bridge, I made 30% on it!"  
 2 : "Ha! See this one - I made 70 %!"  
 3 : "That's nothing... a bit like this bridge: I made the full 100 % out of it."



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