PWINT THIT SA
TRANSPARENCY IN MYANMAR ENTERPRISES
FIRST REPORT
Myanmar Centre for Responsible Business
15 Shan Yeiktha Street
Sanchaung, Yangon
Myanmar
Email: info@myanmar-responsiblebusiness.org
Web: www.myanmar-responsiblebusiness.org and www.mcrb.org.mm

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Introduction and Context

Myanmar is currently undergoing a significant economic and political reform process for which transparency will be essential if the reforms are to be successful and win public trust. In 2013, President Thein Sein stated his government's commitment to promote transparent business procedures, build investor confidence and promote responsible investment in Myanmar. Daw Aung San Suu Kyi has also highlighted the importance of transparency: “Without transparency there can be no accountability. And unless there’s transparency we can never tell whether these investments are going to benefit the people or just the already privileged few.”

Part of that transparency relates to Myanmar companies who will play an important role in the country's future prosperity. Some of the largest companies in Myanmar are also the most controversial. As a consequence of the earlier sanctions applied by the USA and EU, a number have been previously included in EU and US visa ban/assets freeze lists and a few continue to be in the US list of Specially Designated Nationals (SDN). Beyond these lists, there is a widespread belief in Myanmar that any company which succeeded during the 1988-2010 era did so through corrupt practices and cronyism. While there are well-documented examples of such companies, there are also companies who succeeded by identifying and exploiting legitimate opportunities, albeit within a climate of corruption. Suspicion and a lack of transparency therefore continue to hang over the Myanmar business sector.

The question today for those companies, particularly the large ones, is whether they can take steps to become trusted players in the new Myanmar economy. In an op-ed for The Irrawaddy magazine, 88 generation leader Ko Ko Gyi, wrote that some businessmen could become assets for the country’s development if they are willing to be transparent about how they made their fortune under the former military regime.

The Myanmar government has already taken some steps to promote more transparency about business. The TiME project was partly inspired by the top taxpayers list produced by Myanmar’s Internal Revenue Department which has created a virtuous competition among Myanmar companies to demonstrate that they are good taxpayers. We also used this list as a proxy for determining the largest Myanmar companies to be surveyed for TiME.

The ongoing review of the Companies Act and the preparation for a stock exchange in Myanmar also provides an opportunity to modernise company transparency requirements. Additionally, the international community, both businesses and governments, want to know more about Myanmar’s companies. For foreign investors looking to enter Myanmar’s market, the choice of local partner is probably the most important decision they will make. They want to know about their potential partner’s commitment to business integrity, health, safety and environment (HSE) practices and respect for human rights.

As global pressure grows on businesses to be more transparent, many foreign investors are also under pressure in their home markets to publish information about their activities, including as a consequence of stock exchanges listing requirements requiring greater transparency and reporting. Increased disclosure can lead to increased human rights awareness, and allow greater organized scrutiny from civil society and external stakeholders.

Some companies now face regulatory requirements to report annually on their material risks, in addition to strict legal requirements on bribery and gift-giving. These legal requirements extend to ensuring that their Myanmar business partners adopt the same practices.

The same is broadly true for donors, including the international financial institutions (IFIs) such as the World Bank, and the International Finance Corporation (IFC), its arm which finances private sector investment. Their due diligence – particularly in a country as controversial as Myanmar – needs to be able to demonstrate that local companies which are selected to implement infrastructure projects, or chosen for investment programmes, have a commitment and track record for international standards of probity and respect for HSE and human rights.

The US government has taken a pioneering step and introduced strict policy and reporting requirements for its citizens investing in Myanmar in order to encourage responsible investments. The US Reporting Requirements stated that, “In the past, the absence of transparency and publicly available information with respect to foreign investment activities in Burma has contributed to corruption and misuse of public funds, the erosion of public trust, and social unrest, particularly in ethnic minority areas, which led to further human rights abuses and repression by the government and military. Public disclosure of information therefore will help new U.S. investment promote transparency and support government reform, a key U.S. foreign policy objective in Burma”. The US government has also encouraged Myanmar companies, particularly those on the SDN list, to consider similar transparency about their operations.

It is against this background of demand both domestically and internationally for greater corporate transparency that the Myanmar Centre for Responsible Business (MCRB) decided to launch the Pwint Thit Sa or TiME (Transparency in Myanmar Enterprises) project to take a look at how large Myanmar companies are performing on transparency, and to encourage them to raise their performance to international standards.

MCRB is conscious that in the present Myanmar environment, the research questions set a high benchmark for local companies. It is a benchmark which more established companies in the region would have difficulty scoring highly against. According to the Business and Human Rights Resource Centre, the US Department of State’s TiME project was partly inspired by the top taxpayers list produced by Myanmar’s Internal Revenue Department which has created a virtuous competition among Myanmar companies to demonstrate that they are good taxpayers. We also used this list as a proxy for determining the largest Myanmar companies to be surveyed for TiME.

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ေပးေဆာင္သည့္ ထိပ္တန္းစာရင္း ၅ ကလည္း တစ္ေထာင့္တစ္ေနရာမွ ပါဝင္ခဲ့သည္။ ပြင့္သစ္စ စီမံခ်က္အတြက္ေလ့လာရန္လုပ္ ျပည္သူ႔ယုံၾကည္မႈကို ပ်က္ျပားေစကာ အစုိးရႏွင့္ စစ္တပ္၏ လူ႔အခြင့္အေရးခ်ဳိးေဖာက္မႈမ်ားႏွင့္ ဖိႏွိပ္မႈမ်ားထပ္မံျဖစ္ေပၚေစသည့္ သတင္းအခ်က္အလက္မရွိျခင္းတုိ႔သည္ ျပည္သူ႔ရန္ပုံေငြမ်ား အလြဲသုံးျခင္းႏွင့္ အဂတိလုိက္စားမႈမ်ား ျဖစ္ေပၚေစခဲ့ၿပီး တင္းၾကပ္ေသာ တရားေရးဆုိင္ရာ လုိအပ္ခ်က္မ်ားႏွင့္လည္း ရင္ဆုိင္ေနရသည္။ ယင္းတရားေရးဆုိင္ရာ လုိအပ္ခ်က္မ်ားသည္ အစီရင္ခံရမည့္ စည္းၾကပ္ေရး လုိအပ္ခ်က္မ်ားႏွင့္ ရင္ဆုိင္ေနရသည္။ ထုိ႔အျပင္ လာဘ္ေပးျခင္းႏွင့္ လက္ေဆာင္ေပးျခင္းတုိ႔အေပၚ ထုတ္ျပန္ရန္ ၄င္းတုိ႔၏ မိခင္ႏိုင္ငံေစ်းကြက္တြင္လည္း ဖိအားေပးခံေနရသည္။ သတင္းအခ်က္အလက္မ်ား ပုိမုိ ေဖာ္ထုတ္ျခင္းသည္ ျမႇဳပ္ႏွံသူမ်ားသည္လည္း ပြင့္လင္းျမင္သာမႈႏွင့္ အစီရင္ခံတင္ျပျခင္းမ်ားစြာလုိအပ္ေသာ စေတာ့ခ္အိတ္ခ်ိန္းတင္ ျခင္းလုိအပ္ခ်က္အေရးႀကီးဆုံး ဆုံးျဖတ္ခ်က္ျဖစ္ေပလိမ့္မည္။ အလားအလားရွိေသာ မိမိတုိ႔၏လုပ္ငန္းလုပ္ဖက္မ်ား၏ စီးပြားေရးလုပ္ငန္း ဂုဏ္အတြက္ ျပင္ဆင္မႈကလည္း ကုမၸဏီပြင့္လင္းျမင္သာမႈလုိအပ္ခ်က္မ်ားေခတ္ႏွင့္အညီျဖစ္ေစရန္ အခြင့္အလမ္းတစ္ရပ္လည္း ျဖစ္
Project Rationale and Methodology

MCRB was inspired to conduct this Pwint Thit Sa/TiME research by Transparency International's 'Transparency in Corporate Reporting' — Assessing the World's Largest Companies report, which scores over 100 of the world's largest companies for their transparency performance. The latest Transparency International report in the series which focused on emerging market multinationals was published in October 2013 and a new edition assessing global companies is due shortly.

The Transparency in Corporate Reporting methodology depends on assessing the information which companies publish on their websites. The three areas examined are anti-corruption, organisational transparency and country-by-country reporting of key financial information including tax. Only information which is published on the internet and available widely is scored for the purposes of the report.

MCRB adapted this methodology to suit Myanmar business conditions: Myanmar companies are not multinational and therefore do not pay tax in different jurisdictions; and Myanmar stakeholders are particularly concerned about land, human rights, and HSE issues. As a result, the three categories chosen for TiME were:

- Anti-corruption: Reporting on anti-corruption shows how committed a company is to combat corruption within its business and its supply chain.

- Organisational Transparency: this is a fundamental indicator of how transparent a company is regarding its size, structure and business ventures.

- Human rights, Health, Safety and Environment (HSE): Disclosing policies in these areas and reporting on their implementation shows how committed a business is to protecting its workers, to the environment, and to preventing breaches of human rights.

MCRB developed a set of 35 questions against which websites were scored. These are in Annex 1. The questions drew on Transparency International's methodology for the first two categories, Anti-Corruption and Organisational Transparency. The final category was developed by drawing on the US Reporting Requirements for Myanmar and consulting other experts on transparency.
Company selection

MCRB used the Top 100 commercial taxpayers and Top 100 income payers published by the Internal Revenue Department 4 lists as a proxy for determining the largest Myanmar companies, in the absence of alternative sources of information (Myanmar does not yet have a stock market showing market capitalization).

On the basis of the 2012-2013 taxpayers' list, MCRB excluded state-owned enterprises and foreign companies and identified around sixty large, local, private companies owned by Myanmar citizens. Some Myanmar companies who were not on the significant taxpayer list were also included in the research due to their local importance. Subsidiaries have been grouped together under their parent Group. The list of companies surveyed, and known subsidiaries, is available from the MCRB website.

Communication with the companies

Engaging with companies regarding the project was an important part of our methodology and was intended to enable us to start a dialogue with them about transparency and responsible business to continue beyond the lifetime of the research. Companies included in the research were first informed about their inclusion in late March 2014/ Early April both in hard copy and by email where known. The project was also launched in the local media, with the aim of inter alia alerting company senior managers to the project and encouraging them to participate actively.

In the last week of May 2014, companies were provided with their initial scores and asked to give feedback by 13 June, again in both hard and soft copy. They were encouraged to upload more information to their websites by 30 June. Companies were provided with a scoring schedule to help them understand the basis for the initial scores.

Our team was also available to meet with companies to answer questions on the survey and the information which was being sought. Almost twenty companies contacted us regarding the project and several took the initiative to update their websites and to disclose further information, such as existing staff codes of conduct or anti-corruption commitments. Some websites were significantly overhauled during the research period as a result of the project. In other cases, companies informed MCRB that although they supported the aims of the project, they were unable to launch or update their websites in the time available due to company changes or other factors.

Companies were encouraged to view the project as an ongoing process, and were informed that in the course of 2014/2015, MCRB would be available to provide further support to them to upgrade their responsible business practices.

We were hampered in our ability to communicate with some companies due to the absence of a website (in the case of 25 companies – 41.67% of those surveyed), let alone one with reliable contact information. Even where companies had a website, it appeared that information about the Pwint Thit Sa project was not reaching appropriate managers for response. This may partly reflect the absence of a Corporate Affairs or Communications function in many Myanmar companies.

Data collection and analysis

Data were collected by conducting desk research on the websites of selected companies from 1st April to July 1st 2014. The websites of these local companies were accessed frequently during this time to find relevant information regarding the survey questions, and monitor changes.

8 http://www.indmyanmar.gov.mm/?q=node/149/
ဗုဒ္ဓသိပ္ပါးမှုမူအဖွဲ့အစည်းဆိုင်ရာဝါဒ - ၄င်းတုိင်းပမာဏ၊ ဖြဲ႕စည်းတည်ပုံနှင့် စီးပြားေရးလုပ္ငန္းမ်ားနှင့် ရွိေသာ စီးပြားေရးလုပ္ငန္းမ်ားတို့ကို ေဖာ္ျပထားသည်။

မိမိတို့၏ လွှတ်လပ်ရေးထုတ်မှုတို့ကိုတုိက္ဖ်က္စားမႈကိုနာမိုစားမႈတုိက္ဖ်က္လိုက္စားမႈကို တုိက္ဖ်က္အဂတိလုိက္စားမႈ - ၄င်းတုိင်း၏ စီးပြားေရးလုပ္ငန္း၊ ကုန္စည္၀န္ေဆာင္မႈပတ္လမ္းနှင့် ပုဂၢလိက က႑စားမႈတုိက္ဖ်က္မ်ားကို အမွတ္ေပးရန္ ေမးခြန္း ၃၅ ခုကို MCRB ကိုျပင္ဆင္ခဲ့သည္။ ယင္းတုိ႔ကုိ ေနာက္ဆက္တြဲ ၁ တြင္ ေဖာ္ျပေးခဲ့သည်။

မီးကမူ စီမံခ်က္၏ ရည္ရြယ္ခ်က္မ်ားကို ၄င်းတုိ႔ေထာက္ခံသည့္တုိင္ ကုမၸဏီအေျပာင္းအလဲမ်ား သို႔မဟုတ္ အျခားေသာအေၾကာင္း ဉာဏ္မ်ားေပးခဲ့သည္။ စီမံခ်က္ႏွင့္ ပတ္သက္ၿပီး မိမိတုိ႔အား ကုမၸဏီ ၂၀ နီးပါးက ဆက္သြယ္ခဲ့ၾကၿပီး ရွိၿပီးသား ၀န္ထမ္းက်င့္၀တ္မ်ားတပါတည္ေပးပုိ႔ခဲ့ပါသည္။

ေမာ့လေနာက္ဆုံးပတ္တြင္မူ ကုမၸဏီမ်ားအား ၄င္းတုိ႔ရရွိသည့္ ကနဦးရမွတ္မ်ားနှင့္အတူ ဆက္သြယ္ခဲ့ၿပီး ဇြန္လ ၁၃ ရက္ ေနာက္ေကာင္း ပထမဆုံးအႀကိမ္ အေၾကာင္းၾကားခဲ့သည္။ ကုမၸဏီရွိ ထိပ္တန္းမန္ေနဂ်ာမ်ားက စီမံခ်က္ကုိသတိျပဳမိၿပီး တက္တက္ၾကြၾကြၿပီး ၄င္းတုိ႔ကိုထည့္သြင္းထားေၾကာင္း ၂၀၁၄ ဧၿပီလအစပိုင္းက စာျဖင့္လည္းေကာင္း၊ အီးေမးလ္သိခဲ့လွ်င္လည္း အီးေမးလ္ျဖင့္လည္း ရှိၿပီးသား ၀န္ထမ္းက်င့္၀တ္မ်ားတပါတည္ေပးပုိ႔ခဲ့ပါသည္။

ျမန္မာႏိုင္ငံတြင္ မရွိေသး) အျခားေသာ သတင္းရင္းျမစ္မ်ားမရွိသည့္အတြက္ (ေစ်းကြက္အရင္းအႏွီးပမာဏကို ေဖာ္ျပထားသည့္ စေတာ့ေစ်းကြက္တစ္ခုကုမၸဏီေရြးခ်ယ္ျခင္းကို ထုတ္ျပန္ထားေသာ ကုန္သြယ္လုပ္ငန္းခြန္ေပးေဆာင္သူ ထိပ္တန္း ၁၀၀ စာရင္းမ်ားနှင့် ၀င္ေငြခြန္ ေပးေဆာင္သူ ထိပ္တန္း ၁၀၀ စာရင္းမ်ား၏ ျပည္တြင္းအခြန္မ်ားဦးစီးဌာန

Transparency in Corporate Reporting အားများပါးေဆာင္သူစာရင္းတြင္ ၂၀၁၂-၂၀၁၃ အခြန္ေပးေဆာင္သူစာရင္းကိုအေျခခံကာ ႏုိင္ငံျခားကုမၸဏီမ်ားမပါ ျမန္မာႏုိင္ငံသားမ်ားပုိင္ လုပ္ငန္းပမာဏကို အေျခခံအျဖစ္ အသုံးျပဳခဲ့သည္။

ဗုဒ္ဓသိပ္ပါးမှုမူအဖွဲ့အစည်းဆိုင်ရာဝါဒ - သုံးသည့္ မူ၀ါဒမ်ားကို ထုတ္ေဖာ္ၿပီး ၄င္းတုိ႔၏ အေကာင္အထည္ေဖာ္မႈမ်ားကို အစီရင္ခံျခင္းသည္ စီးပြားေရးလုပ္ငန္းပမာဏအႀကီးမားဆုံး ျမန္မာကုမၸဏီမ်ားကိုေရြးခ်ယ္ရာတြင္ ျပည္တြင္းအခြန္မ်ားဦးစီးဌာန
Results

Reporting on Anti-corruption Programmes

Business has an essential role to play in fighting corruption, and the UN Global Compact states that “Businesses should work against corruption in all its forms, including extortion and bribery.” A company with clear policies and a commitment to fight corruption from the most senior managers, as well as an effective and regular staff training and awareness programme, will be better able to prevent corruption by its staff. It also provides the company with some defence in cases when one of its employees is found to have participated in corruption.

In the initial assessment of the websites, few companies reported having an anti-corruption programme or policies. However some subsequently published more information, including in some cases publishing previously internal staff codes of conduct which include anti-corruption elements. Some companies have anti-corruption policies separate to their code of conduct. Some companies include restrictions on staff from taking gifts and entertainment with a certain maximum threshold. However, very few extended this anti-corruption commitment towards their agents, and supply chains. Facilitation payments (tea money) are deep-rooted in Myanmar society; only some companies claim they have taken the initiative to address facilitation payments as part of their anti-corruption efforts.

In the final review, only 11 of the 35 companies with websites reported on anti-corruption (see Figure 1 below. The remaining 24 companies (see Table 1) failed to report on any anti-corruption policies and monitoring programmes and therefore did not receive a score even though they might have policies in place.
Organisational transparency of large companies is very important to Myanmar stakeholders. We decided to score companies on the basis of the Group they were a part of, rather than individual subsidiaries, since there is a suspicion and a lack of information about the multiple companies owned by specific Groups. There has been a tendency by some companies to maintain websites about some subsidiaries but be silent about others.

Myanmar companies surveyed tended to have a higher score in the organizational transparency section compared to the other two sections of the survey. While the survey on anti-corruption and human rights & HSE emphasise reporting and implementation, organizational transparency is easier to publish information about, and to obtain a score.

Questions in this section were largely adopted from the Transparency in Corporate Reporting report, and there were some which were not reported by a majority of the companies. For example, as almost all of the companies being surveyed are private, mainly family-owned companies, there are no official requirements for these companies to make their financial reports public. Only Serge Pun’s Yoma Strategic Holdings (the only company in the survey which is listed in Singapore) put their financial reports online. Although some companies promise to share these reports on request, we were unable to give scores for this as this research is limited to assessing only the documents and data published online.

We retained one question on tax payments, given the interest in this subject, but dropped the detailed tax reporting in the Transparency in Corporate Reporting report since this was of less relevance to Myanmar companies who only operate in one country. Although most of these companies were recognized by the Internal Revenue Department as high tax payers by Myanmar standards, none of them published the actual amount of tax they have paid except for Dagon. Dagon Group of Companies has reported the amount of tax that have been paid to the government by four of their subsidiaries dating since each of the subsidiaries’ establishments. We believe that, in line with global best practice, this is something which Myanmar companies could consider doing as a sign of their commitment to transparency.

In the final review, 32 companies out of the 35 companies, except for United Paints Group, Myanmar Consolidated Holdings, and Super Seven Stars, reported on organisational transparency (see Figure 2). The remaining companies (see Table 1) failed to report on organisational transparency because they did not have websites built in place. Those companies which did not have website were not shown on the chart of the organisational transparency as they were automatically scoring 0.

Reporting on Organisational Transparency

Organisational transparency of large companies is very important to Myanmar stakeholders. We decided to score companies on the basis of the Group they were a part of, rather than individual subsidiaries, since there is a suspicion and a lack of information about the multiple companies owned by specific Groups. There has been a tendency by some companies to maintain websites about some subsidiaries but be silent about others.
due diligence, including communication and reporting, under a mantra of ‘know and show’. The Reporting and Assurance Frameworks Initiative (RAFI) 10 is seeking to develop a standard framework for companies reporting on human rights, health, safety and environment and it is also included in the Global Reporting Initiative 11.

The companies in the research generally did least well in this area since we were looking for reporting of practical implementation as well as policy. However this is something which even the largest international companies struggle to report on effectively.

Very few companies have policies concerning the acquisition of land, resettlement and compensation. Those that address land questions should be recognised for responding to public interest in this issue. Which companies own which land is a key concern of civil society. Although some companies such as Parami report having a land-ownership policy, these companies do not disclose information about how they have bought, leased, used, or managed these lands. Max Myanmar Holdings is the only company to publicly disclose its compensation payments. We realise that providing data on all historic land acquisitions will be challenging, but we hope that companies will consider being more transparent in future, given the widespread concern about land in Myanmar.

Figure 3: Company Results: Human Rights, and HSE Reporting

Reporting on Human Rights, Health, Safety, and Environment (HSE)

Although not covered in Transparency in Corporate Reporting report, we included this section in the research because of local interest and importance of issues such as land and environmental pollution. There is also a growing interest globally in public reporting on human rights issues following the adoption in 2011 of the UN Guiding Principles on Business and Human Rights, with their focus on human rights
## Transparency in Myanmar Enterprises First Report

The report highlights the need for transparency in the business practices of companies in Myanmar. Companies are rated based on their anti-corruption measures and organizational scores. A surprising number (45%) of companies scored zero overall, primarily due to lacking websites or corporate sites. The table below shows the companies and their scores:

<table>
<thead>
<tr>
<th>Ranking</th>
<th>Company Name</th>
<th>Anti-corruption Score/%</th>
<th>Organizational Transparency Score/%</th>
<th>Human Rights, Health, Safety, and Environment Score/%</th>
<th>Total Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>AUBZ (Kambawza)</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>Pyae Phyo Kyaw</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>Myanmar Petroleum</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>KMD</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>Myanmar Gold Star (MGS) Group</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>AMET</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0</td>
</tr>
<tr>
<td>7</td>
<td>A.A.A</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0</td>
</tr>
<tr>
<td>8</td>
<td>A.A.A</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0</td>
</tr>
<tr>
<td>9</td>
<td>A.A.A</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0</td>
</tr>
<tr>
<td>10</td>
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<td>0/0%</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0</td>
</tr>
<tr>
<td>11</td>
<td>A.A.A</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0</td>
</tr>
<tr>
<td>12</td>
<td>A.A.A</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0</td>
</tr>
<tr>
<td>13</td>
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<td>0/0%</td>
<td>0/0%</td>
<td>0</td>
</tr>
<tr>
<td>14</td>
<td>A.A.A</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0/0%</td>
<td>0</td>
</tr>
</tbody>
</table>

A surprisingly large number (45%) of companies surveyed scored zero overall, generally because despite their size and activities in a number of sectors of significant public interest such as hydropower, agriculture, mining, tourism and tobacco/beverages, they did not have a Group website or corporate websites for the major subsidiaries of their Group (25 companies). Companies falling into this category included Eden, IGE, Ruby Dragon, Shwe Thanlwin, Yuzana, Zaykaba, and the two military-owned conglomerates, Union of Myanmar Economic Holdings and Myanmar Economic Corporation. Asia World similarly lacks a website, but unlike the aforementioned companies who did not engage with the project, representatives of Asia World provided MCRB with answers to a number of the questions in the survey. However, in the absence of a website (which we were told is currently under construction) it was not possible to score these.
The companies which scored mostly highly overall picked up most of their marks from the first two sections, anti-corruption programmes and organisational transparency and were weakest on human rights and HSE. No company scored more than 6.63 out of a total maximum points of 10 (To put that in an international context, the maximum number of points scored by the most transparent company (Statoil) in the 2012 Transparency in Corporate Reporting report was 8.3 and the minimum was Bank of China with 1.1). So the top-scoring Myanmar companies such as KBZ, Parami and Max Myanmar who scored roughly from 5.8 to 6.6 were on a par with scores received by multinational companies such as Allianz, BP, France Telecom, and SAP (albeit using a different set of questions to Pwint Thit Sa/TiME, particularly for the third section).

Conclusions

This is the first time MCRB has conducted this research and inevitably there have been challenges. These included identifying the largest companies and making contact with them, as well as applying an objective and consistent scoring system. We are sure that this report – simply intended to provide a snapshot of transparency of large Myanmar enterprises in 2014 - could be improved. Since we will repeat the study in 2015, we welcome feedback on how to make it better.

Despite the challenges, we have been encouraged by the positive response of those companies who did engage. We have welcomed their efforts during the duration of the study to expand the information they make publicly available, and by their understanding that this should not be treated as a tickbox exercise in which they published information which was or would not be properly embedded in the company. These efforts are evident from those who scored best in the survey, such as the top three, KBZ, Parami and Max Myanmar. Indeed almost all of those companies in the Top 10 made contact with MCRB. Many of them told us that they supported the Pwint Thit Sa/TiME initiative, and that they were keen to enhance the transparency not just of their own company, but of the wider Myanmar economy. We hope to see such commitment translate into collective action, particularly on fighting corruption which requires both individual company and collective action by companies, as well as action on the part of government, media and civil society.

We have also been encouraged by the positive interest we have received from many other stakeholders, including civil society groups, media, investors, foreign companies and governments. We particularly want to encourage the local media and Myanmar civil society groups to study the public commitments that these companies have made, and hold them to account to deliver on them.

Policies published on websites are a start, but mean nothing if they are not followed up with action. In several cases the most transparent companies in the Pwint Thit Sa study have adopted and published policies only in the last few months. These need to be rolled out and embedded with all staff and business partners. Furthermore, reporting actual data on their implementation – for example through publishing data on who has received anti-corruption training that year, safety incidents, and environmental assessments and management plans - is the best evidence of how the company is putting their words into practice.

It is also important that those who want to see more responsible business in Myanmar read the companies’ reports, and engage constructively with businesses on them. This is a virtuous circle as the knowledge that their reports are being read encourages businesses to devote resources to measuring and reporting publicly

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12 http://files.transparency.org/content/download/459/1891/file/2012_TransparencyInCorporateReporting_EN.pdf
on their performance, particularly if there is no regulatory requirement to do so.

During the coming months, MCRB will invite the companies who were analysed in this survey and who want to strengthen their commitment to transparency, respect for human rights and anti-corruption, to participate in capacity building workshops on these subjects. We plan to involve experts from other organisations, both Myanmar and international, including civil society organisations. These workshops will be open to Myanmar companies not included in the survey but who nonetheless want to build their capacity. It should be particularly useful for companies signed up to or considering participating in the UN Global Compact.

We will also do our best to contact those companies who scored poorly, and who haven’t begun the journey towards greater transparency. Readers of this report who know senior managers in those companies are encouraged to put them in touch with us.

MCRB would like to thank all of those who worked with them on this project. We look forward to continuing the cooperation.
Annex: Scoring Schedule

I. Reporting on anti-corruption programmes (ACP)

1) Does the company have a publicly stated commitment to anti-corruption?

1.0 point - If there is an explicit statement of “zero tolerance to corruption” or equivalent (i.e. the commitment to fight any corrupt activities)

0.5 point – If there is no general anti-corruption statement, but only reference to public sector/governmental corruption

0 points – If there is a weaker, less direct statement

If a company is a signatory of the UNGC and it explicitly underscores its commitment to the 10th principle

2) Does the company publicly commit to be in compliance with all relevant laws, including anti-corruption laws?

1.0 point - If there is an explicit statement of such commitment for all jurisdictions in which a company operates

A reference to “all laws” shall be deemed to include anti-corruption laws, even if they are not specifically mentioned

0 points – If there is no explicit reference to compliance with laws or the reference to compliance with laws excludes or omits anti-corruption laws

2) Does the company leadership (senior member of management or board) demonstrate support for anti-corruption?

1.0 point - If the company leadership (senior member of management or board) explicitly demonstrates support for anti-corruption

0 points – If there is no explicit demonstration of support for anti-corruption
1.0 point - If the company leadership (senior member of management or board) issues a personal statement that specifically highlights the company's commitment to anti-corruption policies and includes anti-corruption policies.

0 points – If the statement fails to specifically refer to corruption or is not inserted in a code of conduct. If the statement is not issued by the appropriate individual. If there is no such statement.

4) Does the company's code of conduct / anti-corruption policy explicitly apply to all employees and directors?

Directors = Board of Directors = Supervisory Board

1.0 point - If the policy explicitly mentions that it applies to all employees and directors, regardless of their position in corporate hierarchy. There can be no exceptions for any country of operations.

0.5 point - If the policy applies to all employees, but does not explicitly mention directors.

0 points – If there is no explicit statement that the code of conduct applies to all employees and directors.

5) Does the company's anti-corruption policy explicitly apply to persons who are not employees but are authorised to act on behalf of the company or represent it (for example: agents, advisors, representatives or intermediaries)?

1.0 point - If such persons must comply with the policy.

0 points – If such persons are only encouraged to comply with the policy. If such persons are not covered by the anti-corruption policy or they are specifically excluded from the policy.

6) Does the company's anti-corruption programme apply to non-controlled persons or entities that provide goods or services under contract (for example: contractors, subcontractors, suppliers)?

1.0 point - If all of the following three elements are fulfilled:

1) Such persons/entities are required to comply with the company's anti-corruption programme, its equivalent or with a supplier code issued by the company; and
2) The company performs anti-corruption due diligence on such persons/entities; and
3) The company monitors such persons/entities.

0.5 point – If such persons/entities are only ‘encouraged’ to comply with the policy or if only one or two of the three elements above are present.

0 points – If there is no reference to such persons/entities or they are not specifically required to comply with the company’s policy or equivalent.

7) Does the company have in place an anti-corruption training programme for its employees and directors?

Directors = Board of Directors = Supervisory Board

1.0 point - If the company states in public documents that such a programme is in place for employees and directors (the reference to the training programme may focus explicitly on training on the anti-corruption policies, but it can also refer to training on the code of conduct, if it includes anti-corruption provisions).

0.5 point – If the company states in public documents that such a training programme is in place for employees, but not for directors (or vice versa).

0 points – If there is no public reference to such a training programme.

8) Does the company have a policy on gifts, hospitality and expenses?

1.0 point - If the company has a policy regulating the offer, giving and receipt of gifts, hospitality or expenses. The policy must cover the following elements:

1) Either offer or giving of such items,
2) Receipt of such items,
3) A definition of thresholds (descriptive or quoted as amounts) for acceptable gifts, hospitality or expenses, as well as procedures and reporting requirements.

Attention: The exact guidance for employees does not have to be publicly available. There must be publicly available information that such guidance exists and that it includes all required elements.

0.5 point – If some but not all of the elements enumerated above are present.

0 points – If the company does not disclose that it has such policy.

9) Is there a policy that explicitly prohibits facilitation payments?

‘Facilitation payments’ are payments made to expedite or to secure the performance of a routine governmental action, by an official, political party, or party official.

Attention: Facilitation payments are illegal in most countries but they are not prohibited under the foreign bribery laws of some countries, such as the US Foreign Corrupt Practices Act. Nevertheless, we expect them to be prohibited in all countries in which a company operates.

1.0 point - If there is an explicit prohibition and not only simple discouragement of such payments (recognising that exceptions may be made for life or health threatening situations).
0 points - If such payments are discouraged or regulated internally (i.e. allowed after being approved by the manager)
If such payments are “allowed if permitted by local law”
If there is no reference to facilitation payments or they are specifically permitted

10) Does the programme enable employees and others to raise concerns and report violations (of the programme) without risk of reprisal?

1.0 point - If the publicly-available policy specifies that no employee will suffer demotion, penalty or other reprisals for raising concerns or reporting violations (whistle-blowing)
0 points - If there is no explicit policy prohibiting such retaliation

11) Does the company provide a channel through which employees can report suspected breaches of anti-corruption policies, and does the channel allow for confidential and/or anonymous reporting (whistle-blowing)?

1.0 point - If there is public provision of such a channel in a form that assures full confidentiality and/or anonymity, and two-way communication with the whistle-blower for any needed follow-up on the disclosure
0.5 point - If there is such a channel, but two-way communication with the whistle-blower is not assured
0 points - If there is no such channel or the channel allows for neither confidential, nor anonymous reporting

12) Does the company carry out regular monitoring of its anti-corruption programme to review the programme's suitability, adequacy and effectiveness, and implement improvements as appropriate?

“The enterprise should establish feedback mechanisms and other internal processes supporting the continuous improvement of the Programme. Senior management of the enterprise should monitor the Programme and periodically review the Programme’s suitability, adequacy and effectiveness, and implement improvements as appropriate” (from TI’s Business Principles for Countering Bribery).

1.0 point - If there is public information on regular or continuous monitoring of the anti-corruption programme
0.5 point - If there is information on regular or continuous monitoring of all sustainability issues (without specific reference to anti-corruption policies and procedures) and additionally some implicit information that company’s anti-corruption programme should be included
0 points - If there is information on some monitoring, but it is not a regular or continuous process
If there is only compliance-related monitoring in place without specific reference to the review of programme’s suitability, adequacy and effectiveness
If there is only oversight or audit of the report (which mentions the programme)
If no monitoring is publicly mentioned

13) Does the company have a policy on political contributions that either prohibits such contributions or if it does not, requires such contributions to be publicly disclosed?

‘Political contributions’ refers to contributions of cash or in-kind support for a political party, cause or candidacy. Both direct and indirect contributions, i.e., through associations to which a company is a member will be considered.

Attention: It is not required that companies prohibit political contributions, but it requires transparency in this field. Such transparency can be achieved by either publicly disclosing all contributions or by prohibiting them.

1.0 point - If a company either publicly discloses or prohibits its political contributions (in all its countries of operations)
0 points - If political contributions are regulated but not disclosed or prohibited (e.g. there is a special internal approval procedure and internal reporting system for such contributions, but the actual payments are not made public)
If political contributions are disclosed only for certain countries, e.g. for company’s home country
If the company’s policy refers only to contributions by employees, but not to contributions by a company
If political contributions are not regulated and/or disclosed

II. Organisational Transparency (OT)

14) Does the company disclose all of its fully consolidated subsidiaries?

1.0 point - If there is a full list of such subsidiaries
0.5 point - If there is a list of material/main subsidiaries
0 points - If there is only list of domestic subsidiaries or incomplete list of subsidiaries/if there is no such list of subsidiaries

15) Does the company disclose percentages owned in each of its fully consolidated subsidiaries?

# of points - See guidance for question 14

16) Does the company disclose countries of incorporation for each of its fully consolidated subsidiaries?

# of points - See guidance for question 14

17) Does the company disclose countries of operations for each of its fully consolidated subsidiaries?

# of points - See guidance for question 14
18) Does the company disclose all of its non-fully consolidated holdings?
For q.18-21: “non-fully consolidated holdings” include all non-fully consolidated entities, such as associated companies, joint-ventures, entities consolidated by equity method.

1.0 point - If there is a full list of such companies
0.5 point – If there is a list of material/ principal/ significant/ main companies
0 points - If there is no list of such companies
N/A - If a company does not have any non-fully consolidated entities (the question will not be used to calculate the scores)

19) Does the company disclose percentages owned in each of its non-fully consolidated holdings?
# of points - See guidance for question 18
N/A - If a company does not have any non-fully consolidated entities (the question will not be used to calculate the scores)

20) Does the company disclose countries of incorporation for each of its non-fully consolidated holdings?
# of points - See guidance for question 18
N/A - If a company does not have any non-fully consolidated entities (the question will not be used to calculate the scores)

21) Does the company disclose countries of operations for each of its non-fully consolidated holdings?
# of points - See guidance for question 18
N/A - If a company does not have any non-fully consolidated entities (the question will not be used to calculate the scores)

22) Does the company disclose the names of each of its beneficial owners i.e. the natural person(s) who directly or indirectly ultimately owns or controls the corporate entity?
1.0 point – If the company reports all of their beneficial owner.
0.5 point- If the company reports some of the beneficial owners.
0 point – If there is no report on the names of the beneficial owners.

23) Does the company disclose information about its size such as the number of employees?
1.0 point- If the company reports the total number of employees at the Group level.
0.5 Point- If the company reports its size for some subsidiary companies.
0 point – If the company does not report on its size.

24) Does the company publish audited financial reports?
1.0 point- If the company publishes audited financial reports.
0 point – If there is no publication of audited financial reports.

25) Does the company disclose what taxes and other payments it makes to the government?
1.0 point- If the company provides a complete picture of all the tax and other payments
0.5 point – If the company reports some tax or payment it makes to the government
0 point- If there is no report of anything regarding tax and payment it makes to the government.

Human Rights & HSE

26) Does the company have a human rights policy and a commitment to carrying out human rights due diligence?
1.0 point - if the company says it has a published policy which includes the commitment to carrying out human rights due diligence.
0.5 point – If the company has a published human rights policy but no commitment to due diligence, or if it has made statements regarding specific human rights commitments.
0 point- If there is no report of human rights policy or any commitments.

27) Does the company have a process to address complaints and grievances from its employees and local communities and is the process made public to the employees and local community?
1.0 point – if there is such a process to address grievances and complaints to both employees and local communities and the process is made public to both employees and communities.
0.5 point – If there is a process to address grievances and complaints both to employees and local communities but the process is not made public / or if the complaint mechanism is available only to its employees.
0 point- If there is no evidence of such a complaint and grievance process on the website.

28) Does the company have an employment policy which covers
a. just and favourable remuneration
b. freedom of association and collective bargaining
c. Non-discrimination policy in recruitment and promotion and at the workplace?
1.0 point- If the company has an employment policy that covers all of these three aspects.
0.5 point- If the company has an employment policy that covers one or two of these aspects
0 point- If there is no report of the employment policy on the website.
29) Does the company have health, safety and environment policies and report on their implementation?

1.0 point- If the website reports policies or implementation (such as safety trainings, greener ways of doing business).
0.5 point- If there are relevant policies on health, safety and environment but no implementation, or there is implementation but no such policies exist.
0 point- If there is no such report on health, safety and environmental policies and implementation available on the website.

30) Does the company publish statistics on health and safety incidents?

1.0 point- If the statistics on health and safety incidents are reported on the website.
0 point- If there is no reporting on health and safety statistics.

31) Does the company have a policy or procedure which provides information on the company's land ownership, and does it explain how these lands are purchased, leased, used and managed?

1.0 point- If there is such a procedure which provides information on land-ownership and if the company explains how these lands are managed, used or leased.
0.5 point- If there is no such procedure, but the company explains how land is used, managed, purchased, or leased (or vice versa).
0 point- The website does not report anything on landownership policy or any explanation on how lands are purchased, leased, used or managed.

32) Is the company policy publicly committed to recognising and protecting people's land and resource rights, particularly the rights of those located near to the companies' operations and who may be affected by their implementation?

1.0 point- if there is such public commitment to protecting land and resource rights of local communities.
0.5 point - It shows evidence regarding respect of land and resource rights.
0 point- If there is no evidence of policies or statements available.

33) Does the company have a policy which deals with the dislocation or resettlement of people and does it provide information on the resettlement sites' locations, the number of households resettled in each site, and how their livelihoods have been restored?

1.0 point- If there is such a policy that deals with dislocation and resettlement and the company provides information regarding locations, number of households in each resettlements, and restoration of livelihoods.
0.5 point- If there is no such policy but there is information provided, or (vice versa).

34) Does the company publicly report on a regular basis on the implementation of these policies and commitments?

1.0 point- If there is a regular report on the implementation of these policies and commitments.
0.5 point- If the company reports on the implementation but not on a regular basis.
0 point- There is no evidence of such implementations.

35) Does the company conduct and publish environmental and social impact assessments and management plans?

1.0 point- If the company conducts EIA, SIA, and adopts management plans and publish these reports on the websites.
0 point- No report on the impact assessments and management plans, no publication available on their websites.
အသိုလ်ပေးသောအချက်အလက်များ - အခြေခံအပိုဒ်

ဗုဒ္ဓလေးရေးစနစ်အဆိုတော် - အခြေခံအပိုဒ်

၁ ဗုဒ္ဓလေးရေးစနစ်အဆိုတော်များအား လေးရေးစနစ်ကို ကုမ္ပဏီအဖွဲ့အစည်းတွင် အသိုလ်ပေးသော အချက်အလက်များ ပြုလုပ်ခြင်း

 ၀ ကုမ္ပဏီအဖွဲ့အစည်းများသည် ဗုဒ္ဓလေးရေးစနစ်အဆိုတော် အား အတူတူလေးရေးစနစ်များဖြင့် ထုတ်ပြန်လျက်ရှိသောစီမံခန်းကို မှတ်ချေသည် (အားလုံး အဆိုတော် အားလုံးကို ဖျင်စွက်ခြင်း)

 ၁ ကုမ္ပဏီအဖွဲ့အစည်းများသည် ဗုဒ္ဓလေးရေးစနစ်များကို ပြုလုပ်ရာတွင် အထူးလေးရေးစနစ်များဖြင့် ထုတ်ပြန်လျက်ရှိသောစီမံခန်းကို မှတ်ချေသည်

 ၂ ကုမ္ပဏီအဖွဲ့အစည်းများသည် ကုမ္ပဏီအဖွဲ့အစည်းများကို လေးရေးစနစ်များဖြင့် ထုတ်ပြန်လျက်ရှိသောစီမံခန်းကို မှတ်ချေသည်

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ဥပမာ - ယင်းသို့သား ပါဝင်များအတွက် ကုမ္ပဏီတွင် အထူးအတည်းစားသုံးစွဲသည် လုပ်ငန်းစဥ်များကို သုံးပြောဆိုသည်။ ယင်းတို့အတွက် အားလုံး မသိမ်း ယင်းတို့အတွက် လူသိရွက်ထုတ်ဖော်ထားခြင်းအားလုံးကို လူသိရွက်ထုတ်ဖော်ထားခြင်း။

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ဗိုလ်ချုပ်ကြီး တောင်ဦးမော် နိုင်ငံရေး၊ ကျွန်ုပ်နိုင်ငံရေးသားအာဏာများကို လိုလျင် ဖော်ပြရမည်။

၁ မှ ၂ နာရီ မြန်မာ့ ကျွန်ုပ်နိုင်ငံရေးရာအဖွဲ့အစည်းကို လုပ်ဆောင်ပါသလား။

၂ မှ ၃ နာရီ ကျွန်ုပ်နိုင်ငံရေးရာအဖွဲ့အစည်းကို လိုလျင် ဖော်ပြရမည်။

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ဗိုလ်ချုပ်ကြီး တောင်ဦးမော် နိုင်ငံရေး၊ ကျွန်ုပ်နိုင်ငံရေးသားအာဏာများကို လိုလျင် ဖော်ပြရမည်။
ဗုဒ္ဓေလးမှာ အောင်မြင်နေတာသော လောက်စွာစစ်တက္ရာတွင် အာရုံစိုးစ်စစ်ရေးဟောပြောပြီး ဗုဒ္ဓေလးမှာ အသေးစိတ်အနေဖြင့် အောင်မြင်နေတာကို ဖော်ပြထားပါသည်။ ဗုဒ္ဓေလးမှာ အာရုံစိုးစစ်ရေး အောင်မြင်ပြီး လောက်စွာစစ်တက္ရာအပေါ် အာရုံစိုးစစ်ရေး ဖော်ပြထားပါသည်။ ဗုဒ္ဓေလးမှာ အာရုံစိုးစစ်ရေးကို ဖော်ပြထားပါသည်။ ဗုဒ္ဓေလးမှာ အာရုံစိုးစစ်ရေး ဖော်ပြထားပါသည်။ ဗုဒ္ဓေလးမှာ အာရုံစိုးစစ်ရေး ဖော်ပြထားပါသည်။ ဗုဒ္ဓေလးမှာ အာရုံစိုးစစ်ရေး ဖော်ပြထားပါသည်။ ဗုဒ္ဓေလးမှာ အာရုံစိုးစစ်ရေး ဖော်ပြထားပါသည်။
Myanmar Centre for Responsible Business (MCRB) is a Yangon-based initiative funded by the UK, Denmark, Norway, Switzerland, Netherlands and Ireland, based on a collaboration between the UK-based Institute of Human Rights and Business, and the Danish Institute for Human Rights. The Centre was established to provide an effective and legitimate platform for the creation of knowledge, capacity and dialogue concerning responsible business in Myanmar, based on local needs and international standards, which results in more responsible business practices. It is a neutral platform working with business, civil society and government.

What is Responsible Business?

Every business is different. However, MCRB believes that here are some of the characteristic of a responsible business...

- Obeying the law
- Respecting human rights
- Having a commitment to avoiding corruption and not paying bribe or tea money
- Paying taxes
- Respecting its employees
- Respecting the environment
- Treating other business responsibly
- Treating its customers responsibly
- Being Transparent
- Responding to and engaging with stakeholders