

MYANMAR AND ANTICORRUPTION

Presented by Mr. Bo Maung

Deputy Director of The Bureau of Special Investigation

Ministry of Home Affairs

I. INTRODUCTION

These are the noble objectives of safeguarding the peace of the world: development, international cooperation and developing a harmonious society. Each and every nation of the world accepts and works to implement these objectives. Corruption is crime that hinders these above objectives and it spoils human character and destroys economies. Counter corruption is not only concerned with a country but also with the global community. Therefore, according to the 2003 United Nations Convention on Anti-corruption, intensive measures are taken vehemently to fight against corruption in every country. It is important to punish the offenders effectively and it is also important to take preventive measures against corruption.

II. EFFECTIVE MECHANISMS TO PREVENT CORRUPTION

A. UNCAC

Myanmar signed the United Nations Convention against Corruption on 2 December 2005. We believe that “Prevention is better than cure”; and we will present the preventive measures in three stages. In the first stage, we are implementing the following:

- (a) Enacting laws;
- (b) Organizing Special Enforcement Departments and assigning duties to take action on corruption;
- (c) Training and nurturing good public servants;
- (d) Supporting the welfare of public servants;
- (e) Encouraging cooperation of public and private groups and organizations;
- (f) Encouraging the cooperation of news media;
- (g) Technical and multi-level cooperation with the international community;

B. Most Important Laws

There are two main laws and some special laws (15 laws) in Myanmar which are instrumental in anti-corruption. The two main laws are the Penal Code (1861) and the Suppression of Corruption Act (1948).

C. Relevant Organizations

At present there is not a counter corruption commission, but the Bureau of Special Investigation and Myanmar Police Force under the Ministry of Home Affairs are taking charge of those duties. The Bureau of Special Investigation primarily takes the main duty. It investigates offences and upon completion of gathering of evidence, lodges requests at courts for taking legal proceedings against the alleged culprits. Respective Law Officers act as prosecution counsels and the respective Judicial Officers act as Judges. Pre-independence and post-independence, there was an uprising, internal insurgency, and people suffered distress and poverty and moral character was ruined, leading to corruption and bribery in the whole country. To control and abolish the worst conditions, an organization was formed: the Public Property Protection Police called P(4). After the Act of Special Investigation Department and Administrative Board was enacted in 1951, P(4) then became The Bureau of Special Investigation. The Union Auditor General is also assigned to inquire of budgets of State Departments, in accordance with present State Constitution.

D. The Union Civil Service Board and Civil Service Training Universities

In order to train and nurture good public servants, the Union Civil Service Board is organized in accordance with the Constitution. The board selects honest, hardworking, qualified and able staff and trains them at two Civil Service Training Universities in Myanmar. They are trained to have competency and efficiency necessary for government departments, with moral character and duty consciousness cultured individually or in a team.

E. Welfare for the public servant

For the welfare of the public servant, it is important to provide sufficient remuneration to keep moral attitudes and to perform their duties without corruption. They should be

provided with appropriate salary, rations and welfare allowances. The ethics of public servants depends on their well-being and proper balance. In Myanmar, public servants are provided an appropriate salary and sufficient rations. The social welfare of their families is taken care of by respective staff welfare committees.

F. Public and Private Cooperation

In the sector regarding the cooperation of public and private organizations, it is the noble, common custom of Myanmar to donate generously, always thinking of the good deeds of others. They offer cash and valuable things in gratitude. However, it is unfortunate that this noble tradition has been misused to fulfill their own needs by giving bribes for their own benefits. We have to educate the people to get their cooperation. We will let them understand that we are really fighting against corruption and welcome their willing cooperation and give them chances to express their views and opinions freely.

G. Media Cooperation

As regards the cooperation of news media, they stand as the fourth pillar of the nation and are reliable as a watch group. Actually, corruption is caused because of poverty, bad moral character and greed. The leaders of our country always give their patronage to seminars and workshops for the alleviation of poverty. There are national workshops and seminars for economic development and reform. Media groups take part in delivering the message to the public and they also express their point of view of the strong and weak points within their potential range of media or the ethics of media. This cooperation leads Myanmar to a good governance system and measures for anti-corruption campaigns.

H. International Cooperation

International cooperation is greatly needed to effectively suppress trans-border crimes. It is unfortunate to see corruption committed by using high technology and complicated methods in the world. If Myanmar is granted more international technology and more support than it has at present, we shall speed up the anti-corruption campaign.

III. EFFECTIVE WAY TO RAISE AWARENESS

To prevent corruption, there is an effective way to educate people. Corruption is like a contagious disease, easily communicable to all countries, and it badly spoils social and political systems, and later the whole state policy. Therefore, it is necessary for the public to be aware of the evils of corruption and to cooperate with state organizations, administrative organs and the judicial system to oppose and eliminate corruption. To do so, the public should be literate and educated to a high standard. The state constitution provides that literacy is a compulsory educational requirement and stipulates a basic level of education for all citizens. In Myanmar, the government implements social objectives in health and education, and the media reports the reality of the situation. At present, people can judge for themselves the good and evil of the performance of state government. Therefore, they can discuss their wishes and express their opinions through their respective representatives in the *Hluttaw* (Parliament and Congress), as the basis of the democratic system.

IV. INSTANCES OF SUCCESSFUL AND UNSUCCESSFUL IMPLEMENTATION OF PREVENTIVE ANTI-CORRUPTION MEASURES AND JUSTICE MEASURES

We have learnt prevention of corruption and studied the weaknesses and strengths in judicial power and assume that corruption itself is a contagious disease. In reality however, not everybody regards corruption as a social ill. Those who give bribes for their own benefits and those who betray their own duties and take bribes do their undertaking secretly and willingly. So it is difficult to find an eye-witness or collect evidence easily. With perseverance to overcome difficulty, necessary evidence is collected and a *prima facie* case can be lodged at court. There is urgent need for perseverance and patience from investigation teams and cooperation from the public and technological support. However, according to religious teaching, “there is no way to escape from the law” and “the offender has no place to hide”. Offenders shall be punished according to the law in due course.

A. Departmental Action

In Myanmar, there is a counter measure to take departmental action against alleged offenders even though evidence may be too weak to lodge a criminal complaint. In this

measure, responsible public servants shall certainly face dismissal, demotion, transfer and other departmental disciplinary action.

B. Information from the Public

Leaders of our country always call for the cooperation of the public in their speeches and via newspapers and magazines. For information about bribery and corruption, the people's cooperation is welcomed and they are invited to inform the authorities of corruption offences through phone, letters or in person to the Bureau of Special Investigation, the Myanmar Police Force, or General Administration Department. Their information is kept strictly confidential and the security of the informer is guaranteed. Real information is given by people in good faith, exposing many offenses and leading to action by the authorities. However, malicious, false information has also been given on occasion.

C. Watch Groups

We acknowledge that there are weaknesses to keeping watch groups to provide surveillance on the malicious staff and greedy businessmen who are enjoying unusual wealth or unusually increased assets without legal remuneration or profit. Therefore, those watch groups shall be extensively organized and cooperation is being extended. As Myanmar is a member of the UNCAC, laws are being amended appropriately. We are practicing transparency, keeping prestige in both public and private sectors.

V. CONCLUSION

In conclusion, there are many things left to do but we constantly endeavour with all of our might to establish good governance and clean government and it would be more advantageous if we were provided international assistance and technological support to secure more effective results.

Thank you.