

TRANSPARENCY AND ACCOUNTABILITY: ISSUES IN MYANMAR'S PUBLIC OFFICIAL ETHICS LAW*

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Abstract

In recent years, Myanmar has embarked on a journey to reform its public governance systems, aiming to enhance transparency and accountability among public officials. Despite these efforts, the country faces persistent challenges in effectively implementing public official ethics legislation. The purpose of this research is to critically examine Myanmar's public official ethics legislation and its effectiveness in promoting transparency and accountability within the country's governance framework. This research is particularly relevant given Myanmar's political transition from military rule to a nascent democracy, which has amplified the need for robust ethical standards among public officials. This is a qualitative study that involves a comprehensive review of existing ethics laws, regulatory frameworks, and their practical implementation. Data is collected through an analysis of legislative measures, interviews with governance experts, and a review of public access to information. The study also incorporates a comparative analysis with international best practices, especially the OECD ethical guidelines, to benchmark Myanmar's progress against global standards. The research explores how historical precedents of corruption, coupled with the current socio-political climate, have shaped the challenges faced in implementing these ethical frameworks effectively.

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The results of the research reveal several systemic issues hindering the effectiveness of Myanmar's public official ethics laws. Despite efforts to reform, the country faces challenges related to vague regulatory guidelines, inadequate enforcement mechanisms, and limited public access to critical information. The comparative analysis with OECD guidelines highlights critical gaps, such as the absence of clear regulatory standards, strong enforcement bodies, and sufficient transparency measures. Key findings suggest the need for clearer regulations, the establishment of independent oversight bodies, and initiatives to promote civic engagement and public oversight. The study concludes that these reforms are essential for fostering a culture of integrity and accountability in Myanmar's governance, which is vital to restoring public trust and supporting the country's democratic development.

Keywords: Transparency and Accountability, Myanmar's Public Official, Ethics, Law, Corruption

Introduction

Myanmar's Transition to Ethical Governance: Challenges and Progress

Myanmar's shift from military rule to democracy has driven the need for extensive reforms in governance structures (Khaing, 2021). A cornerstone of these reforms is the introduction of public official ethics laws, aimed at fostering transparency and accountability (Group W. B., 2019). Ethical governance is essential for building public trust and maintaining the integrity of government functions (Wei, 1998).

However, the implementation of these reforms has faced significant challenges:

1. **Historical Context:** The legacy of military dominance and entrenched corruption has hindered the development and enforcement of ethical governance frameworks (Group W. B., 2019).

2. **Weak Enforcement Mechanisms:** Existing laws lack robust mechanisms to ensure compliance, making it difficult to hold officials accountable (Khaing, 2021).



3. Ambiguous Guidelines: Regulatory ambiguities create inconsistencies in interpretation and application (Saw, 2015).

4. Limited Public Access to Information: Citizens face restricted access to critical information necessary for ensuring transparency, undermining the effectiveness of the reforms.

Despite these obstacles, Myanmar has made attempts to address these issues, but progress remains constrained by the socio-political climate and historical patterns of governance (Group W. B., 2019). Continued efforts to refine and enforce public official ethics laws, alongside broader structural reforms, are crucial for achieving sustainable governance improvements.

Following Myanmar's transition from military rule, establishing a democratic governance system has necessitated extensive legal and institution reforms, particularly in areas of ethics and public accountability. The introduction of public official ethics laws marks a pivotal step toward fostering transparency and accountability. However, the effectiveness of these laws remains questionable due to deeply rooted structural and cultural issues within the country's political and administrative systems (Khaing, 2021).

The socio-political environment in Myanmar, still heavily influenced by remnants of military rule, has led to a weak enforcement culture where accountability is rarely prioritized. The enforcement agencies that do exist, such as the Anti-Corruption Commission (ACC), lack both the independence and resources needed to effectively monitor and sanction ethical violations. Furthermore, public officials often lack the necessary training and understanding of ethical governance, leading to inconsistent application of ethical principles. This undermines the government's overall ability to combat corruption and creates a significant gap between the legislation and its practical implementation (Saw, 2015).

International comparisons, particularly with organizations like the Organization for Economic Co-operation and Development (OECD), reveal substantial disparities between



Myanmar's public official ethics laws and global best practices. While the OECD emphasizes clear regulatory standards, independent oversight, and public access to information as fundamental pillars for maintaining integrity, Myanmar's ethical governance system lacks the institutional strength to uphold these principles (OECD, 2003). Without clear mechanisms to enforce ethical guidelines and promote transparency, Myanmar's reform efforts risk being superficial rather than transformative.

The ongoing challenge for Myanmar is to overcome these institutional and cultural barriers to build a governance system that is both transparent and accountable to its citizens. Strengthening these ethical frameworks is critical for restoring public trust and ensuring that the democratic transition is accompanied by tangible improvements in governance (Group W. B., 2019). This study therefore seeks to analyze the current state of Myanmar's public official ethics laws and identify areas for improvement, with a focus on aligning them more closely with international standards for ethical governance. Through a comparative analysis with the OECD guidelines, this article aims to highlight the critical gaps in Myanmar's system and offer policy recommendations for enhancing transparency, accountability, and integrity in public administration.

Myanmar's transition to democracy hinges on its ability to reform governance systems and address historical challenges of corruption and weak accountability. Strengthening its ethical governance framework is essential for restoring public trust and ensuring that democratic reforms translate into tangible improvements. By aligning its public official ethics law with international standards and addressing institutional limitations, Myanmar can create a governance system that is transparent, accountable, and resilient.

This study aims to provide actionable recommendations to bridge the gap between Myanmar's legislative aspirations and the practical realities of ethical governance, ensuring progress toward a more democratic and accountable future.



Research objectives

1. To assess the current effectiveness of Myanmar's institutional framework for anti-corruption.
2. To evaluate the existing ethical standards and training programs for public officials in Myanmar and their effectiveness in promoting ethical conduct and reducing corruption.

Research Methodology

This study employs a qualitative approach to analyze existing public official ethics laws in Myanmar and compare them with international best practices, particularly the OECD ethical guidelines. Data were collected through a comprehensive review of legal documents, reports, and academic literature. The comparative analysis aims to identify gaps in Myanmar's framework and suggest measures to align it with global standards.

Through this comprehensive review, the study illuminates several systemic issues within Myanmar's public official ethics laws and their practical application. The comparative analysis with international best practices reveals significant gaps that must be addressed. The OECD guidelines, which emphasize the need for clear regulatory standards, strong enforcement mechanisms, and a focus on transparency and public accountability, highlight the elements currently lacking in Myanmar's system.

Results

Key findings from the analysis underscore the urgency of clarifying regulations, strengthening enforcement bodies, and enhancing transparency measures to effectively combat corruption. Myanmar should adopt clearer ethical standards, establish independent oversight bodies, and promote civic engagement and public oversight to foster a culture of integrity and accountability.



1. Inadequate Enforcement Mechanisms: The analysis reveals that Myanmar's ethics laws lack robust enforcement mechanisms. Currently, there are no independent bodies with sufficient authority and resources to enforce ethical standards effectively. This absence leads to inconsistent application of the laws and a weak deterrence against unethical behavior. According to the OECD toolkit on public integrity (Toolkit, 2005), effective enforcement requires independent bodies capable of investigating and sanctioning misconduct. The lack of such bodies in Myanmar means that violations often go unpunished, thereby undermining the overall effectiveness of the ethical framework.

2. Imprecise Regulatory Guidelines: The legislative framework governing public official ethics in Myanmar suffers from significant ambiguity and lack of specificity (Saw, 2015). The regulations are often not clearly defined, which creates confusion among public officials regarding their ethical obligations. This vagueness also hampers the ability of oversight bodies to enforce compliance consistently. For example, specific guidelines on conflict of interest, gift acceptance, and post-employment restrictions are either absent or inadequately detailed. Comparative analysis with international best practices, such as the OECD guidelines, shows that precise and detailed regulations are crucial for establishing clear expectations and ensuring consistent enforcement (Group W. B., 2019).

3. Limited Public Access to Information: Transparency is critically hampered by restricted access to information. The analysis highlights that the public's ability to hold officials accountable is severely undermined by the lack of transparency in government operations and decision-making processes (Wei, 1998). In Myanmar, essential government information, such as financial disclosures of public officials, procurement processes, and decision-making records, is not readily accessible to the public. This lack of transparency prevents citizens from effectively monitoring government activities and holding officials accountable for their actions (Group O. W., 2019). International best practices, including those advocated by the OECD, emphasize the importance of transparency and public



access to information as fundamental components of an effective ethical governance framework.

Through this comprehensive review, it is evident that Myanmar's current public official ethics laws are inadequate, imprecise, and limited. Addressing these issues is crucial for fostering a culture of integrity and accountability and for combating corruption effectively.

Comparative Analysis of Ethical Rules: Myanmar vs. OECD Standards

Transparency and Accountability

OECD The OECD emphasizes strong transparency and accountability measures for government officials. Public officials are required to disclose their financial interests and potential conflicts of interest, with independent bodies overseeing these disclosures to ensure integrity and accountability (OECD, n.d.).

Myanmar Myanmar lacks comprehensive transparency and accountability mechanisms. While there are some disclosure requirements, enforcement is weak, and the Anti-corruption Commission (ACC) is not fully independent, reducing its effectiveness in ensuring accountability (Hei181). The pervasive influence of the military further complicates transparency efforts, allowing significant areas of government and business to operate without adequate oversight (International, 2023).

Conflict of Interest Management

OECD The OECD has clear and enforceable policies for managing conflicts of interest. These include mandatory disclosures, strict regulations on post-employment activities, and comprehensive guidelines to prevent any undue influence on public decision-making (OECD, 2003).

Myanmar: Myanmar's approach to conflict of interest management is significantly less developed. There are limited policies in place, and those that exist are not rigorously enforced. The lack of clear guidelines and oversight mechanisms allows conflicts of



interest to go unaddressed, contributing to corruption and undermining public trust (International, 2023).

Ethical Conduct and Training

OECD Ethical conduct is a fundamental component of the OECD guidelines. Regular training programs are provided to public officials to ensure they understand and adhere to ethical standards. Codes of conduct are well-defined and enforced, promoting a culture of integrity within the public service (OECD, 2003).

Myanmar Myanmar lacks a robust framework for promoting ethical conduct among public officials. There are few training programs, and existing ethical guidelines are not consistently enforced. This results in a culture where unethical behavior is more likely to occur and less likely to be punished.

Anti-corruption Measures

OECD OECD countries implement comprehensive anti-corruption measures that include stringent laws, independent enforcement agencies, and robust whistleblower protection. These measures are regularly reviewed and updated to address new corruption risks effectively (OECD, n.d.).

Myanmar Myanmar's anti-corruption measures are still in a nascent stage. While there have been some reforms, such as expanding the definition of corruption and increasing the ACC's investigative powers, the lack of independence and inadequate legal protections for whistleblowers significantly limit their effectiveness. Corruption remains widespread, particularly in key sectors such as extractive industries and land management.

Institutional Framework

OECD The OECD promotes a strong institutional framework where independent bodies oversee the implementation and enforcement of ethical standards. These institutions are well-resourced and operate free from political interference, ensuring that ethical guidelines are followed and violations are addressed promptly (OECD, 2003).



Myanmar Myanmar's institutional framework is weak and lacks the necessary independence to enforce ethical standards effectively. Institutions such as the ACC are under-resourced and subject to political influence, hindering their ability to function properly and combat corruption effectively (Irrawaddy, 2021).

Myanmar's ethical rules are inadequate compared to OECD standards due to a lack of comprehensive transparency and accountability measures, insufficient conflict of interest management, weak promotion of ethical conduct, limited anti-corruption measures, and a fragile institutional framework. To improve, Myanmar needs to strengthen its legal and institutional frameworks, ensure the independence of its anti-corruption bodies, provide adequate training for public officials, and enforce stringent ethical standards consistently.

Discussion

The findings reveal that Myanmar's public official ethics laws are inadequate to ensure ethical governance. Key issues include vague regulations, weak enforcement, limited transparency, and a lack of independent oversight, as the politically influenced Anti-Corruption Commission (ACC) struggles to act effectively. Whistleblower protections are also weak, discouraging reports of corruption due to fear of retaliation. Furthermore, limited public participation reduces accountability, as citizens are not sufficiently informed about officials' actions (Toolkit, 2005). Addressing these challenges requires comprehensive legal reforms.

OECD countries have established comprehensive systems to manage public officials' ethics, with clearly defined standards addressing issues like conflicts of interest and bribery. Independent bodies enforce these rules without political interference, while robust whistleblower protections encourage reporting of unethical behavior. Public engagement is central, allowing access to government information and participation in governance, which enhances transparency and accountability.



To align with these practices, Myanmar should implement reforms, including revising laws to clearly define ethical standards, creating independent oversight bodies free from political influence, and strengthening whistleblower protections. Greater transparency through public access to government information is also essential for rebuilding trust and fostering accountability.

Adopting these measures would move Myanmar closer to OECD standards, creating a more ethical and transparent governance system. Key policy recommendations include defining precise ethical standards, establishing independent oversight mechanisms, and promoting civic engagement, all of which are critical for restoring public trust and supporting democratic development.

Conclusion and Recommendations

This study highlights the urgent need for reforms in Myanmar's governance framework to improve transparency, accountability, and ethical conduct among public officials. Compared to OECD standards, Myanmar's ethical rules and anti-corruption measures are poorly defined and ineffective. Key weaknesses include limited transparency, inadequate conflict of interest management, and insufficient protections for whistleblowers. The Anti-Corruption Commission (ACC), under political influence and lacking resources, struggles to operate independently.

Significant gaps exist in Myanmar's framework, such as vague ethical standards, inconsistent training, and weak whistleblower protections, which allow corruption to persist. The absence of strong conflict of interest policies and limited transparency further erode public trust. Addressing these deficiencies is essential to fostering integrity and supporting democratic development in Myanmar.

To align Myanmar's governance framework with international best practices and OECD standards, the following recommendations are proposed



1. Enhance Transparency and Accountability

(a) Introduce comprehensive disclosure requirements for public officials, including mandatory declarations of financial interests and potential conflicts of interest.

(b) Establish independent oversight bodies to monitor disclosures and ensure accountability.

(c) Increase transparency in government operations and decision-making processes.

2. Strengthen Conflict of Interest Management:

(a) Develop clear and enforceable policies for managing conflicts of interest, including mandatory disclosure and regulation of post-employment activities.

(b) Ensure these policies are rigorously enforced and supported by independent oversight.

3. Promote Ethical Conduct and Provide Training:

(a) Establish and enforce well-defined codes of conduct for public officials.

(b) Implement continuous training programs to educate public officials on ethical standards and the importance of integrity in public service.

(c) Foster a culture of ethical behavior through leadership commitment and organizational support.

4. Enhance Anti-corruption Measures

(a) Strengthen the independence and resources of the Anti-corruption Commission (ACC) to allow it to operate free from political influence.

(b) Implement robust legal protections for whistleblowers to encourage reporting of corrupt activities.

(c) Regularly review and update anti-corruption laws and measures to address emerging risks and ensure their effectiveness.

5. Build a Strong Institutional Framework



(a) Develop and support independent institutions responsible for the implementation and enforcement of ethical standards.

(b) Ensure these institutions are adequately resourced and empowered to carry out their functions effectively.

(c) Foster collaboration between government, civil society, and international organizations to strengthen institutional capacity and integrity.

By adopting these recommendations, Myanmar can significantly improve its ethical standards and anti-corruption measures, fostering greater public trust and aligning more closely with international best practices as outlined by the OECD.

Strengthening the ethical governance framework in Myanmar is crucial for its democratic development. By addressing the identified gaps and implementing the recommended measures, Myanmar can foster a culture of integrity and accountability. These efforts will not only enhance public trust but also support sustainable development and democratic governance in the long run.

To advance transparency, accountability, and integrity in the country's public institutions, Myanmar must implement the recommended policy measures and foster a culture of ethical conduct among public officials. By doing so, the country can lay a solid foundation for sustainable democratic governance and restore public confidence in its institutions.

Recommendations for future research

1. Assessment of Institutional Reforms Conduct longitudinal studies to evaluate the effectiveness of recent reforms within Myanmar's Anti-corruption Commission (ACC) and other relevant institutions. Analyze how these reforms impact transparency, accountability, and corruption levels over time (Soe, January 22, 2018).

2. Role of Civil Society and Media Explore the role of civil society organizations and media in promoting transparency and accountability in Myanmar. Assess how these



entities can be better supported and protected to enhance their contributions to anti-corruption efforts (International, 2023).

3. Economic and Social Impact of Corruption Study the broader economic and social impacts of corruption in Myanmar. Analyze how corruption affects economic development, foreign investment, and social welfare, and propose strategies to mitigate these impacts. (International, 2023)

4. Comparative Analysis of Anti-Corruption Frameworks Compare Myanmar's anti-corruption frameworks with those of other countries that have successfully reduced corruption. Identify best practices and potential strategies that Myanmar could adopt to strengthen its anti-corruption measures. (OECD, 2003)

5. Impact of Whistleblower Protection Laws Investigate the impact of whistleblower protection laws on reporting rates of corruption in Myanmar. Analyze barriers to effective whistleblower protection and propose enhancements to these laws based on successful models from other jurisdictions. (OECD, n.d.)

6. Public Perceptions and Attitudes towards Corruption Conduct surveys and studies to understand public perceptions and attitudes towards corruption in Myanmar. Examine how these perceptions influence the effectiveness of anti-corruption measures and identify ways to foster a culture of integrity and ethical behavior. (OECD, Trust in Government- Integrity and Fairness, n.d.)

7. Integration of Technology in Anti-Corruption Efforts Investigate the potential of technology in enhancing transparency and reducing corruption. Explore the use of digital tools, e-governance platforms, and data analytics in monitoring and preventing corrupt activities. (International, 2023)



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