

The Challenges of Ethical Promotion Work: Experiences in ASEAN Civil Services

Introduction

Myanmar, officially known as the Republic of the Union of Myanmar, has emerged as a new nation in line with its Constitution which was adopted on 29 May 2008, and so it is on the right track of transition into new era and new system. The process of building a modern and developed nation has posted milestones of success, and is also moving forward at an accelerating pace.

As a developing country, Myanmar has been practising market economy system to raise socio-economic status of its people. And in building a modern and industrialized nation in accord with the Constitution, Myanmar makes strenuous efforts for proper evolution of market economy through agricultural development in combination with all-round development of other sectors. At the same time Myanmar, exercising independent, active and non-aligned foreign policy and upholding the principles of peaceful coexistence among nations, tries its best to catch up with not only regionalization but also globalization process.

In so doing, realization of government policies mainly depends on efficient and effective performance of its service personnel. In this context, guidance of the President at the meeting with Union level organizations, Region and State Chief Ministers and Union level Deputy Ministers on 6 April 2011 is cited here.

*“Instead of using the centralized system, a system should be adopted in which lower level organizations are responsible to upper level ones at every stage. Hence, the foundation must be robust. Here the real force that will do the job will be **the service personnel** ranging from lower level staff to directors-general.”*

*“Only when **all personnel** at every level have their competency and efficiency, will the tasks of ministries be expeditious and effective.”*

The President’s guidance highlights the fact that civil service personnel play a key role in implementing national plans. The more faithfully and competently the service personnel work, the faster the country can march towards its national goal.

Civil Service Administration

Myanmar civil service comprises personnel of both administrative departments and enterprises or State-owned economic organizations. In Myanmar civil service, each department or enterprise or agency organizes the management of its personnel according to civil service rules, regulations, procedures, etc. Civil service is of paramount importance to run the mechanism of a government organization. Administration strategies of recruitment and staffing, human resource planning, career development, training, job analysis, performance appraisal, research, social welfare, etc. are to be carried out.

There are two government organizations mainly responsible for matters related to Myanmar civil service. One is Union Civil Service Board, a statutory body on the status of a ministry, for civil service recruitment and training, while another is Bureau of Special Investigation, an organization under the Ministry of Home Affairs, for anti-corruption and public property protection.

Union Civil Service Board

The Union Civil Service Board (UCSB) succeeded the former Civil Service Selection and Training Board (CSSTB). It was reorganized on 30 March 2011 in accord with the Constitution of the Republic of the Union of Myanmar, the Union Government Law and the Union Civil Services Law. The Board is the central organization for civil service, headed by Chairman with the assistance of five members. Formation of the Union Civil Service Board is prescribed under Chapter V, Executive in the Constitution. The Section is 246 of which Sub-section (a) says main functions of the Board like this:

“The president shall form the Union Civil Service Board to enable to perform the duties of selecting, training the Civil services personnel and to prescribe Civil Service regulations.”

Under the supervision of the Board, there are two departments and three universities to implement the respective functions, and they are as follows.

- (a) Civil Service Selection and Training Department
- (b) Civil Service Affairs Department
- (c) Central Institute of Civil Service (Phaunggyi)
- (d) Central Institute of Civil Service (Upper Myanmar)
- (e) University for the Development of the National Races of the Union

Civil Service Selection and Training Department takes the responsibilities of personnel selection for recruitment and administrative tasks for training of service personnel while Civil Service Affairs Department takes charge of civil service matters in consonance with the laws, rules, regulations, etc. and provides consultancy on, and conducts research into civil service aspects. As for the remaining organizations, the three institutes offer various types of training programmes for the civil service personnel. Besides, the Board formed its head office to facilitate and ensure effective administration.

Bureau of Special Investigation

The Bureau of Special Investigation was founded under the Bureau of Special Investigation Administrative Board and the Bureau of Special Investigation Act 1951. Now it is an organization under the Ministry of Home Affairs, and its objectives are: to strive incessantly in the interest of the State and the people making use of the Department's authority in investigating economic crimes and corruption of service personnel in accordance with the law, and to collect intelligence on malicious elements and above and underground destructionists. The Bureau has to discharge the following duties.

- (a) to achieve the success of the State's economic policies
- (b) to investigate and take legal actions against theft, misappropriation, fraud, unauthorized possession, and mischief of the national and public properties
- (c) to ensure absence of bribery, and corruptions and steadfastness of moral among service personnel
- (d) to investigate and take legal actions against economic malpractices such as illegal import and export of goods, exchange of foreign currencies, earning by any other illegal ways and instabilities of prices of goods.

The Bureau's main function is to deal with economic crimes and malpractices of public service personnel.

Principles of Ethics Management and Promotion

Civil service personnel can enjoy rights as well as have to carry out duties in line with the Constitution. The following are the excerpts from the Constitution of the Republic of the Union of Myanmar which deal with civil service matters.

- “26. (a) *Civil Services personnel shall be free from party politics.*
 (b) *The Union shall enact necessary laws for Civil Services personnel to have security and sufficiency of food, clothing and shelter, to get maternity benefits for married women in service, and to ease livelihood for retired Service personnel.*”

- “290. *Matters relating to appointment, promotion, retirement, enforcement of rules and regulations and taking action on the Civil Services personnel shall be exercised in accord with the law.*”

Some existing laws and rules covering conducts and disciplines for service personnel are as follows.

- (a) Public Servants Inquiries Act 1850
- (b) Burma Official Secrets Act 1923
- (c) Government Servants’ Conduct Rules 1940
- (d) Discipline and Appeal Rules 1941
- (e) Civil Service Regulations
- (f) Government orders and instructions occasionally issued

Some provisions were revised and adapted to political, economic and social changes of the country, yet kinds of penalties, departmental actions and appeal procedures remain intact.

Code of Conduct

The Union Civil Service Board published a brochure of Civil Servants’ Manual in 1991. Then Civil Service Conduct, a revised edition of the Manual, was issued with the approval of the Cabinet Meeting 34/2004 held on 3 September 2004. In the Brochure are identified duties, ethics and disciplines for civil service personnel. Disciplines section consists of conditions of work, working hours, performing duties, personnel behaviour, being free from party politics, and private business. Then personnel privileges and disciplinary measures are also covered.

Civil service personnel must follow the conducts and disciplines mentioned below.

- (a) Allegiance to the State
- (b) Observance of laws
- (c) Giving priority to public interests
- (d) Prevention of public finances from losing and abusing
- (e) Safe-keeping of confidentialities and secrets of the State and its functions
- (f) Following the orders, instructions and functional disciplines
- (g) Having a proper sense of duty
- (h) Performing the duty with honesty
- (i) Making constant endeavour to improve efficiency
- (j) Abstention from bribery, corruption and abuse of authority
- (k) Avoidance of misconduct and misbehaviour
- (l) Behaving decently

Code of ethics and rules to be observed at all times by the service personnel include honestly performing duties and avoidance of corruption, bribery, and misuse of administrative power for self interest.

Among the disciplinary rules and regulations, Government Servants' Conduct Rules define conducts to be avoided, disciplines to be observed by the civil servants and the types of work which can be done only with the permission of the Government. And there are provisions in Penal Code, Public Property Preventive Act, Corruption Suppression Act and other special laws which forbid civil servants from accepting and taking gratification.

Moreover specific conducts are also provided for personnel of various organizations. Proper observance of conducts and disciplines by civil service personnel must be encouraged so that not only can their productivity and performance be strengthened but they can also win much more confidence and reliance from the public.

Strategy on Ethics Promotion in the Civil Service

Government's administrative and management can be realized by service personnel in line with laws, rules, procedures, orders and policies. That is why civil service personnel are to fully abide by laws, rules, regulations, etc. and what is more to be equipped with high standards of ethics.

Enforcement of Laws, Rules and Regulations. For sustainable improvement of departmental or organizational performance, it must be ensured that laws, rules, regulations, procedures, orders, instructions, conducts, disciplines, etc. are obeyed and observed by civil service personnel. Besides, the more effectively laws, rules and regulations are enforced, the higher standards of personnel ethics can be achieved.

Ethics Training. There can be studied sets of ethical standards and values in Myanmar culture. And so Myanmar people have a good chance to learn from young ethics as moral lessons are prescribed on school curriculum in order to nurture children, prospective owners of the nation, to become effective and efficient citizens. And Myanmar culture is enriched with a lot of ethical maxims. Some maxims relating to civil service can be studied in *Loka Niti*, ethical teaching for mankind. For example, stanza 109 of Government Chapter says:

*“Government must be directly in the know of
Whether revenue is received or not,
Whether seeds and food supplies are sufficient or not,
Whether those in service are dutiful or not.
And Government must make sure
**That those against whom action must be taken is taken,
And those worthy of reward is rewarded.”***

And Stanza 133 of the same chapter says:

*“Thriving agriculture,
Flourishing business,
Pleasant dutifulness of employees,
Practice of Dhamma by members of religious order well provided and without worry,
These four characteristics are sources of a nation's wellbeing and auspiciousness.*

Moreover, regular courses and special refresher courses are conducted at Central Institutes of Civil Service under the Union Civil Service Board, and management as well as civil service regulations are offered to government personnel. Lectures on civil service

regulations are given by senior officials of Civil Service Affairs Department, aiming at observance of regulations and promotion of ethics among service personnel.

Recognition and Reward. Service personnel who have made distinguished contribution to the interest of the country and the people are fully recognized and honoured with Titles and Medals for their loyalty, efficiency, honesty, productivity, etc. This scheme really encourages better performance as well as ethical promotion.

Welfare. The Government concentrates on welfare of service personnel. Pay scales and allowances are revised and increased occasionally on the basis of the State's financial conditions. And Ministry-wise and departmental welfare programmes -- creation of enjoyable work environment, pleasant atmosphere, accommodation facilities free of charge, etc. -- can encourage proper attitude of service personnel towards the government, the management, etc. and this will lead to better observance of rules and regulations.

Disciplinary Measures. Disciplinary action is taken in accordance with the provision of Discipline and Appeal Rules. Preliminary investigation and formal departmental enquiry are carried out in separate phase. Departmental action is conducted with a view to rehabilitating the offensive civil servant besides giving him punishment. When a civil servant is found guilty of offence by departmental action, penalty commensurate with the offence is imposed on him so as not to perpetrate offences more and to prevent others from committing similar offences. The following penalties prescribed in Discipline and Appeal Rules are imposed depending on the nature of offence.

- (a) censure
- (b) withholding of increment
- (c) withholding of promotion
- (d) reduction to a lower stage of salary in a time scale
- (e) reduction to a lower post
- (f) recovery from pay
- (g) suspension (with no full pay is granted or the period of which is not considered as on duty)
- (h) removal
- (i) dismissal

It needs careful consideration to impose penalties -- the penalty neither too moderate nor too severe but in proportion to the offence committed. To prevent disciplinary disorder, lack of justice and depression among personnel, wise and effective management is given in imposing penalties. Then issuing judgment order, revising appeal and action, and necessary measures are taken based on the principles of justice and fairness.

In addition, good governance principles, participation, rule of law, transparency, responsiveness, consensus orientation, equity, effectiveness and efficiency, control of corruption, and accountability can help promote ethical behaviour of individuals and improve government service delivery as well. Officials must be shining examples in upholding code of conduct.

Success and Challenges in Ethics Promotion

Ethics management strategies have, to a certain extent, corrected unethical practices and encouraged prevalence of regulations in Myanmar civil society. Nevertheless managing ethics in public sector is still facing challenges. Violations of leave rules, discipline, abuse of public property, bribery, absence from duty, corruption, and even criminal offences are typical challenges.

Next Steps of Ethics Promotion in the Civil Service

Research findings reveal that causes of unethical behaviours are pressure to meet unrealistic business objectives and deadlines; desire to further one's career; ignorance; lack of maintaining the type of consistent leadership, etc. If necessary, code of ethics should be established in particular workplace to guide the civil servants' behaviours.

Research and development schemes should be launched to seek causes, remedies, and correcting strategies for ethics management in civil service.

Addressing the first session of Union Parliament on 30 March 2011, the President dealt with anti-corruption and enforcement as below.

“We will fight corruption in cooperation with the people as it harms the image of not only the offenders but also the nation and the people. We will amend and revoke the existing laws and adopt new laws as necessary to implement the provisions on fundamental rights of citizens or human rights.”

And delivering a speech at the ceremony to take heed of presidential address and make affirmation on 31 March 2001, the President made emphasis on establishment of a government free from corruption.

*“To be a **clean government**, we must abstain from corruption and bribery, which tarnishes the image of the nation and the people. Therefore, we have to not only refrain from it but also ensure that the organizations stay away from it. What is very important is that we must not abuse the mandate in the interest of our friends and relatives. Only then, can our government be recognized as a **clean government**.”*

Conclusion

ASEAN leaders agreed that *“the development and enhancement of human resources is a key strategy for employment generation, alleviating poverty and socio-economic disparities, and ensuring economic growth with equality.”* However, in making endeavours for socio-economic development, unprecedented challenges are posed to civil service system of every country. Therefore it is important to improve the management of civil service to cope with these challenges. Demonstrating professional competence, efficiency and effectiveness, good ethical behaviour, upholding the laws, and seeking the public interest at all times, Civil service personnel can strengthen the public's trust in government.

Myanmar stands firm as a respected member of the global community while actively participating in regional as well as international organizations, UN, ASEAN, BIMSTEC, GMS, etc. It always tries its utmost to foster friendly ties and deepen cooperation with other countries. Accordingly, it also seeks how to promote efficiency and effectiveness of its service personnel at such a time of building a new nation.

Seminar on Ethics Promotion in the Civil Service is really an excellent programme to meet the needs of ASEAN+3 civil service officials, and so it is sincerely hoped that exchanges and cooperation in this field will contribute to the improvement of each country's civil service system and administrative management in accordance with its own national conditions and other countries' experiences.

Good service personnel, excellent service towards brighter future!

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