

Guidelines for Acceptance of Gifts

Aims

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

Definition

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

Basic principle

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

Gifts from persons and organizations which are prohibited

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

Exceptions

6. Gifts may be accepted in the following situations:
 - (a) Gifts with a value of no more than 25,000 kyats (the maximum value of gifts which may be received from a person or organization within a year shall be 100,000 kyats);

(b) Gifts which are received not because of one's official position but because of family relationship or personal relationship, unless one of the situations in section 5 pertain; and

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

Receipt of prohibited gifts

7. The following action shall be undertaken if a prohibited Gifts is received:

- (a) return the Gift;
- (b) if the recipient intends to retain the Gift, they should refund the giver a sum equivalent to the market value of the Gift
- (c) perishable Gifts (e.g. fruits and flowers) should be distributed to departmental staff.

Gifts from foreign governments

8. The following Gifts from foreign governments are exceptionally permitted:

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

General

9. The following shall be observed concerning Gifts:

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