

[Myanmar | Multinational companies asked to protect civic freedoms and defenders](#)

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Civic freedoms, including freedom of expression, association and assembly are essential to stable, profitable and sustainable businesses and investment environments in which companies thrive and economies prosper, writes Andrés Zaragoza, Programme Manager (Business and Human Rights) with ISHR. Multinationals have a role to play in protecting the “shared civic space” in Myanmar.



Ten days ago, there was a coup d'état at the hands of the military in Myanmar. The country, with a recent history of conflict, political repression, and serious human rights violations, was still undergoing a process of fragile transition.

Indicators at the national level showed signs of socio-economic development. Foreign investment continued to enter a country where [only a fine line, if at all, separates military and economic elites](#). After the coup, fear, repression, censorship, and uncertainty are back. The international community observes in shock, while global businesses and investors ask themselves what the right move should be.

[Local civil society groups](#), operating in a covert manner due to high security risks, are calling for targeted sanctions against all military-owned businesses, their directors, and significant business associates. In the coming days, it is expected that this discussion will develop and [concrete measures](#) will be taken. However, companies with operations in the country have very tough decisions to make and are caught in a dilemma. Should they stop operations, disengage, halt investment plans or continue with business as usual?

An illustrative example is the [situation of Telenor Group](#), a Norwegian telecommunications company that provides access to the Internet and mobile network in Myanmar. Telenor holds between 30-40% of the market share and, therefore, has both significant risk exposure and potential leverage in the current political crisis. The company, in an exercise of transparency, is tracking and responding to the legal directives issued by the military. So far, it has followed all military orders to cut access to Internet and social media when it was asked to do so, while [recognising with concern that the measures do not meet the principles of proportionality or necessity established in international human rights law](#).

Access to the Internet and information is key in exercising freedom of expression, information and opinion as well as enabling economic activity in a context of a global pandemic. In a situation of conflict and violence, Internet access must be protected as a central tool for pursuing private or public dialogue and peaceful demonstrations. [As some of the leading global information and communications technology providers stated](#), current repressive measures “represent a significant, unjustified, and disproportionate escalation of such restrictions.”

Can multinational companies with operations in Myanmar do more? Are human rights risk in Myanmar too

severe and unfeasible to mitigate? In addition to speaking out, companies such as international brewing company [Kirin have determined that it is no longer possible to operate in a joint venture with Myanmar Economic Holdings](#), a major conglomerate run by the Burmese military, in a manner that is consistent with their responsibility to respect human rights, announcing an immediate termination of that relationship.

These and other examples show that, today, **global companies are expected to behave responsibly and assess the human rights risks associated with their operations**. Companies can no longer hide behind complex international supply chains or a network of subsidiaries owned by authoritarian leaders. Businesses have a responsibility to understand the complexities of the countries where they invest, to examine the suppliers they buy from, and to take into consideration the potential for impact associated with operating in countries where governance is weak and the rule of law is fragile. If companies failed in assessing human rights risk, they should react quickly.

Civic freedoms, including freedom of expression, association and assembly are essential to stable, profitable and sustainable businesses and investment environments in which companies thrive and economies prosper. Rule of law, accountable governance and respect for human rights define a [“shared space” where businesses contribute to development and civil society protects economic, civil, and political rights](#).

Very few companies acknowledge their dependence on, let alone defend, the elements of this “shared space” between businesses and civil society. The situation in Myanmar shows how a democratic space can deteriorate, impacting heavily the local population’s security and wellbeing, but also putting business operations at risk, increasing costs and destabilising commerce.

Companies can and should do more to respect human rights while conducting operations. [This is already a ten year old reality](#). In 2021, companies are expected to step up and fulfill their responsibility to protect the civic “shared space”. It is not only a responsibility and expectation but also an opportunity. There are risks in taking action, but inaction can also lead to a collapse of a country’s economic system, and the deterioration of the rule of law. Myanmar might be the first example of the decade.

Criminal liability is a plausible risk for private company officials. It is worth remembering that they can be held criminally liable for their direct acts or omissions and for involvement with others in crimes under international law. It is essential that international businesses conduct their due diligence and ensure they are not contributing to any violation of human rights in the country. Doing business with those that command and coordinate an organised act of repression against the civil population is simply unacceptable.

Disengagement can become, when mitigation is not feasible, the only option. If the negative impacts are too severe, cutting ties with suppliers, clients and even the whole market can be the only responsible action. However disengagement also entails potential negative socio-economic impacts. As [Maryam Al-Khawaja, Bahraini-Danish human rights defender and former ISHR Board member put it: “If you are going to do business in any country, ask where their human rights defenders are. If you find that they are all in prison, that is going to be an economy that you don’t want to be part of.”](#)

ISHR urges companies operating in Myanmar or with business relationships in the country to:

1. Respect human rights by ensuring they are not contributing towards, or benefiting from, human rights violations happening in the country.
2. When they occur, prevent or mitigate negative impacts that are directly linked to their business relationships, even if they have not contributed to those impacts.
3. Follow international standards and industry-specific guidance on the implementation of human rights due diligence measures, such as those created by the [United Nations](#) or the [OECD](#), especially in the context of conflict.
4. If you are a company, [contact us to join the Business Network on Civic Freedoms and Human Rights Defenders](#) to engage in international best business practices on civic freedoms and human rights defenders.

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