

Myanmar In-Country Working Group Activity Report for 2019 and 2020¹

In-Country VPI members in Myanmar as of 31.12.2020

- **Corporate:** Chevron, Shell Myanmar Energy (Pte) Ltd, Total, Woodside Energy, PanAust
- **Government (Embassies):** Australia, Canada, Netherlands, Norway, Switzerland, United Kingdom, USA
- **Civil Society:** Human Rights Watch, International Alert, Pact, Search for Common Ground
- **Observers:** IFC; ICRC; Institute for Human Rights and Business (IHRB) through Myanmar Centre for Responsible Business (MCRB), of which it was a co-founder.

Myanmar was selected in 2016 as one of the three pilot countries (with Nigeria and Ghana) for the roll-out and implementation of the VPSHR at local level by establishing an In-Country Implementation Working Group. MCRB and International Alert, with the agreement of the other VPI members with in-country presence, and financial support from PeaceNexus, commissioned a scoping study in February-March 2018 by Asia Conflict and Security (ACAS) Consulting Ltd to look at the added value of the VPSHR in Myanmar, and potential activities for an in-country Working Group. The final report² found value in an in-country WG undertaking three areas of activity:

1. Share lessons learnt and good practice;
2. Support Myanmar and regional (predominantly Asian) companies to use the VPSHR in their operations; and
3. Help define shared responses by companies to local level challenges on VPSHR-related issues.

Based on the report's recommendations, a Steering Committee³ for in-country implementation was established on 18 May 2018 at a meeting attended by 16 VPI members and observers. This comprises in-country VPI members. EDF, although not a member of the VPI, was invited to join in 2020, as part of the Steering Committee's wish to reach out to companies in the extractives and other sectors (e.g. hydropower, telecoms) and other interested parties committed to VPSHR principles,

TOTAL has been the company co-chair of the Steering Committee since 2018. Government co-chairs have rotated with the VPI Chair: 2018-9 UK Embassy; 2019-20 Swiss Embassy; 2020-21 Australian Embassy.

In 2019/20, the Steering Committee met five times: face to face on 31 January 2019 (attended by experts from Fund for Peace and Socios Peru), 15 August 2019, and 20 January 2020, and online on 26 May 2020

¹ This annual report covers two years, as a report was not submitted for 2019.

² www.myanmar-responsiblebusiness.org/dialogues/voluntary-principles/steering-committee.html

³ Initially, following a discussion about the potential for dilution/reputation risks if membership of the group was expanded to non-VPI members, the decision in 2018 was to identify the group as a 'Steering Committee' rather than an 'In-Country Working Group' which was perceived as requiring wider, and local stakeholder membership. The name will be reviewed at the meeting in January 2021.

and 6 October 2020 (attended by experts from ICoCA). Its meetings are an opportunity to review and plan for VPSHR outreach and advocacy,

During these meetings, in-country activities were discussed including planned and completed outreach (see below). Other issues discussed were the draft Petroleum Law, the security issues raised by the government's misapplication of the Virgin Fallow and Vacant Land Law to mining exploration, and the security situation and community issues in Southern Rakhine State and the interface with offshore gas exploration and companies operating out of Kyaukphyu.

The re-formation by government in 2019 of a Committee for Oversight of Security Companies was identified as an opportunity for both engagement with government and companies in the sector, and for undertaking a baseline study of the private security company sector, to identify human rights risks and to examine the potential for regulation (see below).

Funding

A Secretariat continues to be provided by MCRB, drawing on core funding provided by its six donors of which four are VPI members (UK, Netherlands, Norway, and Switzerland)⁴. In 2020 MCRB sought and obtained supplementary funding of USD 25,000 from the Voluntary Principles Association to co-fund a study of the Private Security Sector (as with other grants to MCRB, the agreement was signed with IHRB in the UK, MCRB's co-founder and a VPI Observer).

Activities in 2019/2020

Outreach and Communication

The Voluntary Principles and VPSHR Factsheet, and information about the Myanmar Working Group, were translated into Burmese by MCRB in 2018 and are available online on MCRB's website, together with short accounts of relevant activity.⁵

Government

In November 2019, members of the ICWG led by the Swiss Ambassador and TOTAL [met the Deputy Home Minister to discuss the role of the Security Oversight Committee](#) and how the VPSHR in Myanmar could work on the question of private security companies. This was preceded by a small multistakeholder discussion on PSC issues hosted by the Swiss Ambassador.

MCRB organised a large multistakeholder meeting in Monywa '[Towards Responsible Mining in Sagaing](#)' on 9/10 March 2019 which discussed Small scale and artisanal gold mining and its interaction with exploration and large scale mining. MCRB presented the VPs to an audience of government officials, MPs, local/international mining companies (including PanAust) and civil society organisations (including PACT).

⁴ MCRB is also funded by DANIDA and IrishAid

⁵ www.myanmar-responsiblebusiness.org/dialogues/voluntary-principles/

Individual companies have mentioned the VPs in government engagement. **TOTAL met the Pyinyawadi (Yangon) Naval Command and presented the VPSHR and simulated a tabletop exercise and security incidents.**

Business

Woodside and TOTAL briefed members of the Oil and Gas Producers and Operators Club (OPOC) in October 2019 on the VPSHR. OPOC members include international O&G companies operating in Myanmar (e.g. Petronas, PTTEP, Posco) who are not members of the VPI. However, they showed little interest in participating in the ICWG.

MCRB included information about the VPs in a presentation to companies at a conference/trade fair organised by the Myanmar Oil and Gas Services Society on 29 November 2019 in Yangon on [Responsible Business for the Oil and Gas Sector: Current issues](#)

MCRB presented on the ICWG at a Forum on private security in Kunming in December 2019 organised by ICRC and the Swiss Government and with support from Peace Nexus. The forum was an opportunity to meet Chinese PSCs who are interested in the Myanmar market.

MCRB met the Private Security Services Association in December 2019 to discuss possible cooperation on PSC regulation.

In individual discussions with mining companies about human rights risks, MCRB has encouraged them to participate in VPSHR-related activity.

Civil Society

Discussions with civil society groups took place in [Yangon in January 2019](#) in the presence of a visiting team from Fund For Peace, DCAF and Socio Peru who shared experience from Ghana and Peru, particularly on artisanal and small scale mining. This followed on from government and business outreach in November 2018 (see 2018 report). Previous plans for International Alert to continue awareness-raising of the VPs amongst civil society in 2019 were put on hold due to human/financial resource constraints. However, MCRB was able to incorporate the VPs into a number of civil society workshops including in [Kyaukphegyu](#) (Southern Rakhine State) on 22 October 2019 together with Woodside, and in training for CSOs in the [Yenangyaung oilfield area](#) on 2 March 2020. Generally, the reaction from civil society groups on hearing about the VPSHR was to link it to the risks of security incidents arising out of demonstrations against environmental and social impacts from mining, such as at Letpadaung copper mine.

Other

MCRB wrote to the new Myanmar National Human Rights Commission in January 2020 about business and human rights and mentioned the VPs. They were mentioned briefly in an online introductory meeting on business and human rights in June 2020. MCRB presented online to the Commission on business and human rights again in December 2020, as the first of a series of human rights briefings being organised for the MNHRC by UNDP, and used some security/business/human rights related examples from Myanmar.

MCRB has discussed with the EU's MyPOL programme which works on police training whether there are touchpoints with the VPI.

Vicky Bowman (MCRB) presented on lessons learned from the ICWG to the March 2019 VPI plenary in London, and again at an online VPI webinar on 3 June 2020.

Vicky Bowman and Xavier Renou (TOTAL) spoke about applying the VPSHR in Myanmar on a Swiss-chaired panel with MCRB in Bangkok at the ASEAN Business and Human Rights meeting in June 2019. Vicky also presented – about the PSC study - on an Australian-chaired panel on ‘Addressing the human rights impacts of security through multi-stakeholder engagement and regulation’ at the UN Virtual Forum on Responsible Business and Human Rights on 12 June 2020.

Research into the private security sector

This project tentatively titled ‘Study to enhance regulation of Private Security Companies in Myanmar: enhancing protection and respect for human rights’ began in Q2 2020, and is ongoing. It is being undertaken by MCRB together with expert consultant Niels Huby whose work is funded by the VPA grant. (see Background Information: [English](#) | [Myanmar](#)). Individual ICWG members have been interviewed, as have expert stakeholders such as ICoCA and DCAF, and a range of company, client and civil society stakeholders although COVID prevented travel to the field.

The work has been pursued under the guidance of the VPI Myanmar Steering Committee who discussed preliminary findings in October 2020, together with ICoCA. Public consultation on a draft report is planned for Q1 2021, as is government and parliamentary engagement.

Challenges for VPSHR implementation in Myanmar

The main challenges for the In-Country Working Group and some mitigations are:

- **Mining** has most relevance for the VPSHR in Myanmar and greatest potential stakeholder interest. There are significant security challenges in the mining sector relating to ongoing armed conflict and lawlessness, particularly in jade and gold mining/ But there is only one VPI member mining company in Myanmar to share experience of good practice (PanAust, which is still at early exploration phase).
 - MCRB seeks to ensure VPSHR-relevant points are included in other policy and legal developments and debates on mining
 - Other VPI members such as PACT are potentially active on artisanal mining
- Contacts with the Myanmar military and police remain politically sensitive and it is an institutional challenge for companies, Embassies and NGOs to engage with them
- Initiative overload for the Myanmar government and Myanmar CSOs
 - We seek to make VPSHR inputs into relevant elements of government agenda and activity e.g. EIA, PSC regulation, peace etc
 - We try to take holistic approach to extractives investment, and security and coordinate and align with EITI and responsible business/UNGPs
- Myanmar and Asian companies are unlikely to be interested in the VPSHR, particularly if there is no visible Myanmar government engagement
- Lack of VPI Embassy resources and expertise to engage in in-country discussions.
- COVID-19 has impacted on face to face contact and in-country travel

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