1

Chapter 1
Introduction

Chapter 1

INTRODUCTION

> **In this Chapter:**
>   **A.** Why an ICT Sector-Wide Impact Assessment (SWIA) in Myanmar
>   **B.** Expectations for Responsible Business in Myanmar
>   **C.** The Reference Framework for the SWIA
>   **D.** SWIA Methodology

A. Why an ICT Sector-Wide Impact Assessment (SWIA) in Myanmar

Myanmar currently has one of the least developed ICT sectors in ASEAN. However, concerted efforts are underway to rollout an extensive telecommunications network to spur the development of the ICT sector and enable other industries dependent on modern communications to flourish. It is estimated that by 2030 the ICT sector could contribute $6.4 billion to Myanmar's GDP and employ approximately 240,000 people.[17] With foreign investment in the telecommunications sector estimated to contribute over $2 billion of $8.1 billion in total FDI in 2014/2015,[18] Myanmar is finally bridging the 'digital divide'.

ICT is considered a high-risk sector for human rights. Certain impacts of the ICT industry on human rights have been well documented, for example, working conditions in hardware manufacturing.[19] However, other types of impacts, particularly on freedom of expression and privacy, have only come into focus more recently.

Emerging from decades of ethnic conflict, authoritarian rule and a long period of economic sanctions, Myanmar is considered a high risk destination. As investments in the sector are increasing rapidly, all stakeholders – companies, Government, civil society and donors – need to understand the potential impacts of the sector if it is to improve the outcomes for Myanmar and all of its people. This Sector Wide Impact Assessment (SWIA) aims to aid that understanding.[20]

The ICT sector is often described as a complex 'ecosystem'. Its elements range from telecommunications service providers to large equipment manufacturers to small software

---

[17] See, McKinsey Global Institute, "Myanmar's Moment: Unique Opportunities, Major Challenges" (June 2013), pg 3.

[18] Deal Street Asia, "Myanmar 2014-2015 FDI swells to $8.1b: govt agency" (April 2015).

[19] Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (herein "SRSG"), "Addendum, Corporations and human rights: a survey of the scope and patterns of alleged corporate-related human rights abuse", A/HRC/8/5/Add.2 23 (2008).

[20] MCRB, IHRB and DIHR have already carried out two other SWIA on important areas of the Myanmar economy – oil and gas and tourism.

or web-based startups. Individual companies in the sector may also play multiple roles, for example, manufacturing mobile phones and network components, or providing both mobile telecommunications and Internet access services.[21] Chapter 3 provides a brief description of the ICT value chain and the kinds of companies (foreign and national) involved in Myanmar's ICT sector. This SWIA for the ICT sector looks at the entire value chain of ICT activities in Myanmar, other than manufacturing which is very limited in Myanmar. It includes some focus on the telecommunications operators, infrastructure and network equipment providers, and some 'over the top' web-based service providers in Myanmar – both local Myanmar companies as well as foreign companies.

The SWIA does not address technical operating standards for the ICT industry. Instead, it looks at the sector through the lens of responsible business and the international standards that set out the expectations for responsible business (See Section B below). It involves assessing impacts on individuals and groups that may arise from individual projects and operations in the sector as well as the sector's potential impact on the society as a whole. It is set in the context of the current operating environment in Myanmar. A SWIA is intended to sensitise planners, decision-makers, businesses and civil society, including the media, by highlighting the likely risks and impacts of business activities in the ICT sector, so that appropriate steps can be taken at an early stage to prevent and mitigate risks and amplify positive human rights impacts through changes in policy, law, contracts, operations or other relevant measures.

Uses for the ICT SWIA

Because a SWIA is a new concept and because human rights issues round the ICT sector are relatively unknown in Myanmar, the SWIA report (the Report) is extensive and provides detailed explanations of the core human rights considerations to contribute to the knowledge base in the country. Targeted at multiple audiences, it aims to:

- **Inform companies** conducting operational-level due diligence and help them understand the overall potential impact of their sector and their operation(s) on the country and on human rights in particular. The SWIA provides a strategic review of the broader policy and legal frameworks relevant to the sector, their implications for businesses, and their impacts on human rights and society. It also crystallises the acute issues that are central to operating in Myanmar and require proactive management by ICT companies. It highlights a number of issues that will be best served if tackled collectively. Readers from business, who are keen to understand the immediate implications for them are encouraged to read in particular the 'Recommendations for ICT companies' in the ten sections of Chapter 4 on Operational Level Impacts.

- **Help the Government and Parliamentarians** as they shape ICT-relevant policy and law, enforcement and other initiatives to better prevent and mitigate human rights harms and enhance the potential for positive outcomes. Adequate attention to longer-term

---

[21] For a broader understanding of the ways in which the ICT sector can impact human rights, and how the UN Guiding Principles can be operationalised, see: European Commission, "ICT Sector Guide on the UN Guiding Principles on Business and Human Rights" (2013).

impacts on human rights supports more equitable growth and poverty reduction for the broader Myanmar population.

- **Support local communities and users** to engage with companies and the Government and to enable them to call on international standards to support their engagement.

- **Support trade unions, workers, civil society organisations** so that they can participate in policy development and project planning, leveraging international standards and approaches in their interventions.

- **Inform the media** so that they can report effectively on policy and legislative developments and promote user understanding of ICT.

- **Enable development partners** to align their support and policies to the sector such that human rights are better respected and protected.

- **Build the capacity of local researchers** to better understand international standards relevant to operations of the sector in Myanmar and to be able to assess performance in light of those standards.

See Annex A for a more detailed description of the SWIA methodology and scope and coverage of the field research carried out. The data from the field research is purposefully anonymised to focus attention on trends in the ICT sector as it continues to develop. **The research findings should not be taken to apply to all situations, organisations, or companies interviewed.**

B. Expectations of Responsible Business Conduct in Myanmar

This SWIA sets out some of the many challenges and opportunities of operating in Myanmar. It presents the context that companies must either change, where appropriate, or adapt to, in order to run operations in a responsible manner, rather than simply accepting the deficiencies as they are. Companies operating in a high-risk environment have a particular responsibility to influence that operating environment, within the bounds of their own impacts (which may be broader than just their own operations) by operating according to international standards. Where appropriate, this includes engaging with the Myanmar national and local governments, quietly, collectively or even publicly, to prompt them to take up those same standards. It also includes engaging on broader issues that can affect the business environment and society: peace, security, human rights, good governance. A transparent approach to applying international standards on responsible business conduct will help provide a common baseline for all. The choices companies make in responding to these conditions will play a major role in whether the ICT sector is seen as a positive contributor to national development in Myanmar.

Expectations of the Myanmar Government

President U Thein Sein, Daw Aung San Suu Kyi (leader of the opposition National League for Democracy (NLD)), numerous governments and international organisations, have all called for 'responsible business' in Myanmar. Together with the OECD, the Government conducted an 'investment policy review' of the country in 2013. The 300+ page report starts with a chapter on responsible business, focused on human and labour rights and how international standards of responsible business conduct can be introduced in the country (See Table 1 below).[22] In discussing the report, the Myanmar's Union Minister of National Planning and Economic Development, Dr Kan Zaw, "*praised the comprehensive nature of the report and said that it would help to guide the Government in solidifying investment climate reforms and in promoting more and better investment.*"[23] This points to a Government interested and willing to align itself with international standards.

Table 1: Recommendations from the OECD as part of the Myanmar Investment Policy Review Chapter on Responsible Business Conduct[24]

- Ratify major international human rights, labour and environmental conventions
- Enact and enforce domestic legislation consistent with these standards
- Strengthen the independence and expand the mandate of the National Human Rights Commission
- Promote revenue transparency
- Ensure that domestic enterprises, including state owned enterprises, conform to the new standards of behaviour and prosecute lawbreakers
- Expand the role of civil society (labour unions, local community organisations) to help ensure that businesses obey the law
- Prepare sectoral master plans which include responsible business conduct (e.g. tourism)
- Provide adequate protection of property rights, including for customary land
- Free, prior and informed consent (FPIC) for land acquisitions, relocations, etc.
- Develop grievance mechanisms in other areas and provide redress to victims
- Work with home governments to promote respect for the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises. Require foreign investors receiving a permit from the MIC to commit to these principles.

However, the hard work of translating those commitments into relevant laws, policies and practices throughout the country is just beginning. The legacy of over fifty years of military Government and isolation will have to be addressed to ensure that the benefits of a modern telecommunications network and ICT sector contribute to widespread development. While Myanmar has taken significant steps towards reintegration into the global community, it is still a 'high risk' or 'weak governance' country, requiring a higher level of rigour and sensitivity in conducting business. Entrenched elite interests, widespread corruption, lack of state capacity and a lack of comprehensive social policies have led to low levels of state legitimacy, social cohesion and trust. While high-risk

---

[22] OECD, "OECD Investment Policy Reviews: Myanmar 2014" (March 2014).
[23] ASEAN Secretariat, "Myanmar Welcomes International Support for Responsible Investment" (March 2014).
[24] OECD, "OECD Investment Policy Reviews: Myanmar 2014" (March 2014) pg. 32.

1

countries like Myanmar badly need investment, companies can cause detrimental economic, social and political impacts if their operations are not carried out responsibly.

Expectations of Home Governments

Home governments also play a key role in encouraging and incentivising the behaviour of companies based in their jurisdiction and operating abroad. In lifting its sanctions on Myanmar, the EU noted that it would "[*p*]*romote the practice of the highest standards of integrity and corporate social responsibility*".[25] In 2013 the G8 welcomed the Government's commitment to responsible investment.[26] The US's Burma Responsible Investment Reporting Requirements (see Table 2 below) are, however, the only example to date of explicit home country requirements on businesses investing in Myanmar[27]. They are intended to prompt businesses entering the country to consider and address key risks upfront.

Table 2: US Reporting Requirements on Responsible Investment in Burma

> Companies subject to the US reporting requirements must, inter alia notify the US Department of State of their policies and procedures on human rights, labour rights, land rights, community consultations and stakeholder engagement, environmental stewardship, anti-corruption, arrangements with security service providers, risk and impact assessment and mitigation, payments to the Government, and any investments with, and contact with, the military or non-state armed groups.[28]

International operators are expected to act as industry leaders on environmental, social and human rights performance in Myanmar. There is intense scrutiny of companies entering or operating in Myanmar, with a particular focus on whether they are operating in line with the UN Guiding Principles on Business and Human Rights[29] and other relevant international standards. To fully understand the direct and indirect risks that arise from weak governance, enhanced due diligence is needed to understand and manage those risks.[30] As noted in OECD guidance on weak governance zones, "*because legal systems and political dialogue in weak governance zones (almost by definition) do not work well, international instruments that provide guidance on acceptable behaviours are particularly useful in these contexts.*"[31] Due to most companies from OECD countries staying out of Myanmar prior to 2012, few companies have yet faced 'specific instances' claims under

---

[25] Council of the European Union, "Council Conclusions of 22 July 2013 on the Comprehensive Framework for the European Union's policy and support to Myanmar/Burma" (2013). The Council Conclusions go on to name the OECD Guidelines for Multinational Enterprises, UN Guiding Principles on Business and Human Rights and the EU CSR Strategy 2011-2014 as sources of these standards.
[26] UK Foreign & Commonwealth Office, "G8 Foreign Ministers' meeting statement" (April 2013).
[27] US Department of the Treasury, Office of Foreign Assets Control (OFAC) "Burma Responsible Investment Reporting Requirements" (2012).
[28] TPG Holdings I, filed a report on behalf of TPG Growth II, which jointly owns Apollo Towers Myanmar Ltd.with TPG Asia VI, L.P. It is the only company in the ICT sector to have filed a report so far under the US Reporting Requirement.
[29] Office of the High Commissioner for Human Rights (OHCHR), UN Guiding Principles on Business and Human Rights (2011)
[30] IHRB, "From Red Flags to Green Flags, The Corporate Responsibility to Respect Human Rights in High-Risk Countries" (2011), pg. 21.
[31] OECD, "OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones" (2006).

the OECD Guidelines on Multinational Enterprises procedures for their actions in Myanmar. None has yet involved the ICT sector, though several 'specific instances' concerning ICT in other countries have been lodged[32].

Expectations of Investors

Investors are demanding information on company actions in Myanmar. Investment research providers are now providing specialised information on Myanmar.[33] As one investor blog notes, *"[c]ompanies investing in Burma are exposed to a complex business environment and those that are seen to benefit from violations of human rights face serious reputational risks".*[34]

C. The Reference Framework for the SWIA

The language and meaning of 'human rights' and 'responsible business'

'Responsible business conduct' and the standards that help define that conduct, require businesses to take responsibility for the impacts they have on society. 'Impacts on society' is understood very broadly to include human rights, and social, environmental, ethical, and consumer concerns. The standards that cover such conduct are diverse and they are not always labelled as 'human rights', but they are intimately intertwined with human rights.

Some impacts on human rights will be **direct**. Suppression of a protest by a company has an immediate impact on the right to freedom of expression. Other impacts may be **indirect**. Pollution can degrade the quality of the soil or water so that crops can no longer be grown or grown in sufficient quantities, impacting on the right to food. Wider governance issues, including corruption and a lack of transparency[35] have indirect impacts as they can weaken the systems needed to hold those responsible for abuses accountable, and to provide remedies to victims.

When the 'human rights' label or terminology becomes a stumbling block to positive outcomes, the use of other terms may be appropriate. But it will still be important for those dealing with these issues in companies and with stakeholders, to have an understanding of internationally-recognised human rights and their implications for company processes in order to ensure that a company is indeed meeting responsible business standards.

---

[32] Lists of 'specific instances' by country and sector can be generated at http://oecdwatch.org/cases

[33] EIRIS, "New service enables investors to manage conflict-related investment risks in Burma/Myanmar" (May 2014).

[34] EIRIS, "An Australian perspective on human rights, conflict risk and investment" (June 2014).

[35] While this SWIA addresses corruption because it has an impact on the quality of governance more generally and the resources governments have available to fulfil human rights, it does not include a specific review of all the steps that would be needed to reduce corruption in the country. See for example, Devex, "How Myanmar can curb corruption to boost development" (30 Jan 2014).

1

The Key International Standards as a Framework for the SWIA

As the ICT SWIA is particularly focused on human rights, the UN Guiding Principles on Business and Human Rights (the UN Guiding Principles)[36] are its primary benchmark. These were unanimously endorsed by the UN Human Rights Council in 2011 and are now the authoritative global reference point on business and human rights. The UN Guiding Principles provide operational guidance to States and business for the implementation of the UN 'Protect, Respect and Remedy' Framework (2008)[37] which defines the complementary but distinct roles of States and business in protecting and respecting human rights. At a minimum, business must ensure that its activities do not infringe the human rights set out in the International Bill of Human Rights,[38] the principles concerning fundamental rights set out in the International Labour Organisation's Declaration on Fundamental Principles and Rights at Work,[39] as well as other human rights instruments concerning specific vulnerable or marginalised groups which a company may adversely impact.[40]

The ICT SWIA also incorporates other key international standards relevant to responsible business conduct, particularly those concerning impacts of business on human rights:

• The **OECD Guidelines on Multinational Enterprises** which apply to the global operations of companies domiciled in an OECD country and the 10 additional countries adhering to the OECD Guidelines.[41] The human rights chapter of the OECD Guidelines on Multinational Enterprises is aligned with the UN Guiding Principles. The OECD Guidelines therefore apply to the Myanmar operations of any company based in any of the 45 countries adhering to the Guidelines.

• **ISO 26000 and the UN Global Compact** are also aligned with the UN Guiding Principles and important references in the region.

• sustainability policies of international financial institutions (Asian Development Bank and World Bank Group), and in particular, the **IFC Performance Standards** and **World Bank Group Environmental, Health and Safety (EHS) Guidelines**. The IFC Performance Standards and EHS Guidelines are designed to be applied by the private sector, contain quite detailed standards for many areas relevant to ICT operations, and specifically cover and are aligned with many human rights standards.

• guidance from leading industry groups such as Global Network Initiative (GNI), Telecommunications Industry Dialogue, and Global e-Sustainability Initiative (GeSI).

---

[36]See: OHCHR, UN Guiding Principles on Business and Human Rights (2011).
[37] See: OHCHR, UN "Protect, Respect and Remedy" Framework (2008).
[38] Comprised of the UN Declaration on Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.
[39] International Labour Organisation's Declaration on Fundamental Principles and Rights at Work (1998).
[40] See: OHCHR, "The Core International Human Rights Instruments and Their Monitoring Bodies" (accessed August 2015).
[41] Additional signatories to the OECD Guidelines are: Argentina, Brazil, Colombia, Egypt, Latvia, Lithuania, Morocco, Mexico, Peru, and Tunisia. See: http://mneguidelines.oecd.org/ncps/

Building on the UN Guiding Principles on Business and Human Rights

The process of field research and consultation leading up to the SWIA publication and its subsequent dissemination are designed to support the implementation of the UN Guiding Principles within Myanmar as follows:

- **Pillar I: The State Duty to Protect** against human rights abuses by third parties, including businesses, means the State should adopt effective policies, legislation, regulations and adjudication to prevent, investigate, punish and redress human rights abuses as a result of domestic business operations. As the Government of Myanmar and Parliamentarians develop sectoral policies and laws, they will be making choices about the future direction of the country, balancing potential negative and positive impacts of their decisions. The ICT SWIA provides an analysis that helps inform law, policy and administrative procedures in ways that prevent and mitigate harms and enhance positive outcomes. Foreign governments supporting economic development in Myanmar can also use the SWIA to better understand the human rights impacts of the ICT sector in Myanmar, and align their foreign investment support and policies.

- **Pillar II: The Corporate Responsibility to Respect** human rights, means that companies should avoid infringing the human rights of others and address negative impacts with which they are involved. The ICT SWIA provides a better understanding of potential human rights impacts at the operational level and a preview of factors contributing to a sectoral 'social license to operate'. This should assist ICT companies into incorporating attention to human rights issues into their own human rights due diligence around their investments and operations (See Table 3 below).

- **Pillar III: Access to Effective Remedy** for victims of business-related human rights abuses should be provided through both judicial and non-judicial means. While the ICT SWIA is not a comprehensive review of rule of law and access to justice in Myanmar, it provides a brief overview of the currently limited avenues for access to effective remedy in Myanmar. It therefore encourages businesses to put in place grievance mechanisms that enable users, communities and workers to raise their concerns regarding ICT sector impacts, in order that they can be addressed as early and effectively as possible. As such, the SWIA supports workers, users and local communities in understanding and protecting their rights.

The Corporate Responsibility to Respect Human Rights

Companies should not assume that complying with Myanmar national law will be sufficient to meet the responsibility to respect human rights. The evolving domestic legal framework still lags behind international standards, and compliance with national law is unlikely to be sufficient to meet international standards in many areas.

The UN Guiding Principles and the OECD Guidelines on Multinational Enterprises require companies to assess and manage their potential adverse impacts as a core part of meeting the corporate responsibility to respect human rights. Being as transparent as possible, including communicating the dilemmas they face and the measures they are

taking to address them is part of 'knowing and showing' that a company is taking steps to respect human rights.[42]

Table 3: The Corporate Responsibility to Respect Human Rights

Under the UN Guiding Principles on Business and Human Rights, companies are expected to respect human rights. That means companies should avoid infringing on the human rights of others and address negative impacts with which they are involved. In order to be able to 'know and show' that they are indeed avoiding negative impacts on human rights, companies should take the following steps:

- Adopt a **policy commitment** that commits the company to respecting human rights (this may be a standalone commitment or integrated with other commitments to responsible business conduct)
- Carry out **human rights due diligence** (which can be integrated into other types of due diligence procedures that assess and manage the company's impacts on society and the environment).[43] This includes:
  - **Identifying** and assessing actual and potential human rights impacts
  - **Acting on and integrating** the assessment findings into a management plan for operations
  - **Tracking and monitoring performance** in managing impacts
  - **Communicating** that performance to relevant stakeholders
- Providing or cooperating **in remedying** actual impacts caused or contributed to either through the company's own grievance mechanism or other grievance mechanisms (including judicial and non-judicial mechanisms, whether state-based or non-state based)

Key Points for Human Rights Due Diligence

Companies conducting human rights due diligence in Myanmar should note that:
- Situations and operations change. Due diligence should be an on-going activity, carried out particularly before new activities or business relationships commence or the surrounding context alters. There should be continuous assessment of potential impacts during the full lifecycle of operations or a company's role in operational activities.
- Human rights due diligence should be built on a recognition that different types of activities can have quite distinct impacts on different human rights and can affect different groups, or some individuals within certain groups differently. For example, impacts can be more severe where individuals or groups are marginalised or at risk (see Chapter 4.8 on Groups at Risk in Myanmar).[44]
- The current fluidity in the national legal framework is another reason why all companies should look to international standards as an anchor for their social, human

---

[42] See the International Chamber of Commerce, "Guidelines for International Investment" (2012) that call on businesses to respect human rights in line with the UN Guiding Principles, pg. 18.
[43] See, European Commission, "ICT Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights" (2013).
[44] To see some indicative examples of impacts on different stakeholders during different ICT activities, see: European Commission, "ICT Sector Guide on Implementing the UN Guiding Principles" (2013), pg 10.

rights and environmental due diligence. Benchmarking due diligence against national requirements is difficult, given the difficulties of obtaining copies of existing or emerging legislation, and could result in benchmarking against out-dated laws.

- Due diligence should also cover risks that business relationships pose to human rights (see Table 4 below). While all companies – international and local – operating in the sector, including suppliers, have their own standalone responsibility to respect human rights, they must also assess and address the impacts business partners cause that are directly linked to their operations, products or services.[45]

Business Relationships in the ICT Sector in Myanmar

Companies will need to carry out careful due diligence on the background, ownership, policies and practices of potential business partners, including whether they are, or have been, subject to any current or former US sanctions lists involving Myanmar.[46] As many of the larger Myanmar companies are involved in other sectors, it will be relevant to look across operations to understand how they conduct their business in those other sectors.

Finding the right business relationships in Myanmar will therefore require enhanced due diligence throughout the life of the particular relationship:

- **Before entering into the relationship:** Carry out due diligence on business partners and their policies and practices for addressing environmental, social, human rights impacts and corruption; including identifying directorships in other companies held by business partners.
- **Documenting the terms of the relationship:** Include contractual requirements on meeting relevant international standards.
- **Supporting the relationship:** Provide advice, training, and capacity building on how business partners or entities in the value chain should responsibly conduct themselves. A relationship provides the opportunity to promote better corporate governance and share policies and practices on managing environmental, social and human rights impacts.[47]
- **Monitoring the relationship:** Include requirements ranging from self-assessment and reporting, visual inspections, to third party monitoring, depending on the business relationship's level of risk.
- **Ending the relationship:** Include provisions to escalate and permit termination of the contract if for example there are findings or credible allegations of severe human rights violations or failure to take the required corrective actions.

---

[45] UN Guiding Principle 11, Commentary: "*The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations.*"
[46] See: http://www.treasury.gov/ofac/downloads/prgrmlst.txt and an overview of current US sanctions: http://burma.usembassy.gov/sanctions-overview.html
[47] See, IHRB, "State of Play: The Corporate Responsibility to Respect Human Rights in Business Relationships" (Dec 2013).

D. SWIA Methodology

The methodology for this ICT SWIA has been developed by IHRB and DIHR in cooperation with MCRB.

Myanmar is undergoing rapid changes so companies operating in the sector will need to be well-equipped to assess and manage change. This SWIA, building on existing impact assessment and management techniques and on the UN Guiding Principles, emphasises the ongoing management of potential negative and positive impacts as well as the need to use management systems that can adapt to situations (i.e. actual impacts) that were not predicted at the design stage of a project.

Table 4: SWIA Mitigation Hierarchy

> Companies should seek to address potential human rights impacts using a mitigation hierarchy:
> * first anticipate potential impacts in order to **avoid or prevent** them
> * where avoidance is not possible, **minimise** the impacts that occur, and finally
> * **remedy** impacts that occur.

The Three Pillars of the UN Guiding Principles and SWIA Three Levels of Business Impact: Sector, Project and Cumulative

The SWIA responds to the three pillars of the UN Guiding Principles as follows:

* **Pillar I. State Duty to Protect:** This includes a detailed examination of whether Myanmar's ICT policies and laws can promote or hinder responsible business. The analysis looks in particular at whether they are aligned with relevant international human rights standards. Where they are not, it identifies the gaps.
* **Pillar II. Corporate Responsibility to Respect:** Within this Pillar, the SWIA looks at a range of operations across the ICT sector and examines the impacts of the sector at the **three levels of impacts** identified below.
  * **Sector-level:** This level of assessment considers the broader, aggregate, country-wide impacts, positive and negative, of the sector on the national economy, the country's governance and the overall environment and society. In order to be able to address the root cause of potential negative impacts, the SWIA includes an analysis of the relevant policy and legal frameworks that helps shape business conduct (where available) and the national context that businesses and civil society need to address in order to achieve more responsible business conduct. The SWIA also draws out recommendations on opportunities to improve human rights outcomes at the sectoral level. A sectoral view should help stakeholders see the 'bigger picture' of potential negative impacts of projects in a whole sector, as well as potential opportunities for positive human rights outcomes, and to make choices based on a broader perspective.
  * **Cumulative level:** Where there are numerous ICT operations in the same area, this may create cumulative impacts on surrounding society and the environment that are different and distinct from impacts of any single company or operation. Managing those impacts typically requires the government authorities to participate or take a

leading role. However, company-Government cooperation or at least company-company cooperation is also essential. The SWIA identifies potential areas or activities that may lead to cumulative impacts and identifies options for collective sectoral action to address the impacts observed in, and predicted for, Myanmar.

- **Operational level:** The SWIA looks across a range of existing operations in the ICT sector in Myanmar. The findings represent common operational-level impacts that are relevant to the ICT sector, recognising that impacts are often very context-specific and importantly can be avoided or shaped by (good and bad) company practices. In addition to looking at actual and potential negative impacts from operations in the sector, the SWIA also catalogues positive impacts observed in Myanmar during the SWIA desk and field research, so that stakeholders can learn from these examples.
- **Pillar III. Access to Effective Remedy:** This includes a review of the options for remedy of negative human rights impacts by companies or the Government, looking at the current ecosystem of potential judicial and non-judicial remedies available in the country.

See Annex A for a more detailed description of the SWIA methodology and the scope and coverage of the field research carried out.