The rush of investors into Myanmar creates human rights-related risks and opportunities, and a corresponding need for transparency and information disclosure to ensure that investment is conducted responsibly. Concerns over new investments focus on issues of forced displacement and land rights, freedom of association and collective bargaining, creation and exacerbation of conflict, and retaliation against protests for example. In addition, language barriers and the lack of available information about investing companies means that many of these companies avoid scrutiny and pressure over their human rights conduct.

While the US Government’s Burma Responsible Investment Reporting Requirements have been welcomed by civil society as helping increase the chances that US firms in Myanmar pay attention to human rights and make relevant disclosures, firms from other countries are not currently required to report on their human rights measures and rarely see the incentive to do so voluntarily. Firms operating or considering investment in the country need to be aware that their human rights conduct is under scrutiny, and that there is a public and international expectation that they act transparently and respect human rights.

Business & Human Rights Resource Centre designed the Myanmar Foreign Investment Tracking Project to close a gap: enhancing transparency and accountability by compiling in one place which companies have recently started investing in Myanmar and are considering doing so; and urging those firms to go on the public record about steps they are taking to ensure their operations respect human rights. The project will seek to engage companies regarding potential human rights risks either at the outset of their business activities in Myanmar or, where possible even before they begin. The goal of this project is to prevent or decrease human rights abuses before they occur through heightened scrutiny of companies’ human rights policies and procedures; to ensure that the people of Myanmar have access to human rights-related information on companies investing in their country; and to help ensure that Myanmar people are not adversely affected by the influx of investment in their country.

The project will track which firms are investing in Myanmar, and encourage them to put in place safeguards, i.e. policies and procedures, to prevent their business activities from causing harm. We will do this by inviting the companies to respond publicly to a short series of questions about their human rights commitments. The record of which companies have and have not responded – and links to the responses – will be publicly available, including in Myanmar language. This will catalyse the efforts of civil society groups both on the ground in Myanmar and also internationally in holding companies accountable for their human rights impacts and pushing for improved conduct. The project will also provide investors with information to engage with the companies on human rights.

**How will we carry out the project?**

When a company is identified as making or considering an investment in Myanmar, or when a local organization alerts the Resource Centre about a foreign company’s presence in their community, we will contact the company citing the material that mentions its Myanmar investment and linking to articles by experts calling for companies to put in place human rights safeguards.

We will request their answers to the following questions, informing them that their response or non-response will be posted on a dedicated page of the Resource Centre’s website, and highlighted to our users and the general public through the media:

- Does your company have investments in Myanmar or is it seriously considering investing there? If so, please provide information on the nature of these investments, and which geographic areas and communities they will affect.
• Do you have policies and procedures in place to prevent your business activities or investment from contributing to human rights abuse? Who in your leadership is responsible for ensuring compliance?
• If you have human rights policies and procedures regarding operating in Myanmar, are you willing to share them for posting on our website? If so, please send them as a Word or PDF file, or, if available, as a hyperlink.
• If you do not yet have human rights policies and procedures in place, do you have plans of developing them? If so, what efforts are you currently engaged in or plan to engage in on this regard?
• Who should communities or civil society groups contact if they have questions or concerns about your investment in Myanmar? Please provide their contact information.
• [Companies will also be asked to provide information on policies and procedures about specific human rights issues related to their industry, such as: Freedom of association; freedom of expression; living wage; child labour; forced labour; health and safety; land rights; privacy; relocation standards; conflict-sensitive approaches]

We will approach companies in their relevant language, among which will be Chinese, Korean, and Japanese. Companies will be given two weeks to respond. During that period the Resource Centre will reach out by telephone and e-mail to the managers to be sure they have received the questionnaire and to answer any questions. Company responses will be posted on the dedicated webpage, with companies listed by sector in alphabetical order, and with an indication of where they are headquartered. The posting will also contain a link to the news article that cites the company’s investment interests in Myanmar. Updates to the webpage will be included in the Resource Centre’s Weekly Update, which is sent every week to over 14,000 opinion makers – UN officials, journalists, investors, business people, NGO managers, etc. – who have subscribed. To ensure that the Myanmar people have full access to the project and the information it generates, all information will be translated and available on the website in Myanmar language, and will be disseminated widely among local groups.

Project contacts:
Bobbie Sta. Maria - stamaria@business-humanrights.org
Irene Pietropaoli - pietropaoli@business-humanrights.org

About Business & Human Rights Resource Centre

We are a global NGO working to advance human rights in business. We track the human rights abuse and advances of companies around the world, and help the vulnerable eradicate abuse. Our mission is to:

• **Build Corporate Transparency** – the only free, global knowledge hub revealing the human rights conduct of over 5,600 companies in over 180 countries. Our website delivers up-to-date and comprehensive news in seven languages. It is relied on by advocates, activists, businesspeople, governments, investors and the UN. Our free Weekly Update e-newsletter has over 14,000 subscribers around the world.

• **Strengthen Corporate Accountability** – helping communities and civil society get companies to address concerns; seeking and publicising company responses to allegations; pursuing companies that fail to respond to allegations of egregious abuse. Our response rate is 70% globally. Advocates and communities thank us for bringing global attention to their concerns and for eliciting responses from companies. Companies thank us for providing them the opportunity to present their responses in full. This process often leads to real improvements on the ground.

• **Empower Advocates** – stimulating key debates and amplifying the voices of the vulnerable, and human rights advocates in civil society, media, companies and governments; providing briefings and analysis on countries, regions, and sectors; and the global hub for resources and guidance for action on business and human rights.