



Sector-Wide Impact Assessment

Human Rights and Business Fact Sheet

In-migration



This factsheet was compiled for the use of the Myanmar Centre for Responsible Business (MCRB) sector-wide impact assessment (SWIA) research teams, but may be of wider use in understanding the human rights risks involved in particular business issues. For more information on MCRB's SWIAs, please see www.mcrb.org.mm.

Short Summary of the Human Rights Issue

Business projects, especially large projects, can prompt people to move into an area in search of jobs, business opportunities in connection with the project, like selling goods to the project or providing services to the workforce, or to participate in real or perceived benefit-sharing or compensation schemes (in-migration). Business projects also lead to the outflow of people from their home communities (out-migration), due to land acquisition, increasing cost of living, etc.

If companies and the local government anticipate that a project may lead to large scale in-migration and plan in advance for the change, it is possible to manage the changes so that there is less disruption and harm to the local community and that the community benefits from a growing economy. Companies should consult with the community about the possibility of any projected large scale influx in connection with a project. It is also expected that they consult with the local government to make sure the government has planned for infrastructure, services and utilities for the newcomers – for example in thinking about where new housing should be placed, whether there are enough schools, enough water, sufficient health services, etc. Without good planning, negative impacts will be felt by the existing community members and the newcomers.

The company may need to bring in additional workers for some phases of large projects (for example, if there is a lot of construction to be done), which may require additional workers for this phase and more than the local community can supply. However, the company and local government can also work to maximize the number of local community members hired and give local businesses opportunities to sell goods and services to the new project. Under the 2012 Myanmar Foreign Investment Law, there are requirements about the percentage of Myanmar citizens who must be hired (Section 24 of the Law).

Local governments may provide incentives for companies to move into areas where there are few employment opportunities. In these cases, companies should not insist on deals from the government for lower job standards that do not meet human rights requirements (see the Fact Sheet on Labour).

There are a number of different human rights issues involved:

- **Impact on the availability/price of housing, food** – Where there is a sudden, large influx of people into an area, they all compete with each other and the existing community members for limited housing and food. That means that there simply may not be enough food or housing available for everyone or that the prices of these goods have become so expensive that local community members cannot afford them. The in-migration can lead to an overall decline in well-being and welfare of the local population. Companies should anticipate these requirements and provide for or arrange for additional housing for workers of their project or even to bring in its own food (at least for a while) until the local community is able to meet the demand for food. Company and community leaders should focus on the most vulnerable who may be squeezed out of the housing market or unable to afford food.
- **Impact on public services** – If governments do not plan well, local public services can be overwhelmed by demand. Examples include: there are not enough places for children at school so they miss out on the right to education, health clinics cannot provide enough services so may shift to providing to those who pay the most, police are unable to protect the population. This is an area that requires good coordination between the company and the government to make sure that these impacts are anticipated and planned for to minimize disruptions to services.

- **Security concerns** – Especially where there are large numbers of mostly male workers that move into a community, there may be an increase in security concerns – especially for women and girls, and other vulnerable groups, with sexual violence or exploitation on the increase. A rise in drugs, alcohol, drinking, and gambling can result in increased violence in communities. Companies and governments can anticipate these changes and put steps in place to limit these behaviours by providing other avenues for entertainment (sports facilities), increased police, and awareness raising. An influx of people from other ethnic groups or religions, different from the local community, can cause an increase in tension, which can lead to violence.
- **Right to health:** If the project brings with it new workers, there is a risk that this could result in the spread or worsening of diseases that the workers bring with them.
- **Increased competition from benefit sharing / compensation regimes:** While distribution of the benefits of projects to local communities impacted by the project is generally positive, it can create competition among groups in the community, undermining community coherence, bypassing vulnerable groups, and leading to physical confrontation and other violence.
- **Increased child labour / exploitation:** Child labour (children working underage) is widespread in Myanmar. Children may try to get employment directly with the project but should not be employed if they are under the working age specified by law. They can also end up working for local businesses that supply goods or services to the project. Many responsible businesses require that businesses working with them do not employ child labour. Children can end up in informal work, providing goods or services to the project's workforce. In addition to missing school, the concern is that they are exploited or otherwise harmed.
- **Impacts on culture:** If a project brings with it new workers who speak a different language or come from a different culture, this may result in impacts on the use of local languages and cultural practices and traditions.
- **Women's rights:** With the arrival of a large number of male workers in a community, there is an increased security risk for women in the community. There could be incidences of sexual harassment, sexual exploitation and prostitution.

Why this is Relevant to Local and International Companies

It is relevant to ask about in-migration in order to establish whether:

- Companies are addressing possible in-migration impacts with communities;
- Companies are addressing possible in-migration impacts with local governments;
- Communities have other options to cope with these impacts options with the local government to compensate and restore their livelihoods.
- Local governments understand and are addressing impacts from in-migration on people's livelihoods).
- There will be several companies from the same sector operating in the same area: which might lead to collective impacts where companies should cooperate with each others and the local government to address those impacts.

Human Rights References

- The human rights to water, food, and housing as part of the right to an adequate standard of living (Article 11 of the ICESCR)
- The human rights to security of person (Article 9, ICCPR)
- Right to take part in cultural life (Article 15 of the ICESCR)
- Right to work (Article 6 of the ICESCR)
- Rights of the child, Convention on the rights of the Child (CRC)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Other References

- IFC, Projects and People: A Handbook for Managing Project-Induced In-Migration,