

Telenor Statement of Transfer of Complaint to the Norwegian National Contact Point

Re. the complaint submitted by the Centre for Research on Multinational Corporations (SOMO) on behalf of 474 civil society organisations to the Norwegian National Contact Point, in relation to the operations of Telenor Myanmar Ltd – a former subsidiary of Telenor ASA.

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1. Telenor's exit from Myanmar and the NCP complaint

- **Telenor's disengagement from Myanmar:** After the military coup of February of 2021, Telenor faced increasing security risks and threats to our employees on the ground and a continued and augmented government request to activate lawful intercept (LI) equipment in Telenor Myanmar's operations. This would have been subject to Norwegian and EU sanctions and would have led to severe human rights risks to its users in the country. In these circumstances, Telenor considered it impossible to remain in Myanmar and comply with its obligations regarding human rights, responsible business, and international best practices while keeping its employees safe.¹ The fact is that Telenor was forced to exit Myanmar

¹ Telenor Group, Continued presence in Myanmar not possible for Telenor (2021), in <https://www.telenor.com/media/newsroom/continued-presence-in-myanmar-not-possible-for-telenor/>

by the order from the Junta to activate LI. Telenor analysed 3 different options on how to exit; surrender the licence back to the government, abrupt shut-down by immediate switch of the mobile network (a scenario if Junta forced to switch on LI) and sale of the business. Consistent with the OECD Guidelines Telenor sought to continue its operations as far as possible respecting human rights principles and protecting its customers. Telenor came in a position where it was, going forward, no longer viable to continue operations in line with its policies and internal and external requirements as a result of the military takeover and was forced to sell as a last resort. After thorough analyses and assessment, we concluded that sale was the least detrimental option. Therefore, we agreed to sell 100% of the shares in Telenor Myanmar Ltd., our mobile operations in Myanmar, to an international mobile operator M1 Group. The sale was publicly announced on the 8th of July 2021.

- **The NCP complaint:** The Centre for Research on Multinational Corporations (SOMO) on behalf of 474 civil society organisations (CSOs) presented a complaint to the Norwegian National Contact Point (NCP) on the 27th July 2021, regarding the sale of Telenor Myanmar to M1 Group. It argued that Telenor Group had failed to observe the recommendations of the OECD Guidelines for Multinational Enterprises (the OECD Guidelines) and conduct risk-based due diligence, stakeholder engagement and adequate communication and disclosure regarding the sale. Who these 474 CSO are, is confidential and not known to Telenor or the public.
- **Telenor's response:** In its response to the complaint on the 12th August 2021, Telenor argued that the company did not have a viable way of staying in Myanmar while also safeguarding the lives of its employees and complying with international human rights standards and sanction regimes. Telenor explained that the impacts mentioned by the complainants should be attributed solely to the military takeover and that the decision to disengage was taken as a last resort. It also described how it had engaged potentially impacted stakeholders, communicated on the decision and conducted risk assessments before and after the decision to sell. Telenor was de facto forced by the Junta to exit Myanmar.
- **Final sale of 100% of the shares in Telenor Myanmar Ltd to M1 Group in March 2022:** In March 2022, the sale of Telenor Myanmar was authorised by Myanmar authorities, under the condition that M1 Group had a local partner.² In a statement from March 25, 2022, Telenor confirmed that the sale of Telenor Myanmar had been completed for the price of USD 50 million. At the time of the closure of the sale, the mediation and preparatory meetings between the parties had already

and Gunn Wærsted (Former Chair of the Board, Telenor), Many voices wanted Telenor to remain in Myanmar. But the overriding priority had to be the safety of our employees, in <https://www.telenor.com/media/newsroom/announcement/many-voices-wanted-telenor-to-remain-in-myanmar/>

² Telenor Group, Sale of Telenor Myanmar approved by Myanmar authorities (2022), in <https://www.telenor.com/media/newsroom/press-releases/sale-of-telenor-myanmar-approved-by-myanmar-authorities/>

begun.³ But the mediation could not start before the sale was completed and the relevant Telenor personnel was allowed to leave Myanmar.

- **The in-person mediation of June 2022:** An initial mediation between the parties was held between the 13th and 15th of June 2022 in Stockholm, Sweden. During the mediation, the parties discussed their views on Telenor's human rights due diligence (HRDD) at the time of its entry into Myanmar, during its operations, and around its decision to sell Telenor Myanmar. They also discussed the current risks to former Telenor employees and users, especially concerning the use of ICT in the country.

2. The memorandum of understanding (MoU)

- **The memorandum of understanding (MoU):** After the mediation, the parties arrived at a memorandum of understanding (MoU) that captured the preliminary status of the mediation discussions, the agreements and acknowledgements made by both parties and a path forward for further mediation and agreement. In it, the parties jointly agreed and acknowledged, among other points, that:
 - a) The responsibility to conduct human rights due diligence applied to the sale of Telenor Myanmar.
 - b) There were severe human rights risks associated with each of the options explored by Telenor in Myanmar following the military coup of February 1st, 2021, since they all entailed severe risks to customers and the 734 Myanmar-based employees, as well as risks to local contractors, suppliers and society-at-large.
 - c) As a result of the coup, there are current risks to end users in Myanmar connected to how their information and communications technology (ICT) data can be misused against them.
 - d) Telenor Myanmar was one of the players in the digital eco-system in Myanmar and the data associated with its services makes part of a wider users' digital footprint.
- **Agreed action points as part of the mediation MoU:** In line with the above, the parties agreed that they would implement seven action points (summarised below and described in full in the MoU):
 - a) **Continued engagement with stakeholders and rightsholders,** which included Telenor providing Myanmar civil society representatives with

³ Telenor Group, Sale of Telenor Myanmar completed (2022)
<https://www.telenor.com/media/newsroom/announcement/sale-of-telenor-myanmar-completed/>

specific information about the specific actual and potential risks associated with the digital eco-system and the sale of Telenor Myanmar.

- b) Conducting an independent ICT Eco-System Study**, funded by Telenor, to enhance Myanmar civil society's understanding of risks to users from their digital footprints. The study would also "identify other relevant players in the ICT eco-system that have contributed to Myanmar ICT users' digital footprint and could contribute to the identification and mitigation of ICT risks to end-users."
 - c) Exploring, as a follow-up action from the ICT eco-system study, how an independent Myanmar digital security relief mechanism** could be established to provide support (financial, legal, training, etc.) to Myanmar citizens facing risks and impacts associated with their digital footprint.
 - d) Revisiting Telenor's assessment of risks to former employees**, to determine whether there were any additional risks to be addressed.
 - e) Telenor conducting an internal assessment of lessons learned**, including on how to have a responsible market entry and exit, from their work in Myanmar. This assessment would be informed by dialogue between Telenor and civil society organisations in the context of the OECD process.
 - f) Creating lesson-sharing opportunities**, based on Telenor's disengagement process in Myanmar and especially with civil society and rightsholders in Myanmar as well as in other high-risk regions.
 - g) Following up on the implementation of the MoU** with regular (monthly) check-ins, with the aim to reach a full agreement by the end of October 2022.
- **Publishing of the MoU and joint statement:** The parties and the NCP published the text of the MoU and a joint statement on the state of the mediation process on the 28th of October 2022. The parties also agreed to maintain confidentiality on the mediation and any additional information discussed.

3. Telenor position as to the status of the mediation process

- Just before the planned final mediation session in May 2024, SOMO set new requirements, outside the scope of the MoU, for entering final mediation. Based on this, the mediators decided to cancel the meeting. The salient points of the proposal also indicated SOMO's lack of appreciation that Telenor was forced by the Junta to exit Myanmar.

- Telenor had expected a process in accordance with what was proposed in the ICT-study to explore a potential digital security relief mechanism. Instead, SOMO outlined a new scope outside the MoU called “security relief mechanism” for building infrastructure for secure communications in Myanmar among other things, and Telenor to secure a fund of USD180 million to create that.
- While we have constructively engaged in the mediations since 2021--and stand by our commitments made in the MoU--we have unfortunately reached a stage where we doubt SOMO's ability to continue dialogue as to the remaining item agreed in the MoU.

4. Implementation of the MoU

Telenor agrees with the complainant that defining together, based on the joint outcomes of the mediation so far, how a possible and feasible digital security relief mechanism should look like would have been the main remaining matter for the parties to address for alignment.

Below outlines status of each commitment made in the MoU.

a. Continued engagement with stakeholders and rightsholders

- **Closed-session discussion with CSOs on the digital eco-system risks:** In November 2022, Telenor held a closed-session discussion between the complainants and Telenor’s internal experts in cybersecurity and the digital eco-system risks in Myanmar. The session aimed to address and clarify the complainants’ questions about the risks to users in Myanmar’s ICT eco-system and the sale and transfer of user data. The complainants were invited to share any relevant questions before and during the dialogue, to better understand the risks to rightsholders in Myanmar. They were also encouraged to share the information with the rights-holders in Myanmar that they represent.
- **Engagement with former Telenor Myanmar employees:** A key point of discussion between the parties during the months following the mediation was Telenor’s communication with former Telenor Myanmar employees, several of whom had reported to the complainants that they were at risk due to their relation to their new employer.
Since Telenor’s main communication channel with former employees was the Telenor Internal Integrity Mechanism (GIA&I) and hotline, Telenor committed to continue monitoring it. Telenor also shared information with the complainants about how to access the mechanism - so they could relay it to former employees and other rightsholders on the ground. After further reports from the complainants

of former employees' fears of reprisals for using the hotline, Telenor offered additional communication channels and safeguards. These are described in literal d) below.

- **Telenor's engagement with the GNI and the GSMA:** Throughout the parties' engagements and to this day, Telenor reported being engaged with the Global Network Initiative (GNI) and the GSMA, both non-profit organisations, on the lessons learned from their engagement and disengagement from Myanmar

b. Independent ICT Eco-System Study

- **The selection of the ICT experts:** To enhance the understanding of risks to users related to their digital footprints, the parties jointly selected an independent expert consultancy (Threefold Sustainability Ltd.) to conduct an ICT Eco-System Risk Study, in November of 2022.
- **The terms of reference for the ICT Eco-System Study:** The parties and ICT experts met through mediated exchanges between December 2022 and March 2023 to discuss and agree on the Terms of Reference (ToR) for the ICT Eco-System Study. In March 2023, it was agreed that the study would aim to “enhance the understanding of risks associated with digital footprints and surveillance in Myanmar, including with regards to telecommunications data and equipment, and how these risks may evolve,” as well as “provide insights - to organisations and individuals who are involved in digital risk mitigation in the country - that can help protect end users of ICT services in Myanmar (as well as those in other challenging operating contexts).” As agreed in the MoU Telenor covered the cost of the ICT Eco-System Study.
- **The drafting of the study, consultation with third parties and experts, and consultation with the parties:** The production of the ICT Study began in June of 2023. It involved continuous and mediated engagement between the parties and the ICT experts and interviews with representatives from civil society, academia, international organisations and the ICT sector. These were carried out between September and October of 2023.
Throughout the process, the parties were consulted on key issues and questions emerging from the research and were requested to provide input and feedback to the draft study.
- **Key findings and outcomes from the ICT study:** The ICT study identified the different digital actors present in Myanmar, the types of personal data collected by them, the methods and extent of surveillance being implemented, and potential actions for risk mitigation and remedy. It also offered targeted recommendations to telecommunication companies, Telenor, the parties (including the complainants), and civil society, academia and research organisations on how to mitigate and prevent risks.

The parties agreed to include high-level findings of the study in a summary report, to be made publicly available in both English and Burmese. Final versions of the ICT Ecosystem Study, including a Burmese translation of the executive summary, were delivered to the parties and the mediators on the 19th of April 2024. Telenor proposes the summary report, both in English and Burmese, to be public as a part of NCP final report of this case. Both reports are attached.

The ICT study did not define what would constitute a ‘Digital Security Relief Mechanism’ but listed eleven key questions for consideration in the exploration of a potential digital security relief mechanism.

Telenor’s initial assessment of the ICT study number of human rights due diligence recommendations for business and Telenor to consider

The ICT study offers several recommendations for business and Telenor to consider.

As to some of the recommendations, they are fulfilled by Telenor, such as the recommendation for country human rights impact assessments to be informed by local stakeholders as well as the recommendation to include human rights considerations within Telenor’s company crisis management. As to other recommendations, Telenor’s work is on-going with continuous improvement over time. One example is the recommendation to establish robust policies and systems. All Telenor Internal policies are reviewed annually. Policies and systems are continuously reviewed in light of our commitments, learnings, best practice, and new legislation.

Based on the recommendations, Telenor will assess its ongoing efforts to evaluate if we could do more, taking applicable laws into account. One example is to review our Telenor annual ‘Authority Request Disclosure Report’ as well as if Telenor could contribute to further elaboration of the GNI Country Legal Framework.

Telenor will prioritize continued work with peers and other stakeholders, building joint leverage to address human rights challenges in relation to e.g. government demands. The most obvious example here is the recommendation to advocate for the development of rights respecting laws. Telenor continuously engages actively in e.g. the GNI and the GSMA and with consultancies like the BSR.

There are also recommendations which are fully part of our established sustainability strategy, such as supporting wider initiatives to build digital safety and security understanding among users. Also, our firm commitment and work to share Telenor experiences and learnings with others is part of our on-going work.

As it comes to the Myanmar digital security relief mechanism, it is close to impossible for Telenor in isolation, lacking Myanmar presence, to list some examples of existing initiatives which could be approached to host and benefit from such a one. The GNI or another wider entity is likely better equipped than Telenor in isolation to define and establish such a mechanism for Myanmar. That said, to help start the assessment, Telenor offered some examples of initiatives/arenas to further the discussion between ICT industry and relevant Myanmar stakeholders. The inclusion of these examples is not

to establish which efforts or entities that are best suited to serve purpose, and which Telenor would be ready to work with or contribute to. They rather serve as examples of existing initiatives in the direction of digital security relief mechanisms.

- GNI as a multi-stakeholder leverage and arena
- The Civil Rights Defenders' Natalia Project - Natalia Project - Civil Rights Defenders (crd.org)
- The Open Technology Fund - <https://opentech.fund> examples of Security projects supported - Supported Projects | OTF (opentech.fund)

Telenor will remain a participant in discussions about responsible exit and remedy in conflict areas through platforms such as the GNI.

c. Independent Myanmar digital security relief mechanism

- **The objective of a potential Independent Myanmar digital security relief mechanism:** In the MoU, the parties agreed that, as a follow-up action from the Independent ICT Eco-System Study, they would explore “how an independent Myanmar digital security relief mechanism could be established in the near term with the explicit aim of providing support (financial, legal, training, etc) to Myanmar citizens who are facing risks and impacts associated with their digital footprint.”
- **The ICT Study and its input on a ‘digital security relief mechanism’:** While the Study did not provide specific recommendations on how to structure such a mechanism, the ICT Study identified key needs of the wider Myanmar population and human rights defenders (HRDs), journalists, and activists that could be met through a mechanism of this kind. These included greater digital security awareness training and tips for the wider population, broader access to technical and safety tools for HRDs, journalists, and activists (e.g., good quality VPN software, unregistered SIM cards, additional mobile devices and laptops), funding for safe houses and the extraction of at-risk individuals, and access to safe and reliable communication networks like those provided by satellite. Neither the Study nor the joint mediation outcomes included examples providing clear precedence when it comes to establishing this type of relief mechanism. According to the MoU, the conclusion of the ICT eco-system study would be followed by an exploration of how the parties could establish a ‘digital security relief mechanism’ and what their contributions to it would be. However, the last round of discussions within the mediation revealed that SOMO had a diverging view of what a digital relief mechanism may be construed of, as well as the process for agreeing on such a mechanism.

- **Telenor’s understanding of the Complainants’ closing position on the ‘digital security relief mechanism’:** In preparation for a second round of in-person mediation the complainants proposed that the mechanism be used to enhance the resilience of local governance structures and communities from impacts related to the Myanmar junta. To do so, they introduced the expectation for a mechanism which to:
 - 1) *“Support the development of decentralised digital infrastructure managed and overseen by local civil society actors in collaboration with local governance actors that have arisen following the coup;”* and
 - 2) *“Support the digital security of Myanmar citizens, including by funding existing or developing safe alternative forms of communication, providing VPN access, and emergency grants.”*

They also proposed that the mechanism instead to be a ‘Myanmar Digital Resilience Mechanism,’ to capture its forward-looking and risk prevention objective to be managed and overseen by a consortium of international and local organisations.

In addition, the complainants required that Telenor should directly contribute to the remediation of the risks and impacts of the use of telecom data in Myanmar, along with the other companies and actors who are part of the ‘remedy ecosystem’, by making a financial contribution. The amount proposed was at least US\$180 million (based on a US\$10 sum per each of the 18 million former Telenor Myanmar customers), and the complainants stated that should Telenor not be explicit as to willingness up front to discuss its financial contribution to the mechanism, the complainants would no longer see any meaningful way to resolve the issues raised in the complaint through mediation.

In subsequent emails, following no positive response from Telenor, the complainants have, additionally, proposed including into the discussions Telenor’s former and no longer active Human Rights Expert Forum members as third parties to make the assessment on their proposal. This Forum ended in 2023 and is no longer active.

- **Telenor’s closing position on the ‘digital security relief mechanism’** Telenor has expressed its commitment to fulfilling the MoU and exploring how to establish and contribute to the ‘digital security relief mechanism.’ However, Telenor has stated that it does not believe that due process as recommended in the ICT Study was followed in reaching a practical solution to what a ‘digital security relief mechanism’ for Myanmar could be. SOMO’s request altering the remaining item agreed in the MoU lead to the cancellation of further mediation negotiations. Telenor does not interpret the MoU as limiting its potential contribution to financial support only, but would have supported a process to explore alternative avenues for its involvement, in line with the MoU and the recommendations of the ICT Study.

In addition, Telenor has proposed that the objective of the mechanism should be to build digital risk awareness in the country, in alignment with some recommendations from the study.

Finally, Telenor has expressed the need to address the practical difficulties of implementing the mechanism, as also stated in the ICT Study. Specifically, it has suggested the parties to address how to reach rightsholders without increasing risks to them, maintain people's confidentiality and security in the face of cyber threats, mitigate the risks of corruption, and recognize Telenor's lack of any operational capacity on the ground.

- **Input from external Human Rights Experts on the NCP case:** A group of external experts have, proactively in writing to Telenor outside of the mediation, underlined the importance of the NCP case not only for Telenor but for the wider telecoms industry. They pointed to the importance of the NCP case both for the lessons it provides on how companies and human rights defenders engage and work together to prevent and remedy human rights harm regardless of whether the company contributed to harm, but also for what responsible exit looks like.

Although Telenor has left the Myanmar market, they argued, it would be a positive outcome of the NCP approach, and a forward-looking demonstration of Telenor's continued commitment to support and engage with human rights defenders, if Telenor were to make contribution to activities, programmes or mechanisms aimed at:

- Strengthening the resilience of relevant rightsholders and human rights defenders in and connected to Myanmar, in particular in relation to their ability to continue their work; and/or
- Supporting relevant activity by the community of human rights defenders in the Asian markets in which you continue to operate, sharing lessons from Myanmar and elsewhere for the future.

The Experts, in their proactive outreach, included "*We do not advocate setting up a new fund or mechanism.*" They pointed out that there are a number of pre-existing funds supporting human rights defenders which are accessible to Myanmar beneficiaries and have passed due diligence by other European donors such as the European Union Human Rights Defenders Mechanism and Front Line Defenders.

Telenor's position as to elaboration of a 'Digital security relief mechanism': It is Telenor's understanding that the only commitment in the MoU not addressed to mediation conclusion is the exploration of an independent Myanmar digital security relief mechanism, with the explicit aim of providing support (financial, legal, training, etc.) to Myanmar citizens who are facing risks and impacts associated with their digital footprint.

The ICT study, which was commissioned in response to a general lack of data and knowledge as to digital risks, did not define such a mechanism, but listed eleven key questions for consideration in the exploration of a potential digital security relief mechanism.

The study indicates that any digital security relief mechanism should be centred on building digital risk awareness, providing support to Myanmar citizens both inside and outside the country who are today facing risks and impacts associated with their digital footprint.

As the ICT study says on this point: *“There are practical challenges in the Myanmar context to implementing a digital security relief mechanism, among them ensuring the right support reaches the right individuals and groups without increasing the risks they and others may face.”* The ICT study recommends the parties (Telenor and the complainants) to *“as part of future discussions and exploration of a potential digital security relief mechanism consider the risks, practicalities and potential governance relating to such a mechanism”*. This includes to consider human rights risks and impacts of both financing and supporting. In this context Telenor notes that, in any and all countries around the world, any and all building of mobile telecommunications infrastructure will need a government spectrum license as defined by laws and regulations.

There are, in other words, practical challenges in the Myanmar context to implementing a digital security relief mechanism, among them ensuring that the right support reaches the right individuals and groups. In practical terms, this includes how support could be delivered safely without introducing additional risks to recipients or others, and what connections would be needed on the ground to deliver support.

Further to the proposed considerations put forward in the ICT Study, the following aspects should be considered:

- The fact that Telenor no longer has operations in Myanmar: Telenor does not have infrastructure, licenses, personnel, resources, contacts, and leverage in the country.
- People safety risks: A solution directed towards beneficiaries within Myanmar must have as highest priority to safeguard the health and safety of people in any way involved in the administration as well as in the receiving end of a solution.
- Confidentiality risks: A digital security relief mechanism will be subject to cyberthreats.
- Corruption risks: Myanmar ranks number 162/180 in the latest Transparency International Corruption index: 2023 Corruption Perceptions Index.

Any solution, including such as a digital security relief mechanism, directed towards beneficiaries in Myanmar will need to take these risks into account.

d. Re-visiting the assessment of risks to former employees

- **Risk assessment and mitigations implemented by Telenor before and after the sale:** Telenor has shared with the complainants and the mediators that the company conducted an initial assessment of risks to former employees from the sale of Telenor Myanmar, in collaboration with the security advisor company ‘Control Risk’, after the closure of the negotiations to sell.

After the sale of Telenor Myanmar, all employment contracts followed the legal entity, Telenor Myanmar Limited (now Atom), and were unaffected by the change in ownership. The agreed compensation and benefits were left unchanged.

In addition, employees had been paid bonuses in two phases to mitigate the risks of the sale and enable them to find alternative jobs, if this was what they wanted. A bonus was first paid to employees with Telenor’s signing of the SPA in July 2021, and another bonus was paid after the closing of the deal, in March 2022. At that point in time, it was known who was the local partner to M1 being the new owners of TML. The bonuses provided by Telenor amounted to a total of 7.5 monthly salaries for all employees when signing SPA. The second bonus, a 3-month bonus, for all Telenor Myanmar employees who decided to stay on, was agreed to be paid by M1 Group after the sale. And which was paid out to the employees after M1 was the new owner of TML.

For employees that did not want to stay in the company, Telenor offered help to find other jobs either within Telenor – globally –and/or with other companies.

- **The objective of revisiting this risk assessment:** During the in-person mediation of June 2022, the complainants shared that former employees were facing increased risks of harassment and violence due to their association to the new employer M1 Group with the local partner Schwe. The parties agreed that Telenor would conduct a review of their assessment of risks to former employees to identify these and other emerging risks to former employees.
- **Revisiting the assessment of risks to former employees.** After the MoU was published, Telenor began a confidential review of the assessment of risks to former employees, through Telenor Group’s Internal Audit & Investigations (GIA&I) team. However, they have shared that no new risks to former employees were found.
Telenor also shared that, during this process, it sought to involve the complainants to gather input on current risks. However, Telenor did not receive any additional information from the complainants on the current risks to former employees. Telenor has also shared that it sought to engage directly with the former

employees, but it was unable to meet with them, due to former employees not feeling safe using the encrypted channels made available by Telenor.

- The communication and grievance channels available to former employees.** While Telenor conducted the review of the risks to former employees at the end of 2022, the complainants and Telenor discussed some concerns that were raised by the complainants about the safety and confidentiality of the Telenor Group's Internal Audit & Investigation (GIA&I) hotline provided by Telenor. Former employees shared with the complainants that they did not feel safe to use it, despite its confidential nature and the safeguards it provided. In response, Telenor and the third-party manager of the GIA&I agreed to increase the safety and confidentiality of the process by allowing former employees to use the channel under pseudonyms. They also proposed to meet the employees in person in a safe place in Thailand as well as the use of an end-to-end encrypted channel to virtually meet the individuals at risk. In the weeks after, the complainants shared that the former employees still did not feel safe enough to discuss current security concerns and human rights impacts through the hotline or the offered channels.
- The complainants' closing position on the review of risks to former employees.** At the time of the end of the mediation process, the complainants expressed that they believed there is additional work to be done from Telenor to revisit and review the assessments of risks to former Telenor employees, during and post-sale. Telenor does not agree with this as the complainants have not come forward with any example of what "additional work" could look like. The proposal by Telenor was concrete and there was no response from the complainants to that.
- Telenor final position regarding re-visiting the assessment of risks to former employees:** Regarding assessments of risks to (former) Telenor employees, which is work under a high degree of confidentiality, we did a new risk assessment together with Control Risk after the closure of the sale to secure if there were new and additional risks that had occurred to our former employees. No risk was found. In addition, our internal Audit & Investigation (GIA&I) team offered access to the Hotline channel where former employees can raise their concerns and GIA&I also offered to travel to Bangkok to meet them there for interviews. SOMO did not accept these offers.

e. Internal assessment of lessons learned.

- The objective of Telenor's internal lessons learned process.** In the MoU, the parties agreed that Telenor would conduct an internal review process of the lessons learned from the engagement and disengagement from Myanmar. In the weeks after the MoU was made public, Telenor shared that they had begun an internal evaluation of the process of the sale of Telenor Myanmar, including relevant circumstances in the period leading up to the coup until completion of

Telenor's exit from Myanmar (during the summer of 2022). The company also shared that the purpose of the evaluation was to identify potential learning points for Telenor Group with respect to key decisions made during each stage of the process.

- **The internal review process and the sharing of lessons learned.** Telenor conducted the internal review, led by a third party in 2022 and 2023. During the review process, workshops were held with all employees working with the Myanmar exit, including the Telenor ASA Board, as well as with four external civil society organisations. The conclusions and reflections from this study were shared with mediators and complainants in a closed conversation, where they were given the chance to ask for and provide clarifications.
- **Input requested from complainants.** During the review process, Telenor invited the complainants to provide information on Telenor's actions before and following the coup, as well as before and after the sale. The complainants did not respond to the invitation to engage with the internal assessment process.
- **Telenor final position regarding internal assessment of lessons learned:** Telenor did an internal assessment of lessons learned facilitated by the law firm Wikborg Rein, (WR). WR held workshops with all employees working with the Myanmar exit, including the Telenor ASA Board, and summarized lessons learned. Telenor also had workshops, facilitated by WR, with 4 external CSOs to collect their views. Also, SOMO was offered to participate with WR, but did not want to participate.

f. Creation of lesson sharing opportunities

- **The objective of the agreement to share lessons learned:** In the MoU, the parties agreed to work together to identify and share the lessons learned from the process of Telenor's disengagement from Myanmar, in particular, with civil society in Myanmar and other high-risk regions. The process aimed to contribute to the prevention of any future risks to civil society in contexts with high risk of human rights abuse and surveillance.
- **Telenor's sharing of lessons learned:** In the months before and after its disengagement from Myanmar, Telenor provided regular public updates on the risks faced by its employees in Myanmar, the requests it was receiving from the military government, the decision to sell the company and the sale process. This information, as well as additional information related to Telenor's operations Myanmar since 2014, can be found in a [dedicated section](#) of Telenor's website.

Telenor also published in 2023 the outcome of the internal learning process regarding its process of engagement and disengagement from Myanmar in its

publicly available [webpage](#). The report includes input and reflections from civil society organisations.

Telenor has also reportedly taken part in several international events and closed roundtables to share experiences of working in conflict-affected markets, as was reported in its annual report.⁴

The complainants' closing position on the creation of lesson sharing opportunities: At the time of the conclusion of the mediation process, the complainants have stated that they believe that there is additional work to be done in relation to the creation of lesson sharing opportunities, especially for rights-holders in Myanmar and other high-risk contexts. Telenor's position is that this is an ongoing process, and that Telenor will continue to engage in lessons sharing opportunities.

Telenor final position: Telenor has continuously published information on its Myanmar exit and lessons learned. Telenor has also taken part in several international events/closed roundtables to share experiences of working in conflict affected markets (refer to pg. 65-68 Telenor Sustainability Statements 2023).

g. Follow up of the memorandum of understanding

- **Continued engagement between the parties:** From July 2022 until June 2024, the parties remained committed to implementing the MoU and held regular meetings. These initially were set up by the mediators as bi-weekly meetings in October 2022 and continued with varied regularity until June of 2024.
- **Telenor final position:** Noting here that Telenor is continuously assessing if and if so to what extent to address the ICT study list of recommendations, and our actions based on those. See 'The 'Myanmar Ecosystem Study – a summary' pages 7 to 10 in the attached as to which Recommendations the study makes.

5. Points of alignment, contention and next steps (from mediators)

- **Points of alignment:** Telenor recognises the positive outcomes of the mediation and the collaboration between the parties, particularly concerning the ICT Eco-System Study. It has provided valuable clarity of risks faced by civil society in Myanmar due to the existing ICT eco-system and surveillance measures, as well as potential measures to provide relief and assistance. We note that while the full report is confidential, the summary was written for publication.

⁴ Telenor Group, Telenor Annual Report 2023, in <https://www.telenor.com/binaries/investors/reports-and-information/annual/annual-report-2023/Annual%20Report%202023-English.pdf>, at pg. 65-68

- **Points of contention:** As outlined above, the main point of contention between the parties is about how to establish and fund the ‘digital security relief mechanism.’ The complainants have posted new requirements that Telenor should be providing funding for the mechanism (with a sum of about \$US180 million) or committing to obtaining such funding with peers and other actors in the remedy ecosystem. Telenor, in turn, has maintained keeping to the process defined in the MoU and as informed by the ICT study. Telenor has proposed to use its leverage with peers and other stakeholders to galvanise support or lead its integration into existing digital rights organisations.

The parties also disagree on the objective of such a mechanism. The complainants believe any funds collected should go to the development of decentralised digital infrastructure in Myanmar – managed and overseen by local civil society actors – as well as to fund alternative forms of communication and emergency grants for civil society. Telenor has maintained that the main objective of the mechanism should be to build digital risk awareness in the country.

In summary, despite progress on several of the commitments, the parties were unable to conclude on a digital security relief mechanism, as a consequence of SOMO’s decision to deviate from the agreed process, introducing a unilaterally developed concept with no anchoring in the MoU, and posting a monetary requirement to establish the proposed mechanism as the only avenue for entering into final round of mediation.

Pending action points:

Telenor has maintained it will prioritise continued work with peers and other stakeholders and build leverage to address risks and impacts in the region – including by advocating for the development of rights-respecting laws. Also, as part of its sustainability strategy, it has committed to support wider initiatives to build digital safety and security understanding among ICT users and to continue sharing Telenor’s experiences and learnings with others (e.g., in the context of the GNI and GSMA).