



LUND UNIVERSITY
Faculty of Social Sciences

Graduate School

Master of Science in Global Studies

Major: Human Geography

Course: SIMV07

Term: Autumn 2015

Supervisor: Franz-Michael Rundquist

When the Transnational Meets the Particular

Businesses as Actors of Transnational Governance in a Changing Myanmar

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Abstract

Following five decades of isolation and ruthless military rule, Myanmar authorities started implementing various nominally democratic reforms. In response to these developments Western governments scaled back sanctions that had made the country anathema to foreign business. Writing within premises of late modernity, and the retreat of the state as primary political-geographical reference, this thesis sets out to investigate the precipitation of transnational governance into the political sphere of Myanmar. It does so by conceptualising such governance through the lens of Saskia Sassen's theory of 'the global inside the national'. This objective is operationalised by examining articulations of corporate social responsibility (CSR) by foreign companies in Myanmar as specific instances of transnational governance. By conducting a critical discourse analysis (CDA), this thesis uncovers two practices. First, CSR policies are found to be articulated as universally-conceived policies, layered into particulars within Myanmar, thus tentatively identifying an instance of Sassen's theory. Second, discursive material appears informed by commercial rationales, more than notions of cosmopolitan solidarity. Thereby it supports notions posited by e.g. Beck and Harvey that the transition out of modernity is asymmetrically in favour of market forces. These findings provide insights of potential relevance to Myanmar politics following the 2015 general elections.

Keywords: Transnational governance, cosmopolitanism, globalisation, retreat of the state, Myanmar (Burma), trade sanctions

Table of Contents

1 Introduction.....	1
1.1 Background and Relevance.....	1
1.2 Research Questions.....	2
1.3 Delimitations.....	3
1.4 Structure of Thesis.....	4
2 Philosophy.....	5
2.1 Ontology.....	5
2.2 Epistemology.....	7
3 Theory.....	10
3.1 National-Global Dialectics.....	10
3.2 The Political, Governance and Transnationalism.....	14
3.3 Corporate Social Responsibility.....	18
3.4 The Global Inside the National.....	20
3.5 Critiques.....	21
4 Methodology.....	23
4.1 Critical Discourse Analysis.....	23
4.2 Reflexive Considerations.....	25
4.3 Empirical Sources.....	26
4.4 Methods of Analysis.....	31
5 Case: Myanmar.....	33
5.1 Statehood and Territorial Cohesion.....	33
5.2 Social and Economic Conditions.....	34
5.3 Recent Developments.....	35
6 Analysis.....	37
6.1 Form and Genre.....	37
6.2 Logic of Policy.....	42
6.3 Understanding of Ownership.....	44
6.4 Source of Legitimacy.....	48
6.5 Applied Jurisdiction.....	51
7 Discussion.....	55
7.1 Problematising Discourse.....	55
7.2 Analysis of Obstacles.....	56
7.3 Remediating Obstacles.....	58
7.4 Situation Within Theory.....	59
8 Conclusion.....	60
9 Bibliography.....	62
Appendixes.....	67
Appendix 1: List of Responding Companies.....	67
Appendix 2: Questionnaire / Myanmar Foreign Investment Tracking Project.....	69
Appendix 3: Responses per Sector of Business.....	71
Appendix 4: Responses per Geography of Headquarters.....	72

List of Abbreviations

BHR	Business and Human Rights
BHRRC	Business and Human Rights Resource Centre
CDA	Critical Discourse Analysis
CSR	Corporate Social Responsibility
EITI	Extractive Industry Transparency Initiative
ETI	Ethical Trading Initiative
EU	European Union
ICT	Information and Communications Technology
IHRB	Institute for Human Rights and Business
ILO	International Labour Organisation
KPI(s)	Key Performance Indicator(s)
Myanmar	The Republic of the Union of Myanmar
MCRB	Myanmar Centre for Responsible Business
NGO(s)	Non-Governmental Organisation(s)
OECD	Organisation for Economic Co-operation and Development
PRC	People's Republic of China
Tracking Project	Myanmar Foreign Investment Tracking Project
UK	United Kingdom
UN	United Nations
US	United States of America

1 Introduction

1.1 Background and Relevance

In 2008, Myanmar, a civil war-ravaged and junta-ruled state, considered an “outpost of tyranny” by United States (US) president G.W. Bush, accepted a new constitution through public referendum (Steinberg, 2013). Two years later, although highly controversial, multiparty elections were held. The following week, Nobel Peace Prize laureate opposition leader Daw Aung San Suu Kyi was released from the house arrest she had been under for the better part of two decades (BBC, 2015). Myanmar had caught the world's attention.

By April 2012, the US and European Union (EU) decided to ease economic sanctions that had been imposed on the country, progressively building them down over the following years. In response, foreign companies moved in and started establishing operations. Following second elections in November 2015, sanctions may yet be relieved even further. Taken together, these dynamics are widely portrayed as a return of Myanmar from decades of social, economic and political deprivation and isolation (Steinberg, 2013).

Whatever the potential long-term macroeconomic effects, weakly regulated emerging markets have a record of exhibiting less-than-exemplary human rights and environmental situations when exposed to foreign capital. Here, Myanmar's neighbouring Thailand (Ekachai, 1990), Bangladesh and Cambodia (Brinkley, 2011) suggest a bleak prospect. Although governments, according to some, *should* guard against the excesses of capitalism, this does not always mean that they *will*. As such, in recent years, programmes of corporate social responsibility (CSR) have again drawn attention as potential force of governance which might be able to fill in the void left by a weakening state – by turning companies into actors of governance.

It is at this intersection of governmental failure and CSR this thesis identifies a discursive problem warranting research. Chouliaraki and Fairclough (1999: 4) remind us that social processes, and thus a large part of the political, are discursive. As Harvey (2009), in reference to Kant, points out: geography is the condition of possibility of all other forms of knowledge. It is a condition to which

universalist projects must adapt if they are to have a chance of success. These raise the question how companies which are currently setting up a presence in Myanmar articulate their newfound role as actors of governance. By extension, it raises the issue how such companies adapt the universality of their corporate practice and CSR policy to the condition of possibility posed by Myanmar's intensely localised geography.

Owing to the recent opening of Myanmar to foreign business, research on this subject remains fairly limited. Additionally, research on the discursive dimension of corporate CSR politics is still fairly uncommon, especially when considered from a trans-sectoral perspective. In recognition of these voids in existing literature, this thesis will draw upon the questionnaires conducted for the Myanmar Foreign Investment Tracking Project of the Business and Human Rights Resource Centre to compose a discursive 'geography' of universal-particular dynamics of business governance in Myanmar. It will do this through adopting a poststructuralist take on Chouliaraki and Fairclough's understanding of critical discourse analysis (CDA).

1.2 Research Questions

This thesis sets out to investigate the manner in which companies represent themselves as agents of CSR governance. In doing so, it sets out to assess how these companies negotiate the divide between the universal nature of their global scale of operation and the volatile particularity of geographically situated sites of e.g. resources, people, production, logistics and trade. This negotiation will be analysed within the politically volatile and socially fragmented geography of Myanmar. In the light of these considerations, the research question of this thesis is:

How do foreign companies active in Myanmar after the relief of economic sanctions, position themselves as governing actors within the geographic particular of their location when articulating policies of corporate social responsibility?"

This objective divides into two sub-questions. Note that these questions stand in dialogical relation to each other and will therefore not be analysed separately.

1: When conceived of as actors of governance in conditions where the state is unable or unwilling to adequately legislate socio-environmental policy, how do companies articulate their position towards such a governing role?"

2: When conceived of as actors of transnational governance, how do companies negotiate the divide between global universality and local particularity in expressing their policies of corporate social responsibility?"

As alluded to in the introduction, I will address these questions by drawing up a discursive 'geography' of CSR practices in Myanmar. Here 'geography' is used in an abstract sense, understood as the Kantian conditions of possibility of all knowledge. Within the premises of this thesis it will be operationalised as a narrative describing the intersection of CSR policy with the conditions of possibility entailed by politics in Myanmar.

1.3 Delimitations

First; although the general themes addressed throughout this study may hold relevance to various political geographies, this thesis solely analyses its concepts within a population of nominally foreign businesses with some form of presence in Myanmar.

Second; while critical assessment of policy implementation is important, this thesis limits its analysis to discursive dimensions of policy. It uses academic theory and case-specific literature to place discursive practices into context.

Third; while I seek to provide a holistic discussion of discursive practices pertaining to transnational companies' CSR policies in transitional Myanmar, it is imperative to understand that available and used data is inherently limited, partial, and as such contestable.

Fourth; this thesis is set within a constructivist paradigm, which implies that the research I conduct is essentially subjective. Nevertheless, I use this subjectivity to establish a definition of the research material. Conclusions are a product of my intersubjective engagement with the available material, and thus constitute but one narrative among many potential narratives.

Fifth; despite discussing underlying processes, my inability to truly know the rationale and subjectivities of texts' authors prevents me from establishing any definitive causal claim. Conclusions drawn from the data are instead developed through my own subjectivity as researcher and the theoretical frameworks I have chosen to apply to the material.

1.4 Structure of Thesis

The research questions will be addressed over the course of six phases. These zoom in on the study with a progressively concrete level of reflection. The concrete is subsequently linked back to the abstract over the discussion and conclusion.

In chapter two the working assumptions on the nature and knowledge of being are set out. These ontological and epistemological baselines provide the lens through which subsequent readings and analysis will be understood.

In chapter three the subject-specific theoretical superstructure is erected. Here the thesis will be positioned within the wider body of academic literature on politics, governance, and these dimensions' respective spatial incarnations.

In chapter four the methodological approach is presented. The section positions CDA as used within the thesis. It subsequently introduces the empirical material and the questions and elements through which it will be analysed.

In chapter five the Republic of the Union of Myanmar is introduced as the concrete political-territorial case of analysis. The review highlights the manner in which this thesis regards Myanmar, and argues for its relevance as object of study.

In chapter six the primary phase of analysis is conducted. Previously introduced methods are applied to the material. In order to develop an understanding of discursive nuance this chapter analyses by review of a six series of topical blocks.

In chapters seven and eight the findings of concrete empirical analysis are linked back to the abstract frameworks set out in phases one and two. These eventually culminate in a contextually and theoretically informed conclusion.

2 Philosophy

To adequately situate this thesis' subject-specific superstructure in the social realm, an ontological and epistemological foundation must be laid out. This thesis will base these considerations on the theoretical framework laid out for CDA as posited by Lilie Chouliaraki and Norman Fairclough (1999). In comparison to other incarnations of CDA, the system I adopt is of a less structuralist nature, inclining more towards social constructivism instead. This makes it, in the words of Bourdieu, a form of 'constructivist structuralism' or 'structuralist constructivism' (in: *ibid.*, p. 1). Over the following section a general introduction to the ontological premises of this framework will be introduced. This ontological base will subsequently be completed with a review of some epistemological assumptions upon which this thesis is set.

2.1 Ontology

Chouliaraki and Fairclough identify the question of ontology as one on the view taken on the nature of social life. Broadly, ontological social life is understood to concern the relations played out between spheres of life and the cultural, economic and political activities performed therein (*ibid.*, p. 20). The social is fundamentally based on structures and events, whereby “[s]tructures are long-term background conditions for social life [and e]vents are the individual, immediate happenings and occasions of social life.” (*ibid.*, p. 22) For analysis, the social is conceptually divided into series of events called practices, which are in turn constituted by a range of moments (*ibid.*, p. 21). These will now be discussed.

First, 'practices' are defined as “[...] habitualised ways tied to particular times and places in which people apply resources (material or symbolic) to act together in the world.” (*ibid.*, p. 21) They are acts and processes intent on producing a certain social effect. In doing so practices simultaneously constitute both a form of social action, (“[...] what is done in a particular time and place[...]” (*ibid.*)) and a form of relative permanency (“[...] a practice in the sense of a habitual way of acting [...]” (*ibid.*, p. 22)). Hence, they create a link between the concrete events of people living their lives and the abstract structures governing life in general. Each practice its internal composition determined through its relative relationship to other, external, practices (*ibid.*, p. 23).

Second, 'moments' are defined as elements which have been temporarily stabilised to jointly constitute the form of a practice. The effect of single moments is negotiated by the effects of others, thus implying that no single moment has a dominant effect on the outcome of an event. Consequently, this implies that events are by definition dialectical, complex, and beyond definitive prediction on basis of one single moment. (ibid., p. 19). In other words, each constituent moment of a practice is seen “[...] as 'internalising' the others, without being reducible to them [...]” (ibid., p. 21). In general, four categories of moments are identified: first, non-semiotic or material activity; second, social relations and processes; third, beliefs, values and desires; and fourth, discursive practices (ibid., p. 61). Although recognising the effect of the first three, it is on the last one this thesis will focus the core of its research.

In synthesis, we come to a model of relative permanences of social action (ibid., p. 22). This framework is clarified by drawing upon Ernesto Laclau and Chantal Mouffe's concept of 'articulation' (1985, p. 105): the act of bringing the contingent into temporary fixity. On the one hand, in a poststructuralist vein, this conceives of elements of the social as being essentially contingent in meaning. However on the other, such contingency is temporarily frozen when an element is articulated into a practice: this temporarily stabilises meaning of an element as a moment of such practice. This act partly transforms, partly sustains the meaning of an element into the state of permanence relative to those other moments constituting the practice (Chouliaraki and Faircloth, 1999, p. 22).

The system of relative permanences is analysed by means of the 'conjuncture' of their articulation. Conjunctures constitute 'domains of the contingent' (ibid., p. 126); “[...] relatively durable assemblies of people, materials, technologies and therefore practices (in their aspect as relative permanences) around specific social projects [...]” (ibid., p. 22). They thus serve to set both structures and events into perspective. Through analysis of a series of conjuncturally related practices, a researcher can trace the development of a discursive moment, in order to identify the sustenance and transformation (or re-articulation) of such moment and the practices to which it contributes (ibid., 22). In this thesis the conjuncture is found in the maelstrom of political practices in Myanmar following the reduction of trade sanctions.

2.2 Epistemology

While ontology sets out the nature of the social, epistemology addresses the knowledge of it. Here, Chouliaraki and Fairclough follow Laclau and Mouffe, (1985) and set out to build a system capable of assessing the creation of meaning, while exposing and engaging hegemonic practices. This requires negotiating a position vis-a-vis social structure. Social structure is understood as “[...] social relations both in society as a whole and in specific institutions, and as consisting of both discursive and non-discursive elements [...]” (Jørgensen and Philips, 2002, p. 65), of which the discursive elements are taken as primary objects of analysis. Using this definition as baseline, a framework is created which is based on Laclau and Mouffe's poststructuralism, but without revoking Marxian essentialism entirely. Instead, social structure is approached from a position of 'late modernity', caught on the frontier between modernity and post-modernity. The following two sections will further triangulate this position of epistemological late modernity: first, by contrasting it with modernist meta-narratives, and second, by clarifying its post-Marxist emancipatory ideal towards post-modernist relativism.

2.2.1 *On Meta-Narratives*

First, as research project that seeks to engage critically with discourse, a perspective is required which is sensitive to the incommensurability of textual representations, and the contingency of articulations. Chouliaraki and Fairclough describe modernist meta-narratives as “[...] the attempted universalisation of one organisational form which sweeps away others.” (1999, p. 133) Advocacy of difference in the face of the meta-narrative is as such the only way to break dominant power structures.

Chouliarli and Fairclough base their work in Laclau and Mouffe's adaptation of Gramscian Marxism. Here the creation of meaning in the social system was marked by processes of hegemony as political instruments stabilising power relations and thereby creating class divisions. In the adapted framework, this class-centred essentialism is revoked, and the discursive processes of the political recast as the primary force creating meaning in social relations (Jørgensen and Philips 2002, p. 33).

In so doing the framework adopts a certain post-Marxist flavour. Here, ideas of society as a conceivable totality, divisions between base and superstructure and other notions of fixity dividing society into certain pre-defined groups, classes and factions are replaced by a comprehensive emphasis on 'radical democracy' as a socialist strategy for contemporary society (Laclau and Mouffe, 1985). From the perspective of the post-modern, the only alternative to radical democracy is the enforcement of closure through the reimposition of the base-superstructure model, and the exercise of the resources of the state within this model (Chouliaraki & Fairclough, 1999, p. 124).

2.2.2 On Marxism

However, the importance of the particular notwithstanding, this should not give way to what Chouliaraki and Fairclough consider the “[...] pervasive post-modernist claim that there is little that practical action can do to change [a] condition.” (ibid., p. 4) Here the authors depart from Laclau and Mouffe's plea for radical democracy – considering that the recognition of some basic forms of social structure is an indispensable prerequisite for any agenda of social change. Indeed, the authors warn against the poststructuralist perspective where “[...] social forms that are produced by people and can be changed by people are being seen as if they were part of nature [...]” (Chouliaraki & Fairclough, 1999, p. 4). As such, it is noted that the post-modern emphasis on radical difference; that “[...] nothing is fundamental [and t]hat is exactly what is interesting in the analysis of society [...]” (Foucault in: Aitken and Valentine, 2010, p. 298) is itself a tendency to “[...] sweep[...] away [...] difference in the name of a spurious 'universal' which in fact is the tyranny of the powerful” (Lyotard in: ibid., p. 133).

On this point Chouliaraki and Fairclough distinguish between two types of relativism. First, judgemental relativism; that every discourse is not normatively better or worse than any other. Witnessing the objective to develop an emancipatory strategy, this type of relativism is expressly rejected. Second, epistemological relativism: that discourse is embedded relation to particular dynamics in social life and we have no access to reality except through discourse (ibid., p. 137). This theory is partly adopted, as emancipation can only be determined through reference to certain social structures, such as social class, gender, race and generation (ibid., p. 120). However, it is expanded upon by arguing that the relative strengths and constraints of discourses are invariably judged in the course of practice (ibid., p. 136).

2.2.3 *On Equivalence*

As such, we see that both modernist emphases on structured narrative, as well as post-modern radical democracy lack the capacity to provide a discourse-analytical system capable of striving for emancipation. This is what Chouliaraki and Fairclough identify as the “heart of the contemporary political problem of democracy” (1999, p. 5). Rather, in their view “effective political intervention by citizens depends upon dialogue across difference on local, national and international (global) levels” (ibid., p. 6): a bridge across difference which does not entail the suppression or reduction of difference.

A conceptual remedy for this is yet again found in Laclau and Mouffe's work. This time Chouliaraki and Fairclough take resort to the notion of 'equivalence' (1985, p. 127); the constructing of “a new 'common sense' which changes the identity of the different groups, in such way that the demands of the different groups are articulated equivalently with those of the others” (Chouliaraki and Fairclough, 1999, p. 135). Under these conditions rhetorical flows of argument remain open for discourses to connect and oppose one another, so that difference is negotiated in “that one theory be seen as internalising others, putting them to work in its own logic without reducing its logic to theirs” (ibid.). This appeal for a CDA which bridges and dialogues across difference (ibid., p. 2) reinstates the condition of late modernity as the idealised epistemological outcome.

3 Theory

The previous section outlined the baseline understanding of the social and the manner with which it is to be engaged. In this section I will construct a subject-specific framework, according to which I will engage with the research material. This will be done through four broad steps: First, I will discuss the premise of this thesis as one set into a transitional condition of late modernity and the shifting global-national dynamic this entails. This dynamic is framed through the key concepts of cosmopolitanism, universalism, particularity and the globalisation paradox. Second, the abstract geographical framework is filled in with the perspective this thesis takes on matters of governance and the political. Here transnational governance, and negarchy are introduced as final concepts needed for analysis. Third, CSR is introduced as sub-type of transnational governance. Fourth, the frame is concluded in Saskia Sassen's theory of 'the global inside the national' as concrete way to conceptualise the material under analysis.

3.1 National-Global Dialectics

The social realm is often conceived through the geographical container of the state (e.g. Sassen, 2013; Strange, 1996). In this understanding societal activity is perceived through state borders as the core institutions with the capacity to unsettle and neutralise diversity (Sassen, 2005, p. 523). Consequently, it speaks of a political geography based on first, the equation of society with nation-state society; second, the assumption of humanity's 'natural' division into a limited multitude of 'nations'; and third, the preposition of outer demarcation and inter-state competition as most fundamental categories in political organisation (Beck, 2003, p. 453).

Beck (2000, p. 92) terms this inclination towards methodological nationalism as indicative of the 'first age of modernity'. Under this condition classical cosmopolitan values emphasising universal solidarity have become established within the domestic landscape. Within the set parameters of state institutions capital and labour were allowed to engage through limited conflict, over time degenerating the enlightenment notion of 'universal solidarity' into a spatially bounded 'solidarity with national equals'. Thus, the first age of modernity enabled an environment within which basic forms of solidarity could be established, but while doing so confined them to what International Relations scholars term a 'realist' ethic, perceived from the lifeboat of the state (Beck, 2003).

However, within a time of supposedly “global and digital capabilities” (Sassen, 2005, p. 523) and tension between capitalist and political logics (Hanlon, 2008; Harvey, 2009, p. 95), this practice of methodological nationalism is called into question (Sassen, 2005). Under processes of e.g. scientisation, marketization, formal organising, moral rationalisation and reinvented democratisation (Djelic and Sahlind-Andersson, 2008, p. 23), or simply ‘globalisation’, a literature has arisen which argues that various functions of the state have shifted in geographical scale.

Similarly, Beck notes a process awakened by the “postmodern mix of boundaries between cultures and identities, accelerated by dynamics of capital and consumption, empowered by capitalism undermining borders, excited by global social movements, and guided and encouraged by evidence of world-wide communication” (Beck, 2000, p. 79) through which society transitions out of touch with the state-centric frame of geographical reference. Consequently, traditional relations between the global and the national are starting to shift, becoming a source for new conflicts and avenues of cooperation.¹

Positioned as anti-thesis of communitarian ideals such as nationalism, cosmopolitanism provides a conceptual framework through which to begin re-imagining a geographical social base beyond the state.

3.1.1 Cosmopolitanism and Late Modernity

Classical cosmopolitan theorists such as Alexis de Tocqueville, John Dewey, Kant, Goethe, Herder, Humboldt, and Nietzsche broadly subscribed to the belief that the development of human society entails a transition from closed communities to future 'universal eras' (*'universelle Epochen'*, Goethe) embodied by a de-territorialised world society. As noted by Marx, and echoed by for example, Adam Smith and Simmel, such transition was deemed an unavoidable and irreversible process that ultimately defined the very progress of world history (Beck and Sznaider, 2006, p. 9). Although variations are many, cosmopolitanism is often considered with an 'enlightened' ethic of Kantian ideals (Harvey, 2009; Bergman-Rosamund and Phytain, 2011, p. 57; Sheehan, 2005, p. 33) – although,

1. *For reasons of brevity, this thesis will not engage any deeper with the driving forces behind this transition. Rather it accepts the literature's ample suggestion of the existence of a transition and uses this as a starting point of reasoning. References to this literature are included in the text*

as Harvey (2009: 20) points out, the definition as 'Kantian' may be based on selective reading. Advocating the pursuit of a politics stripped of self-interested action, this cosmopolitan tradition, when extended to questions of governance, would advocate "[...] equal moral worth, equal liberty, equal political status, collective decision-making about public affairs, amelioration of urgent need, development for all, environmental sustainability [...]" (Held, 2004, in: Jordan, 2006, p. 221) – with other words: something that may be interpreted as an ethic of universal solidarity.

Beck defines this envisioned end-point as the 'second age of modernity': a cosmopolitanism of 'globality, plurality and civility' in a de-territorialised global realm of responsibility, non-violence and overcoming of otherness (2002, p. 36). It entails the moment where people all over the world begin to imagine and reflect upon a shared common, post-modern future, (ibid, p. 37). As such, the social condition finds itself in a transitional phase: having departed from the first age of modernity, but yet to arrive in the hypothesised truly 'post-modern' second age – if indeed this stage can even ever be attained.

As noted previously, this thesis adopts the epistemological understanding that this ongoing transitional condition may be conceived of as a phase of 'late modernity'. It embodies the midst of profound economic and social transformations on a global scale, where discourses of 'flexibility' have allegedly established themselves as the baseline for other social and cultural changes (Chouliaraki and Fairclough, 1999, p. 4). Although, as Beck notes, the final forms are yet to materialise, the period of late modernity entails profound readjustments of the 'inner qualities of the social and the political' themselves (Beck, 2002, p. 17), transforming daily routines and interweaving global concerns with the moral life worlds of society in order to evolve into the cosmopolitan universal era. As such it is a condition in which alternative forms and understandings of the political realm emerge.

3.1.2 *The Globalisation Paradox*

However, as universalist understandings emerge, diversity of geographic particulars endures. This realisation entangles the organisation of late modernity in what Slaughter (2012, p. 270) terms the 'globalisation paradox'. This entails the contradiction that while certain issues need above-national institutions to be addressed, the size and scope of such institutions would place them too far from geographic particulars to be desirable and legitimate – even if practically viable.

Although the notion of universal solidarity as promoted by heralds of 'thick' cosmopolitanism (Bergman-Rosamund and Phythian, 2011, p. 57) seems to be a prospect few people would morally object to, it has proven a lot easier to draw up ethical principles for 'good global governance', than to detail the manner in which these ideals are to be implemented in practice (Jordan, 2006, p. 221). When the cosmopolitan ideal is considered as an aspect of geography, it is recognised that dynamics of for example, sense of place, memory, and identity are inherently relational and relative rather than absolute (Harvey, 2009, p. 41). This understanding undermines national essentialism, but similarly casts any pretence of undifferentiated universalism into serious doubt. Indeed, ultimately, the very idea of cosmopolitanism is itself synonymous to the existence of controversy and dispute over a plurality of cosmopolitanisms (Beck, 2002, p. 35).

Beck (2002, p. 18) interprets cosmopolitanism as one of 'dialogic imagination', emphasising its nature as a non-linear process constantly negotiating

“[...] the coexistence of rival ways of life in the individual experience, which makes it a matter of fate to compare, reflect, criticize, understand, [and] combine contradictory certainties.” (ibid., p. 18)

In doing so he echoes Nietzsche, who posited cosmopolitanism as an 'age of comparison' where the cultures of the world begin to interpenetrate each other. These recognitions conceptually elevate cosmopolitanism beyond nationalism by overcoming the latter's tenuous focus on an either/or understanding of the social (Beck, 2003, p. 454). Nevertheless, Beck, not being a geographer, maintains his thesis that cosmopolitanism entails a process of de-territorialisation towards an un-territorial 'global'. As Harvey points out (2009, p. 97) such 'assuming away' of spatial difference may be the point where Beck stumbles over his own expressed caution for maintaining a dialectical tension between the 'ideal' and the 'real'. This geographical overreach of universalist thought is eloquently addressed by

Harvey's geographic critique of the cosmopolitan rationale for war:

“To dismiss what [G.W.] Bush [as initiator of wars based on an allegedly cosmopolitan rationale] was about misses what seems to me an essential and much broader point: all universalising projects, be they liberal, neoliberal, conservative, religious, socialist, cosmopolitan, rights-based, or communist, run into serious problems as they encounter the specific circumstances of their application. Noble phrases and ideals crumble into shoddy excuses, special pleadings, misunderstandings, and, more often than not, violent confrontations and recriminations.” (Harvey, 2009, p. 9)

Hence, for this thesis I must conclude that any attempt to construe cosmopolitanism as a universalist project 'beyond geography' undermines hope for a constructive application of the concept. Awareness of geographic particularity remains a critical factor, even within a post-state embodiment of the social. Here Harvey's analysis of Immanuel Kant provides relief. He finds that the classical author himself was far less absolute in rejecting spatial difference. Instead, Kant embraced geographic and anthropologic particularity not as the anti-thesis of his cosmopolitanism (as Beck does), but rather as a dialectic 'condition of possibility for all other knowledge' (ibid., p. 20). By adopting this spatial understanding, whilst placing it in dialectical tension to cosmopolitanism's critique of methodological nationalism (much like Beck's dialectic imagination of society), this thesis identifies a way to conceptually overcome the globalisation paradox, while maintaining cosmopolitanism as source of inspiration through which to imagine systems of governance beyond the first age of modernity.

3.2 The Political, Governance and Transnationalism

3.2.1 *The Political*

Moving theoretical reflection towards concrete application, the nature of politics must be considered. Here, various authors note that dynamics of globalisation cause a 'retreat of the state' (Auld, 2014; Bernstein and Cashore, 2007; Büthe, 2010; Scherer & Palazzo, 2008; Shaw, 2000; Strange, 1996; Vogel, 2010; Warning, 2009). As such, some consider the political to be caught in a zero-sum game between (declining) nation-states and (ascending) 'non-state' actors (Djelic & Sahlin-Andersson, 2008, p. 11). Nevertheless, others counter that despite this

struggle the state yet maintains significant power and influence through, e.g. legislative powers and enforcement bodies (Bartley, 2014; Djelic and Sahlin-Andersson, 2008, p. 11; Shaw, 2000). Rather than disappearing, it may be more accurate to consider that the state is becoming “[...] embedded in complex constellations of [other] actors and structures.” (Djelic and Sahlin-Andersson, 2008, pp. 8-9) In the light of this debate, it is worth noting that the consequences of such transition could place the practical capacities the state can exercise at odds with the regulatory power conceptually attributed to it (e.g. Scherer and Palazzo, 2008; Strange, 1996, p. 5).

This recognition provides a base for redefinition of the political. Drawing on Susan Strange’s reworking of David Easton’s definition of politics as ‘the authoritative allocation of values in the system’ (Strange, 1996, p. 34), the political is here conceived of as more than the legal activity of professional politicians and their attendant state institutions: it is a common activity (ibid., p.12), the study of which should embrace the engagement with political life as “[...] the capacity to bring into being a stream of wills: to canalise the stream and regularise and institutionalise the resulting cooperation.” (ibid., p. 35) Sociologically it is “[...] the study of the way in which [social] aggregates are formed and the conditions and necessity for their stability.” (ibid.) Thus, any gathering of people to a commonly agreed and cooperatively pursued objective or project can be understood as engaging in ‘political’ activity (ibid.).

This definition of the political provides a base for analysing on a scale more aware of the particularity of different sectors, fields of policy, and patterns of struggle and domination (Kuhn and Deetz, 2008, p. 173). Analysis on this scale recasts central tenets of the human condition as being not centrally dependent on specific institutions, but rather the composition and outcomes of the mix of values, such as wealth created, security provided, justice dispensed and autonomy permitted (Strange, 1996, p. 34). With a particularity-centred perspective, outcomes of this mix of values can be recognised throughout a range of societal levels like gender, class, sense of belonging and generation (ibid., p. 38). It allows structuring agents to be approached as ‘soft actors’ composed of multiple and fluid identities, enmeshed in complex interplays and interactions through which they shape and are shaped by external parties (Djelic and Sahlin-Andersson, 2008, pp. 11-12). Conceived as such, this thesis can regard businesses as political actors (Kuhn and Deetz, 2008, p. 173).

3.2.2 *Transnational Governance*

In the definition outlined above, political affairs are conducted by an ever-shifting array of actors. To understand the application side of this role, the concepts of regulation and governance must be outlined.

First, although a 'retreat of the state' suggests a dynamic of deregulation, Levi-Faur's (2005) argument in favour of 're-regulation' may offer a more apt description: a restructuring of the frameworks through which politics is applied. He recasts this updated regulation into four questions: First, who is regulating? Second, 'what regulatory mode? Third, 'what is the nature of rules? Fourth, 'what are the motivations for compliance?'.

Second, these questions need to be widened to enable meaningful interaction with the diverse and multiform incarnations of companies as actors which may exercise political agency. Here, Djelic and Sahlin-Andersson suggest the notion of 'governance', which "[...] includes regulation but goes well beyond: governance is also about dense organising, discursive and monitoring activities that embed, frame and stabilise and reproduce rules and regulations." (2008, p. 7) This concept unites and qualifies regulatory activity with actor-centred analyses, cultural traits, complex interactions, power relations and institutional theories (ibid., p. 18).

Finally, the concept of governance must be adapted to negotiate the globalisation paradox. 'The transnational' is posited as a perspective which calls into question the taken-for-granted essentialist territorialism of the state, while remaining sensitive to the geographical particular in political practices. It does so by understanding social structure as a spatially 'entangled' process. Social-political practice is seen as a geopolitical patchwork of interdependent actors structured within, and converging and conflicting over, contingent and fluid boundaries in pursuit of their interests (ibid., p. 4). When viewed as base for politics it provides a "[...] mode of governance in the sense that it structures, guides and controls human and social activities and interactions beyond, across and within national territories." (ibid., p. 6).

As suggested by the 'retreat of the state'-thesis, the world has witnessed a proliferation of non-state or semi-state forms of governance in recent decades. Although early examples primarily encompassed forms of economic and corporate governance, this is now increasingly moving into the social sphere (ibid). This regulation is not fixed in form, thus giving rise to a bewildering

variety of names, including: international standards, certification schemes, codes of conduct, self-regulatory programmes, public-private, and private-private partnerships (e.g. Auld, 2014; Bernstein and Cashore, 2007; Eberlein, et al., 2014; Ruggie, 2004), 'transnational governance schemes' (Haack and Scherer, 2014), 'transnational business governance' (Eberlein, et al., 2014), 'transnational private regulators' (Büthe, 2010), 'regulatory networks' (Jordana and Levi-Faur, 2014), 'non-state certification programs' (Auld, 2014), 'regulatory standard-setting' (Abbot and Snidal, 2008), and, last but not least: CSR.

As the diversity in descriptions and analytical labels suggests, structures of transnational governance are inherently diverse in terms of regulatory actors, spatial context, programme scope, and programme domain (Auld, 2014). By extension, fitting with the understanding of transnational geopolitics it fulfils various, overlapping societal roles, serving as both an alternative and complement to traditional public regulation (Djelic and Sahlin-Andersson, 2008, p. 11). These will for this thesis be lumped together as initiatives, programmes and policies of 'transnational governance'.

Recent research has gradually broadened to cover the 'non-state' element in relations between 'developed' and 'developing'² countries (Pattberg, 2006). As direction for research it enables the assessment of the impacts and shortcomings of actors' regulatory agency in transnational political interdependencies. Scholars have so far focused on the transnational governance systems in a number of business sectors, such as: forestry (Bartley, 2014; Eberlein, et al, 2014; Pattberg, 2006), Fisheries (Ponte, 2008), land grabbing (Teklemariam, et al., 2014) and telecommunications (Jordana and Levi-Faur, 2014). Moreover, responding to the globalisation paradox, this originally political science-flavoured literature is gradually recognising the geographic dialectic between universality and particularity (e.g. Auld, 2014; Eberlein, et al., 2014).

2. Admittedly, these are problematic concepts. For the sake of convenience these will be understood following Visser (2008, p. 474) as “[...] a popular term used to describe [states] that have relatively lower per capita incomes and are relatively less industrialised.”

3.3 Corporate Social Responsibility

The retreat of the state as reference for various functions in the political realm gives rise to concerns over the legitimacy and accountability of emerging political actors' governance activities. As Strange (1996) remarks, one flaw in a 'transnational system' is the absence of mechanisms of opposition, checks and balances: it requires a power of 'negarchy' that can constrain, limit or negate arbitrary exercise of authority (*ibid.*, p. 198). This thesis will explore how such a function is expressed in the networks of approaches aggregated under the concept of 'corporate social responsibility' (CSR).

CSR constitutes a discourse which conceives a field of scholarship investigating the role of corporations in society (Carroll, 2008, p. 42; Crane, et al., 2008, p. 3; Ramasastry, 2015, p. 237) and how an aspect negarchy can be developed into them (Crane, et al., 2008, p. 6). CSR suggests businesses have a level of responsibility or obligation to social and/or environmental criteria beyond the narrow selection of 'primary stakeholders' needed for commercial operations (e.g. Carroll, 2012, p. 8; Crane et al., 2008, p. 6). As such, it posits the expectation that companies address dimensions such as improving governance, social, ethical (e.g. human rights) and environmental conditions (Visser, 2008, p. 474).

In terms of content, CSR is determined by the context of its implementation and subjective as to what might (be perceived to) entail a 'best' approach (Erakovic, 2012, p. 113). Generally speaking, incarnations constitute a mix of 'strategic' profit-oriented activities; corporate philanthropy; codes on conduct, standards and articulations of business ethics (Carroll, 2012, p. 82); corporate citizenship (Melé, 2008, p. 69); and, transparency. In recognition of the vulnerability of a company's claim to legitimacy as a social actor, these categories are typically intersected with underlying company efforts towards public relations and communications (Mahon, 2012, p. 155).

Moreover, CSR policies are largely understood as voluntary (Carroll, 2012, p. 8). Although as the difference between self-shaped 'explicit CSR' or compulsory 'implicit CSR' (by e.g. regulatory demands) (Lauesen, 2014, p. 117) indicates, the extent of voluntarism is not fixed. As such, CSR is to a considerable level subjective, and therefore discursive. Mark-Ungericht and Weiskopf (2007) illustrate this dimension by highlighting different discourses used in regard to CSR by businesses and non-governmental organisations (NGOs). In their findings, business actors emphasise voluntarism, a 'win-win' relation to the public

and the business, an emphasis on local factors, and low relation of CSR to core business considerations (ibid, p. 288). Among NGOs these dynamics are almost mirrored: here the emphasis is placed on e.g. obligatory minimum standards, integration of CSR into core business practices, sanctions for non-compliance and transparency (ibid, pp. 290-291).

This thesis takes stake with CSR policies discursively posited within the context of governance in Myanmar. Myanmar, as a UN-designated 'Least Developed Country' (UN-OHRLLS, 2015), may, following Visser (2008), be considered a territory in which CSR policy holds particular relevance. He identified four reasons:

“(1) developing countries represent the most rapidly expanding economies, and hence the most lucrative markets for business [...];

(2) developing countries are where the social and environmental crises are usually most acutely felt in the world [...];

(3) developing countries are where globalization, economic growth, investment, and business activity are likely to have the most dramatic social and environmental impacts (both positive and negative) [...]

(4) developing countries present a distinctive set of CSR agenda challenges which are collectively quite different to those faced in the developed world.” (ibid., p. 474).

Concerning this last point, Visser (ibid. p. 492-493) lists ten dimensions in which CSR in the developing world s qualitatively distinct. Of these, some are especially relevant to this thesis: the realisation that CSR is mainly driven by multinational companies and sector-specific initiatives; the idea of businesses providing an 'economic contribution' which constitutes CSR; and – critically considering the conditions currently prevalent in Myanmar – the tendency of companies, through CSR to take on functions traditionally performed by the state. These points will be worked out in the analysis.

3.4 The Global Inside the National

Over the three preceding parts I have drawn up the understanding of geographical dialectics in which this thesis is set; a framework setting out this thesis' understanding on the political and its implementation; and, finally its implementation through CSR. Now, I will synthesise these dimensions by drawing on Saskia Sassen's theory of 'the global inside the national'. This theory considers that political territory is not exclusive, as e.g. national-state territory is often interpreted (Sassen, 2013, p. 30). Instead, it conceives of 'global' level of politics becoming partly structured within the geographical scale of the 'national' state (Sassen, 2010, p. 4).

The global is therefore understood “[...] not just in terms of interdependence and global institutions, but also as inhabiting and reshaping the national [...]” (ibid., p. 2), it “[...] both transcends the exclusive framing of national states and also partly emerges and operates within that framing. Seen this way globalization is more than its more common representation as growing interdependence and formation of self-evidently global institutions. It includes subnational spaces, processes, actors.” (Sassen, ibid., p. 1). In general terms three broad and overlapping perspectives are proposed through which research objects can be approached as instances where the national becomes a terrain of the global. First, through the endogenising or localising of global processes inside the national level. Second, by understanding elements of a global nature, but which are positioned in relation to particular cultures, projects or actors which necessitate a negotiation of local precipitations of e.g. global markets or networks. Third, by unpacking elements which have historically been, and possibly continues to be, experienced, represented or coded as 'national', to reveal their positioning as part of what are in fact 'global' processes. (ibid, pp. 6-7).

Following from this thesis' functions-centred understanding of politics it can be derived that each function articulated through transnational governance will be re-bordered according to its own complexities and institutional frameworks. Processes of bordering entail, one way or another, expressions of otherness and allegiance vis-a-vis 'the rest of the world'. Within the premises of this thesis the CSR policies of newly arrived companies will be approached as if potentially constituting “[...] new types of bordering *capabilities* that shape bordered spaces transversal to traditional state borders.” (Sassen, 2013, p. 30, emphasis in original) The significance of this is that the evolution of such transversal borderings would

create “[...] distinct, albeit elementary territories and jurisdictions inside nation-states” (ibid., p. 31). Expressions of CSR policies as investigated in this thesis can thus be read as acts of articulation which eventually draw up new, layered geographies of governance beyond and within the national sphere.

3.5 Critiques

It is important to note that both transnational governance and CSR are far from uncontroversial. Indeed Beck, Chouliaraki and Fairclough, and Harvey note that under conditions of late modernity discourses of flexibility, but also neoliberalism have established themselves as the baseline for other social and cultural changes (Chouliaraki and Fairclough, 1999, p. 4), raising concerns over issues of power and tendencies towards oppression and marginalisation. Neoliberal reforms in recent decades are said to have empowered the global reach of business, whilst keeping other political logics territorially constrained. They have thus led to an asymmetric shift from states to markets (Harvey, 2009, p. 95; Jordan, 2006), a dynamic Beck illustrates nicely:

“[...] in a single image: during the first age of modernity capital, labour and state played at making sand cakes in the sandpit (a sandpit limited and organized in terms of the nation-state) and during this game each side tried to knock the other’s sand cake off the spade in accordance with the rules of institutionalized conflict. Now suddenly business has been given a present of a mechanical digger and is emptying the whole sandpit. The trade unions and the politicians on the other hand have been left out of the new game, have gone into a huff and are crying for mummy.” (Beck, 2000, p. 89).

Within the realm of cosmopolitanism different solutions are suggested. Harvey calls for a 'subaltern cosmopolitanism' of counter-hegemonic social movements. Although such an idea might theoretically be sensitive to geographic particularity, its idealistic nature seems to offer little utility (when used exclusively) as meaningful frame for analysis of CSR. Thus, this thesis will – in the spirit of late modernity – adopt an intermediate position which integrates Harvey's call for particularity with Beck's more universalist line of reasoning that it is of greater use to seek a “transnational revival and encouragement of politics and democracy” (ibid., p. 94) – a goal which this thesis investigates in CSR.

That said, CSR itself is similarly subject to multiple critiques, which deserve more space than the pages of this thesis allow for. Broadly, two lines of critique are evident.

First, much literature focusses on CSR as a 'business case'; one that advocates a primarily economic view of the firm (Scherer and Palazzo, 2008, p. 426) by addressing themes like degrees of corporate responsibility (Carroll, 2012), CSR-specific stakeholder theories (Erakovic, 2012), public representation (Mahon, 2012) and managerial dimensions (Swanson, 2012). Indeed, some authors note that global competition necessitates companies to prioritise their commercial objectives (Carroll, 2008, p. 19). As such, a sense is maintained that social and environmental responsibilities are a potential threat to commercial interests.

Second, in reverse of the prior argument, Marxist theorists such as Hanlon (2008, p. 156) argue that the uptake of social and environmental policy as 'responsibility' of business represents a further embedding and subordination of social life to the marketplace (ibid., p. 157). The irony of CSR is that rather than offering a way of 'improving' capitalism from within, it in fact commodifies public outrage over capitalist practices (ibid.). As means of governance, CSR embeds an authority of social and economic decision-making in the corporate site itself; creating a belief that business managers can (or even should) be trusted to practice negarchy. Moreover, it pacifies citizens who may otherwise have demanded social change (Kuhn and Deetz, 2008, p. 174).

Although all critiques have their response, these issues raise serious questions on the viability and moral desirability of CSR that will need to be kept in mind during analysis.

4 Methodology

Having established how to conceptualise the social, and subsequently having used this as a fundament for this thesis' perspective on CSR as form of transnational governance, it is now time to work out the instruments with which these abstract concepts can brought to bear upon concrete discursive practices.

The following section provides a description of the methodological system that will be used to conduct this research project. This will be done by further building out a framework derived from Chouliaraki and Fairclough's critical discourse analysis (CDA). This is followed by a brief review of considerations regarding reflexivity, and a description of the empirical sources under consideration. The section will conclude with the concrete structure and method of analysis.

4.1 Critical Discourse Analysis

The transformations of late modern social life, and the plurality and fragmentations these entail, attribute a role of particular significance to discourse and language use (Chouliaraki and Fairclough, 1999, p.4). From this two consequences can be derived: first, that contemporary economic, cultural and social dynamics reflect important discursive acts, and second, that these discursive activities are substantively shaping extra-discursive processes, effectively 'talking practices into being' (ibid.). Within the premises of this study this leads to the understanding that CSR policies are in large part discursive – and through their embeddedness in networks of discourse can drive substantive real-world effects (Djelic and Sahlin-Andersson, 2008, p. 7). Methods of discourse analysis take stake with this “active, reflexive, collaborative process of 'discursive interaction’” (Chouliaraki and Fairclough, 1999, p. 46) and use it to explore the links between language and social practice (Jørgensen and Philips, 2002, p. 68).

Discourse analysis, as a wider field of research methods, focusses on our “[...] particular way of talking about and understanding the world (or an aspect of the world).” (ibid., p. 1). As critical theorists point out, motivations and actions of companies are never simply 'rational', but inherently interested and value-laden. As a thesis which studies business-issued discursive material, it is therefore imperative to be aware of such bias. Hence, a research instrument is needed that can critically unpack texts to expose these unarticulated logics, contradictions and

systems of valuation that ultimately enable corporate dominance over socio-economic relations (Kuhn and Deetz: 2008, p. 174). The methodological framework of CDA as developed by Chouliaraki and Fairclough fits this requirement. There are two particular motivations for this choice: First, it seeks to transcend scientific analyses of 'what is' with what such situations 'might become' (ibid., p. 4). Building on the claim that discursive practices can create unequal power relations (understood as 'ideological effects') (Jørgensen and Philips, 2002, p. 63) CDA provides a platform through which to identify alternatives to structures of governance, and hegemonic problems within them. Second, underscoring the importance of situated knowledge, the model enables positioning discursive practice at the intersection with non-discursive moments. This enables this thesis to place businesses' articulations against the conjuncture of Myanmar's political developments.

Discourse, within the framework outlined by Chouliaraki and Fairclough “refer[s] to semiotic elements of social practices. Discourse therefore includes language, nonverbal communication and visual images. The concept of discourse can be understood as a particular perspective on these various forms of semiosis – it sees them as moments of social practices in their articulation with other non-discursive moments” (1999, p. 38). In other words, discourses are communicative events which mediate the relationship between texts and social practice (Jørgensen and Philips, 2002, p. 68): it is through discursive practice that texts are both consumed and created (ibid., p. 61). Analytically, Chouliaraki and Fairclough contend that discourses are written in 'genres': style-types used in the performance of particular social domains (1999, p. 6). Further, discourses and genres are understood to work according to 'orders of discourse'; specific social logics which structure semiotic diversity into a relative permanence (ibid., p. 58). These orders sort discourses into 'discourse types' and dialectically mandate which of these types are deemed acceptable per institution of the social arena. In prioritising certain discourse-types over others, orders of discourse constitute potential zones of contestation between and within discourses (Jørgensen and Philips, 2002, p. 73).

These concepts, when applied together in a dialectical fashion, enable analytical investigations between and within fields and types of discourse (ibid, p. 73). The analysis of discourse, according to Chouliaraki and Fairclough, seeks to address ideational or representational discourse-related problems in the fabric of social life, and the subsequent discursive identification of obstacles to overcoming these problems (1999, p. 60). In doing so discourse analysis is conceived of as a

window into the public sphere and method of unpacking potentially oppressive practices of political dialogue as they are played out therein. Indeed, corresponding to the emancipatory objective of the epistemological framework it is advocated to use the window offered by CDA to identify possible obstacles to and potentials of non-repressive dialogue (ibid., p. 136). In the premises of this thesis, the problem mirrors concerns which have led to the accumulation of the data under analysis: “[t]he recent increase in foreign business in Myanmar could put human rights at risk if left unguarded.” (BHRRC (1), 2015). These problems and potential obstacles to their resolution are addressed in depth in the discussion.

4.2 Reflexive Considerations

As a project based on constructivist and critical social sciences, reflexive considerations are indispensable. This requires recognising the subjective practices layered into discourse itself, as well as the limitations and bias inherent to my position as researcher. Understanding practice and discourse as 'reflexive' implies understanding them as sites of struggle. Knowledge of practices and articulations of discourses are, after all, based on particular positions in processes – and may not be shared by other people. Here three layers of reflexivity can be identified, two of which exogenous and one endogenous to me as researcher. All 'layers' interpret, adjust and apply involved parties' rationale to discourse, and influences the relationship of the theoretical practice with the concrete practices under consideration. First, that of the used source: the individuals and their overarching institutional discourses which have been involved in proposing, developing, executing and processing the questionnaires. Second, the companies and sub-systems involved in responding to questionnaires. These exogenous considerations are further expanded upon in the section on representativeness.

Endogenously, the third layer of reflexivity entails the position of myself as author of this thesis. As novice researcher within the institutional machinations of academia, and as privileged western European, heterosexual and cis-gender man in relation to the all particulars entailed in the case under investigation. Within these premises, my background with Myanmar as case is (amongst others) shaped through guidebook-informed travel through the country; private readings on Myanmar history and society; work with it from a Western-diplomatic perspective during internships; and growing up to romanticised discourses on European colonialism in Asia (e.g. that of the Dutch 'Golden Age'). I regard my interest in

transnational governance primarily a consequence of spending most of my life beyond the territorial scope of my passport-country (the Netherlands). Through this I have developed a certain disdain for national statehood as something contingent and constructed. Although I am aware of these considerations, there may be others of which I am not, and all of which undoubtedly influence my work – the moral consequence of which is up to the reader to judge.

4.3 Empirical Sources

The theory of CDA as posited by Chouliaraki and Fairclough is based on the understanding that social practices are made up of several moments. Although primarily focussing on the practice of discourse analysis, the authors treat the distinction between moments as a distinction between empirical practices (Jørgensen and Philips, 2002, p. 89). This distinction is, however, hard to disentangle in the 'real world'. Hence, an alternative path suggested by Jørgensen and Philips will be taken to distinguish between moments analytically instead (ibid., p. 90). This approach enables analysis to focus on discourse as sole empirical variable, and to base understanding of other moments on contextual literature.

4.3.1 The Myanmar Foreign Investment Tracking Project

Empirical data consists of responses compiled within the Myanmar Foreign Investment Tracking Project (henceforth referred to as 'Tracking Project') of the Business and Human Rights Resource Centre (BHRRC). The Tracking Project, launched in December 2014 and nominally run until March 2015 (BHRRC (1), 2015), consists of a 7-point questionnaire (BHRRC (2), 2015, see Appendix 2) sent to 'foreign companies' that have just started or are about to invest or operate in Myanmar (BHRRC, 2014). Here a 'foreign' company entails those “with headquarters anywhere in the world outside of Myanmar” (BHRRC (1), 2015). Referencing existing CSR assessments, the Tracking Project claims to fill a gap 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.” (BHRRC, 2014, p. 1). Responses to the questionnaire have been placed online as publicly downloadable files on the organisers' website, together with an accompanying database with metadata on company backgrounds and response types.

It must be noted that the Tracking Project has collected data according to the theoretical perspective of Business and Human Rights (BHR), rather than CSR. However, within the premises of this thesis, BHR and CSR will be considered similar enough to treat BHR as a sub-type of CSR. Conceptually, BHR differs from CSR in that it takes a (self-proclaimed) bottom-up perspective. It seeks to make corporate actors accountable by making them comply to externally-defined codes of human rights obligations. This contrasts with the top-down responsibility placed with business actors under CSR (Ramasastry, 2015, p. 237). Despite their different conceptual basis, the discursively fluid, business-centred, and less legalistic rationale of CSR is deemed to offer a more pragmatic frame for analysis, even if the data under analysis is collected according to BHR. As such CSR will be used as this thesis' definitional baseline.

The organisers argue their rationale for conducting the Tracking Project as follows:

“[...] to respond to the need for increased transparency and information disclosure as a first step to ensuring that foreign companies conduct their business in Myanmar responsibly. It aims to ensure that stakeholders, especially local people, have access to human-rights related information on companies and are able to engage with these companies in the manner they see appropriate. It also provides an opportunity for companies to communicate the steps they are taking to advance human rights in their business.” (BHRRC (1), 2015).

Companies are contacted by the Tracking Project based on “publicly available [...] information identifying specific companies as making or considering investment in Myanmar [...]” (ibid.) as well as recommendations from local groups (ibid). Although company-level information is not provided, the organisers articulate a focus in selection on businesses in the following sectors: “[...] technology, telecom & electronics, oil & gas, mining, energy, agribusiness, manufacturing (including automobile, clothing & textile, footwear, food & beverage), construction finance & banking, audit & consulting, tourism, and hotels.” (ibid.) Companies are approached “[...] in their relevant language, among which will be Chinese, Korean, and Japanese.” (BHRRC, 2014, p. 2).

4.3.2 Scope of Empirical Data

“Data are very unreliable. Facts are negotiated more than they are observed in Myanmar.” (Steinberg, 2013, p. xxvi).

Although improving, data sources on Myanmar remain notoriously patchy. This problem is compounded by the opaque ownership structures of contemporary business (e.g. Global Witness, 2015). This thesis conducts a trans-sectoral level of analysis, of a company-level dataset. Moreover, it conducts analysis on discourses of governance, rather than concrete implementation. Although offering a novel approach, these considerations affect the academic scope of the data in terms of response rate, coverage and representativeness.

Response Rate

Downloadable data on which this thesis is based mentions 117 queried companies, and offers access to 58 textual responses. The Tracking Project does not provide any hypothesis to explain non-responses. This thesis will treat failures to respond as acts of discourse giving some insight to corporate process and rationale. Although subjective, the tables in Appendixes 3 and 4 provide an approximate breakdown of responses catalogued according to geographical location of company headquarters and business sector as documented within the Tracking Project's metadata. A full list of companies, can be found in Appendix 1.

Coverage

Data on numbers of foreign businesses in Myanmar are scarce, and investment activity often measured in incompatible formats. Contextualising the holistic (i.e. trans-sectoral and transnational) database of the Tracking Project is therefore virtually impossible. However, by triangulating from three partial sources an approximate figure of coverage may be derived.

First, the compulsory United States Department of State “Reporting Requirements on Responsible Investment in Burma” counts merely 32 responses, representing roughly 12-15 unique businesses with investments above US\$ 500,000, or in the oil and gas sector (Embassy of the United States, Rangoon, 2015). All but (approximately) four of these companies and groups have also been queried by BHRRC.

Second, research into the Myanmar oil and gas sector by Global Witness (2015) identified 46 international and local companies. Of these, the Tracking Project contains 11 responses, out of a queried population of 25.

Third, following a tender procedure, the Myanmar government awarded nine foreign banks licenses to open operations in Myanmar (Hammond, 2015). Of these, the Tracking Project contains two responses, out of a queried population of eight. The Tracking Project however also includes a variety of financial institutions peripherally engaged with Myanmar.

Representativeness

With comprehensive information elusive, we may instead follow Steinberg's advice to 'negotiate' the data of the Tracking Project itself. Three issues stand out.

First, language skill may implicate the responding author(s)'s ability to comprehend questions, or convey meaning. Additionally, linguistic difference may translate into communal insulation, dropping certain groups beyond BHRRC's 'radar'. All but three responses were offered in English, regardless of some companies' linguistic background – the remainder being Japanese. Contrasting a reportedly large presence (e.g. Mar, 2015; Steinberg, 2013), only seven Chinese (PRC) companies have been contacted by the Tracking Project.

Second, non-responses may be both intentional or unintentional. CSR or representation may be considered irrelevant or uninteresting by certain actors. As Global Witness (2015) shows, ownership structures may be complex and obfuscate companies' involvement. Such 'invisibility' increases with time, whereby company activities are embedded locally, and insulating it from notice. Additionally, Visser (2008, p. 492) reminds us that CSR in developing countries is commonly just practices by high-profile national, and multinational companies. The coverage of CSR throughout the market is as such questionable.

Third, the Tracking Project nominally focuses on companies which are new to Myanmar. Thus, it internalises biases towards companies that, first, were until recently prevented from deploying to Myanmar; and second, deem current conditions sufficiently conducive to company interests to justify (re-)deployment.

Here it must be emphasised that trade sanctions have been led by EU and US political bodies, and found comparatively little support in Myanmar's immediate surrounding region – or only complied grudgingly (Steinberg, 2013). In contrast

Chinese business presences grew, just when other companies were incentivised to leave (Mar, 2015). Similarly, Myanmar joined the Association of Southeast Asian Nations (ASEAN) in 1997, despite increasing sanctions. These suggest the Tracking Project may display a representational bias towards EU and US-affiliated companies – a trend that is reflected in Tracking Project data.

In conclusion, in the light of these shortcomings, what meaning does the Tracking Project hold for research?

First, the Tracking Project still covers a range of sectors and geographical backgrounds, making it one of the few holistic resources on CSR policy in Myanmar. Its limitations are the price of offering a comprehensive discursive perspective comparatively free from legal or activist coercion: responses represent company positions. Second, by being based on a standardised questionnaire, it offers a degree of comparability between responses. Additionally, this provides a greater insight into corporate rationale, as it lures companies out to provide a unique articulation of policy on exogenous terms. Third, in a rapidly changing case as Myanmar, data ages fast. As a project launched in December 2014, responses are under a year old when they're analysed. Fourth, despite limited direct coverage, indirect coverage may snowball. Analysis shows that many companies e.g. consider supply-chain regulation as a part of their CSR; thus influencing a range of domestic and foreign companies not directly covered in the Tracking Project.

4.4 Methods of Analysis

In order to come to a comprehensive geography of CSR practices in Myanmar, the analysis will follow Kuhn and Deetz (2008, p. 174) and seek to expose the unarticulated logics attributing meaning to foreign companies' as potential agents of governance. To cope with the scale of data under investigation, analysis will be broken down into two levels of abstraction.

First, on a concrete level, analysis is conducted by means of 'review'. Here, texts will be read with the objective of sorting discursive instances into relevant dimensions. This is done according to key reflective questions, outlined in table 4.1. Aside from theoretical considerations, CSR-related discourse analysis conducted by Elving, et al. (2015), Lauesen (2014), and Mark-Ungericht and Weisskopf (2007), serves as source of inspiration informing these dimensions. Note that these categories stand in dialogical relation to each other and are by no means mutually exclusive. This section is covered in the chapter on analysis.

Table 4.1: dimensions and questions guiding analysis

Dimensions	Guiding questions (examples)
Form and genre	How closely do responses follow the questionnaire? In what form and specificity are responses provided? What discursive styles and genres are used?
Logic of policy	What benefits does a company signal in its CSR policies? What strategic considerations are apparent in policy articulation? What is expressed as driving force for policy implementation?
Understanding of ownership	What dimensions of CSR are deemed relevant? Of what scale are own potential impacts expressed? Are policy dimensions deflected to, or shared with third parties?
Source of legitimacy	What elements are mobilised to justify CSR practices? What forms do engagements with justifying factors take? What internal divisions are tasked with CSR policy?
Applied jurisdiction	On what geographical scales are CSR rationales determined? In what form are concrete impacts envisioned? What dimensions of CSR and impacts are deemed relevant?

Second, reflections from the review phase will cast into a higher level of abstraction to achieve a layer of emancipatory engagement as required by the epistemological framework. Located within the 'discussion' phase of this report, this level of analysis will be broadly informed by the framework outlined by Chouliaraki and Fairclough (1999, p. 60). In its original form this system entails the following steps:

1. Identification of discourse-related problem in a particular social practice.
2. Identification of obstacles to fruitfully overcoming the problem.
3. Evaluation of the linguistic and discursive practices to locate and understand the role of the problem.
4. Proposition of means to overcome the obstacles.
5. Reflexive analysis of the relation between theoretical practice and those concrete practices under analysis.

According to Chouliaraki and Fairclough the social is programmed into the very grammatical fabric of language, necessitating linguistic-level analysis (*ibid*, p. 140). However, as Jørgensen and Philips (2002, p. 89) point out, this idea is based on studies dealing with minimal numbers of text. Considering the relatively voluminous amount of material under consideration in this thesis, such detailed linguistic analysis would be prohibitively time-consuming. Here it is pointed out that a larger body of material makes within-text dynamics easier to identify and can as such allow step (3) to be discarded in this thesis.

5 Case: Myanmar

The otherwise contingent acts of discourse under analysis in this thesis will be situated in the conjuncture of contemporary Myanmar; the Southeast Asian state formerly known as 'Burma'³. In order to meaningfully situate this geography as the conjunctural base for this thesis, some comments as to its history, and social, political and economic dynamics are in order. Note that such descriptions are highly contestable, and the story offered here is therefore but one, highly simplified perspective. For a better appreciation of the case and its complexity, works by e.g. Lintner (1990), Myint-U (2008 and 2012), Callahan (2003) and Steinberg (2013) may provide useful leads. For the purpose of this thesis there are three dimensions which are of particular importance when considering Myanmar for the study at hand: Its form of statehood and territorial cohesion; its social and economic conditions; and recent developments.

5.1 Statehood and Territorial Cohesion

A colonial creation mapping together a set of historically autonomous communities, Myanmar's domestic territory is highly politicised, fragmented and fought over. As Callahan notes: “since the arrival of a prefabricated, relatively rationalized bureaucracy in Burma in the nineteenth century, the state has been continuously at war with the population mapped into its territorial claim.” (2005, p.13), whereby “war” partially understood in its most literal – armed – sense.

3. *Due to post-colonial, linguistic and political dynamics the choice of name for the polity of Burma / Myanmar, and some landmarks within it, remains controversial and an enduring source of confusion. The root of this issue lies in the decision of the country's military government to update the English-language spelling of certain (often colonial-era) names; thus shifting from “Union of Burma” to “Union of Myanmar”. This change was disputed and choice of name has since come to represent a sign of political affiliation (Steinberg, 2013, p. xxi).*

Generally, usage of the old name dominates among actors intent on displaying disagreement with the military's role in politics, or subject to slow bureaucratic procedure. Following increasingly common practice in media, investigative NGOs and CSR discourse (e.g. BHRRC, 2014; Global Witness, 2014; the Guardian, 2015), this thesis will approach the issue by referring to the polity by its 'new' name "Republic of the Union of Myanmar", or simply 'Myanmar'. Note that this is a choice of convenience and not intended as a political statement or attempt to credit or discredit any particular group(s) or actor(s).

Consequently, borders are generally weak in their ability to unsettle and neutralise. Since independence in 1948, these wars and conflicts escalated and unravelled communities, destroyed livelihoods, displaced populations and sustained massive drug-centred conflict economies (Steinberg, 2013). Lingering sectarian suspicions continue to incite countrywide outbursts of communal violence occasionally with genocidal tendencies (Genocide Watch, 2015), including in major urban centres. As such, the state of Myanmar only tenuously confirms to traditional theoretical notions of cohesive, sovereign, modern statehood, and offers an interesting case to investigate systems transnational governance.

5.2 Social and Economic Conditions

Following a second coup in 1962, the military attempted to overhaul society in pursuit of a 'Burmese way to Socialism' (Steinberg, 2013, p. 65). The 'discipline' the military sought to impose on the populace with these reforms drew upon what might be viewed as a distinctly 'modernist' paradigms of a malleable society (Callahan, 2003). Nevertheless, ultimately, reforms ended up withdrawing the country into a state of international isolation (ibid., p. 68). As a result, the military conclusively established itself as the sole power controlling political authority, economic resources and avenues of social mobility (ibid., p. 151). Draconian policies combined with corruption eventually collapsed education, health and other social services to levels far below even regional standards (ibid., p. 11). Rural areas, already ravaged by war, were disrupted by dynamics of landlessness and environmental degradation due to unbridled resource extraction (ibid., p. 170). An independent judiciary remains elusive, and as Steinberg writes: “[...] law is essentially irrelevant [...]” (ibid., p. 101), with “[...] 'policy', which in the Burmese context means the proclivities of the regime at any point, superced[ing] whatever vestiges of law that may exist.” (ibid., p. 129). In sum, as Steinberg notes: “[h]owever one may wish to define human rights – political, economic, social or cultural – Myanmar authorities deprived their citizenry of these fundamental rights” (ibid., p.129). Note that the notion of 'citizenship' itself here is even controversial, with UNHCR (2015) for example estimating over 1 million stateless people present in the territory.

In 1988, buckling to a variety of pressures, original self-imposed isolation was eased leading to an influx of foreign investment into mineral extraction and low-

wage manufacturing. However, due to international outrage over the regime's ruthless crackdown on pro-democracy demonstrations that same year, these changes passed largely unnoticed. The 1988 crackdown triggered a first tranche of US sanctions. Reasoning that investment effectively supported the junta, opposition icon Daw Aung San Suu Kyi publicly opposed investment, with human rights groups successfully lobbying this cause. Criticism swelled, leading the U.S. to impose a second and third tranche of sanctions in 1997 and 2003, respectively. A final stage was imposed following another crackdown on demonstrations in 2007 (ibid., p. 116).

Ultimately, US sanctions on Myanmar had stopped economic and military assistance (1988), prohibited new US investments (1997), frozen financial assets (2003), placed banking services off-limits (2003), stopped imports (2003), prohibited involvement with third parties still trading with Myanmar (2008), and required US officials to vote against multilateral financial assistance to Myanmar (2008). Sanctions were broadly mirrored by e.g. the European Union. In aggregate, these measures prompted many foreign businesses to cancel planned investments, or to pull out from Myanmar altogether (ibid., p. 101). As in other cases, the ultimate success of sanctions is disputed: none of Myanmar's neighbours really followed these 'Western' efforts – Myanmar's geopolitical position and natural resources simply being too significant to be ignored (ibid., p. 176)

5.3 Recent Developments

Since holding somewhat fair⁴ elections on the 7th of November 2010, reform policies have mushroomed, political prisoners released and civil liberties restored. Opposition parties, including Nobel Peace Prize laureate Daw Aung San Suu Kyi's National League for Democracy, have since entered national and regional parliaments (Steinberg, 2013, p. 197). Finally, under auspices of the new president, 'nationwide' ceasefire negotiations with non-state armed groups have been re-engaged and achieved a first partial agreement in October 2015 – with the military making landmark concessions and hopes for expansion in the near future (ISDP (2), 2015).

4. Note that this means 'fair' in a contextual sense: 25% of seats in parliament remain reserved for Defence Services personnel. Both voter and candidate eligibility remain highly contentious (ISDP (1), 2015).

In response, relations with Western governments have warmed. Critically, the EU, US and Australia have begun relieving sanctions. With this political detente foreign business interests have flooded in, drawn by low wages, and lax regulation (Steinberg, 2013, p.100). Change is however an incremental process, and following initial improvements concerns are mounting again (e.g. HRW, 2015). Thus, this new business presence enters a volatile and changing environment, where regulation is being promulgated and enforced by similarly changing and learning political institutions (e.g. a minimum wage was first introduced on 2015-09-01 (Nyan and Phae, 2015), and investment laws were postponed until after the 2015 elections (Htin Lynn Aung, 2015)).

In sum, the case of Myanmar provides a research object marked by considerable deviations from territorial cohesion. It provides a case where at barely any point over its modern history the central state considered itself accountable to the populations mapped within its territory. Despite hopeful developments, incipient and learning democratic institutions are themselves a significant potential source of insecurity. Therefore, in opening up to foreign capital, Myanmar offers a case where global capital enters a highly unregulated economy, volatile social sphere with intensely politicised territorial perspectives. Recognising these dynamics this thesis argues for the selection of Myanmar as a case in which to analyse practices of transnational negarchic governance.

6 Analysis

This thesis set out to draw up a geography of CSR articulations in Myanmar. For this, geography was conceptualised in the Kantian sense, as the conditions of possibility for all other knowledge. In order to better appreciate the diversity and contingency of these conditions as they play out in discourse, analysis is broken up into a series of 5 categories and varying numbers of constituent topics. Each of these headings represent a sub-set of conditions guiding the scope of possibility for CSR policy.

In providing a qualitative, holistic analysis of the responses collected under the tracking project, it is critical to understand that their discourses vary greatly in clarity and direction. Articulated moments of governance practices overlap or are implicitly subsumed under other elements. The intensity at which statements are expressed is moreover variable and subjective. As such, conclusive quantification of any specific dimension is virtually impossible and meaningless. When statistics are provided these must be read as approximate figures indicating a sense of scale, rather than a claim to objective fact. Quotes are selected on their exemplary value to support the arguments at hand, not necessarily to provide total coverage of all perspectives expressed throughout the entire material.

6.1 Form and Genre

To begin, analysis will take a contextual perspective and look at the form and style in which the responses are provided. These will be discussed in terms of non-responses, deviant responses, genres, and reiteration of BHRRC's discursive style.

First, non-responses must be considered. Of the 118 queries sent out by the Tracking Project, only 58 written responses were registered. The act of response is, in principle, one that is voluntary. Therefore, responding companies can be assumed to do so based on rationales to 'get their word out'. Conversely, failure to respond does not imply the absence of CSR, merely the absence of a communication of such policy in this particular instance. Some received responses hint at what motivations may have driven other companies not to respond at all.

- *Legal requirement*: “At this point [our company] is not yet required under U.S. Law to submit a filing, so have not done so. We plan to submit when required.” (Ford).

- *Perceived irrelevance*: “This question appears to be directed to [a different business sector], rather than [ours].” (adidas).
- *Time constraints*: “[...] it would therefore be impossible for us to respond by your deadline [...] in a manner that would correctly reflect our firm's commitment to corporate social and environmental responsibility.” (Canadian Foresight).
- *Bureaucratic conditions*: “We have delayed a response to this tracking project as [our company has recently acquired another company] and we are in the process of integrating the two companies.” (Ophir).

As these are offered by companies that still responded, their exemplary value may however be forgiving. Almost every responding company articulates some form of CSR policy or intention to implement such. Businesses preferring to avoid public notice or who are uninterested in the premises offered by the Tracking Project, may be less likely to be covered by these explanations.

Second, deviant responses are evident. Of 58 responses, approximately 14 have provided a short, and exclusively textual (that is, less than one page long and not formatted into an own layout or letterhead) answer. Moreover, 9 responses overtly deviated from the questionnaire structure, instead structuring according to topics of own interest. Others extensively referred to online official documents, drawn up on the company's own terms (e.g. codes on conduct or policy statements).

- “Thank you very much for your interest and inquiries about [our company]. Kindly find the attached files above on [our company's] practices on the topic Human Rights which is part of the legal compliance and our Sustainability values.” (BMW Group).
- Response cast under two self-defined headers: “Human rights – Respect for freedom of association and the right to collective bargaining” and “Human Rights – Non-discrimination” (UOB).

Third, Genre and phrasing fluctuate per company, rather than business sector or geography. Some examples within the banking sector illustrate this: whereas the United Overseas Bank draws upon a highly legalistic discourse, it contrasts sharply with the conversational tone struck by ANZ, or corporate formal discourse of ING Bank. Moreover, despite making mention of some form of CSR, commitment to such policies is often expressed in openly interpretable terms. This practice is exacerbated by the frequent use of elements such as “sustainability”,

“compliance”, “Due Diligence”, “grievance”, “senior representatives” or “integrity”.

- “Employees are to be recognized *adequately*.” (CP Group, emphasis added).
- “The code also includes *topics* concerning human rights.” (Andritz Hydro, emphasis added).
- “[...] and follows *best industry practice* in all markets.” (Kempinski Hotels, emphasis added).

Despite a general hesitancy to commit to clear statements, discursive structures are deployed to imbue a sense of competitive superiority.

- “[...] we have *gone further* to safeguard the livelihood and wellbeing of the community in the long run.” (Wanbao, emphasis added).
- “What sets us apart from a lot of other financial institutions [...]” (ING).
- “[...] we continue to improve upon periodically, in line with the best international standards.” (Total).

Fourth, deliberate or not, businesses largely echo the BHRRC's BHR discourse in their responses, with incessant claims to “promote”, “respect”, or “uphold” human rights (occasionally capitalized as “Human Rights” (e.g. Pepsico; ENI)). Signalling awareness of discursive nuance, 13 responses from companies rooted in various sectors and geographies discursively link their corporate practice to the United Nations' Universal Declaration of Human Rights. Note that such mention is often heaped together with other international standards and conventions, or used as catch-all buzzword.

- “*In general*, [our company] complies with the principles of the 1948 Universal Declaration of Human Rights [...]” (Accor).
- “Please refer to our Integrated Policy where we have stipulated our commitment to the FPIC approach as a way to avoid or mitigate conflicts, in addition to our support for the UN Declaration of Human Rights.” (Wilmar).

Within the 'human right'-discourse three broad lines of governance practice can be

identified. A first category here entails general commitments integrating CSR into day-to-day business practice. These are often mentioned in a company's code of conduct or statement of business philosophy. Following the importance attributed to labour rights in the questionnaire (particularly though Tracking Project question 7), responses engage with this dimension in comparatively greater detail and attribute comparatively greater normative importance to it.

- “[Out company] ensures that its operations contribute to the economic and social development of host countries, and in particular local communities.” (Total).
- “[...] and strived to make positive contributions to the economic and social development of Myanmar”(CPI).
- “[Our company's] top priority is the safety and well-being of its people. It has well-developed health, safety, environment and security policies in place, which it closely follows.” (APR energy).

A second category covers philanthropic initiatives or “activating programmes” (Unilever). These are often articulated as if not directly related to commercial interests. Echoing observations pointed out by Visser (2008, p. 493) articulated projects follow patterns common to developing countries in addressing health, education, environment and community services. Note that some companies frame their philanthropic endeavours as foremost investments in Myanmar.

- “Except for investing in a non-profit educational collaboration with UNESCO for business skill development of Myanmar Youth, [our company] has not made any commercial investments in Myanmar.” (Pepsico).
- “Through our presence in Myanmar, we hope to contribute to the sustainable development of the country by activating programmes focussed on sustainable sourcing, enhancing livelihoods and improving health and hygiene. Therefore our current product range in Myanmar comprises of every day consumer goods such as toothpaste, shampoo and bouillon.” (Unilever).

A third category entails a suggested beneficial nature of businesses' commercial

objectives. Beneficial effects are suggested to include generating (added) value, provision of local jobs, inclusive development, electricity access, and even conflict de-escalation. This tendency fits a dynamic of providing an 'economic contribution' to developing countries as again identified by Visser (2008, p. 493)

- “Providing Green Energy to serve the Public” (CPI).
- “[our company] currently employs 160 full time staff, including 75 Burmese” (TPG).
- “The [U.S. Myanmar ICT] Council believes that as Myanmar continues its transition, the accumulated experience and world-class products and management of U.S. firms can serve as a critical resource to help the country advance a national development agenda that provides a critical foundation for peace, stability and inclusive growth well into the future” (Cisco).
- “With a significant proportion of the population without access to electricity, there may be further investment opportunities to bring needed electricity to the people of Myanmar.” (APR Energy).

6.2 Logic of Policy

Many companies overtly frame their commitment as based in their “[...] values, the respect for human rights and the environment.” (ING). A critical reading would be skeptical of such inherent goodness, and seek to frame and identify self-interested motives underlying these initiatives. If such perspective is followed, four overarching logics stand out: legal compliance, long-term interest, stability and reputational considerations.

First, forms of legal compliance are recast to entail CSR. Such rationale fits with some companies' practice of articulating their compliance with legally-required measures, such as CSR reporting requirements, trade embargoes and labour legislation.

- “[Our] Group's practices on the topic of Human Rights which is as part of the legal compliance and sustainability values.” (BMW).
- “Through awareness and education, we hope these principles will support an industry-wide culture of compliance” (Coca-Cola).
- “[...] with reference to our positioning in relation to a wide variety of compliance issues [...].” (Festo).
- “The Compliance function and the Sustainability function at [our company] are responsible for overseeing human rights policies and implementation at group level.” (Statoil).

Second, CSR endeavours are expected to facilitate beneficial conditions in the local environment for the company's future operations. These may be conceived of as influence over regulatory frameworks or building demand and brand loyalty.

- “We have also joined the BSR (the responsible business network) working group in Myanmar to support the textile industry's development in the country.” (Marks & Spencer).
- “Engaging with stakeholders is critical to both our commercial success but also our commitment to generating a lasting positive impact on the communities in which we operate.” (Coca-Cola).

Third, CSR is conceptualised as a way to maintain a 'stable' business environment. In this form it seeks to avoid upsetting third parties to an extent that the company will need to engage in potentially risky defensive measures.

- “While we expect our due diligence to eliminate any need for compensation to affected parties, we also have an open-door policy to receive, adjudicate and address reported grievances.” (Four Rivers).
- “The outcome of these studies [ESIAs] will let us understand the local situation better and can help avoid or mitigate social conflicts” (Wilmar).

Fourth, reputational considerations are evident. These can be expressed either 'offensively' or 'defensively': To build or protect a direct local consumer base, or prevent the loss of support from e.g. investors, shareholders or consumers. The presence of such concerns is evidenced in that various companies indicate communications departments as responsible contact points for their CSR policy. This sentiment is consolidated by statements of the companies TPG and Wanbao targeting BHRRC for issuing negative statements concerning these companies.

- “Through its [portfolio] investment, [our company] is a proud and proactively 'good actor' in terms of benefitting the people of Myanmar, and would appreciate reconsideration of your “Limited” grade.” (TPG).
- “It is therefore regretful to find that most of the news put on your website about our project tends to be negative and inaccurate [...]” (Wanbao).
- “Additionally and foremost, owners, investors, ECAs, international and local banks insist on [Environmental and Social Impact Assessment Reports.]” (Andritz Hydro).

6.3 Understanding of Ownership

Although implementation of policy is mostly done by the company, this does not necessarily mean a company articulates itself as the entity which owns the form, motivation underpinning such a policy. Discursive attribution of ownership unpacks businesses' understanding the extent to which they consider themselves responsible for governance and possible consequences thereof. Indeed, the dimension of ownership constitutes the primary difference between BHR and CSR as conceptual frameworks (Ramasastry, 2015). Four dimensions of qualified ownership stand out: denial, minimisation, externalisation, and internal demarcation.

First, the outright denial of ownership. This is particularly common in response to questions on conflict-affected communities and land rights. Often the question is portrayed as irrelevant to the activities a company self-identifies with or the geography it conducts them in. Sensitive questions are removed altogether, left blank or met with a curt “not applicable”. Longer written-out alternatives include:

- “The nature of [our company's] presence in Myanmar [...] is such that these scenarios are not relevant” (Cisco).
- “This question appears to be directed to [a different sector of industry], rather than [ours]” (adidas).

Second, the comparatively small scale of the own business activity is emphasised. At times company CSR efforts are even recast as primary element of business presence. Such articulations can be interpreted as attempts to downplay potential negative spillovers, while maintaining full ownership of policy successes.

- “Yes, we have a small project in Myanmar [...]” (Aggreko).
- “[Our company] only has two investments in Burma/Myanmar[...].” (TPG).

Third, externalised ownership or responsibility. Here, third-party codes or organisations are mobilised to affect a company's apparent responsibility. For instance by enabling a business to defer responsibility for failures to the shortcomings of the standard. Objects of reference are articulated in relation to governmental, quasi-governmental and non-state frameworks.

A first type of externalisation entails articulations that build on a frames of governmental authority. In terms of business governance, this echoes Friedman's the 'business of business is business' within the law. Here, the law or state government is positioned as the owner of some responsibility for consequences of business practice. Within the data references to Myanmar government authorities are most common, although the US, Australian, UK, and Singaporean legal systems and governments also receive specific mention.

- “[our company] complies with the employment and labor laws in every country and region in which we operate.” (Hilton).
- “These investment opportunities are all [...] thoroughly vetted to ensure *uncontested legal ownership* and no ongoing disputes with affected individuals or communities” (Four Rivers, emphasis added).
- “We maintain contact with Australian Government representatives [...] to keep them briefed of our activities, and to ensure that our approach aligns with Australian Government policy.” (Woodside).
- “[We commenced construction with] the approval of the Governments of the People's Republic of China and the Union of Myanmar.” (CPI).

A second type of externalisation entails quasi-governmental regulations and standards. These entail an indirect governmental dimension which is (usually) not enforced. Popular frameworks include those issued by the United Nations, International Labour Organisation (ILO) and Organisation for Economic Co-operation and Development (OECD).

- “[Our 'Human Rights Policy'] is informed by international human rights frameworks including the [standards]” (Cisco).
- “The annual human rights due diligence workshops mentioned above, in line with UN Guiding Principles[...]” (NYK Line).
- “Our company signed the United Nations Global Compact in March 2009, which shares the same values as our Corporate Mission Statement, to declare its support for [standards]” (Sumitomo).

A third type of externalisation can be identified in non-state standards as frame of reference. Here, actors include a variety of civil society agencies such as the Myanmar Centre for Responsible Business (MCRB) and the institute for Human Rights and Business (IHRB), as well as sector-led initiatives (Visser, 2008: 492) such as the Thun Group of Banks, Responsible Business Network (Myanmar), and the Extractive Industry Transparency Initiative (EITI).

- “Our safety standards are internationally accepted standards in the oil and gas industry, such as those set by the International Association of Oil and Gas Producers and the American Petroleum Institute.” (BG Group)
- “Additionally, as a sustainability partner through the HydroEquipment-Association of the International Hydropower Association [...]” (Andritz Hydro).
- “[Our company] is a member of the Ethical Trading Initiative (ETI), a non-profit organization that brings together brands, NGOs and trade unions to [...]” (H&M).

Fourth, ownership is deferred to entities on a company's commercial periphery. In this practice supply chain entities, business partners and dedicated departments are evident factors.

A first category on the commercial periphery covers hierarchically inferior entities in the supply chain are loaded with responsibility for negative externalities. Sales activities are occasionally also placed in a similar relation – presumably in recognition of potential customers subject to enduring sanctions.

- “[...] with view to additionally addressing the issue of human rights in the highly complex supply chain, which we only have an indirect influence, we employ [methods]” (Daimler).
- “[Our company] does not own any factories, but we source from over 900 suppliers around the world.” (H&M).
- “[Our Company] has no direct investments in Myanmar. We currently have one supplier who has recently established a footwear manufacturing plant, employing 313 workers [...]” (adidas).

A second category on the commercial periphery covers affiliate commercial parties of a more even hierarchical standing are positioned as sharing ownership and responsibility. These arrangements are particularly prevalent within the tourism, and oil and gas sectors.

- “We will work closely with our operating partner, [...] to ensure that such activities are conducted in a manner consistent with [our CSR positions]. We are confident that our positions are aligned with [our operating partner's] approach.” (ConocoPhillips).
- “[Our company] is a private company that strictly manages hotels on behalf of their owners in destinations around the world... [A]s such we cannot commit on any political related questions in the countries we operate in [...]” (Kempinski Hotels).

A third and final category on the commercial periphery covers specific bodies within the corporate self. These are identified as responsible agencies for CSR. These may include “Corporate Social Responsibility Department” (Western Union) or Human Rights Working Group (Cisco).

- “The [Environmental and Social Risk] framework has been endorsed by the Global Credit Committee and our Management Board” (ING).

6.4 Source of Legitimacy

For companies to own responsibility raises the question on how they legitimise and justify such position. This brings the responding company's rationale itself into the picture; both as defining actor, or implementing agent. Six forms are identified: governmental endorsement, contextual awareness, inverted governmental legitimacy, community endorsement, past practices, and administrative accountability.

First, some companies establish the legitimacy of their actions by reference to government approval, or adoption of government concepts. Due to the need to attain government-issued permission to officially establish operations in certain sectors, some companies defer to forms of governmental approval of their operations. This includes oil and gas companies articulating being 'awarded' extraction rights.

- “In 2014, BG Group was awarded four blocks of frontier acreage in Myanmar.” (BG Group) Note: a map detailing the location of this 'acreage' is provided.
- “We have taken to heart the Myanmar government's concept of “People Centred Development” and we are proud of putting this concept into action by placing our community at the centre of what we do.” (Wanbao)
- “*Land rights* – we have leased over 1000 parcels of land (or rooftops), always in full compliance with local laws, government permitting, and Myanmar regulations.” (Apollo Towers, emphasis in original)

Second, Myanmar poses a complex social and political environment. As such, some companies express claims of familiarity with this context and through these their company's ability to develop and implement non-commercial policies in a fairer and more attuned manner.

- “[Our company] is a global business with local roots and our roots in Myanmar go back over 80 years.” (Unilever)
- “[Our company] recognizes the sensitivities with respect human rights abuse in Myanmar, and is committed to ensuring that our business takes place in a manner fully sensitive to these realities.” (Philips).
- “We welcome the improvement of the political situation in Myanmar since 2012 [...]” (Daimler).

Third, here 'situational familiarity' is intersected with a recognition of the bad social and environmental policy record of the Myanmar government over previous decades. As such legitimacy is derived from a (subtle) critique of the Myanmar governmental as legitimizing institution. Through this act companies position the self as an exceptionally responsible actor which may use business operations as deliberate medium for societal empowerment.

- “We finance some socially and environmentally sensitive industries and in our increasing presence in Asia and the Pacific means doing business in some countries with developing legal and governance frameworks. Our aim is to make balanced, informed and transparent decisions and work with our customers to help them improve their management of business social and environmental risks.” (ANZ).

Fourth, local support may be used to justify and legitimise business practices. Explicit desire to truly become a part of the local community is however somewhat uncommon, even in discourse: hierarchy often prevails. Note that these usually lack specificity, and call on some form of “key stakeholders” (Primark).

- “[...] to ensure [our company] understood Myanmar's market, industry and culture, and supported its commitment to truly become part of the local community” (Coca-Cola).
- “Community engagement, dialogues, and revenue sharing arrangements are conducted on a project-by-project basis in line with our corporate policies and procedures” (Mitsubishi).

Fifth, positioning the self as a transnational actor, examples of good practice elsewhere are drawn upon to legitimize practices in Myanmar. Clearly, it remains questionable to what extent these mentions are relevant to the company's Myanmar activities.

- “[...] we have been participating in an initiative led by the United Nations Development Program to reconstruct Somali Society [...]” (NYK Line).
- “Since the establishment of [our company] in 1997, the company has never been cited for human rights or other violations.” (CP Group).

Sixth, companies portray internal CSR divisions as complex bureaucracies with a 'responsibly' high level of institutionalization. Are described in a manner suggesting institutional responsibility, based on 'mature', 'expert', or consistent procedure. On two occasions flowcharts are used to bolster this image (Wilmar; Daimler). This dynamic is reinforced through referral to a range of pro-actively named policies, suggesting a sense of active engagement and uniqueness of company practice.

- “In order to embed the UN Guiding Principles throughout our business we have created a new Unilever Responsible Sourcing Policy (RSP) with clear processes to report actual or suspected breaches.” (Unilever).
- “Our Sustainable Supply Chain Council, formed in 2014, is responsible for monitoring compliance with our Supplier Code of Conduct. It comprises senior leaders from across our business including our Chief Human Rights Officer” (Pepsico)
- “[...] our No Deforestation, No Peat and No Exploitation Policy (Collectively known as the 'Integrated Policy')” (Wilmar)

6.5 Applied Jurisdiction

Finally, to consider companies as actors of transnational governance, the claimed jurisdiction of their rule must be reflected upon. Here, jurisdiction is conceived of as organic, rather than exclusive notion: it embodies the dimensions of place and hierarchy a response articulates as the space on which a company's governance practices take effect. Six jurisdictions are identified: global, state, community, supply chain, and company-level, as well as a more diffuse form of expansionism.

First, the global level of policy is identified. This level is either articulated directly as e.g. “Global Labor policy” (LG), “[our company's] global practice of compliance” (Ford), or indirectly through positioning the corporate self as representation for the global. Note that such global perspective may in fact rather imply a worldwide network of local or regional representations, such as “Social and Environmental Affairs, Asia Pacific” (adidas).

- “[Our company] ensures that its operations contribute to the economic and social development of host countries [...]” (Total).
- “Also [our company] takes its citizenship responsibilities seriously and seeks to make a positive and sustainable difference in the communities it serves.” (APR Energy).
- “The Code applies to all Team Members at our corporate offices as well as our owned and managed properties worldwide, ensuring a globally consistent culture of integrity.” (Hilton).

Second, within the premises of Myanmar's state-level, specific articulations can be divided into specific 'national' policies, and more diffuse expressions in which Myanmar functions as a 'sphere of influence'. In terms of specific policies economic sanctions and grievance systems are most commonly expressed.

- “[...] we have no Myanmar-specific human rights policies, however, partners in our distribution channel are contractually obliged to ensure that products are not sold in violation of export restrictions [...]” (Microsoft).
- “Furthermore [our company] has established a framework for a formal grievance mechanism in Myanmar in order to provide the public and other stakeholders with an accessible and effective method to contact [our company.] (Philips).

Diffuse expressions of Myanmar as a 'sphere of influence' are generally articulated with regards to the effects of businesses' commercial practices. Note that representations at this layer may be heavily influenced by the Tracking Project's explicit focus on 'Myanmar' as a scale of analysis.

- “Through an awareness project we strive to make our employees familiar with and respect Myanmar's culture” (Total).
- “Opportunities [...] made possible by [our company] will support peace, stability and inclusive growth in Myanmar.” (Cisco).
- “As you will appreciate, compliance with [Extractive Industries Transparency Initiative] standards and principles will introduce an international standard of transparency into the management of revenue which Myanmar received from its resources sector, and support improvement of the lives of its people.” (Woodside).

Third, the jurisdiction at the 'community-level'. Conceived of flexibly, and rarely specified, it can exclusively apply to the vicinity of corporate practices, and scale upwards to embody what is presented as a wide spread throughout the country. Initiatives on this scale commonly apply to philanthropic endeavours.

- “Community footprint Launched in July 2012, Swan Yi is [our company's Myanmar subsidiary's] flagship community initiative aimed to empower 24,500 economically disadvantaged women [...] active in hundreds of villages in eight townships in Yangon, Mandalay and Sagaing [...]” (Coca-Cola, emphasis in original).
- “In the conduct of Social and Environmental Impact Assessment (ESIA), the following elements will be considered. [...] Potential impact on surrounding communities from the sugar plantation, including an analysis of potential effects on livelihoods, as well as effects on gender, ethnic communities, and migrant versus long-term residents.” (Wilmar).

Fourth, supply chain companies are articulated as specific level of jurisdiction. Here companies step-up their discursive 'authority'; switching from nigh-humanitarian discourses to a regulating discourse, demanding suppliers to live up to (supposedly) specific codes of conduct. The discourse suggests supply-chain governance may constitute the most high-impact jurisdiction of CSR governance.

- “We work on an everyday basis with the integration of our Human Rights policy and related policies into our operations and throughout our entire supply chain. Towards suppliers most relevant policies are our Code of Conduct, our Human Rights Policy and our Code of Ethics. [...]” (H&M).
- “[Our company] requires all of its suppliers worldwide, including Myanmar, to adhere to its Supplier Code of Conduct, [...]” (Microsoft).
- “Attached is our [CSR] policy that all employees, consultants, suppliers and partners MUST sign. There is zero-tolerance enforcement” (Apollo Towers, emphasis in original).

Fifth, company-internal, or 'in-house' practices are articulated. These are largely aimed at elements of labour and capital (and effects of these) under direct control of the company. As predominant topics of governance, the sub-dimensions of employee affairs and facility affairs stand out. Environmental concerns are usually added as a bit of an afterthought.

- “[Our Company's] Employment and Labor Management Policy: This policy ensures that all employees are treated fairly, based on respect for human rights by promoting employee engagement & involvement and upholding diversity in the work environment. The areas below are covered in the Employment and Labor Management policy.” (CP Group).
- “The company will provide a safe and healthy working and living environment, carry our regular activities, such as physical examination and epidemic prevention campaigns, etc. The labor and employment system will be implemented strictly in accordance with the existing laws of Myanmar and not lower than them, to protect the legitimate rights and interest of each employee effectively.” (CPI).
- “We set up a number of key performance indicators (KPIs) to assess and measure safety performance, both in terms of personal safety and asst integrity. [...] Our safety standards reflect internationally accepted standards in the oil and gas industry [...]” (BG Group).

Sixth, a considerable number of companies articulate some form of attitude which might be called 'leadership ambition'. It entails the ambition companies express towards the scale of their social and environmental impacts. This embodies the overarching narrative suggesting the scale of effect in which readers should interpret companies' activity and conceptually overlaps and interconnects many preceding jurisdictions,

- “As you will appreciate, compliance with EITI standards and principles will introduce an international standard of transparency into the management of revenue which Myanmar receives from its resources sector, and support the improvement of the lives of its people.” (Woodside).
- “With the establishment of a local presence, [our company] plans to step up its engagement with these stakeholders to demonstrate feasibility of operating a sustainable and responsible business approach in Myanmar.” (Philips).

Note however that some companies also explicitly distance themselves from such leadership claim.

- “Other tasks [of the Group-Wide Compliance Committee] include keeping track of current topics and trends in the field of compliance and putting them into practice by means of appropriate measures or new regulations.” (Andritz Hydro).

7 Discussion

This section will provide a deeper reflection upon the material compiled in the preceding review. As noted in the methodology, the discussion will be structured around Chouliaraki and Fairclough's five-step system. As such the discussion will be based on the discourse-related problem first identified in the introduction, and explore obstacles and avenues to its resolution.

7.1 Problematizing Discourse

Chouliaraki and Fairclough demand the identification of a discourse-related problem in a particular social practice (1999, p. 60). For this thesis I have problematised that, as the society transitions out of modernity, discursive constructions of the global, the particular and their respective dialectical relationships shift. These changes embroil the social into a 'globalisation paradox', where the fixed locality of the state becomes increasingly inadequate as base for social dynamics, but a 'global' alternative of universality remains geographically unviable. Within this shift the position of systems of solidarity and negarchy are especially in need of reconceptualisation, as their previous articulation within state institutions is eroding.

In response to the globalisation paradox this thesis posits a framework of the transnational. Approached as a sub-type of transnationally scaled governance, CSR is proposed as an instrument which might serve to provide a system of negarchy within the post-modern era. Following Sassen (2010), transnational governance is conceptualised as a system layering elements of the 'global' inside the 'national', thus providing an avenue of discourse through which to resolve the globalisation paradox. Recognising the opening up of Myanmar to foreign business, this country is taken as a case in which the discursive construction of CSR governance is currently acute, relatively evident, and may influence future development of the country's governmental politics. With this framework set, I have sought to engage with the following research question:

How do foreign companies active in Myanmar after the relief of economic sanctions, position themselves as governing actors within the geographic particular of their location when articulating policies of corporate social responsibility?"

7.2 Analysis of Obstacles

In analysis of this question, discursive obstacles are analysed which might complicate the cosmopolitan transition. In contrast to a cosmopolitan ideal of universal solidarities, the literature notes that the incarnation of late modernity we are witnessing today, has become marked by an uneven balance in favour of market forces. Business practices are argued to have adjusted to a transnational scale of operations, empowering their 'neoliberal' interests and discourses of flexibility, whereas systems of negarchy remain trapped in state-based discourses and structures. In this thesis these structures are engaged with through two sub-questions:

1: When conceived of as actors of governance in conditions where the state is unable or unwilling to adequately legislate socio-environmental policy, how do companies articulate their position towards such a governing role?"

As suggested by Jordan (2006, p. 221) it is easier to draw up an ethical framework of universal solidarity, than to implement it. Unfortunately, the analysis of businesses' articulations of CSR seems to confirm this notion. Kuhn and Deetz (2008, pp. 174-175) identify three general processes which shape corporate decision-making which are of relevance to critical theory: First, institutionalised power relations; second, forms of systematically distorted communication; third, ideological values privileging dominant groups. Broadly speaking, these values are echoed in legitimisations and logics this thesis has derived from the responses:

First, even when companies are conceived of as soft actors, composed of multiple and fluid identities (Djelic and Sahlin-Andersson, 2008, p. 11), they nevertheless articulate a seemingly hierarchical deference to structures of institutionalised power. This is evidenced by companies often hierarchical approaches seeking "engagement" with "communities". Although noble in appearance, underlying logics using this integration with local populations as instruments to establish stable surroundings may be less so. Power relations are similarly reflected in logics which consider CSR an instrument to attain long-term competitive benefits by adjusting local structures to suit the own company practice.

Second, mirroring Mark-Ungericht and Weiskopf's (2007, p. 287) observations, public relations and strategic communication are an important aspect of CSR discourse. In this regard, various BHR-derived discourses are abundant, articulating e.g. "Human Rights", "best practices", "due diligence", and an array

of third-party codes and memberships. This connects with the identified logic of image building: the use of CSR as way of establishing a (positive) brand name with potential customers, regulators, and potential critics.

Third, CSR, as conceived in this thesis, might enable a more diverse representation of governing practice than under the state. However, as cautioned by Kuhn and Deetz, dominant groups remain privileged. This is best exemplified by the voice of women throughout the discursive material seen in this thesis – or rather, the deafening silence of their (almost total) absence; both as e.g. marginalised group and as strategic potential. CSR remains articulated as a predominantly masculine affair redistributing political functions between business and state-parties. This is reflected in some companies' attempts to internalise the legitimacy perceived to be inherent to government ministries, individuals or legislation (both Myanmar and foreign). The importance of institutional power relations is also suggested by the logic of companies' trying to posit legal compliance as an act of CSR.

2: When conceived of as actors of transnational governance, how do companies negotiate the divide between global universality and local particularity in expressing their policies of corporate social responsibility”

The theoretical framework alleges that systems of negarchy have remained rooted in the national scale, and are as such increasingly losing out to transnationalised business practices. When this claim is considered within articulations of ownership and jurisdiction throughout the Tracking Project, it is evident that companies express complex self-identities rooted to at least some level 'beyond the state'. Although these identities may contrast with expressions of affiliation to specific 'national' arenas (e.g. China, Singapore and Australia) such claims often relate to regulatory dimensions; corporate identity may yet remain fluid. In terms of ownership of policies a range of non- or quasi-state entities is articulated which hold some form of ownership and thus influence over elements of company policy. The state remains important, but only as one among multiple layers, and largely owing to its ability to enforce legislation.

As exemplified by the various articulations of 'global policies', a claim to universality is made. Upon closer inspection, jurisdictions can be seen as scaling from this global to the particular; again the state is but one among various levels of relevance in this scale. These recognitions of the particular, while claiming a scale of operations involving a multiplicity of national geographies, enable a reading of

many companies' discourse as 'transnational', when this term is understood as posited by Djelic and Sahlin-Andersson (2008, p. 3).

Nevertheless, as highlighted by Harvey (2009, p. 97) in his call for a 'subaltern cosmopolitanism', it must be questioned how deep and localised companies adaption from the global to the particular is. Here the expression of 'global policy' can be read as one of top-down implementation; one where the global is imposed unto the local. Adaption to the local can as such be understood as 'terraforming' particularity to be a conducive carrier for a company's 'global' interests. These dynamics raise suspicion of a respect for particularity that only runs as deep as capitalist interest.

7.3 Remediating Obstacles

In recognition to these complications, we must ask ourselves what paths remain to remedy the cosmopolitan transition? Any resolution to this concern is by definition subjective, and beyond the scope of this thesis. Nevertheless, a precursory insight may be identified. As noted by Beck and Harvey, the transition of the social away from the state as geographical reference, is conceived of as a unidirectional and irreversible process. Therefore, remedies ultimately cannot be based in a renewed closure of the state's modern frame. Instead they must look forward to new, creative solutions better fitting the late modern condition. Here the functions-centred definition of the political as used in this thesis may provide a starting point. As analysis has shown, business can for most means and purposes already be defined as transnational. This implies that any form of solidarity within the globalisation paradox will need to be capable of influencing and negotiating the spatial complexity of the transnational scale. The analysis above illustrates the extent to which CSR in Myanmar fulfils this task: which negarchic functions of the political are taken up by companies, at what commitment, and where they may be influenced

Here the data shows that companies are highly networked entities, which both consider themselves to have the legitimacy, scope and capacity to regulate certain entities, but are at the same time shaped by pressures from governments, other third parties, and internal commercial interests. Any actor which is to exert such influence is bound to operate under constraints and limitations: For example, although companies express subservience to Myanmar law, the Myanmar government itself is transitioning and subject to considerable competing interests. In contrast, other forms of governance will have a hard time finding traction: even

the most referred to standard, the UN Universal Declaration of Human Rights, was only referenced by 13 out of 58 companies. Nevertheless, if the results of this thesis are to be a guide, it is in the mix of such systems that perhaps one future path to negarchy may be identified under conditions of late modernity.

7.4 Situation Within Theory

Where does this place the findings in relation to the overarching theoretical framework? Transnational governance has been defined as perspective which calls into question essentialist territorialism of the state, while remaining sensitive to geographical particularity; a condition under which social structures are spatially entangled. Company responses illustrate this dimension with a complex networked system which covers universalist claims to global policies and operations, while at the same time scaling these down to precipitate into the particularities of commercial relevance. As such their position mirrors claims by Strange (1996) heralding the 'retreat of the state', as well as e.g. Shaw's (2000) position on the state's enduring relevance. This dynamic resonates with Sassen's compromise of a global inside the national: transnationally shaped commercial and CSR activities applied unto layers inside the national scale of Myanmar.

Governance has been set out as an effort which includes dense organising; interweaving discursive and monitoring activities that frame, stabilise and reproduce rules and regulations. Indeed, companies appear to follow Visser's observation that CSR in developing countries tends to take on tasks traditionally attributed to the state (2008, p. 493). Although this dimension may be identified, the direction of policy remains questionable: if the political is conceived as a functional process, the depth of negarchy within this politics displays a striking resemblance to neoliberal discourses of commercialism and flexibility. Although companies may provide long-deprived services and safeguards to Myanmar, their provision is, as also noted by Visser, fraught with dilemma's (2008, p. 493).

8 Conclusion

In this thesis I set out to reflect on one moment of the political, social and economic transitions that are currently underway in Myanmar. Even though various domestic developments in the country have been highlighted in global headlines, a deeper analysis on the political-discursive dimension of this reintegration with global economic systems remains as of yet lacking. Through an analysis of the discourse used by foreign companies which have established themselves in Myanmar, I have sought to investigate the articulation of CSR as a form of governance. This investigation has subsequently been placed within a framework broadly based around Sassen's theory of the global inside the national.

Rather than unearth a specific set of discourses, the single-moment, inter-sectoral data assessed in this thesis has instead enabled a 'geography' of governance: a landscape of the conditions of possibility unto which CSR is articulated as a form of transnational governance. Companies articulate themselves set within a complex discursive web of legitimization, motivation, transnational capacity, and selective particularities. These discourses draw a narrative of companies operating on a transnational or global scale, which precipitate themselves unto strategic particulars within the 'national' demarcations of Myanmar. Particulars are articulated as instances where capitalist logic and human rights interests intersect. These intersections are positioned at various scales, and legitimized through third parties and reflexive discourse, according to company objectives, identity and perceived geographical relevance.

When this geography is considered as one articulation of governance under conditions of late modernity, it appears to confirm two theoretical frameworks.

First, CSR governance resonates with Sassen's theory of global inside the national, with elements of global policy layered within what is enduringly articulated as a national sphere. Indeed, the state endures as a discursive anchor of legal, regulatory and identity-political reference. However, as my research also suggests, companies regard the state as just one among many shifting layers of reference.

Second, company discourses echo a certain hesitancy to commit to particularity beyond what may be conceived as capitalist interest. This raises a spectre of neoliberalism. As such, the discourse of governance as interpreted for this thesis tentatively confirms Beck's and Harvey's understanding that the transition out of modernity has until now been an irregular one, favouring market logics over ideals of universal solidarity. Whether this finding is entirely valid, remains debatable: this thesis has just investigated one specific policy function exercised by businesses themselves. Other entities may be filling in functions of the political not addressed in this thesis.

While writing this thesis, the Myanmar saw its second general election since embarking on political reforms. The opposition National League for Democracy won these election by a landslide, and now holds the mandate to form what might be Myanmar's first truly civilian government since 1962. No matter how pervasive systemic injustices remain, a peaceful transition of government would be a milestone in Myanmar's modern history. It will however also open up new pressures, and rearrange the order of discourse in political debate. It remains yet to be seen how state negarchy will develop in this environment. As my research has suggested the state holds an enduring role as discursive anchor in businesses' social articulations and institutional-political logic. This role as anchor is however fundamentally qualified through transnational dynamics, both for the better and the worse. A civilian government would do good to realise this, if it is not to squander the country's newfound democratic hope.

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Appendixes

Appendix 1: List of Responding Companies

The shorthand used to reference companies is based on these companies' manner of self-identification in their responses. Names offered in the research material might as such deviate from companies' full legal reference.

No.	In-text reference	Full name as referenced by BHRRC or in response text.
1	Accor	n/a
2	adidas	adidas Group
3	Aggreko	n/a
4	Andritz Hydro	Andritz Group (Hydro)
5	ANZ	Australia and New Zealand Banking Group Ltd.
6	Apollo Towers	n/a
7	APR Energy	n/a
8	Ball	Ball Asia Pacific Ltd.
9	BG Group	n/a
10	BMW	BMW Group Asia
11	Canadian Foresight	Canadian Foresight Group
12	CP Group	Myanmar C.P. Livestock Co., Ltd. (part of Charoen Pokphand Group)
13	Chevron	Unocal Myanmar Offshore Co. Ltd (Myanmar subsidiary)
14	CPI	China Power Investment
15	Cisco	n/a
16	Clipper	Clipper Holdings
17	Coca-Cola	Coca-Cola Company (Coca-Cola Pinya Beverages Myanmar and Coca-Cola Ltd.)
18	ConocoPhillips	n/a
19	Daimler	Mercedes Benz (Part of Daimler)
20	Eni	n/a
21	Ericsson	n/a
22	Festo	Festo AG & Co. KG
23	Ford	n/a
24	Four Rivers	n/a

25	Gap	Gap Inc.
26	GE	General Electric Company
27	H&M	n/a
28	Heineken	n/a
29	Hilton	Hilton Worldwide
30	ING	ING Bank
31	Itochu	n/a
32	Kempinski Hotels	n/a
33	LG	LG Electronics
34	Marks & Spencer	n/a
35	Marubeni	n/a
36	Microsoft	n/a
37	Mitsubishi	n/a
38	NYK Line	n/a
39	Ophir	Ophir Energy plc.
40	Panasonic	n/a
41	Pepsico	n/a
42	PTTEP	Petroleum Authority of Thailand Exploration and Production
43	Petronas	Petronas Carigali Myanmar (Hong Kong) Ltd.
44	Philips	Philips International B.V.
45	Primark	Primark Stores Ltd.
46	Samsung	n/a
47	Statoil	Statoil ASA
48	Sunitomo	Sumitomo Corporation
49	Telenor	Telenor Myanmar (business unit of Telenor Group)
50	Total	Total E&P Myanmar (TEPM)
51	TPG	Includes: TPG Growth and TPG Asia
52	Unilever	Unilever PLC
53	UOB	United Overseas Bank
54	Wanbao	n/a
55	Western Union	n/a
56	Wilmar	n/a
57	Woodside	Woodside Petroleum Ltd.
58	Yoma	Yoma Development Group (part of Yoma Strategic Holdings)

Appendix 2: Questionnaire / Myanmar Foreign Investment Tracking Project

Questions that were asked to companies under the Myanmar Foreign Investment Tracking Project. Note: documentation accompanying queries has not been published by BHRRC.

Source: BHRRC (2), (2015)

1. Does your company have investments or operations in Myanmar or is it seriously considering investing or operating there? If so, please provide information on the nature of these investments, and which geographic areas and communities they will affect.
2. Do you have policies and procedures in place to prevent your business activities or investment from contributing to human rights abuse and social conflict in Myanmar (including, for example, human rights due diligence measures)? Please specify whether these policies and procedures apply to your company in general, or specifically to your Myanmar investment. If you have human rights policies and procedures regarding investing or 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.
3. Who in your leadership is responsible for ensuring compliance with the policies and procedures in no. 2?
4. If you do not yet have human rights policies and procedures in place, do you have plans to develop them? If so, what efforts are you currently engaged in or plan to engage in on this regard?
5. How does your company try to prevent or mitigate conflicts that affect its operations or the surrounding communities (including armed conflict, inter-communal conflict and violence, etc.)? Could you please list your policies, procedures or concrete activities in this regard, including community engagement and dialogue measures and revenue sharing agreements?

6. Who should communities or civil society groups contact if they have questions or concerns about your investment or operations in Myanmar? Please provide their contact information.

7. We further invite you to respond to questions specific to your industry. Does your company have policies and procedures in place to address each of the following areas? If so, please provide details:
 - a. Freedom of association and collective bargaining
 - b. Living wages
 - c. Workplace health and safety
 - d. Child labour
 - e. Forced labour
 - f. Anti-discrimination (whether based on race, gender, religion, nationality, etc.)
 - g. Environment
 - h. Land rights
 - i. Relocation

Appendix 3: Responses per Sector of Business

Note that, in grappling with marketplace diversity, business sectors are treated flexibly, using the Tracking Project demarcation as bottom line.

Sector	Queried	Responded
Agribusiness	3	2
Audit & consulting	2	0
Conglomerate & trading	4	4
Construction & logistics	11	5
Energy	5	4
Extractive: oil & gas	25	11
Extractive: other	4	1
Finance & banking	14	5
Manufacturing & sales	30	13
Technology & telecom	15	10
Tourism	4	3
Total	117	58

Appendix 4: Responses per Geography of Headquarters

Location	Queried	Responded
Europe ¹	34	22
North America ²	30	18
Australia	4	2
Japan	11	6
Singapore	6	3
China	7	2
Thailand	7	2
India	5	0
Other ³	13	3
Total	117	58

Notes:

1. 'Europe' aggregates: Austria, Belgium, Denmark, France, Germany, Ireland, Italy, Netherlands, Spain, Sweden, United Kingdom, Norway, Switzerland, Russia

2. 'North America' aggregates: Canada and United States of America

3. 'Other' aggregates: Indonesia, Malaysia, Pakistan, Philippines, Qatar, South Korea, Taiwan, Vietnam, Hong Kong. Maximum of two queries per country.