



DISPLACEMENT SOLUTIONS

Land Acquisition Law and Practice in Myanmar:

**Overview, Gap Analysis with IFC PS1
& PS5 and Scope of Due Diligence
Recommendations**

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Table of Contents

A. Executive Summary	4
B. Law - The Domestic Legal Basis for Land Acquisition in Myanmar	8
<i>Key institutions engaged in land acquisition activities</i>	
<i>System of land classification</i>	
<i>The Constitution (2008)</i>	
<i>The Land Acquisition Act (1894)</i>	
<i>Special Economic Zone Law (2011)</i>	
<i>The Farmland Act (2012)</i>	
<i>The Vacant, Fallow and Virgin Land Act (2012)</i>	
<i>The Foreign Investment Act (2012)</i>	
<i>Yangon City Development Law (1990)</i>	
C. Practice - The Practical Dynamics of Land Acquisition in Myanmar	17
<i>Business, human rights and land acquisition</i>	
<i>Compensation and resettlement</i>	
<i>Public consultation and stakeholder engagement requirements and processes</i>	
<i>Available remedies to communities threatened with land acquisition</i>	
D. Gaps Between Myanmar Law and IFC PS 1& 5	21
E. Recommendations on Scope of Due Diligence	28
E. Selected Sources	33
F. Annexure	35
Annex 1: The Land Acquisition Act (1894)	35
Annex 2: Government Entities with Responsibilities Concerning Land Acquisition	50
Annex 3: Land Classifications in Myanmar	52
Annex 4: First Report of the Investigation Commission for Prevention of Public Disenfranchisements Connected to Confiscation of Farmland and Other Lands	54
Annex 5: Human Rights and Land Acquisition Processes in	

Myanmar	59
Annex 6: Myanmar Mission Itinerary	61
Annex 7: Endnotes	63

Project Objectives

The purpose of this paper is to provide IFC's Environment, Social & Governance Department (CES) with an understanding of the existing environment and key stakeholders in relation to land acquisition and tenure systems in Myanmar and how Performance Standards 5 and 1 may best be applied in these particular circumstances. This paper aims to enable CES staff to improve their ongoing project appraisals, and will inform the development of internal CES guidance on Due Diligence for Land-Related Risks in Myanmar. The guidance outlines the proposed approach of CES when assessing investments involving land acquisition and what constitutes a reasonable level of due diligence by IFC and/or our clients in determining the history of land acquisition/use/occupation. The paper includes recommendations that can be applied in private sector project-finance or corporate-finance due diligence processes.

Project Methodology

The present paper was prepared by Displacement Solutions (DS) upon the request of the IFC. DS has extensive experience working on housing, land and property rights issues in Myanmar and has been engaged on these matters since 2007. In preparing the present paper, DS carried out extensive legal and policy research on the land acquisition law and practice, including the review of more than 100 publications addressing these themes. DS also carried out numerous interviews with relevant actors in Myanmar, as well as undertaking a mission to the country in late June 2014 during which time DS met with a large number of actors with practical expertise and knowledge of land acquisition measures in Myanmar. Detailed comments on earlier drafts by IFC staff were gratefully received and largely incorporated into the final report.
