

# Part 5.3 Land

### In this section:

- A. National Context
  - o Land ownership, access and use
  - Legal and policy framework
- B. Field Assessment Findings
  - o Land ownership, access and use
  - o Resettlement
  - o Livelihood impacts associated with land
- C. Relevant International Standards, Guidance & Initiatives

# **A. National Context**

#### Land ownership, access and use

An estimated 72% of the population live in rural areas and more than 38% of households rely on agriculture as their main source of income.<sup>323</sup> Land is often the most significant asset of rural communities. Communal use of lands, including under a customary land tenure system, is common, having been established over years by custom rather than written laws.<sup>324</sup> However, due to the complex and centralised nature of the land registration system, much rural land is not formally registered, leading to weak land rights protections for local land users and customary owners, including individuals and groups at risk of expropriation of their land by the Government for use by companies. Moreover, lack of formal written land title documentation frequently translates into uncertainties and disputes when land ownership, access and usage rights are transferred from one party to another.

Expropriation of land by the military for business and other use has a long history in Myanmar, along with associated patterns of forced evictions; including limited, unclear or no compensation for land, housing and crops seized from villagers. This has led to significant impacts on livelihoods and subsequent disputes regarding land ownership, access and usage rights.<sup>325</sup>

In the context of mining activities, disputes regarding land access and use can also be exacerbated by the interaction between formal and informal mining activities. Typically, large-and small-scale mining will have more formal land use rights, whereas subsistence mining activities take place alongside uncertain or non-existent land use rights or illegal

<sup>&</sup>lt;sup>323</sup> Myanmar Ministry of Labour, Immigration and Population, Central Statistical Organisation and ILO, <u>Myanmar Labour Force, Child Labour and School to Work Transition Survey</u>, 2015, p. 5 and 8

<sup>&</sup>lt;sup>324</sup> Transnational Institute, <u>Access Denied: Land Rights and Ethnic Conflict in Burma</u>, May 2013

<sup>&</sup>lt;sup>325</sup> Displacement Solutions, Land Acquisition Law and Practice in Myanmar, May 2015, p. 17

usage, leading to increased risks for subsistence miners who depend on the use of land for their livelihoods.<sup>326</sup>

SWIA field research found land rights to be a fundamental issue for the mining sector. Site visits revealed significant negative impacts associated with land ownership, access and usage. These findings are outlined in further detail in section B, below.

# Legal and policy framework

Land rights in Myanmar have gained increased attention since 2011, associated in part with the previous Government's political and economic reform process that included a focus on attracting foreign investment.<sup>327</sup> Three central pieces of legislation governing land are: the 1894 Land Acquisition Act; <sup>328</sup> the 2012 Vacant, Fallow and Virgin Land Management Law; <sup>329</sup> and the 2012 Farmland Law.<sup>330</sup> These laws are discussed briefly below. In addition, the 2016 National Land Use Policy (NLUP)<sup>331</sup> has been a reference point for civil society and community organisations following extensive consultations during 2014 and 2015, although the attitude of the new Government is unclear.

Despite these reforms, the legal and policy framework regarding land remains fragmented, internally inconsistent, and incomplete. Policies, laws and practices still do not adequately protect land rights. A central issue remains widespread insecurity of tenure, partly due to the inefficient and complex land registration system. This is further complicated by the fact that the cadastral (land mapping) system is out of date, meaning that land classifications and mappings used by different ministries may overlap, conflict, and not represent current land use patterns. Land tenure remains insecure for most smallholder farmers because of: "i) a complex and long registration process resulting in low land registration rates; ii) rigid land classifications that do not reflect the reality of existing land use; iii) lack of recognition of customary land use rights; iv) weak protection of registered land use rights; v) inefficient land administration; and vi) active promotion of large-scale land allocations without adequate safeguards."<sup>332</sup>

#### Land Permitting under the Mines Rules

According to Rules 150 and 151 of the 2018 Mines Rules, the holder of a permit for minerals production needs to obtain written consent from the relevant landowner, person in possession of the land, or their legal representative for the use of any land which is within 200 meters of any residential dwelling house, building or site for the construction of a residential building; any land within 100 meters of land which has been cleared or land on which agricultural crops are grown; and any land which is the site of or within 200 meters of any irrigation canals, ponds, dams or other land for the storage of water.

<sup>&</sup>lt;sup>326</sup> IIED, <u>Responding to the challenge of artisanal and small-scale mining</u>, 2013, p. 6

<sup>&</sup>lt;sup>327</sup> MCRB, Land Briefing Paper, March 2015, p. 4

<sup>&</sup>lt;sup>328</sup> 1894 Land Acquisition Act (India Act I)

<sup>329 2012</sup> Vacant, Fallow and Virgin Lands Management Law

<sup>&</sup>lt;sup>330</sup> 2012 Farmland Law

<sup>&</sup>lt;sup>331</sup> 2016 National Land Use Policy

<sup>&</sup>lt;sup>332</sup> OECD, <u>OECD Investment Policy Reviews: Myanmar 2014</u>, March 2014, p. 292

Additionally written consent is needed from the relevant Ministry, Government Department or Government Organisation for use of any land reserved for a railway track or which is within 50 meters of the boundaries of any land so reserved; any land within a township or within 200 meters of the boundaries of any township;<sup>333</sup> or any land within 200 meters of an area reserved for religious purposes as well as land within 200 meters of a riverbank or within 100 meters of the bank of a canal.

Obtaining permission from landowners or neighbours does not appear to be a requirement in the case of prospecting or exploration.

# Land acquisition by the Myanmar Government and the 1894 Land Acquisition Act

The 2008 Constitution provides that the Government is the ultimate owner of all land in Myanmar but also provides for ownership and protection of private land and property rights.<sup>334</sup> A private investor may acquire land or land usage rights from either the Government or from a private landowner. Foreign investors can lease land but can only obtain a lease of more than a year with a Permit or Endorsement from MIC.

The Government can carry out compulsory acquisitions in the State or public interest, which includes mining activities. Under the 1894 Land Acquisition Act, land acquisition for a company may be carried out where it is "likely to prove useful to the public."<sup>335</sup> In these cases the Government has the responsibility for carrying out the acquisition and distributing the compensation; however, the company acquiring the land has to provide the compensation. Compensation is based on the market value of the land and also possible damage incurred by the private landowner, such as loss of crops and firewood or the cost of changing residence and place of business. Land in-kind can also be provided in place of monetary compensation (Art 6). These losses should take place "in consideration of the compulsory nature of the acquisition" (Art 23).

The Law sets out basic procedures governing land acquisition, including a preliminary investigation, and a procedure for notification of persons interested in the land. The Law also includes provision for objections to the land acquisition, in which the objector is granted the 'opportunity of being heard', where the objections raised may be further explained. However, the President's decision on the objection is final, in practice giving him/her wide discretionary powers (Art 5). As of 2018, this Law was being prepared for revision by a Parliamentary Committee.

# 2012 Vacant, Fallow and Virgin (VFV) Lands Management Law and Rules

Details in these sections are taken from MCRB's 2015 Briefing Paper on Land, currently under revision.<sup>336</sup>

The VFV Law and the associated Rules facilitate the implementation of Government land policies in a manner that maximises the use of land as a resource for generating agricultural

<sup>&</sup>lt;sup>333</sup> Use of the word *myo-neh* meaning township is confusing in this instance, as all land is within a township, which is one of the main geographical administrative units in Myanmar.

<sup>&</sup>lt;sup>334</sup> 2008 Myanmar Constitution, Articles 35, 37, 356 and 372

<sup>&</sup>lt;sup>335</sup> <u>1894 Land Acquisition Act</u> Article 40(1) (b)

<sup>&</sup>lt;sup>336</sup> MCRB, Land Briefing Paper, March 2015

income and concomitant tax revenues. The Law and Rules do not recognise informal land rights and the land tenure provisions are weak, essentially allowing the Government to classify land as vacant, fallow and virgin (VFV) where it may in fact be occupied by people or used for seasonal cultivation by farmers. The land registration procedure under the Law and Rules are complicated, meaning that smallholder farmers have struggled to register their land tenure claims.

Investors can acquire land by applying to the Government for land rights over VFV lands. Foreign investors need to hold an MIC permit or be in a joint venture with a Government body or Myanmar national in order to apply to the Central Committee for the Management of VFV Lands for rights to cultivate and use such lands. VFV land rights are temporary and not transferable.

The Central Committee for the Management of VFV Lands has the right to repossess VFV land for various reasons, including where repossession is required in the interests of the State or where natural resources are discovered on VFV lands. The VFV Rules do not contain procedural safeguards whereby individuals can object to an acquisition or the amount of compensation provided. There is no provision for judicial review. These gaps in the Law and Rules have been criticised. Moreover, the legislation has criminal provisions for persons who 'encroach' on the land or 'obstruct' the land rights-holders, which may be abused if they are used against protestors seeking to assert their interests in VFV land.

# 2012 Farmland Law

According to the 2012 Farmland Law, farmland can be owned and registered by Myanmar nationals or organisations, including government departments, NGOs, associations and companies. Rights applying to foreign companies should be read in conjunction with the 2016 Myanmar Investment Law.

Subject to certain restrictions (such as those relating to foreign investors), farmland under the provisions of the Farmland Law is freely transferable. Farmers groups in Myanmar have expressed that this is problematic as it contributes to instances where poor farmers sell their land because they are tempted by short-term gain, potentially leaving them landless and without a livelihood.

As with the VFV Law, the Farmland Law also allows for the repossession of farmland "for the interests of the state or the public" as long as the farmland rights-holder is compensated "without any loss," including the value of buildings located on the farmland.<sup>337</sup> The Law does not provide for procedures for objections to be made regarding acquisition or compensation, or for judicial review.

# 2016 National Land Use Policy (NLUP)

The NLUP was adopted by the Government in January 2016, after having been in development for some two years.<sup>338</sup> The Policy is intended to guide the drafting of an umbrella land law, although it is not clear whether the Government will pursue this.

<sup>&</sup>lt;sup>337</sup> 2012 Farmland Law, Article 26

<sup>338 2016</sup> National Land Use Policy

The NLUP addresses a number of important issues relevant to mining, including:

- Land use administration;
- Formation of the National Land Use Council;
- Determination of land types and land classifications;
- Procedures related to land acquisition, relocation and compensation; and
- Land dispute resolution and appeal.

The NLUP (Parts 8 and 9) explicitly addresses the land use rights of ethnic nationalities and the equal rights of women and men with regard to land rights.

While the NLUP is arguably an improvement, a number of criticisms voiced by CSOs and farmers groups remain. One is associated with the high number of internally displaced persons that had to leave their land either due to internal armed conflict or natural disasters in past years. Even though the NLUP acknowledges the right to return and to restitution, many believe that there is a significant lack of clarity because the NLUP only refers to land of those who lost it 'illegally', which does not explicitly include all individuals who lost land during armed conflict and the waves of land expropriation by previous governments.<sup>339</sup> Some reports suggest that under the system set out by the NLUP, about half of the population of Myanmar would have recognised land titles. The other half may still be subject to forced evictions and other related human rights abuses.<sup>340</sup> The International Commission of Jurists has argued that the NLUP approach to the resolution of grievances in the case of forced eviction includes neither a clear dispute resolution mechanism, nor legal accountability.<sup>341</sup>

# Foreign investors' use of land

In most circumstances, land cannot be sold or transferred to a foreign individual or company through a private transaction. However, the Government may allow exemptions from these restrictions. Furthermore, private investors cannot acquire VFV land rights or farmland through private transactions without the permission of the Government. Under the 2016 Myanmar Investment Law, foreign investors with a Permit or Endorsement can obtain leases for up to 50 years, extendable for 10 years twice.<sup>342</sup>

#### Governance structures and dispute resolution

In order to tackle land disputes, the previous Government, under U Thein Sein, created two bodies: The Parliament's Farmland Investigation Commission (established in 2012 with a mandate to accept complaints from individuals) and the Land Utilisation Management Central Committee (established in 2013), set up to implement the findings of the Commission. The Committee agreed to return land or provide compensation in some 699 cases. However, in practice there were extreme delays in returning land to farmers, due to lack of capacity within the Government to deal with the large number and complexity of land

<sup>&</sup>lt;sup>339</sup> The Right to Land: At Crossroads in Myanmar, Transnational Institute, 5 July, 2016

<sup>&</sup>lt;sup>340</sup> Frontier Myanmar, <u>A Sound Basis for Land Reform</u>, 19 February 2016

<sup>&</sup>lt;sup>341</sup> Implementable Action Plans from the ICJ to the new Parliament & Government, International Commission of Jurists, May 2016, p. 12

<sup>&</sup>lt;sup>342</sup> VDB, <u>What Changes In Practice Under the New Investment Law</u>, 8 October 2016, p. 2

disputes. Most complaints received by the Myanmar National Human Rights Commission also relate to land.

In May 2016, the Government announced the formation of a new committee, the Central Review Committee on Confiscated Farmlands and Other Lands, to investigate conflicts between communities and companies, and to oversee the return of land to its rightful owners.<sup>343</sup> The Committee has adopted a policy on adequate compensation to be provided to dispossessed farmers and maintains that government ministries, SOEs and private companies should disown confiscated lands that they no longer use. It is reported that in July 2016 the Committee decided to resolve all land grab cases within six months.<sup>344</sup>

#### Concerns with the current legal framework

Concerns regarding the current legal and policy framework governing land include:<sup>345</sup>

- Laws governing land acquisition are outdated and do not include procedural and substantive protections for rights-holders;
- The provision that Government acquisition must be 'in the public interest' is not further circumscribed or defined, leaving this process open to abuse;
- There are no substantive legal and policy provisions governing resettlement to ensure that this is conducted in accordance with international human rights standards;
- Customary land rights or the rights of informal users or occupiers who may lack formal documentation are not sufficiently recognised;
- The Government may be declaring land to be VFV when in reality it is not; and
- There are no detailed regulations defining compensation levels for land and other assets such as buildings, equipment and lost harvests.

# **B. Field Assessment Findings**

The field research showed that mining activities caused significant impacts on land use, leading to human rights impacts, particularly related to livelihoods. An overview of key findings is provided below.

#### Land ownership, access and use

**Human Rights Implicated:** Right to property; right to an adequate standard of living; right to freedom of expression and information; right to an effective remedy

Land boundaries are not clearly demarcated: The SWIA field research found that land boundaries were often unclear, meaning that there was uncertainty for rights-holders as to who holds ownership or usage rights over particular areas. As flagged above, this is further complicated by the fact that the land cadaster or register in Myanmar is out of date. The Government therefore lacks a clear overview of land ownership and usage which causes complications. For example, individuals or communities were accused of, or indicted for, trespassing on land that they believed

 <sup>&</sup>lt;sup>343</sup> BurmaNet News, <u>The Irrawaddy: Government committee to settle all land grab cases in six months</u>, 2 July 2016; Global Witness, <u>Myanmar's Efforts to tackle land grabbing crisis must address the role of the military in perpetuating theft and violence</u>, 11 May 2016.
<sup>344</sup> Ibid.

<sup>&</sup>lt;sup>345</sup> MCRB Land Briefing Paper, March 2015, pp. 12-13.

belonged to them, or where they had established farms. Lack of clarity was also problematic in land purchase transactions. At one site, the land being sold was measured by a company representative and a representative from a local EAO, with no input from communities or government actors, leading to a dispute about the actual size of the land that was being sold by villagers to the company. Moreover, field research identified several instances of confusion among different government ministries as to the status of particular parcels of land. At one site the Land Records Department determined that a village could be registered with the Ministry of Home Affairs. However, a mining concession had been granted by MoM (now MoNREC) over the exact same parcel. In another instance, the land attributed to the mining area included a school, which, having been included within the fenced area was no longer available for classes.

- People have limited legal ownership or usage rights over the land on which they live and farm: This was particularly pronounced in the subsistence gold mining areas where communities were typically living on land owned by MoNREC (some with, and some without, a licence-holder), or land that was officially declared forestry land and owned and administered under the auspices of the Ministry of Forestry. Correspondingly, without legal ownership or usage rights people were found to be at risk of being moved off the land, without notice or compensation, for example where a concession was granted to a mining company over land where there was subsistence farming. Such settlements were also usually not officially registered with the Government and therefore not eligible for essential services such as schools, hospitals, electricity, roads, or water infrastructure (see Part 5.2: Community Impacts and Development).
- Even with legal ownership and usage rights, people may not have title certificates or other proof of ownership or usage rights: Even when people had legal title to the land where they lived, farmed or mined, they frequently did not hold land title certificates or other documentation that proved such ownership (e.g. land purchase contract or the like). This presented significant problems for rights-holders. For example, if a company acquired interest in a piece of land, it was the responsibility of the company to negotiate and provide compensation. At some sites, people faced restrictions in obtaining land title certificates. For example, when people were able to officially register their land and obtain land title certificates, they had to pay a per-acre fee for the registration. The official fee was already prohibitively expensive for some people, and in practice the cost was usually even higher due to the need to pay bribes to government officials to obtain the title certificates.
- Lands are designated as VFV lands, allowing companies to gain access to these lands even where they are communally used: At several sites, the Government granted a company access to land that was classified as VFV land, despite local communities actually using this land for farming and livestock grazing. As explained above, the VFV Law and Rules do not contain procedural safeguards whereby individuals can object to a land acquisition or the amount of compensation provided, and there is no provision for judicial review. Access to information about the designation of VFV lands and any company interests over such land was also a problem. At one site the company informed the village head that the land had been declared VFV and that it was acquiring an interest in the land. However, this information was not passed

on to villagers, who were unaware of the company's plans to take over the land until it actually happened.

- Determination of the price for land purchases is arbitrary and ad hoc, and sale is sometimes under duress: In several instances where companies purchased land from villagers, the determination of price and decisions about how much land was to be sold to a company were reported to have occurred under duress and without verification by a third-party of what would be a reasonable market rate price. Decisions around land sales often involved a combination of government actors and EAOs, with the armed groups reportedly putting pressure, sometimes in the form of threats, on villagers to sell their land. At one site where a company wanted to purchase land officially, the price was determined through a negotiation between the Land Records Department, the Township Administration Department, a leader from the local EAO, and the land-owning farmers. However, villagers reported that in fact they had no choice about how much land was to be sold because the local EAO told them how much land they must sell and villagers were too afraid to object. In many cases the purchase price did not reflect the real value of the land. For example, the same price was paid for an acre of genuine farmland as for one that was actually vacant or fallow. In other cases, the village head received the money from the company and retained a percentage. At one site this was said to be up to 20% of the total price. People were often paid in cash, sometimes in communities that previously did not have cash-based economies, contributing to associated community impacts (see Part 5.2: Community Impacts and Development).
- Lack of information and documentation in land purchase transactions: Often, where land purchases occurred farmers or other local landowners were not fully informed of the nature of the transaction and did not receive legal documentation of land purchases from the companies. At one site where farmers sold their land to a company, the farmers did not understand that they were engaging in a transaction that would involve the permanent transfer of their land title and access rights. Nor did the company provide them with a copy of the documentation for the land purchase. When the field research team asked company representatives why the villagers did not have copies of the contracts, the representatives responded that they were too busy to supply the contracts to the villagers. In a similar scenario elsewhere, the company told the field research teams that they had forgotten to provide the land sale contracts to the villagers.

#### Resettlement

**Human Rights Implicated:** Right to housing; right to an adequate standard of living; right to an effective remedy

Forced evictions<sup>346</sup>, threats to rights-holders and relocations under duress: The field research found several instances of forced evictions and cases where individuals and communities were threatened by armed groups or companies, including companies with connections to the Myanmar military. At one site, a military-affiliated company pressured villagers to move, after a previous administrative deadline, of which villagers had been informed, had passed. When they refused to move, the police and fire brigade destroyed the houses and arrested several people, who were subsequently detained at

<sup>&</sup>lt;sup>346</sup> Defined in: UN Committee on Economic, Social and Cultural Rights, <u>General Comment No. 7: The right to</u> adequate housing: forced evictions

the local police station for one month. At another site, around 150 houses were destroyed by company security guards in a forced eviction during the rainy season, making it even more difficult for people to move. Those women, men and children evicted were not able to take their belongings with them and had to take temporary refuge in a monastery.

- Limited access to information and consultation in resettlement processes: Where resettlement occurred, those who were impacted including new host communities were generally not provided information or consultation. In one instance, a company planning to resettle communities in order to begin operations simply informed the village head, who then gave villagers one month to move. At another site, people were given two days advance notice of being resettled.
- Alternative resettlement sites are often not suitable: There were several examples of resettlement of people to unsuitable alternative sites. Frequently these sites did not have sufficient services or infrastructure to support the new community. In one instance communities were resettled to a site with only one water well located three miles away from their new homes and without decent road access, which meant that they had to build their own road. Prior to resettlement, the company had promised to build a school and roads, and to provide adequate water supplies and electricity, but it failed to do so. There were also examples of resettled people receiving unsuitable land. In one case people were resettled to land at a lower elevation subject to flooding, which was not suitable for growing the same kinds of crops that they had previously cultivated. In other cases the host communities were not consulted about the population influx caused by resettlement. There was one incident reported where people were resettled onto farming land grabbed from another village.
- Compensation for resettlement is ad hoc and does not reflect the actual cost of economic and physical displacement: Compensation processes and amounts were ad hoc and inconsistent. In some cases, compensation was provided for land but not for crops or houses and in other cases money was given for moving but not for replacement of land or houses. In one case affecting 50 households, compensation was provided for building new houses at the resettlement site. However, the money did not cover the actual cost of building replacement housing, which was in fact up to three times higher. At another site, farmers were offered compensation for crops but not for the land from which they had been forcibly resettled.
- Displacement of artisanal miners through formal mining activities: Displacement was particularly problematic for artisanal miners without any formal ownership or usage rights over the land on which they lived and mined. There were several cases where companies displaced artisanal mining communities. Such companies had acquired formal licence rights over the areas used and occupied by the artisanal miners.

#### Livelihood impacts associated with land

Human Rights Implicated: Right to an adequate standard of living; right to water; right to food

Damage to land, crops and water sources essential for agricultural activities: At several sites visited there were examples of damage to farmland as a result of mining activities. At one site, approximately one mile away from limestone mining activities, large amounts of dust had settled on crops, and according to local farmers the rice yield

had decreased and increased use of fertilizers was necessary. The farmers earned less money from their harvests because of decreased yields. They also reported that they had to use more water to remove dust from crops and that they sometimes could not afford to buy enough seeds to replant. Similarly, at two of the gold mine sites visited, chemical waste from companies in paddy fields damaged land and crops, as well as critical water sources used for drinking, livestock and irrigation. When accidents, such as the collapse of tailings dams, occurred, these were reportedly not properly cleaned up; moreover, associated impacts on livelihoods were not mitigated or compensated (see Part 5.7: Environment and Ecosystem Services). At one site, following extensive damage caused to paddy lands as a result of a tailings dam collapse, there was no systematic approach taken by the company to assess the damage and award compensation. Those farmers who complained to the company were compensated; however, those who did not complain were not. At the same site, some farmers preferred to sell their land to the company because it had already been damaged by the company's tailings and wastewater without an effective clean-up response by the company.

- Loss of communal grazing and farming areas when land is declared VFV: Designating land as VFV without proper due diligence by government and company actors to establish the nature of the community's use of such land had adverse impacts not only on land rights but also on related livelihood activities. At one site, people could no longer use communal grazing areas, which meant that they had to take livestock much further away to graze. At another site, land was registered as VFV, allowing the company to acquire it despite the communal use of the land for farming.
- People become daily workers and/or migrate as a result of having less land for farming: The field research found that where women and men have less access to farming land, they turn to alternative ways of earning a living, including working as labourers on mine sites and on farms. At one site where people sold some of their land to a company, they could no longer farm so they began to work as daily workers on other farms. Due to an increase in the price of land, they subsequently could not afford to buy any new land for farming. At another site, which presented a similar pattern of the transition from farming to daily work due to loss of land associated with mining activities, villagers reported a preference for farming rather than daily work, noting the importance of having long-term financial security and having land to hand over to the next generation. At yet another site, people had to make the transition from farming to daily work because of the poor resettlement process.
- Livelihood sustaining activities in ASM areas on land that is not owned by communities: As flagged above, communities farming on land that is officially owned by the Government was particularly problematic in subsistence gold mining areas, since they have no formal claim to the land they are dependent on for a livelihood and from which they can be, and sometimes are, moved without consultation or compensation.

# C. Relevant International Standards, Guidance & Initiatives

# Box 15: International Standards, Guidance & Initiatives on Land & Mining

# International Standards:

- <u>ICMM Sustainable Development Framework</u>
- FAO Voluntary Guidelines on the Responsible Governance of Tenure
- IFC Performance Standards and Guidance Notes:
  - PS 1 Assessment and Management of Environmental and Social Risks and Impacts
  - <u>PS 5 Land Acquisition and Involuntary Resettlement</u>
- UN Guiding Principles on Business and Human Rights
- UN International Bill of Human Rights and Core Human Rights Instruments
- OHCHR Basic Principles and Guidelines on Development-Based Evictions and Displacement

#### **Guidance on Resettlement:**

- ADB, <u>Handbook on Resettlement, A Guide to Good Practice</u>
- CommDev, Land Access and Resettlement
- FAO, <u>Guidelines on Compulsory Acquisition of Land and Compensation</u>
- ICMM, Land Acquisition and Resettlement: Lessons Learned
- IFC, <u>Handbook for Preparing a Resettlement Action Plan</u>
- Gerry Reddy, Eddie Smyth and Michael Steyn, <u>Land Access and Resettlement: A</u> <u>Guide to Best Practice</u>

# **Guidance on Land Management:**

- CommDev, Extractive Industries and Conflict Toolkit and Guidance for Preventing and Managing Land and Natural Resources Conflict
- CommDev, Women and Sustainable Land Management

# International Initiatives:

Alliance for Responsible Mining. The Alliance for Responsible Mining provides: technical assistance to miners in their work to implement best practices, formalise or obtain Fairmined Certification; development of standards and certification systems for responsible mineral extraction and sourcing; establishment of responsible supply chains; advisory services on legal and voluntary frameworks for ASM; and capacity building and training of trainers working with miners.