



COUNTRIES AT THE CROSSROADS 2011: BURKINA FASO

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INTRODUCTION

Burkina Faso's steady expansion of political freedoms, initiated in 1989 after the end of the Cold War and reinforced by internal opposition in the late 1990s, has not proved transformative. There have been no significant transfers of power at the presidential, legislative, judicial, or local levels. Suspicions persist regarding President Blaise Compaoré's commitment to genuine political liberalization. Social tensions exploded in early 2011 with demonstrations, strikes, and mutinies throughout the country, forcing the dismissal of the government. President Compaoré's ability to survive the crisis remains to be seen.

President Compaoré completed his 27th year in power in 2010. He took power in 1983 as part of a quartet of military officers that included Jean-Baptiste Lingani, Henri Zongo, and Thomas Sankara. Sankara was named chairman of the National Revolutionary Council and head of state. Divisions within the quartet quickly emerged, and Sankara was killed in 1987 during a bloody internal coup d'état led by Compaoré, who took over as head of state. Two years later, Lingani and Zongo were summarily executed, allegedly for plotting against Compaoré. Compaoré has been elected as president four times since 1989 (in 1991, 1998, 2005, and 2010), although the two earliest elections were boycotted by opposition parties.

During the 1990s, several political opponents were killed under suspicious circumstances. The most prominent was Norbert Zongo, a crusading journalist and independent newspaper editor, who was gunned down with three companions while driving on a rural road. Members of Compaoré's presidential security guard were implicated by an independent commission of inquiry, but charges against the chief of presidential security, Adjutant Marcel Kafando, were dropped in 2006, and no other persons have been charged. The investigations and numerous other sources strongly suggested that President Compaoré's brother, François Compaoré, was likely complicit in the killing, as Zongo was investigating the brutal torture and killing by presidential security officers of François Compaoré's driver. Zongo's killing became a rallying cry for opposition forces in 1998 and 1999, and catalyzed a sustained peaceful opposition social movement (the *Collectif*) that lasted into the early 2000s. The *Collectif* organized numerous massive street demonstrations and forced the regime to undertake significant reforms, including limits on presidential terms in office.

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President Compaoré rallied from the serious challenge to his rule and new constraints on power. In 2005, the Constitutional Court (whose members are appointed by the president) ruled that presidential term limits did not apply retroactively. Compaoré was thus eligible for two more terms starting in 2005.

President Compaoré's power through the period 2000–2010 was derived from broad-based but shallow legitimacy, given his apparent concessions and subsequent focus on securing steady economic growth, and an implicit threat of force against opponents. The regime in 2010 promoted itself as on a trajectory toward greater transparency and accountability in the political process and economic policy. Regime supporters have argued for the superiority of their governing strategy of pragmatic reform and emphasis on competence and integrity in government, economic liberalization, and encouragement of private sector investment. Leaders of the regime have argued that their dominance is legitimate, earned fairly in the electoral arena. Indeed, legislative elections in 2007 and presidential elections in 2010 were won handily by the ruling party of President Compaoré, and the victories seemed to be influenced less by fraud and more by the wealth of party backers (including the president himself) and disarray in the opposition, which fielded more than a dozen candidates in the presidential election.

Regime critics have suggested that political liberalization has been tentative, shallow, and reversible. Numerous procedural and institutional reforms over the past decade have not been reflected in concrete indicators of substantive change in outcomes. There have been no cases of prosecution of high-level corruption cases; no instances where the judiciary has overruled the presidency on issues of substance; no shifting of constitutional power from the strong presidency to the legislative assembly; no greater likelihood of electoral transition; and no increase in transparency within the ruling party. Critics have argued that the government creates new institutions to improve governance but then staffs them with party stalwarts.¹ Finally, while the government claims to have spent much time and effort to decentralize and devolve powers to the local level (especially in rural areas), the central government, through its representatives, retains considerable influence over local affairs.²

Regime critics argue that the political system in Burkina Faso is volatile, and that there is a high probability that it will tip into instability. From February to June 2011, soldiers from various elements of the armed forces participated in controlled, nightly mutinies, and students, teachers, magistrates, and opposition parties organized spontaneous and often sizable demonstrations against the regime. In response, President Compaoré dismissed his government and appointed a new prime minister, but it does not appear that he has any intention of stepping down.

ACCOUNTABILITY AND PUBLIC VOICE

Burkina Faso has a mixed single-chamber parliamentary and presidential system at the national level, and municipal and rural councils at the local level. Terms at all levels are five years. The president is limited to two terms under Article 37 of the constitution. Nationally appointed government officials (regional governors, provincial high commissioners, and local prefects) have considerable power and budgetary authority. There are no limits to private financing of or spending on political campaigns, and public financing is provided. Burkina Faso ratified the African Union's African Charter on Democracy, Elections, and Governance in May 2010.

The electoral law was amended in 2009 and 2010. The electoral performance threshold for public financing of political parties was lowered from 5 percent to 3 percent of

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the vote. A second reform enabled Burkinabè citizens residing outside the country to vote, though the enormous technical difficulties and cost of organizing consular voting in countries such as Côte d'Ivoire led the government to postpone implementation until 2015. A third reform tightened limits on presidential candidates by requiring that every candidate obtain support from a specified number of deputies in the National Assembly or councilors in local municipal and rural councils. The reform emerged from allegations that many presidential candidates were taking advantage of generous campaign financing laws; without support from any significant constituency, they were running for president to acquire the financing. Of course, another effect is to make an independent challenge to the regime more difficult.

A fourth reform required voters to present tamper-proof photo identification at the time of voting, as opposed to the variety of identification documents allowed previously. The government had claimed that implementation of such a measure would be very costly, since large numbers of citizens in rural areas did not have photo IDs and would not have the capability or access to government offices to apply for cards. In the 2010 presidential election, the national election commission declared that voters without photo ID would still be allowed to vote.

A fifth electoral reform was gender quotas for party lists for legislative and local council elections.³ Parties were required to have a minimum of 30 percent women candidates on their party lists, and parties not in compliance with the law would see public financing of their electoral campaigns cut by 50 percent. All of these reforms were generally discredited by civil society and opposition critics of the regime, who argued that they were cosmetic rather than substantive changes.

Legislative elections were held in 2007 and presidential elections in 2010 under the supervision of the Independent National Electoral Commission (CENI). The 15-member governing board has five representatives chosen by the executive branch, five by opposition parties, and five from civil society (one person from each of three major religious communities, one from the institutions of traditional chieftaincy, and one from the human rights community). This structure of tri-partite representation is reproduced at the provincial and local levels. Critics note that the process for selection of the civil society members is not clear. In Yatenga province in 2010, before the presidential elections, two civil society factions came to blows at the office of the high commissioner as representatives of the national CENI tried to mediate a dispute over who would represent civil society. There were numerous irregularities in the selection process.⁴ In this example as in others, allies of the regime often appear to dominate the oversight institutions that should be independent.

Turnout was low for both elections.⁵ Of the approximately 7 million eligible voters in the country, there were just 4.5 million registered in 2007 and 3.2 million in 2010. Turnout was 56 percent of registered voters in 2007 and 55 percent in 2010, marking a decline in voter participation since the early 2000s.

Legislative elections were conducted in a single round with proportional representation of closed party lists on a single ballot. Two-thirds of respondents to the Afrobarometer survey agreed that the 2007 elections were free and fair.⁶ The president's party, the Congrès pour la démocratie et le progrès (CDP), won 73 of the 111 seats in the National Assembly. The Alliance pour la démocratie et la fédération/Rassemblement démocratique africain (ADF/RDA), allied with the CDP since 2005, obtained 14 seats, giving the president a very large majority. The main opposition party, the Union pour la renaissance/Mouvement sankariste (UNIRS/MS) led by Bénéwendé Stanislas Sankara, obtained only 4 seats. Sankara became the official head of the opposition.

The ADF/RDA's switch to support the president in the 2005 election led the National Assembly to pass legislation in 2009 giving official status to the opposition. This was

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because President Compaoré had rewarded the ADF/RDA with ministerial positions after his victory, yet the party wanted to continue to claim they were the official opposition. The new law guaranteed opposition access to state media while precluding members of opposition parties from occupying high posts in the government. Some commentators charged that the reform would further divide the already-fragmented opposition by imposing a single person as the head of the opposition.

The 2010 presidential election was a landslide victory for President Compaoré, who received 80 percent of the vote. (In 2005, he also had obtained slightly more than 80 percent of the vote.) Receiving 8 percent of the vote was Hama Arba Diallo, a veteran diplomat and mayor of Dori, a small but well-known town in the northern Peuhl region. In third place was Bénéwendé Sankara with 6 percent of the vote. Four minor candidates split the remaining 5 percent.

Four opposition presidential candidates held a press conference after the election and declared that the election had been marked by significant fraud. Specifically, they alleged that some voters were able to vote repeatedly by using multiple identity cards and not having their thumbs imprinted with indelible ink, and that voter registration cards were withheld from distribution in localities favorable to the opposition. Administrative law judge Rene Bagoro, president of the leading union of magistrates, also indicated that he thought voter registration cards were not legal, since they did not report the holder's country of birth.⁷ Moussa Michel Tapsoba, the head of the CENI, maintained that the presidential elections were largely without major problems.⁸ There were no reports from international monitors of major irregularities, nor were there significant reported threats of violence.

Both the 2007 and 2010 elections made clear that the well-financed electoral machinery of the CDP had grown increasingly formidable. Presidential candidates received approximately \$60,000 each.⁹ While there were no reliable estimates of total CDP campaign spending, in all likelihood it exceeded the public funding by several orders of magnitude. The country was flooded with freely distributed gadgets, especially articles of clothing bearing the likeness of President Compaoré. The CDP is able to host large, well-staged rallies in both major cities and small villages. Government ministers, who are in positions to both direct and withhold government resources from opposition areas, campaign extensively for the CDP. Meanwhile, opposition efforts to gain seats were hampered by continued disunity among opposition parties.

The CDP is a large umbrella party. A number of accounts of local CDP politics make clear that internally there is lively and active, though opaque, political bargaining among several regional and ideological factions.¹⁰ In towns outside the capital there can be intense political competition within the party. A group of CDP activists and veteran politicians, known as the *refondateurs*, broke off from the CDP in early 2008 after an unsuccessful public attempt to have their views heard and deliberated within the party. They formed a party in 2009 called the Convention nationale pour le progrès du Burkina (CNPB).

Commentators on the political scene find themselves at odds over how to interpret shifts in the personal fortunes of particular politicians of the CDP. For example, Salif Diallo, widely regarded as one of the most powerful men in the party, was stripped of his position as minister of agriculture and water resources in 2008 and given (or exiled to) the ambassadorship to Austria. In July 2009, he gave an interview to a local newspaper in which he called for major reform of the constitution toward a more parliamentary and less presidential system, and suggested that the electoral registers were deeply compromised. He was promptly dismissed from his role as vice-president of the CDP and expelled from the party. Some observers suggested that the schism began because François Compaoré was maneuvering to position himself as the undisputed heir to the presidency. Others suggested

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that the whole affair was intended to distract from attention paid to Zepherin Diabré, an opposition politician and outsider who many viewed as a serious challenger to President Compaoré. Still others thought that Diallo was actually serving the president by proposing constitutional reforms that might extend the president's rule beyond the two terms that would end in 2015.

According to the constitution, the National Assembly can censure and express a lack of confidence in the executive; however, given that it is dominated by the CDP, there is in fact very little oversight of government policy. Commissions of inquiry, oral and written questions addressed to government ministers, and site visits by deputies are relatively infrequent.¹¹ Most legislation originates with the executive, and there have been no instances where executive initiatives have been reversed by the legislature.

The civil service enjoys a mixed reputation, with some cadres enjoying positive reputations (electricity and water service) while others (customs in particular) are widely reviled as very corrupt. In principle, and to some degree in practice, civil servants are recruited and promoted through meritocratic examination systems. There is widespread suspicion, however, that bribes can be used to bypass the regular process.

Political and human rights associations are active in the country, and there are increasing signs that civil society organizations are expanding. This includes three organizations that engage in public interest action in the rapidly expanding mining sector: the Organisation pour le renforcement des capacités de développement (Orcade), MinAlert, and Publiez Ce Que Vous Payez (PCQVP). The government increasingly has to take these civil society organizations seriously, as accession to the Extractive Industries Transparency Initiative (EITI) requires evidence of active civil society participation in policy formulation and implementation.

Rotary clubs, Lions clubs, Chambers of Commerce, evangelical church associations, and other civil society organizations appear to be thriving, with few formal restrictions and no systematic harassment of their members or activities. International nongovernmental organizations (NGOs) operate throughout the country, and there appear to be few impediments to operations of international human rights and other civil liberties groups. International NGOs and local donors appear to be unimpeded in their efforts to assist local civil society organizations.

Freedom of the press is guaranteed in Article 8 of the constitution. The media is very open, and often very critical of government policy. There are several dozen private newspapers and private television and radio stations. Bloggers are becoming an increasingly important source of news and opinion for those with Internet access, which is growing rapidly with the penetration of smartphones and Wifi USB connectors through the cellular phone system. Internet use is widely available in the two major cities of Ouagadougou and Bobo-Dioulasso and many medium-sized towns through internet cafes, with usage costs affordable to middle-class users. Nevertheless, internet penetration most likely remains in the single digits even in urban areas.

Several radio and print journalists have received anonymous death threats, and reported these to the public. The government has claimed to be taking the threats seriously. There appear to have been no attacks on journalists during the last several years.

The High Council for Communication (CSC) regulates the press and guarantees equal media access to candidates to political office in national elections.¹² Decriminalization of libel laws remained on the agenda of the prime minister's reform projects,¹³ but libel proceedings have reportedly become considerably fairer, and reporters and newspapers are increasingly likely to win libel cases. There is little doubt, however, that the press engages in significant self-censorship, which the government promotes in part by restricting access to

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government information, making it very difficult for journalists to investigate controversial issues of policy and corruption.

CIVIL LIBERTIES

There were no reports of torture or extrajudicial killings of political opponents between March 2007 and March 2011. Extrajudicial killings of ordinary civilians by police, however, continued to occur. In June 2010, Arnaud Somé was killed by police in Gaoua.¹⁴ The police claimed he was a drug trafficker and had resisted arrest. His death prompted large public demonstrations in Gaoua, and police forces were involved in numerous confrontations with residents over the following weeks. In June 2011, two police officers were sentenced to five years in prison for their role in the killing. In February 2011, secondary student Justin Zongo died in police custody after he was detained for an altercation in his secondary school. The local police claimed he had meningitis, but it was widely suspected that he was beaten to death. Resulting large-scale demonstrations prompted the government to arrest the police officers involved and force the regional governor to resign.

There is relatively little violent crime and terrorism in Burkina Faso, except for banditry on the roads. Several cases every year are reported of gangs stopping private vehicles and buses and robbing passengers of belongings. The government has responded to these crimes by staffing rural police outposts.

Conditions in the main prison of Ouagadougou are poor, with overcrowding, inadequate food, and lack of basic sanitation.¹⁵ A report by a civil society organization that visited the facility found numerous violations of basic hygiene, and noted that the great majority of the prisoners were still pending trial.¹⁶ An exercise yard, the first of its kind, was inaugurated in 2010.¹⁷ In the prison of Koudougou in September 2009, an apparent escape of prisoners in the morning led to an altercation later that evening, and resulted in six prisoners killed and seven wounded.¹⁸ There subsequently appears to have been no official accounting of the events. A project to improve prison conditions and raise awareness was started by the international NGO Fédération Internationale de l'ACAT, working in partnership with ACAT-Burkina and the Association for the Prevention of Torture.

In early 2008, demonstrations and protest marches against price increases for basic necessities rocked Ouagadougou and Bobo-Dioulasso. Some of the marches degenerated into small riots, and considerable damage was done to public and private property. The marches were declared illegal, and numerous leaders and activists in the protests were arrested and detained. Many were subsequently sentenced to one-year prison terms. Some of the organizers, including Nana Thibaut, youth leader and president of the very small opposition party Rassemblement démocratique et populaire (RDP), were sentenced to three years. Commentators noted that the arrests, detentions, and trials were conducted in haste, and seemed to be politically motivated. In Bobo-Dioulasso, 153 people were arrested from February 21 to 22 and 125 sentenced to prison terms just eight days later. Thibaut was released by presidential pardon after serving a year of his sentence; others were likewise released by presidential order. There appears to have been no public inquiry into the deaths of two of the protestors, who apparently died while in detention.

Persons arrested are often subject to lengthy detentions without trial. While there were few significant or extended cases of arbitrary arrest and detention, the government has given no strong signals that it would refrain from arbitrary arrest, a tactic used repeatedly over the 20 years of the current regime. Union and civil society leaders are occasionally subject to temporary detention and interrogation. For example, in December 2008, Tolé Sagnon,

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general secretary of the national union confederation, and Chrysogone Zougmore, president of the human rights organization Mouvement burkinabè des droits de l'homme et des peuples (MBDHP), were called in for questioning after a march commemorating the 10th anniversary of the killing of Norbert Zongo and his companions. Citizens may seek redress for violations of rights from the ombudsman, the Médiateur du Faso. In the ombudsman's 2009 annual report, it was noted that more than 45,000 persons had filed petitions over 15 years. There apparently has been no independent assessment of the nature of these petitions nor the services offered.

Gender discrimination has been a significant problem in Burkina Faso.¹⁹ The government is party to the Convention on the Elimination of All forms of Discrimination against Women (CEDAW), and created a Ministry of Promotion of Human Rights that was intended, among other purposes, to address gender equity. At the level of formal policies and institutions, the government continues to make progress, including female quotas for party lists. Several cabinet ministers are women. The government created a National Council for Promotion of Gender in 2010, charged with advising and giving public voice to advocates for greater gender equality, which encompassed all government ministries, representatives from other echelons of government, and civil society. However, given its large size, it seems unlikely to be an effective instrument for change.

There remains considerable gender inequality, especially in rural areas. Female circumcision is widely practiced, and forced marriages remain frequent. Divorce is difficult to obtain for women in many ethnic groups, despite being guaranteed by law. While the government occasionally enforces the law in these domains, critics argue that resources allocated are limited and in practice police and prosecutors turn a blind eye. The government has been a strong promoter of girls' education, and a major component of the \$450 million United States' Millennium Challenge Corporation grant to the government was for promoting girls' schooling.

In a bid to extend the involvement of civil society organizations in the protection of human rights, the government created a National Commission for Human Rights in 2009, composed of a mix of members of government and civil society representatives. The commission was to have powers of investigation and could receive petitions from persons about human rights violations. Critics noted that for more than a decade the government has promoted various new bureaucracies concerned with human rights, while tolerating abuses by regime insiders.

The government continues to make efforts to promote and empower minority or historically disadvantaged social groups, as well as the disabled. The government signed and ratified the Convention on the Rights of Persons with Disabilities in 2009. There are about 60 different ethnic groups, with the largest being the Mossi, Gurma, Gourounsi, Peuhl/Fulani, Bobo, and Bwa. There are no apparent restrictions on cultural expression in any form. The people of Burkina Faso are proud that ethnic differences are not salient, and that traditions of joking relationships between members of different ethnic groups are widely practiced. The government pointedly promotes ethnic and religious diversity and tolerance through festivals at the local and national levels.

Freedom of religion is firmly enshrined in the culture and policy of Burkina Faso. People practice traditional religions, Christianity, and Islam, and sometimes all three are practiced within one family. The government places few restrictions on religious practice. During times of crisis, such as April 2011, religious leaders from all traditions have been called upon to mediate and offer advice.

As part of a campaign against human trafficking, millions of rural residents were encouraged to obtain free birth certificates.²⁰ In May 2008 the government increased the

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maximum penalty for trafficking. A three-day police operation conducted with INTERPOL in southwestern Burkina Faso in October 2010 identified more than 100 children as trafficked and took them into custody, while 11 alleged traffickers were arrested.²¹ This relatively limited operation provided a sense of the significant magnitude of the problem.

Occasionally, the government appears to take reprisals against persons who participate in collective action against it. Government employees who were members of two government unions, the Syndicat des agents du Trésor du Burkina (SATB) and Syndicat autonome des agents du ministère des Affaires étrangères (SAMAE), were transferred apparently for participating in protest marches in May 2007; only some were reinstated in their former posts. In general, reprisals are infrequent.

The National Assembly voted to pass a law criminalizing peaceful protests and their organization if protestors do not disperse immediately when acts of violence are committed.²² The opposition argued that any protest would have to end immediately if provocateurs incited even small acts of violence, and that often it is the police and army who commit acts of violence during peaceful protests.

RULE OF LAW

Attitudes of citizens of Burkina Faso toward the judiciary are ambivalent. A majority thinks that justice is unequal according to social position and that many judges are corrupt, but at the same time there is confidence in the institution of the judiciary itself. Furthermore, focus groups of judges and judicial employees reveal that many are concerned that justice is very difficult to access for ordinary citizens due to barriers of language (court business is in French) and distance.²³ Other concerns are the lack of infrastructure for the courts; lack of training and support from the High Council of Magistrates (CSM); long delays in bringing cases to trial, especially at the appeals level; and costliness and uncertainty about implementation of judicial decisions, which can be ignored with impunity. The government has been trying to improve the functioning of the judiciary, with investments in new facilities and increasing the number and quality of judges.²⁴

President Compaoré is president of the CSM and has considerable influence over appointments.²⁵ Similarly, the president selects seven of the 10 members of the Constitutional Council. A Supreme Court, with members selected by the National Assembly and the Appeals Court (which is largely selected by the president), has jurisdiction over the president in cases of treason, violation of the constitution, or misappropriation of public funds, if they are referred to it by 80 percent of the deputies in the National Assembly.

Judges belong to one of three syndicates. When one of these, the Syndicat burkinabè des magistrats (SBN), tried to hold a protest march in 2007 to demand improved compensation and working conditions and greater judicial autonomy, the minister of justice effectively shut down their attempt at public protest.²⁶ The SBN has also maintained that judges have been compromised by the political authorities.²⁷ In practice there are no notable cases in which the judiciary has overturned executive decisions.

There is very little effective protection for ordinary citizens who may not be able to afford a lawyer. A case in Koudougou concerning a teacher arrested and held for several months, despite vigorous lobbying by the teachers union, illustrated the opacity of the judicial process.²⁸ This opacity makes difficult precise statements about the degree of judicial independence for civil and criminal matters. While many citizens believe that there are significant opportunities for bribing and influencing judges and prosecutors, there are few credible reports measuring the extent of violations of due process.

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There appears to have been no public accounting of the incidents of December 2006, when armed forces personnel went on a rampage in downtown Ouagadougou, killing numerous civilians and destroying property. The events also resulted in an assault on the central prison, and numerous prisoners apparently escaped. Defense Minister Yero Boly indicated in an interview in July 2007 that an investigation was under way.²⁹ In an interview in 2010, however, the army chief of staff failed to indicate any official policy changes or significant sanctions taken.³⁰ The aftermath of the events thus points to ineffective accountability mechanisms.

In March 2011 several garrisons in Ouagadougou and Fada N’Gourma mutinied, attacked local prisons to release soldiers who had been convicted of civil crimes, vandalized public and private property, stole weapons from arms depots, and then returned to their barracks. In April 2011 the president’s own Republican Guard mutinied, and according to some accounts the president was forced to flee the presidential palace in Kosyam and spend the night in his home residence in the town of Ziniaré. Order was restored when the president sacked the army chief of staff. The situation appeared calm until early May, when the second-largest city, Bobo-Dioulasso, saw a three-night rampage by the armed forces. The Presidential Guard was sent in to quell the mutiny: according to official accounts, seven soldiers were killed and more than 100 arrested. These incidents strongly suggest that the military lacks even basic adherence to discipline and respect for civilian control.

Police are widely perceived to lack discipline, abuse their authority, and be prone to soliciting bribes. On September 21, 2009, cadets of the National School of Police in Ouagadougou went on a rampage in the neighborhood around the school, injuring numerous persons and causing much property damage. The government announced that seven of the cadets held responsible were expelled from the school, and another 30 were made to take an additional year of schooling.

The government has firmly aligned itself with policies to strengthen private and corporate property rights. The mining sector, which has grown very rapidly, is a good case in point. Total investments in industrial mines in Burkina Faso have been on the order of \$1 billion, particularly gold mines but also zinc and manganese. The government of Burkina Faso owns subsoil resources. The Ministry of Mines, Quarries, and Energy grants permits for exploration, provided companies submit exploration results to the government. The government has been very welcoming of investment in the mining sector, and the Mining Code of 2003 introduced a light tax regime.

In contrast, rights to establish agricultural schemes, such as large-scale jatropha plantations, are still subject to considerable uncertainty.³¹ Land tenure in Burkina Faso is a mix of local, customary traditions and ambiguous national law. A variety of land reform projects over the years have clarified private rights, but government enforcement and judicial precedent are not settled. A new land law in 2009 gave more power to local collectivities to settle local land tenure issues, and abrogated the long-standing legal principle that all land belonged to the national state.³²

Fringes of cities and towns, and the entirety of larger villages, are enmeshed in opaque processes to survey and delimit residential and commercial property. The process is, by numerous accounts, rife with corruption and limited capacity.³³ There has yet to be a comprehensive examination of the widely reported phenomenon of land-grabbing that appears to be prevalent in many African countries. However, mining concessions in Burkina Faso generally compensate landholders and relocate infrastructure damaged during the establishment of mines, and there have been no significant, large-scale protests against the nascent jatropha sector.

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ANTICORRUPTION AND TRANSPARENCY

Citizens and media in Burkina Faso are largely convinced that a significant corruption problem exists. Transparency International scored the country at 3.1 out of 10 in its 2010 Corruption Perceptions Index, placing it 98 out of 178 countries.³⁴ The Afrobarometer survey found that about 40 percent of respondents, in a nationally representative sample, thought that most or all government officials were corrupt, although less than 15 percent of respondents said they personally had paid bribes for government services. The local NGO Réseau National de Lutte Anti-Corruption (REN-LAC), which researches and reports on corruption issues in Burkina Faso, also reports that corruption is deeply embedded in state activities.³⁵

The government of Burkina Faso has consistently prioritized policies and reforms to combat and punish corruption. At the level of petty corruption there seem to be moderate efforts to prosecute corrupt officials. REN-LAC in 2009 conducted a “sting” operation against city workers in Ouagadougou who were requesting bribes to expedite birth certificates and residency documents.³⁶ REN-LAC turned over its report to the mayor’s office, whose own investigation confirmed the accusations, and one person was arrested. There remains a disconnect, however, between widespread perceptions of corruption, significant government rhetoric and institutional action, and the lack of prosecutions of grand corruption.

The government has been moving steadily to enable the private sector to be the main engine of growth for the economy, reducing state involvement in provision of goods and services, and reducing interventions in markets. State-owned enterprises, however, continue to be important actors in the economy (water, energy, cotton processing, and airport). REN-LAC has noted that the Public Accounts Court and the press have investigated a number of these entities and found credible evidence of corruption and embezzlement, and yet there have been no high-level prosecutions.

An important effort has been made to streamline the process of establishing formal businesses. Business registration centers, for example, provide one-stop service for registration. The registration centers continue to improve their performance, and measurement of the cost, formalities, and time to establish a new business have been declining.

Civil society and opposition parties have long maintained the inadequacy of the requirement of Articles 44 and 77 of the constitution that the president and major officeholders declare their assets upon assuming office. There is no provision for public release of the information, nor for verification of the provenance of assets acquired during public service. There is a widespread sentiment that President Compaoré, for instance, has obtained assets in numerous national and international ventures through his role as president. Lack of effective disclosure impedes adequate attention to conflicts of interest or influence peddling.

The government created a High Authority for Control of State Accounting (ASCE) in November 2007, with powers to investigate government accounting. The ASCE is directed by the state controller general, who was given minister status. Inspectors in the ASCE were granted higher salaries and career paths within the unit, and the reports of the ASCE were mandated to be made public. Critics noted that the ASCE is not completely independent, but rather is under the authority of the office of the prime minister, and that civil society is not represented on a governing board. The ASCE began operations in late 2008, investigating 10 government entities. In 2009, serious irregularities amounting to approximately \$1 million were reported in four entities, a marked increase over the previous year. An NGO called

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Espace International Colin Powell pour le Sahel (EICPS) was the largest offender. Investigators determined that officials at the NGO were using the nonprofit status to import building materials free of duty and then resell them. Irregularities at the Commission on Digital Privacy and Rights (CIL) and the National Identification Office received much attention. The director of the CIL protested vigorously. As of June 2011, no judicial decisions or sanctions had been rendered related to these cases.³⁷

The Public Accounts Court complements the functions of the ASCE. The seriousness of corruption issues that are uncovered in its periodic reports has increased, but it does not have powers to prosecute, and in many cases does not name the suspected corrupt agents. One case discussed in the court's report for 2008 (released in December 2008) concerned the National Social Security Administration (CNSS), which in 2005 allegedly made a number of private loans involving sums from \$100,000 to \$1 million. The head of the CNSS, who was campaign coordinator for President Compaoré in 1998 and former minister of trade, was fired by order of the Council of Ministers soon after the loans were made public. According to news reports, the beneficiaries of the loans were former Prime Minister Ernest Paramanga Yonli and a number of other high-ranking government officials.³⁸ By the end of 2010 none of the presumed beneficiaries had been indicted or brought to trial.

There are few reliable public sources of information about corruption. The lack of serious prosecution of corruption cases means that the media more often are left to print rumors and accusations. In an effort to redress this, civil society has taken the lead, and REN-LAC has opened three regional offices. Whistleblowers have few protections and thus have been rare. Judicial proceedings are very expensive, and victims of corruption presumably prefer not to seek redress.

Education is a particularly salient domain for corruption. One experimental study found significant willingness on the part of graders to accept bribes in return for changing scores, even when the bribe-giver and bribe-taker did not know each other.³⁹

Citizens in principle have rights to obtain information about government operations in a timely and reasonable manner. In practice, however, few government agencies provide customer-friendly services. Investments in websites for government entities continue to grow, but the typical website is updated only rarely. The government has not adopted laws or regulations guaranteeing access to information. The public has difficulty obtaining copies of the proposed national budget and has little opportunity to comment through their representatives. At the local level, regional and communal budgets are generally not produced or accounted for in transparent processes.

A positive example of efforts to promote transparency is provided by the government's candidacy to become a member of EITI. With the EITI process under way in 2008, civil society actors were granted a structured mechanism for accessing powerful interlocutors in government and in mining companies. The civil society organization Orcade was promoted to the status of official interlocutor on a quasi-equal standing with government. The local EITI secretariat in May 2011 released a first report of payments from mining companies received by the state fiscal authority, covering the period 2008 and 2009.

In other areas, however, there has been less progress in promoting transparency. A structured investigation of budgetary transparency in the city of Ouagadougou produced a mixed review. While production of the budget and accessibility to councilors was deemed to be improving, there was little public access to the budget process.⁴⁰

A 2008 reform considerably strengthened the General Authority for Public Procurement. Even so, in an open letter to the Ministry of Finance, REN-LAC asked why many procurement contracts were allocated through no-bid procedures approved by the Council of Ministers.⁴¹ REN-LAC cites, for example, a number of construction projects

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intended to improve infrastructure in the town of Ouahigouya for the December 2009 celebrations of independence. Although the celebrations had been announced a year in advance, the Ministry claimed that the procurement was urgent and thus could not be put out to competitive bidding.

The office of the president continues to maintain discretionary authority over a number of budget lines. These are less well-monitored than ministerial budgets, giving considerable scope for President Compaoré to reward political favors. The budget of the armed forces, moreover, offers considerable scope for personal enrichment by higher-level officers. Very little is verifiable in these areas of potential corruption.

RECOMMENDATIONS

- President Blaise Compaoré should declare clearly and unequivocally that he is opposed to amending the two-term limit of the present constitution, and that he will not stand for public office at the end of his presidential term in 2015.
- The electoral code should be amended to establish a campaign spending maximum, at some multiple of public financing of campaigns, and with provisions for real-time reporting of expenditures and campaign contributions.
- The government should partner with civil society and international NGOs to create and promote an anonymous, verifiable, crowd-sourced SMS-based web tool to report incidents of corruption. The High Authority for Control of State Accounting (ASCE) could be required by law to conduct and report on preliminary investigations of allegations.
- Simplified user-friendly versions of the government budget should be made public via government websites and other mediums as soon as the budget is formulated for consideration by the National Assembly.
- Civilian review boards should be established for monitoring the expenditures and accounting of each military base, with requirements for annual publication of expenditures.

¹ For example, the government's designated executive for the Extractive Industries Transparency Initiative (EITI) process, Djiri Dakar, was a former minister in the 2002 government.

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