



**USAID**  
FROM THE AMERICAN PEOPLE

## USAID COUNTRY PROFILE

### PROPERTY RIGHTS AND RESOURCE GOVERNANCE

## BURKINA FASO

### OVERVIEW

Burkina Faso is land-locked and has two large agro-ecological zones: the sahelian zone in the North, where pastoralism and agro-pastoralism predominate, and the sudanian zone with most of the cultivable land. Agricultural land is 40% of the total land area and irrigated cropland is only 0.5%. Forests cover 25% of the land, with an average annual deforestation rate of 0.3%. Eighty percent of the population is rural, making a living primarily through agriculture, livestock and forestry on small family farms.

Created within the previously existing *Réorganisation Agraire et Foncière* (RAF) framework, the new Rural Land Tenure Law (adopted in June, 2009) enables legal recognition of rights legitimated by customary rules and practices. In rural areas, customary land tenure rules have long governed land transactions and allocations, although in some communities cash-based land transactions and increasing pressure on land resources are eroding the ability of customary systems to manage land resources. The new law reinforces the decentralization and devolution of authority over land matters, and also provides for formalization of individual and collective use rights and the possibility of transforming these rights into private titles.

Periodic drought has exacerbated the loss of vegetation and biodiversity. Population growth, the expansion of agriculture, and periodic overstocking and overgrazing of livestock have increased the pressure on land resources. Other environmental threats include erosion from wind and water, loss of soil nutrients, and uncontrolled bush fires.

Although mining does not play a large part in Burkina Faso's economy, artisanal gold mining grew significantly after the serious droughts of the 1970s and 1980s. Between 100,000 and 200,000 artisanal miners work in gold mining, on a minimum of 200 sites.

### KEY ISSUES AND INTERVENTION CONSTRAINTS

Donors should consider providing support for the following programming options:

- **Implementation of the new Rural Land Tenure Law.** The new legal framework set forth in the 2009 Land Law will require support at multiple levels, including trainings with local government representatives and local government institution-building to properly implement rules, as well as with potentially vulnerable groups such as women, youth and migrants to enable an understanding of their rights in the new system. Because the new law supports the participation of customary actors and institutions in implementation, follow-up, and evaluation of land policy and the new features of land legislation, it is vital that public education occur widely at the very beginning, before old systems of injustice become built in to the implementation. It is also important to build institutional capacity to implement and sustain usage of the new land rights management and land administration tools provided by the new law. Large-scale public engagement campaigns were undertaken in the process of drafting the new law, but these should continue through implementation and evaluation. NGOs and local community groups exist throughout Burkina Faso that USAID can support systematic provision of legal aid and public education and training of officials. *Donors should consider working collaboratively to explore ways to support implementation of the Burkina Faso rural land tenure law and any existing efforts within the African Union and ECOWAS.*
- **Land Dispute and Conflict Resolution.** It is important that efforts to address land disputes and assist with conflict resolution be carefully designed with a thorough understanding of local power relations, as outside efforts by NGOs to “map” land have at times led to conflict escalation. *Donors should coordinate with the Burkina Faso government to*

*develop a set of guidelines for interventions. Using these guidelines, donors could then determine which existing civil society groups or NGOs working on land-based conflict should be supported. It is also important to build capacity in Burkina for relevant institutions – including those at the national, local, village and community levels – to resolve conflicts. An effort should also be made to identify what partners might support the building of longterm Burkinabé capacity for land dispute mediation and resolution.*

- **Strategic Planning for Climate Change.** Transhumant pastoral routes will likely continue to adjust as climate and land-use patterns shift. This could easily lead to more conflicts between pastoral communities, and between herders and farmers. *Donors can help to support grassroots conflict-transformation projects, but they should also consider engaging on a more strategic level with the set of natural resource and social issues connect to climate change. The new Rural Land Tenure Law and increasingly decentralized land management have created legal and institutional frameworks whereby shifting land uses can be more effectively planned or managed. Donor support could help to reinforce these new frameworks. For example, the 2009 Rural Land Tenure Law provides for the creation of local land charters to manage natural resources and ensure participatory management of shared resources. Donor support could be useful to the development of these local land charters and their implementation.*
- **Regulation and Improvement of Standards in Artisanal Mining.** As pressure on land resources continues to rise, we can expect the artisanal mining sector to continue to attract new workers. Mining can potentially make a significant contribution to Burkina Faso’s GDP, and provide work for more Burkinabé, but artisanal mining presents significant dangers to miners’ personal safety, the environment, and especially women and children. *Donors should support existing efforts to curb child labor at artisanal mines and to help increase levels of organization by artisanal miners.*

FOR MORE RECENT LITERATURE:

<http://usaidlandtenure.net/burkina-faso>

Keywords: Burkina Faso, tenure, agrarian, land law, land reform, property rights, land conflicts, water rights, mineral rights

## SUMMARY

Upper Volta (*Haute Volta*) declared its independence from France in 1960. In 1966 the first of a series of military governments took charge through a coup d'état. In 1983 a coup overthrew the Ouédraogo regime, and Thomas Sankara took power as president, with Blaise Campaoré as the Minister of State. In 1984 the country was renamed Burkina Faso, and the new government followed a pan-African socialist economic model. A new constitution was promulgated in 1991, establishing the current regime and ushering in market-oriented policies (McFarland 1998; Kagone 2001; World Bank 2005).

Burkina Faso is a land-locked West African country. The population is primarily rural and the economy is based on agriculture, livestock and forestry. Agriculture is dominated by small family farms, between three and six hectares. Burkina Faso's land laws have not historically recognized customary land rights; thus, the majority of smallholder farmers and rural families do not have secure land tenure. In rural Burkina Faso, customary land tenure rules govern land transactions and allocations, although in some communities cash-based land transactions and increasing pressure on land resources are eroding adherence to customary practices (M. Ouédraogo 2002; World Bank 2008a; H. Ouédraogo 2006; Mathieu et al. 2003).

Burkina Faso adopted a new Rural Land Tenure Law in June 2009. The law recognizes customary rules and practices, and reinforces the decentralization and devolution of authority over land matters. It also enables legal recognition of individual possession rights (similar to use rights) and collective land rights, transfer of land rights through inheritance, and both oral and written land loans. The local land charters are also charged with identifying the local authorities responsible for preventing and managing rural land disputes.

## I. LAND

### LAND USE

Burkina Faso is a land-locked West African country with 273,600 square kilometers of land. Of the 15 million inhabitants (2008), 80% are rural. In 2008, the GDP was US \$7.9 billion, of which agriculture comprised 33%, industry 22%, and services 44%. The economy is based on agriculture, livestock, and forestry, with 85% of the population working in these sectors. Exports are not diversified: 55–70% of export earnings come from cotton alone. Burkina Faso is near the bottom of the global Human Development Index, and was one of the first countries eligible for the Highly Indebted Poor Countries Initiative (World Bank 2009; Ouédraogo 2002; World Bank 2005; UNDP 2006).

### BOX 1. MACRO INDICATORS

	Year	Score
Population, total	2008	15,208,586
Population ages 0-14: 15-64: 65+ (% of total)	2008	46.2: 51.8: 2.0
Population growth (annual %)	2008	2.9
Rural population (% of total population)	2008	80.4
Population density (people per sq. km)	2008	55.6
Literacy rate, adult total (% of people ages 15 and above)		28.7
Land area: Surface area (sq. km)	2008	273,600: 274,000
Arable land (% of land area)	2005	17.7
Agricultural land (% of land area)	2005	39.8
Permanent cropland (% of land area)	2005	0.2
Irrigated land (% of cropland)	2003	0.5
Forest area (% of land area)	2005	24.8
Nationally protected areas (% of total land area)	2006	14.0
Renewable internal freshwater resources per capita (cubic meters)	2007	845.9
Annual freshwater withdrawals, agriculture: domestic: industry (% of total freshwater withdrawal)	2007	86.3: 13.0: 0.8
Crop production index (1999-2001 = 100)	2005	117.2
Livestock production index (1999-2001 = 100)	2005	122.1
GDP (current US\$)	2008	7,948,236,976
GDP growth (annual %)	2008	4.5
Agriculture: industry: manufacturing: services, value added (% of GDP)	2006	33.3: 22.4: 13.6: 44.4
Ores and metals exports: imports (% of merchandise exports: imports)	2004	0.6: 0.6
Aid (% of GNI)	2007	13.8

Source: World Bank, 2009

There are two large agro-ecological zones in Burkina Faso: the sahelian zone in the North, where nomadic pastoralism is evolving towards agro-pastoralism; and the sudanian zone which holds the majority of cultivable land. Agricultural land is 40% of the total land area. During colonial times, the French established a few large-scale irrigation projects which have since been rehabilitated, but the overall percentage of irrigated cropland is still only 0.5%. Forests cover 25% of the land, with an average annual deforestation rate of 0.3%. Nationally protected areas, primarily savannas, cover 14% of the land (UNDP 2006; Cotula 2006; World Bank 2009; Kagone 2001).

Since the 1970s, Burkina Faso has experienced endemic drought, with the most serious droughts occurring in the periods 1972–1974 and 1983–1984. Drought has exacerbated the loss of vegetation and biodiversity and is caused in part by the pressure on land resources from demographic growth, increasing population density, expansion of agriculture, and periodic overstocking and overgrazing of livestock. Other environmental threats include erosion from wind and water and loss of soil nutrients. Uncontrolled bush fires are an annual problem (UNDP 2006; Dorlöchter-Sulser et al. 2001; Kagone 2001).

## LAND DISTRIBUTION

<b>BOX 2. LAND TENURE INDICATORS</b>		<b>Score</b>
<u>Millennium Challenge Corporation Scorebook, 2009</u>		
— Land Rights and Access (Range 0–1; 1=best)		0.480
<u>International Property Rights Index, 2009</u>		
— Physical Property Rights Score (Range: 0–10; 0=worst)		5.1
<u>World Economic Forum's Global Competitiveness Index, 2008-2009</u>		
— Property Rights (Range: 1–7; 1=poorly defined/not protected by law)		4.5
<u>World Economic Forum's Global Competitiveness Index</u>		
— Ease of Access to Loans (Range: 1–7; 1=impossible)		1.9
<u>International Fund for Agricultural Development, Rural Poverty Report, 2001</u>		
— Gini Concentration of Holdings, 1981-1990 (Range: 0–1; 0=equal distribution)		..
<u>International Fund for Agricultural Development, Rural Sector Performance Assessment, 2007</u>		
— Access to Land, 2007 (Range: 1-6; 1=unsatisfactory access)		2.76
<u>Food and Agricultural Organization: Holdings by Tenure of Holdings</u>		
— Total Number of all Agricultural Holdings, Year		
— Total Area (hectares) of all Agricultural Holdings, Year		
— Total Number of Holdings Owned by Holder; Year		
— Total Area (hectares) of Holdings Owned by Holder; Year		..
— Total Number of Holdings Rented from Another; Year		
— Total Area (hectares) of Holdings Rented from Another; Year		
<u>World Bank Group, Doing Business Survey, 2009</u>		
— Registering Property-Overall World Ranking (Range: 1–181; 1=Best)		148
<u>World Bank Group, World Development Indicators, 2009</u>		
— Registering Property-Number of Procedures		4
— Registering Property-Days Required		11
<u>World Bank Group, World Development Indicators, 1998</u>		
— Percentage of Population with Secure Tenure		
• Bobo-Dioulasso		100.0
• Ouagadougou		100.0
<u>Heritage Foundation and Wall Street Journal, 2009</u>		
— Index of Economic Freedom-Property Rights (Range 0-100; 0=no private property)		30
<u>Economic Freedom of the World Index, 2008 (2006 data)</u>		
— Legal Structure and Security of Property Rights (Range 0-10;0=lowest degree of economic freedom)		4.03
— Protection of Property Rights (Range 0-10; 0=lowest degree of protection)		5.76
— Regulatory Restrictions of Sale of Real Property (Range 0-10;0=highest amount of restrictions)		2.55

Agriculture in Burkina Faso is dominated by small family farms of between three and six hectares. As sales of land become more common, there is a trend toward concentration of land ownership among urban elite and agrobusinessmen, who buy formerly communal rural lands from the government at below-market prices (H. Ouédraogo 2006; Mathieu et al. 2003; Furth 1998).

For several decades, the state encouraged migration, primarily from the Mossi central plateau which was badly affected by severe droughts in the 1970s and had high population density. Many of these migrants moved to the cotton-growing west and northwest region of Burkina Faso, where they created new hamlets and dramatically increased the density of cultivated areas (Chauveau et al. 2006; Mathieu et al. 2003).

## LEGAL FRAMEWORK

After independence, land management in rural settings was largely left to customary institutions and governed according to customary law; the government was only involved in management of classified or protected lands. In 1984, the *Réorganisation Agraire et Foncière* (RAF) was passed by the Burkina Faso Government (GOB). It was substantially amended

in both 1991 and 1996 to help develop a private property rights regime for land. The RAF vested all land throughout the country in the state, regardless of customary tenure status, and outlawed sales of land. The intent was to enable all Burkinabé citizens to gain access to land through government-determined rules of access, end

the power of traditional chiefs, and make a “clean break” with customary rights. Individuals could apply for permits allocating use rights to rural land for cash crops. The law was widely interpreted by farmers to mean that land belonged to whoever cultivated it, regardless of existing customary rules. This law eventually became the framework for the 2009 Rural Land Tenure Law (UNDP 2006; H. Ouédraogo 2006; M. Ouédraogo 2002; Paré 2001; Cotula 2006; MCC 2009).

The 1991 RAF amendment allowed privatization of land and recognized use-rights and long-term leases; the 1996 amendment enabled the state to “cede” land to private operators. The RAF created a national village land-use management programme, which operates the *Commissions Villageoises de Gestion des Terroirs* (CVGTs), a legal structure for land management at the village level. The CVGTs are supposed to represent the “village” through a committee of customary village leaders and representatives of underrepresented groups. The 1984 RAF and its amendments were not thoroughly or widely implemented, and in most regions communities continue to follow local practices even if they are in conflict with the RAF. Customary institutions remain very much intact. One of the MCC Compact’s interventions will be to support the GOB’s efforts to revise the RAF legislation (Gray 2002; Lund 1997; Pare 2001; Kevane and Gray 1999). Many of MCC’s projects also work at the level of another local management structure – the *Comités Villageois de Développement* (Village Development Committees), which are responsible for managing and resolving conflicts, and “finding solutions to land tenure problems,” according to the *Code Général des Collectivités Territoriales* of 2004 (2004 Decentralization Code). The new Rural Land Tenure Law allows for the creation of *Commissions Foncières Villageoises*, or Village Lands Commissions, under the authority of the CVDs.

The RAF, CVDs and CVGTs are examples of Burkina Faso’s push to decentralize. A Policy Letter on Decentralized Rural Development was adopted in 2002, establishing the principles of: (1) transferring responsibilities to grassroots communities; (2) allowing the state to withdraw to setting and defining overall priorities; and (3) tailoring methods to diverse local conditions. This policy provides for three different agencies: the CVGTs, village councils, and village officials. Village councils are decision-making institutions, while CVGTs are meant to serve as intermediaries between NGOs and outside organizations and villages on projects. The village chief is also still an important figure in local government. A Rural Development Strategy was also developed at the end of 2003, and a 2004 Decentralization Law delegates land-governance responsibilities to local and regional levels. The 2007 Rural Land Policy further provides for: a social pact for land management at the commune level; decentralized land tenure services; participatory land use and planning; institutionalization of alternative dispute resolution processes; and supporting infrastructure for land registries and management. This Policy provides the foundation and framework for the new 2009 Rural Land Tenure Law (UNDP 2006; Champagne and Ouédraogo 2008; M. Ouédraogo 2002; Paré 2001; MCC 2009).

Burkina Faso adopted the new Rural Land Tenure Law (Act. No. 034 on The Rural Land Tenure System) in June 2009, after a long, transparent and inclusive process. The goals of the new law include: (1) ensuring equitable access to rural land; (2) promoting investments in agriculture, forestry and pastoralism in Burkina; (3) reducing poverty in rural areas; and (4) promoting sustainable management of natural resources. In addition to the goals above, the new Rural Land Tenure Law is meant to protect property rights, prevent and manage land conflicts, and build a framework for ensuring rural land tenure security. This law is a sectoral law that falls under the RAF (GOB 2009; MCC 2009).

The law furthers decentralization in Burkina Faso and codifies principles of customary rights by enabling communities to draft local land charters, which are local conventions based on the customs and land uses. These land charters contain rules relating to conservation of shared natural resources, the process of giving and receiving land loans, and managing land disputes. The new law provides the governing framework for the land charters, which vary according to local needs and customs to reflect the diversity of Burkina Faso’s people and ecosystems. Local land charters are created at the village level in a participatory manner that includes a representative group of stakeholders (including women, forest users, pastoralists, and youth), and is aided by the state. They are adopted at the village level, validated at the municipal court, and recorded in the register of local land charters (GOB 2009).

The 2009 law also enables legal recognition of individual and collective land rights, the transfer of certificates of rural land possession through inheritance, both oral and written rural land leases, and local land management



institutions. These local land management bodies include the Rural Land Service in each community, the Village Land Commission in each village, and “local consultative bodies for land-related matters” in rural municipalities (GOB 2009; MCC 2009).

The new law also sets forth the framework for addressing land disputes, stating that parties should first attempt to resolve the situation with local authorities, per procedures in the local land charter. The Law gives local authorities a 45-day period, which may be extended once, in which to reach conciliation between the parties. Addressing the courts and initiating litigation should be the last response (GOB 2009).

Pastoralism is governed by the 2002 Pastoral Policy Act in addition to the 2009 Rural Land Tenure System Law. There are also national orders which govern regulation of disputes between farmers and pastoralists, decrees on national transhumance, and a 1998 agreement by the Economic Community of West African States (ECOWAS) on transborder transhumance (Cotula 2006; UNDP 2006; Kagone 2001).

## TENURE TYPES

Under the *Réorganisation Agraire et Foncière* (RAF) framework law, the state owns all untitled land. The state may cede full ownership of rights of land to private operators upon application and payment. Once land is titled and in private hands, it enters the market and can be freely bought, sold and leased (Cotula 2006; UNDP 2006).

The Act allows for a system of private property based on titling and registration. Much rural land remains untitled, however, and so is legally owned by the state but is in practice governed by customary rights (Lund 1997; MCC 2009).

In rural Burkina Faso, most forms of tenure are actually governed on the ground by customary rules, which differ between communities. In general, land tenure types are one of the following:

- Rights of permanent use, granted to members of the corporate group (family clans).
- Rights of permanent use, acquired by claiming unclaimed deforested land.
- Rights of limited use, extended to members of the corporate group who need to borrow land. Depending on the group, these may become rights of permanent use if held for more than one generation.
- Rights of limited use, granted to ‘strangers’ who are borrowing the land. These rights can become permanent after generations of being passed down, particularly if the borrower has improved the land without the permission of the lender (Gray 2002).

Under the 1991 RAF private ownership of irrigated land is not allowed. Local commissions allocate use-rights for 1 to 1.5 hectare plots on condition of paying water fees and putting the land to productive use. However, agribusinesses are under a different legal regime and can be granted by the state a 25-year lease on a minimum plot size of 10 hectares, renewable for up to 99 years (Cotula 2006).

## SECURING LAND RIGHTS

In rural Burkina Faso, many communities do not acknowledge that anyone “owns” the land, but rather grant primary rights of use to family groups who first settle a plot of land. In other communities, while a village chief is the formal arbitrator of village land, he does not have authority to control lands other than those belonging to his family. Among the Mossi, an individual can only claim rights to land specifically granted by a land chief (*chef de terre*). *Chefs de terre* have authority because their ancestors were the “first” people to settle there. They act as intermediaries to their dead ancestors and to spirits, guaranteeing that local lineage groups maintain rights to the land their ancestors settled (Cotula 2006; Swanson 1978; Kevane and Gray 1999).

Traditionally, loans of land were given for open-ended periods of time. These loans were not linked to cash, but the borrower would show gratitude symbolically through gifts or sacrifices, by respecting the local rules of conduct and ways of using land, and in some places by offering a share of their crop at harvest. These traditional patterns for borrowing have changed over the past two decades with the advent of money-based forms of access. Long-term loans to migrant farmers are being replaced with short-term loans and informal leases. Shorter terms are a way to avoid borrowers’ heirs claiming permanent use-rights on a plot. Informal leases, often for one-year terms, are becoming more common in the cotton-growing areas. Traditionally, loaned land was not withdrawn

unless there was a serious violation of rules of conduct or if the lender needed land for his children. As land reserves are exhausted in the south and southwest, it is becoming more common for locals to withdraw land from migrants without following traditional rules (Mathieu et al. 2003; Sawadogo and Stamm 2000).

When the revolutionary government of Burkina Faso vested all land in the state in accordance with the first RAF in 1984, there was an allowance that those exploiting land at the time of the decree could continue to do so. The state would hold express authority, however, to authorize any new clearing of land. Both villagers and the state, however, seem to have ignored this ruling, as no such government approval has been applied for or required in the years since (Ouédraogo 2002).

Migrants whose ancestors did not settle an area have a more tenuous grasp on their use-rights than “locals” who have claimed and exercised permanent use-rights. In the southwest, migrants who came before the 1980s tend to have “fairly secure” access to their land. Newer migrants, however, may be asked at any time to leave the land they borrowed. Although in the past land was only withdrawn if the borrower failed to follow local rules or if the lender needed land for his children, growing pressure on land resources is pushing locals to demand the return of such land. In some areas, these tensions are leading borrowers to assert their independence and claim permanent use-rights by planting trees or refusing to perform ritual services. In response, locals are more likely to claim back land without notice, and often with violence. Under the new Rural Land Tenure Law, only registered land can be leased on a long-term basis. It is not yet clear whether or how this legal provision will affect informal leasing practices, however. Prior to the passage of the law, very few formal land rights – representing 1% of productive land – were registered (equal to roughly 6000 titles) (Kevane and Gray 1999; Mathieu et al. 2003; GOB 2009; MCC 2009).

Without legally recognized rights, rural land users are also at risk of the state removing them from their land, which happens in the process of land improvement or water infrastructure schemes. The RAF does not require compensation for expropriation of customary rights, but the recent 2001 Water Management Policy Act (*Loi d’Orientation relative à la Gestion de l’Eau*) does provide compensation for the impairment of customary rights in the process of irrigation projects (Cotula 2006).

The level of formalization of land-use rights depends on the region. Overall, 95% of leases in Burkina Faso between private parties are informal. In some areas, leaders are encouraging formalizing leasing arrangements to avoid repossessions, illegal sales, and conflict. Registering a property transaction with the state is an expensive and arduous process, requiring six procedures (notarization, request for a formal evaluation, registration of the evaluation, etc.), taking 136 days, and costing 11% of the property value (Mathieu et al. 2003; Wouterse and Taylor 2006).

### INTRA-HOUSEHOLD RIGHTS TO LAND AND GENDER DIFFERENCES

Burkina Faso’s Constitution affirms the principle of gender equality in all matters, as does the *Réorganisation Agraire et Foncière (RAF)*. Under the 1989 Family Code, polygamy is legal, and spouses are equal partners with the same obligations and responsibilities. Levirate – the practice of a widow being “inherited” by her deceased husband’s brother – is illegal. Widows have legal rights to inherit their husband’s

property, but only if their marriage was a recognized civil marriage. Sons and daughters are treated equally under formal inheritance law. The legal right to inherit, however, is generally inaccessible to most rural women due to the customary practice of a man’s property passing to the male members his family (Cotula 2006; OECD 2009).

The interests of rural women are included and expressed in policies and plans of Burkina Faso. For example, the 2003 Rural Development Strategy lists one of its five primary objectives as improving the economic conditions and social status of women and youth in rural areas. However, these plans have not yet led to significant positive changes. Government development projects have often undermined women’s rights by reinforcing traditional tenure institutions and ignoring the existing rights of women. For example, Operation Rice (*Opération Riz*), a water infrastructure project, undertook to improve lowland areas and then allocate the improved plots to

BOX 3. LAND AND GENDER INDICATORS		Score
<u>OECD: Measuring Gender In(Equality)—Ownership Rights, 2006</u>		
— Women’s Access to Land (to acquire and own land) (Range: 0-1; 0=no discrimination)		0.8
— Women’s Access to Property other than Land (Range: 0-1; 0=no discrimination)		0.5
— Women’s Access to Bank Loans (Range: 0-1; 0=no discrimination)		0.5
<u>FAO: Holders of Land Classified by Sex, 1993</u>		
— Percentage of Female Holders of Agricultural Land		8.4

household heads. Those lowlands had been controlled by the women to grow rice; when allocated to male household heads, the land was no longer accessible to women. In addition, state improvements generally increase women's labor requirements on the family/male-owned plots (UNDP 2006; Kevane and Gray 1999; Cotula 2006).

Throughout Burkina Faso, customary tenure does not provide women with direct access to land. Women are, however, often able to realize indirect rights of access to land. In most communities, wives can ask their husbands for land, which is sometimes described as a "right to fields." In some parts of Burkina Faso, if the husband refuses land, the wife can ask her husband's lineage for land. Women's fields are on average one-tenth the size of household plots, and women are expected to provide labor for both. In some cases, husbands must surrender a portion of the household crops to their wives, which is similar to a "sharecropping" arrangement (Kevane and Gray 1999; Sawadogo and Stamm 2000).

Married women usually have more avenues to access land than unmarried women, who often can only access their mothers' fields. A widow can choose to be "inherited" by one of her husband's younger brothers and thus stay on the land, although the practice of levirate marriage is prohibited by law in Burkina Faso. A widow is generally not forced into levirate; she can choose to return to her natal villages, where she must be given some land, or she can try to stay on the land (without levirate), although her husband's family will likely exercise control over it (Kevane and Gray 1999; Sawadogo and Stamm 2000).

As borrowing practices change and loans of land become shorter and leases more common, women are finding it easier than men to access loaned or borrowed land. Landholders are more willing to lend to women because women cannot claim permanent rights to land. Also, women are easier to evict. Landowners may forbid the husband or his oxen to be on the woman's plot, to ensure that it is clear that ownership is not changing hands (Ki-Zerbo 2004; Kevane and Gray 1999).

In urban areas, where anonymous arms-length transactions are possible, women can securely acquire land and property. As a market develops in rural areas, this trend may make land ownership a possibility for more rural women. Rural land transactions with women, such as loans, are usually verbal rather than written. While many women know that written agreements would provide more security, demanding a written contract could result in not accessing the land (OECD 2009; Kevane and Gray 1999; Ki-Zerbo 2004).

## LAND ADMINISTRATION AND INSTITUTIONS

The Ministry of Agriculture, Water Resources and Fisheries (*Ministère de l'Agriculture, de l'Hydraulique et des Ressources Halieutiques*, MAHRH) is responsible for the productivity of land and its related resources. The Ministry of Environment (*Ministère de l'Environnement et du Cadre de Vie*) deals with land conservation and planning for land allocation. The Ministry of Animal Resources is responsible for the productivity of grazing lands and pastures. The Ministry of Territorial Administration and Decentralization is responsible for issues arising from conflicts over access to and control over land assets, and for piloting the decentralization effort (UNDP 2006).

*Commissions Villageoises de Gestion des Terroirs* (CVGTs) are village-level representative committees for land management. It does not appear the CVGTs have realized their purpose, however, as the RAF is rarely followed at the village level and CVGTs are often associated with donors or viewed as a state project rather than as belonging to a community. The 2009 Law on the Rural Land Tenure System provides for the increased role of local land management structures, including the CVGTs, the Rural Land Department in each community, and "local consultative bodies for land-related matters" in rural municipalities (GOB 2009; UNDP 2006; Gray 2002).

There are many government institutions governing land issues in Burkina Faso. The Ministry of Economy and Finances (*Ministère de l'Economie et des Finances*, MEF) is responsible for land administration and land registration, and for taxation related to land. The MEF includes the *Direction des Affaires Domaniales et Foncières* and the *Direction du Cadastre*, which implement the current revision of the RAF law (MCC 2009).

The *Direction de la Topographie et des Travaux Fonciers* (DTTF) resides in *Ministère de l'Habitat et de l'Urbanisme* (MHU) and is responsible for land surveying (MCC 2009).

The *Ministère de l'Administration Territoriale et de la Décentralisation* (MATD) is responsible for implementing Burkina's decentralization policy, which has created autonomous local governmental bodies (MCC 2009).



Capacity-building for land dispute mediation falls under the The Ministry of Justice (*Ministère de la Justice*, MJ) (MCC 2009).

And finally, the Burkina Geographic Institute (*Institut Géographique du Burkina*, IGB) is responsible for cartographic services, including geographical coordinate gathering, analysis, and interpretation. The IGB does contract work for public agencies and private companies (MCC 2009).

According to the United States' Embassy in Burkina Faso, Burkina ranks as the fourth best sub-Saharan African country in corruption control. The government has created a National Ethics Committee, and there are several other anti-corruption agencies and organizations in the country (US Embassy-BF n.d.).

Most groups with customary claims over land have a land chief, or *chef de terre*, who has a connection with the ancestors who initially approached the local spirits of the land. The *chef de terre* stands as a symbol of the inalienability of that group's right to land. Umbrella farmer organizations, NGOs, agribusiness operators, and donor groups all participate in dialogues on issues of land allocation and development, at national and local levels (Kevane and Gray 1999; UNDP 2006; MCC 2009).

### **LAND MARKETS AND INVESTMENTS**

Customary practices regarding land borrowing and allocation were developed when Burkina Faso had relatively low population density. Today, land scarcity is a reality, especially in the southwest, west, and central parts of the country. In urban and peri-urban areas, land has a high market value. Civil servants and developers are buying up large portions of these areas (Kevane and Gray 1999; Ouédraogo 2002).

Burkina Faso's land market is just emerging. There is some circulation of rights to land through cash-based transactions, but these rarely involve a clear transfer of rights. Informal leases of land are becoming more common in many parts of the country. In most areas of rural Burkina, sales of land are generally still not socially recognized. Therefore, when sales happen, the transactions are often ambiguous and/or concealed, the significance of goods exchanged not clear or agreed to by the transactors, and they are rarely accompanied by a legal proof of transfer. Registering a property transaction with the state is cumbersome and expensive. The commercial land market has historically been weak in Burkina, and land has not traditionally been used as collateral for credit. Market values for land in urban and peri-urban areas have recently increased, however, and much of the peri-urban land has been purchased from the government by civil servants and developers for speculative purposes. There is evidence that land ownership is becoming more concentrated among wealthy elite and large-scale agricultural businesses (World Bank 2008b; Chauveau et al. 2006; Mathieu et al. 2003; Wouterse and Taylor 2006; GOB 2009; Ouédraogo 2002).

In some rural areas, sales of land are becoming more common. The sellers are usually young male locals who have come into possession of family or ancestral land, or older males facing financial problems. The purchasers are generally businessmen, traders, politicians, or migrants with sufficient cash. These sales are most often informal and happen without the approval or awareness of the larger family, which opens the possibility of fraud through selling land to which one has no rights, or double-selling the same plot (Mathieu et al. 2003).

### **COMPULSORY ACQUISITION OF PRIVATE PROPERTY RIGHTS BY GOVERNMENT**

The government is empowered to expropriate existing land and water and other resource rights and to reallocate lifelong tenancy rights over irrigated land. More recent laws also provide for compensation for loss of land rights, for example for the purposes of creating, improving or maintaining water infrastructure. However, the state still holds title for the majority of rural land, and as customary land rights are not generally legally recognized, there are few technical instances of expropriation. One exception is in the Water Management Policy Act, which refers to implementing regulations that provide compensation for "direct, material and certain" impairment of customary rights (Cotula 2006; GOB 2001).

### **LAND DISPUTES AND CONFLICTS**

Disputes over land have become a widespread problem across Burkina Faso, between and within various communities. As land density increases and soil fertility decreases, remaining reserves of fertile and/or restored land are the subjects of conflict. This is particularly the case between autochthonous groups (whose ancestors initially cleared or conquered an area) and 'migrants' (whose ancestors were not in the area). Many of these

‘migrants’ have been on land for 20 or 30 years, since the state encouraged Mossi to move from central to southwestern Burkina. Others are more recent migrants, back after living in Côte d’Ivoire, and these newer migrants often bring more financial resources than the older migrants. Conflicts between autochthons and migrants are sparked when autochthons attempt to unilaterally repossess land that was transferred as a loan, and when migrants attempt to appropriate land received as a loan. Conflicts between longstanding and newer migrants sometimes occur when the newer migrants attempt to secure access to land through cash transactions (Ouédraogo 2002; Mathieu et al. 2003; Cotula 2006; Chauveau et al. 2006).

Pastoralists and sedentary farmers are also sometimes in conflict. Transhumance has been practiced in the north of Burkina Faso for centuries, and there are clear international agreements and local understandings regarding northern herding routes. In recent years, responding to climatic shifts, Burkinabé herders have also extended their routes to southern countries, where there are no transboundary agreements or local arrangements. Conflicts in Benin and Togo are becoming common. Within Burkina Faso, expanded cultivation is blocking traditional access-routes to pasture and watering holes. Also, more pastoralists are seeking to become sedentary agro-pastoralists, and more farmers are raising livestock, exacerbating competition between the populations and minimizing complementarity. Farmers have less incentive to invite pastoralists onto their land when their own livestock have already provided manure and milk (UNDP 2006; Kagone 2001).

A relatively new pressure on land availability is the presence of civil servants, businessmen, and politicians looking to purchase rural land. Conflicts over boundaries between villages are also becoming more common, as donors and NGOs encourage village-mapping exercises to spatially define land use. Where there are flexible institutions based on negotiation, groups see opportunities to advance political struggles. Groups manipulate the rhetoric of ‘environmentally sound’ land-use practices and the narrative of land degradation to secure land-use rights against others (Mathieu et al. 2003; Gray 2002).

One of the sources of conflict over land is uncertainty over which rules apply and who has the power to enforce the rules. Legally, the *Tribunal Departemental de Conciliation* (TDC) is responsible for dealing with tenure disputes, but in practice is not capable of enforcing adjudication. The judicial system is not equipped to deal with local-level land disputes, and when cases go to court, judges base their decisions on the RAF. Since rural communities are not basing their decisions on the RAF, judicial decisions are often contested and rarely implemented. Often, conflicts are settled by traditional chiefs and local institutions. Chiefs are often asked to help resolve conflicts, and to ensure that land transactions are valid (Mathieu et al. 2003; Lund 1997; H. Ouédraogo 2006; M. Ouédraogo 2002).

The 2009 Land Law reinforces the jurisdiction of local authorities in resolving land disputes, per procedures set forth in local land charters. Local authorities can include both existing groups and ad hoc groups formed for the express purpose of resolving a dispute. The new law gives local authorities a 45-day period, which may be extended once, in which to reach conciliation between the parties. Addressing the courts and initiating litigation should be the last response. The law does not specify which rules should apply to local authorities in dispute resolution, but rather leaves this up to the local land charters. It is unclear whether this new approach will resolve the issues discussed above (GOB 2009).

#### **KEY LAND ISSUES AND GOVERNMENT INTERVENTIONS**

The government of Burkina Faso has been pursuing progressive but slow decentralization since independence, when a law was adopted to allow four city municipalities full autonomy. Most recently, in 2004, Burkina Faso adopted the *Code Général des Collectivités Territoriales* which (in 2004) delineated the legal framework for decentralization, creation of new regions and rural municipalities (in 2005), and the first municipal elections in those rural municipalities (in 2006). Decentralization has received considerable support from international donors and NGOs, but its implementation has been criticized by some scholars. They observe that decentralization structures often maintain and deepen existing local inequalities, and that representative alternatives are difficult to maintain beyond the “temporary legitimating presence of outside development agents.” They critique the state for allowing donors to intervene in local land rights, where they have neither experience nor legitimacy (Champagne and Ouédraogo 2008; Gray 2002; Ribot 1999).

## **DONOR INTERVENTIONS**

USAID does not have an office in Burkina Faso but operates in the country through its West Africa Regional Mission. In 2007, USAID spent US \$4.26 million on economic growth, primarily in agriculture and economic opportunity. It appears that most of the funding was spent on agriculture sector productivity by facilitating farms' access to inputs and training. Between 2008 and 2009 USAID's budget for non-emergency programs increased by US \$3 million, and between 2009 and 2010 it increased by US \$1.4 million. USAID's 2010 request included US \$1 million for biodiversity programs, and US \$5 million for agriculture and related programs. Their largest budget allocations were to basic education (US \$7.63 million) and malaria control (US \$6 million) (USDOS 2008; USAID 2010).

Burkina Faso has signed a Compact with the Millennium Challenge Corporation (MCC), entered into force in August 2009. The five-year compact includes the Rural Land Governance Project, which represents a substantial investment in land issues. The project includes three major activities: (1) legal and procedural change and communications; (2) institutional development and capacity-building of land tenure institutions; and (3) site-specific land tenure interventions in targeted areas of the country. These activities aim to: make land legislation and administration procedures more user-friendly and accessible; improve public land services in rural areas; and facilitate participatory land-use management, registration of land rights, and resolution of conflict. The World Bank is supporting efforts to promote "community-based land and natural resource management for sustainable development" and increased decentralization. The German Agency for Technical Cooperation (GTZ), the French government and others have also worked closely with the creation of CVGTs (World Bank 2005; Dorlöchter-Sulser et al. 2001; Gray 2002).

National civil society has increased in mobilization since a National Forum on Civil Society in 2002. Civil Society Organizations (CSOs) and farmer representatives have been part of the land policy dialogue organized by the National Committee for Rural Land Tenure Security. CSOs have also joined forces with women's groups to help with social communication and legal activities, although the legal aid groups are more focused on family law than land law. Many NGOs are implementing the *Programme National de Gestion des Terroirs*, but their approach is largely determined by the preferences of the donor sponsoring the specific projects (Ki-Zerbo 2004; World Bank 2005; Ouédraogo 2006; Gray 2002).

Some government and NGO projects have helped women's groups obtain collective grants of land. In 2009 the International Development Research Centre (IDRC) supported a research project on women's access to land in francophone West Africa with total funding of US \$46,300 (Ki-Zerbo 2004; Kevane and Gray 1999; IDRC 2010).

## **2. FRESHWATER (LAKES, RIVERS, GROUNDWATER)**

### **RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION**

Over 86% of water used in Burkina Faso goes to agriculture, and only 13% to domestic water use. The total area equipped for irrigation is 25,000 hectares, only 0.5% of cultivated land. Much of this irrigated land is contained in large-scale irrigation projects founded by the French. Water quality in rural areas is threatened by excessive use of agrochemicals and threatened in urban areas by the lack of sanitation and sewerage facilities. In 2004, 61% of Burkina Faso's population had access to an improved water source – 54% of those in rural areas and 94% in urban areas. There is significantly less access to improved sanitation facilities: only 13% of the population has access, including 6% of those in rural areas and 42% of those in urban areas (World Bank 2009; Cotula 2006; FAO 2005a; UNDP 2006).

### **LEGAL FRAMEWORK**

The Water Management Policy Act of 2001 introduced principles of integrated water resources management. The Act requires compensation be given to those who lose land tenure rights (including customary rights) because of "improvements" like irrigation. The Act does not refer directly to water rights, however, and does not recognize customary water rights. Decree 220 of 2003 lays out an action plan for implementing integrated water resources management (Cotula 2006; UNDP 2006).

## TENURE ISSUES

The state owns all water resources. Permits are generally required to withdraw water, with exceptions if water is used for domestic purposes and/or is below specific volumes. State law does not refer directly or explicitly to water rights. All irrigated land is owned by the state. Small-scale farmers can apply for plots of irrigated land between 1 and 1.5 hectares, on the condition that they pay water fees and put the land to productive use. Agribusinesses are eligible for minimum plot sizes of 10 hectares and a 25-year lease, renewable for up to 99 years (Cotula 2006).

The state reserves the right to expropriate existing resource rights, including water, and to reallocate rights over improved resources (such as irrigation schemes on land). The Water Management Policy Act of 2001 provides for compensation for loss of land rights and for “direct, material and certain” impairment of customary rights (Cotula 2006).

## GOVERNMENT ADMINISTRATION AND INSTITUTIONS

The Ministry of Agriculture, Water Resources and Fisheries is responsible for hydro-agriculture development and inland valley resources. Within this Ministry, the *Autorité de la Mise en Valeur de la Vallée du Sourou* (AMVS) is in charge of the irrigation structures within the Sourou Valley. The National Water and Sanitation Utility (ONEA) provides domestic water supply (UNDP 2006; Cotula 2006; World Bank 2005).

## GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS

The 2001 Water Management Policy Act moved the water system towards integrated water resources management. Burkina Faso’s strategy of decentralization has been applied to water management. The work force of some of the major agencies, such as the AMVS, was cut, and water user groups founded to help manage water resources (Cotula 2006).

## DONOR INTERVENTIONS AND INVESTMENTS

USAID has not indicated that water is a priority in its aid to Burkina Faso. The MCC’s Agriculture Development Project in Burkina Faso includes a Water Management and Irrigation Project Activity, supporting the implementation of integrated water resources management plans for the Sourou Valley and Comoé Basin, rehabilitating other infrastructure, and developing new irrigation schemes (USDOS 2008; MCC 2008).

One of the pillars of World Bank support has been improved access to basic social services, including increased access to clean water and sanitation (World Bank 2005).

## 3. TREES AND FORESTS

### RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION

In 2005, forest and wooded land in Burkina Faso covered 14.2 million hectares, of which 6.8 million hectares are forest and the rest largely shrub. None of the forest is classified as primary; the majority of forest is “modified natural.” Burkina Faso households meet 90% of their energy needs through wood consumption. The urban market for woodfuel is growing rapidly. Non-wood forest products are exploited, including shea, cashew, tamarind, dawadawa, honey and arabic gum (UNDP 2006; FAO 2005b; Kamara 2008).

Whether Burkina Faso is threatened by deforestation is debated. The UNDP cites deforestation and overcutting as a problem. The World Bank measured annual deforestation at a rate of 0.3% from 2000 to 2005. Some ecological studies show that the Sahel ecology is an “ecology of control,” and claim that fears about forests being threatened are based on political control rather than the protection of nature (UNDP 2006; World Bank 2009; Ribot 1999).

### LEGAL FRAMEWORK

The 1997 Forest Code governs the management of forests and is based on the principle of decentralization. The code clarifies the definitions of public forest lands that are of general interest and those of national interest. Forest lands of general interest are managed by local governments and can be exploited by local communities. One of the code’s purposes is to protect forests while simultaneously allowing local communities to continue to provide for their needs with forest resources (Dorlöchter-Sulser et al. 2001; Ribot 1999).

## TENURE ISSUES

The state is the overall guarantor for resource conservation, but public forest lands can be classified as either of national interest (the responsibility of central government) or of local interest (the responsibility of local committees – *Collectivités Territoriales Décentralisées*, CTDs). Public forest land can also be managed by private third parties, through a management agreement with the state forestry services. The terms of such management agreements must whenever possible benefit neighboring communities. The CTDs have legal corporate standing through the Law on Decentralisation (Dorlöchter-Sulser et al. 2001; Ribot 1999).

According to the Forestry Code, communities can use non-timber forest products from public forests, but a permit is required to clear forest or collect firewood. Under customary traditions, rural communities consider bushland as available for community use, often held as reserve land for lending out for short periods of time. Borrowers of land who plant trees without the landowner's knowledge and permission are considered to be attempting to gain permanent possession of the land (Dorlöchter-Sulser et al. 2001; Ouédraogo 2002).

During the revolutionary period (1983–1987) the state put a great deal of resources into a three-pronged struggle against cutting green trees, uncontrolled pasturing, and bush fires. Villages came to resent reportedly heavy-handed forest guards and the strong controls against use of local woodlands. The 1997 Forest Code is intended to give local communities more control over the local forests. However, the CTDs have historically been criticized by some as unrepresentative of local interests, and as groups of “self-selected economically interested individuals” (David 1995; Ribot 1999).

## GOVERNMENT ADMINISTRATION AND INSTITUTIONS

The Ministry of Environment oversees the forests through the Forestry Service. Forest management plans for each forest are developed either by the Forestry Service or by a CTD under the control of the Forestry Service. If a forest is classified as being of local interest, then the CTD cooperative is responsible for implementing its forest management plan. The CTDs have a national union which coordinates the cooperatives. These unions have management funds, sourced from woodfuel taxes and fees. The Minister of Commerce sets producer, wholesale and resale prices on wood, although it is not clear whether or to what extent these prices are enforced in the marketplace (Ribot 1999; Dorlöchter-Sulser et al. 2001).

## GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS

Burkina Faso's reforms in forestry are based on the decentralisation model. Burkina Faso's Tropical Forestry Action Plan was initiated under the Food and Agriculture Organization (FAO)'s guidance to “harmonize forestry policies and practices.” It has yet to be implemented. There is also a National Forests Development Programme designed to increase the value of forest resources, rehabilitate degraded forests, create jobs and generate income, and contribute to the “organization and exploitation of rural lands.” Finally, the National Programme for Village Forestry (PNFV) exists to empower local communities to manage their lands and conserve forest resources. The Forest Code attempts to balance resource protection with the satisfaction of economic, cultural and social needs. The Code articulates the states' responsibility to invest funds into forest maintenance, regeneration and conservation (UNDP 2006; GOB 1997).

## DONOR INTERVENTIONS AND INVESTMENTS

USAID does not appear to be involved in forest or wood issues in Burkina Faso. The MCC is promoting reforestation to address fuelwood shortages through its Agriculture Development Project (MCC 2008).

The World Bank, other donors, and NGOs have all been involved in community-based forest management projects (World Bank 2005).

An NGO named Tree Aid has two funded projects in Burkina Faso – Trees for Change Burkina, and Forest Connect Burkina. Trees for Change is piloting systems of community forest management and helping to develop laws and local agreements at the district levels. Tree Aid will be assisting the national government in decentralizing forest management. The budget is EUR €97,300, and the project ends in September 2012. Forest Connect supports small and medium forest enterprise by empowering them to advocate their interests to policy makers, improve their associations, and create a toolkit. The US \$25,000 project ended in 2009. The UK Department for International Development (DFID) also has a forest management project that seeks to create an



institutional environment which supports decentralization of forest management; its budget is EUR €88,478 and the project ends in 2010 (Ujima 2010; TreeAid 2010).

## **4. MINERALS**

### **RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION**

Although mining does not play a large part in Burkina Faso's economy, the country is rich in mineral resources, including manganese, copper, marble, zinc, bauxite, and antimony. Gold, cement, dolomite, granite, marble, and phosphates are being exploited. After the serious droughts of the 1970s and 1980s, artisanal gold mining grew significantly. Between 100,000 and 200,000 artisan miners work in gold mining, on a minimum of 200 sites. Gold is mined artisanally (using traditional or manual methods) by both small-scale operations (fixed installations with a maximum of 100 tonnes per day using semi-industrial or industrial methods) and by large-scale operations. Gold is Burkina Faso's third-largest export (Gueye 2001; Yager 2003; USGS 2009).

### **LEGAL FRAMEWORK**

The 2003 Mining Code made significant revisions to the 1997 Mining Code. Small-scale mines are given more assistance through lowered administrative requirements and taxes, improved financial assistance, and a ban on state ownership of small-scale mines. The code capped state ownership of any large-scale mine at 10%, reduced taxes on fuel and lubricants, and lowered administrative requirements and taxes for projects in the exploration phase. The revisions were intended to increase private investment and improve the productivity and safety of artisanal mining (Yager 2003; World Bank 2005).

The law promotes investments in the mining sector. It encourages research and exploitation of mineral resources, while maintaining the RAF, code of public health, water code, tax code, etc. The Mining Code The code identifies two types of title: research or exploration, and exploitation and mining (Yager 2003; World Bank 2005; GOB 2003).

### **TENURE ISSUES**

Small- and large-scale mining operations must apply for prospecting, research and mining permits from the Ministry of Mining. Artisanal mining requires only administrative authorization, and is available only to Burkinabé citizens, cooperatives and companies subject to Burkina Faso law. Both mining permits and artisanal authorizations require a public investigation first, to determine the potential impacts on the local community (Gueye 2001).

Artisanal miners receive authorization to mine for two years at a time. Small- and large-scale miners can still do research in areas where artisanal miners have rights, and can be granted mining titles for the same area. In such a case, the artisanal authorization is not renewed, and technically the new miner must provide the artisanal miner with compensation. If an artisanal miner discovers an "important" deposit, they must make a written declaration and then obtain a mining permit. If not, their authorization is terminated, although they must still be compensated by the next miner (Gueye 2001).

Holders of mining permits must submit annual reports, pay taxes, and respect laws on environment, health and safety. If a permit holder fails to do any of these, the mining administration may withdraw the permit after a two-month period of formal notice (Gueye 2001).

Approximately 45% of workers on artisanal mining sites are women. Their tasks include domestic chores, crushing, washing and extracting minerals, and trading. In some parts of Burkina Faso, only women may exploit, keep or sell gold. In other areas, women cannot do more than mineral treatment (Gueye 2001).

Artisanal mining in Burkina Faso has a lot of problems, including difficult and unsafe working conditions, negative environmental impacts, inadequate organization of miners, and child labor. Conflicts sometimes occur between mining companies and artisanal miners, and often between artisanal miners who are working in each other's domains (Gueye 2001).

### **GOVERNMENT ADMINISTRATION AND INSTITUTIONS**

The Ministry of Mining, Quarries and Energy is responsible for mining policy and negotiating mining investment conventions with mining companies. Within the Ministry are: the General Directorate of Mining, Geology and Quarries; the Office of Geology and Mining of Burkina; and the Burkinabé Precious Metals Counter. The Ministry of Employment and Social Security oversees a project to end child labor in artisanal mining (Gueye 2001).

#### **GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS**

The Mining Code of 1997 and the revised Mining Code of 2003 are intended to increase small-scale, large-scale and artisanal mining. The Mining Code of 1997 delineates the roles of the state and communes, the private sector, and other mining actors. While incentivizing private investors in the sector, it also is meant to protect the interests of local communities (Gueye 2001; GOB 2003).

#### **DONOR INTERVENTIONS AND INVESTMENTS**

Neither USAID nor the MCC appear to address mining in Burkina Faso.

The World Bank has provided financing for a Project of Reinforcing the National Capacities of the Mining Sector and Environmental Management. A World Bank project in 2005 focused on strengthening the mining sector framework, increasing the productivity of artisanal miners, and providing training on environmental, safety and health hazards (Gueye 2001; World Bank 2005).

### **5. DATA SOURCES (SHORT LIST)<sup>1</sup>**

Cotula, Lorenzo, ed. 2006. Land and water rights in the Sahel: Tenure challenges of improving access to water for agriculture. IIED. <http://www.iied.org/pubs/pdfs/12526IIED.pdf> (accessed March 2009).

GOB. 2009. Act. No. 034 of June 16, 2009 On The Rural Land Tenure System (Land Law 2009). On file with RDI, Seattle.

Kagone, Hamadé. 2001. Country pasture / forage resources profile: Burkina Faso. Rome: FAO. <http://www.fao.org/ag/AGP/AGPC/doc/Counprof/BurkinaFaso/BurkinaFeng.htm> (accessed 1 May 2009).

Kevane, Michael and Leslie Gray. 1999. A woman's field is made at night: Gendered land rights and norms in Burkina Faso. <http://lsb.scu.edu/~mkevane/femecon.pdf> (accessed 1 May 2009).

Lund, Christian. 1997. Land tenure disputes and state, community and local law in Burkina Faso. Issue Paper No. E70, IIED. <http://www.iied.org/pubs/pdfs/7364IIED.pdf> (accessed 1 March 2009).

Mathieu, Paul et al. 2003. Making land transactions more secure in the west of Burkina Faso. IIED. <http://www.iied.org/pubs/pdfs/9170IIED.pdf> (accessed 1 March 2009).

MCC. 2009. Burkina Faso Compact progress. <http://www.mcc.gov/documents/qsr-imp-burkinafaso.pdf> (accessed 1 May 2009).

MCC. 2009. Request for Proposals RFP/01/QBS/RN67/LTP5. On file at the Rural Development Institute.

Ouédraogo, Hubert M.C. 2006. The land policy process in Burkina Faso: Building a national consensus. In *Land rights for African development: From knowledge to action*, ed. Esther Mwangi, 36–38. CGIAR. [http://www.capri.cgiar.org/wp/..%5Cpdf%5Cbrief\\_land-13.pdf](http://www.capri.cgiar.org/wp/..%5Cpdf%5Cbrief_land-13.pdf) (accessed 1 April 2009).

Ouédraogo, Moussa. 2002. Land tenure and rural development in Burkina Faso: Issues and strategies. Issue Paper No. E112. IIED. <http://www.iied.org/pubs/pdfs/9183IIED.pdf> (accessed 1 March 2009).

---

<sup>1</sup> Complete list of references available at URL: <http://lpr.rmportal.net/country-profiles/burkinafaso/references/>.

UNDP. 2006. Country Partnership Programme on Sustainable Land Management in Burkina Faso (CPP). UNDP with GEF and GOB.

## 6. DATA SOURCES (COMPLETE LIST)

Champagne, Eric and Ben Mamadou Ouedraogo. 2008. Decentralization in Burkina Faso: A Policy Reform Process in Slow Motion. Working Paper 08-28. International Studies Program, Andrew Young School of Policy Studies, Georgia State University, Atlanta.

Chauveau, Jean-Pierre et al. 2006. Changes in land access and governance in West Africa: Markets, social mediations and public policies. International Institute for Environment and Development (IIED). <http://www.iied.org/pubs/display.php?o=12528IIED&n=6&l=18&g=Benin> (accessed 9 June 2010).

Cotula, Lorenzo, ed. 2006. Land and water rights in the Sahel: Tenure challenges of improving access to water for agriculture. International Institute for Environment and Development (IIED). <http://www.iied.org/pubs/pdfs/12526IIED.pdf> (accessed March 2009).

David, Rosalind. 1995. *Changing places? Women, resource management and migration in the Sahel*. London: SOS Sahel International.

Dorlöchter-Sulser, Sabine, K. Kirsch-Jung, and M. Sulser. 2001. Elaboration of a local convention for natural resource management: A case from the Bam region, Burkina Faso. [In French.] International Institute for Environment and Development. <http://www.iied.org/pubs/pdfs/9021IIED.pdf> (accessed 9 June 2010).

FAO. *See* Food and Agriculture Organization.

Food and Agriculture Organization. 2005a. Aquastat: Burkina Faso. [http://www.fao.org/nr/water/aquastat/countries/burkina\\_faso/indexfra.stm](http://www.fao.org/nr/water/aquastat/countries/burkina_faso/indexfra.stm) (accessed 9 June 2010).

———. 2005b. Burkina Faso forestry country profile. <http://www.fao.org/forestry/32185/en/bfa/> (accessed 1 April 2009).

Furth, Rebecca. 1998. Burkina Faso. In *Country Profiles of Land Tenure: Africa, 1996*, ed. John Bruce, 24–30. Madison: Land Tenure Center at the University of Wisconsin. [http://pdf.wri.org/ref/elbow\\_98\\_synthesis.pdf](http://pdf.wri.org/ref/elbow_98_synthesis.pdf) (accessed 1 April 2009).

GOB. *See* Government of Burkina Faso.

Government of Burkina Faso. 1997. *Loi N°006/97/ADP du 31 janvier Portant Code Forestier au Burkina Faso*. <http://www.droit-afrique.com/images/textes/Burkina/Burkina%20-%20Code%20forestier.pdf> (accessed 9 June 2010).

———. 2003. *Loi N°031-2003/AN du 8 mai 2003 Code Minier au Burkina Faso*. <http://www.droit-afrique.com/images/textes/Burkina/Burkina%20-%20Code%20minier.pdf> (accessed 9 June 2010).

———. 2009. Act. No. 034 of June 16, 2009 On The Rural Land Tenure System (Land Law 2009). On file with the Rural Development Institute (RDI, Seattle).

Gray, Leslie C. 2002. Environmental policy, land rights, and conflict: Rethinking community natural resource management programs in Burkina Faso. *Environmental and Planning D: Society and Space*, 20.

Gueye, Dijibril. 2001. Small-scale mining in Burkina Faso. Mining, Minerals and Sustainable Development (MMSD), Paper No. 73, International Institute for Environment and Development (IIED). [http://www.natural-resources.org/minerals/CD/docs/mmsd/asm/asm\\_burkina\\_faso\\_eng.pdf](http://www.natural-resources.org/minerals/CD/docs/mmsd/asm/asm_burkina_faso_eng.pdf) (accessed 1 April 2009).

IDRC. *See* International Development Research Centre.

- International Development Research Centre. Projects in Burkina Faso. [http://www.idrc.ca/en/ev-83032-201-1-DO\\_TOPIC.html](http://www.idrc.ca/en/ev-83032-201-1-DO_TOPIC.html) (accessed 9 June 2010).
- Kagone, Dr. Hamadé. 2001. Country pasture / forage resources profile: Burkina Faso. Rome: FAO. <http://www.fao.org/ag/AGP/AGPC/doc/Counprof/BurkinaFaso/BurkinaFeng.htm> (accessed 1 May 2009).
- Kamara, Yarri. 2008. Opportunities and constraints to supporting small forest enterprises. Paper presented at Forest Connect Workshop, July 2–4, Edinburgh, Scotland. In *Developing a Toolkit for Facilitation of Support for Small Forest Enterprise* (Forest Connect Workshop Report). <http://www.iied.org/pubs/pdfs/G02295.pdf> (accessed 9 June 2010).
- Kevane, Michael and Leslie Gray. 1999. A woman's field is made at night: Gendered land rights and norms in Burkina Faso. <http://lsb.scu.edu/~mkevane/femecon.pdf> (accessed 1 May 2009).
- Ki-Zerbo, Francoise. 2004. Discrepancy between law and customs: Women's access to land in Burkina Faso. Rome: FAO. [http://www.landcoalition.org/pdf/FAO\\_Ki-Zerbo\\_WomenLand\\_BKF04\\_sum.pdf](http://www.landcoalition.org/pdf/FAO_Ki-Zerbo_WomenLand_BKF04_sum.pdf) (accessed 1 May 2009).
- Lund, Christian. 1997. Land tenure disputes and state, community and local law in Burkina Faso. Issue Paper No. E70, International Institute for Environment and Development (IIED). <http://www.iied.org/pubs/pdfs/7364IIED.pdf> (accessed 1 March 2009).
- Mathieu, Paul et al. 2003. Making land transactions more secure in the west of Burkina Faso. International Institute for Environment and Development (IIED). <http://www.iied.org/pubs/pdfs/9170IIED.pdf> (accessed 1 March 2009).
- McFarland, Daniel Miles, L. Rupley, and D. McFarland. 1998. *Historical dictionary of Burkina Faso*. African Historical Dictionaries, 74. Lanham, Maryland: Scarecrow Press.
- MCC. *See* Millennium Challenge Corporation.
- Millennium Challenge Corporation. 2008. Millennium challenge compact between the United States of America acting through the Millennium Challenge Corporation and the Government of Burkina Faso. <http://www.mcc.gov/documents/compact-burkinafaso.pdf> (accessed 1 May 2009).
- . 2009. Burkina Faso Compact progress. <http://www.mcc.gov/documents/qsr-imp-burkinafaso.pdf>. (accessed 1 May 2009).
- . 2009. Millennium Challenge Corporation Request for Proposals RFP/01/QBS/RN67/LTP5 for Procurement of Consultant Services by Land Services Technical Assistance. April 2009. On file at the Rural Development Institute.
- OECD. *See* Organisation for Economic Co-operation and Development.
- Organisation for Economic Co-operation and Development. 2009. Gender equality and social institutions in Burkina Faso. Social Institutions and Gender Index. <http://genderindex.org/country/burkina-faso> (accessed 1 April 2009).
- Ouédraogo, Hubert M.C. 2006. The land policy process in Burkina Faso: Building a national consensus. In *Land rights for African development: From knowledge to action*, ed. Esther Mwangi, 36–38. Consultative Group on International Agricultural Research. CGIAR. [http://www.capri.cgiar.org/wp/..%5Cpdf%5Cbrief\\_land-13.pdf](http://www.capri.cgiar.org/wp/..%5Cpdf%5Cbrief_land-13.pdf) (accessed 1 April 2009).
- Ouédraogo, Moussa. 2002. Land tenure and rural development in Burkina Faso: Issues and strategies. Issue Paper No. E112, International Institute for Environment and Development (IIED). <http://www.iied.org/pubs/pdfs/9183IIED.pdf> (accessed 1 March 2009).
- Paré, Lacinan. 2001. Negotiating Rights: Access to Land in the Cotton Zone, Burkina Faso. Institute for Environment and Development (IIED). <http://www.iied.org/pubs/display.php?o=9040IIED> (accessed 9 June 2010).

- Ribot, Jesse C. 1999. Participation and accountability in Sahelian forestry: Legal instruments of political-administrative control. *Africa: Journal of the International African Institute*, 69, (1):23–65.
- Sawadogo, Jean-Pierre, and Volker Stamm. 2000. Local perceptions of indigenous land tenure systems: Views of peasants, women and dignitaries in a rural province of Burkina Faso. *The Journal of Modern African Studies* 38 (2): 279–294.
- Swanson, Richard Alan. 1978. Gourmantche Agriculture. Development Anthropology Technical Assistance Component, Integrated Rural Development Project, Eastern ORD, BAEP, Upper Volta. Contract AID-686-049-78.
- TreeAid. 2010. Trees for Change – Burkina Faso. <http://www.treeaid.org.uk/page2.asp?sID=40&pID=2#ftb> (accessed 9 June 2010).
- Ujima Project. 2010. Investigative Reporting for Africa. <http://ujima-project.org/dfid/country/burkina-faso/>.
- UNDP. *See* United Nations Development Programme.
- US Embassy – BF. *See* United States Embassy in Burkina Faso.
- USAID. *See* United Nations Agency for International Development.
- USDOS. *See* United States Department of State.
- USGS. *See* United States Geological Service.
- United Nations Development Programme. 2006. Country Partnership Programme on Sustainable Land Management in Burkina Faso (CPP). United Nations Development Program, with Global Environment Fund and Government of Burkina Faso.
- United States Agency for International Development. 2010. Congressional Budget Justification – Foreign Assistance Summary Tables Fiscal Year 2010. Washington DC: USAID. [http://www.usaid.gov/policy/budget/cbj2010/2010\\_CBJ\\_Summary\\_Tables.pdf](http://www.usaid.gov/policy/budget/cbj2010/2010_CBJ_Summary_Tables.pdf)
- United States Department of State. 2008. *Congressional budget justification: Foreign operations fiscal year 2009*, 296–300. <http://www.usaid.gov/policy/budget/cbj2009/101368.pdf> (accessed April 1 2009).
- United States Embassy in Burkina Faso. n.d.. <http://ouagadougou.usembassy.gov/chapter6-10.html> (accessed 7 June 2010).
- United States Geological Survey. 2009. The Mineral Industries of Benin, Burkina Faso, and Sao Tome e Principe. <http://minerals.usgs.gov/minerals/pubs/country/2006/myb3-2006-bn-uv-tp.pdf>
- World Bank. 2005. International Development Association Country Assistance Strategy for Burkina Faso. Report No. 32187. Washington DC: World Bank. [http://www.wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2005/06/03/000090341\\_20050603143937/Rendered/PDF/32187a.pdf](http://www.wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2005/06/03/000090341_20050603143937/Rendered/PDF/32187a.pdf) (accessed March 2009).
- . 2008a. Doing business: Burkina Faso. Washington DC: World Bank.
- . 2008b. Business Environment Country Snapshot: Burkina Faso. Washington DC: The World Bank. <http://rru.worldbank.org/BESnapshots/Burkina%20Faso/default.aspx> (accessed 9 June 2010).
- . 2009. 2009 World Development Indicators. Washington DC: The World Bank. <http://data.worldbank.org/country/burkina-faso> (accessed 9 June 2010).



- Wouterse, Fleur and J. Edward Taylor. 2006. Migration and Income Diversification Evidence from Burkina Faso. Agriculture and Resource Economics Working Paper, Department of Agricultural and Resource Economics, University of California, Davis. <http://escholarship.org/uc/item/8x36r0d1> (accessed 9 June 2010).
- Yager, Thomas R. 2003. The Mineral Industry of Burkina Faso. In *United States Geological Survey Minerals Yearbook 2003*. <http://minerals.usgs.gov/minerals/pubs/country/2003/uvmyb03.pdf> (accessed 9 June 2010).