



Burkina Faso

From laws to implementation – civil society advocacy helps secure US\$20 million for communities affected by mining



In 2015, following an intensive campaign by civil society, the Government of Burkina Faso adopted a new mining code requiring mining companies to pay 1 per cent of their gross revenues to a community development fund.

By July 2019, more than 12 billion Central African Francs (CFA), around US\$20 million, had been collected and distributed to communities, municipalities and regions in Burkina Faso. Since securing the 1 per cent requirement, the civil society coalition in Burkina Faso has been active in ensuring effective implementation of the fund and that it is used in a fully accountable way.

The Publish What You Pay (PWYP) coalition and its partners are tracking whether the fund is having the intended impact – to improve the lives of affected communities.



The problem

Communities in Burkina Faso's mining zones are among the world's poorest. Civil society has been advocating for local people to benefit from extractive projects through improvements to basic social services, such as access to drinking water, health and maternity care, education and support for smallholder farmers.

Burkina Faso is subject to an international agreement made by members of the Economic Community of West African States (ECOWAS)¹, requiring that member countries create funds to aid development in communities affected by mining. In 2014, lawmakers proposed the creation of a Local Development Fund that would be resourced through contributions from mining companies. The fund would benefit communities affected by mining by enabling central government to reallocate money contributed by mining companies, for local governments to spend on community development plans.

The 1 per cent figure would make a significant difference to community members' lives – but it was not easy to achieve. In 2014, draft legislation proposed that mining companies would contribute 1 per cent of their gross revenues to Burkina Faso's mining fund² – a figure suggested by government technical agencies based on best practice in the sector, particularly in the West African region. While government and civil society agreed on 1 per cent, mining companies opposed it. Pushing for a reduction, companies successfully lobbied for their contribution to be reduced from 1 per cent to 0.5 per cent during a stakeholder consultation in December 2014.

1. Economic Community of West African States, Mining Directive, article 16

2. The most recent Extractive Industries Transparency Initiative (EITI) report at the time for Burkina Faso (2012) reported total revenue for the sector at US\$1.6 billion. One per cent of that amount would be about US\$15.78 million. Source: Oxfam, <https://politicsofpoverty.oxfamamerica.org/2015/07/unpacking-burkina-fasos-1-campaign/>



Building a civil society response

Civil society partners, including Oxfam and the Organisation for the Strengthening of Development Capacities (ORCADE) – the representative of the global Publish What You Pay campaign in Burkina Faso – launched a campaign calling on the government and parliament to vote for a mining code that included a minimum 1 per cent mining company contribution.

The PWYP coalition brought together a diverse set of civil society organisations (CSOs) around the 1 per cent campaign, each helping build solid arguments to convince decision-makers. The coalition included CSOs working in governance, human rights, anti-corruption, the environment, budget monitoring, women's rights and research, as well as local elected officials, communities and the media.

Campaigners backed their arguments for a 1 per cent contribution with evidence from comparative studies and analyses of African mining codes, and used mass media to create a sense of urgency around the issue. The coalition advocacy focused on the ministries responsible

for redrafting the mining code, including those for mining, finance and local authorities, as well as parliamentarians.

Taking timely political action

Mining companies also exerted a strong influence on the government, but in October 2014, a popular uprising unseated the 27-year regime of President Blaise Compaoré. A transitional government was established to oversee the transfer of power to a new government in 2015. It included representatives from civil society and was more receptive to public calls for change. The coalition identified an opportunity to influence the revision of the mining code to include a 1 per cent requirement.

Lobbying initially focused on the Network of Parliamentarians for Good Governance in Mining and the Committee on Social Affairs and Sustainable Development – the committee responsible for the bill. In 2014, at a coalition training session for parliamentarians on reforming the 2003 mining code, civil society advocates raised social and environmental issues as part of their advocacy for the 1 per cent campaign. They also sent strong, evidenced messages through the media,



Construction site of the elementary school in the village of Laho in the municipality of Houndé.

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building demonstrations of public support, to influence target ministries. Oxfam generated media coverage outside the country and lobbied US officials to put diplomatic pressure on Burkina Faso.

In 2015, the strategy achieved success, with the new mining code including an obligation for mining companies to contribute 1 per cent of their annual turnover to the Local Development Fund. Committees to monitor governance of the fund included civil society and community members at both at national and community levels.

By actively involving affected communities, developing clear, evidence-based arguments and building strategic media relations, the coalition won public support and gained champions within government, leading to the campaign's success. Strong collaboration within the coalition was important throughout.

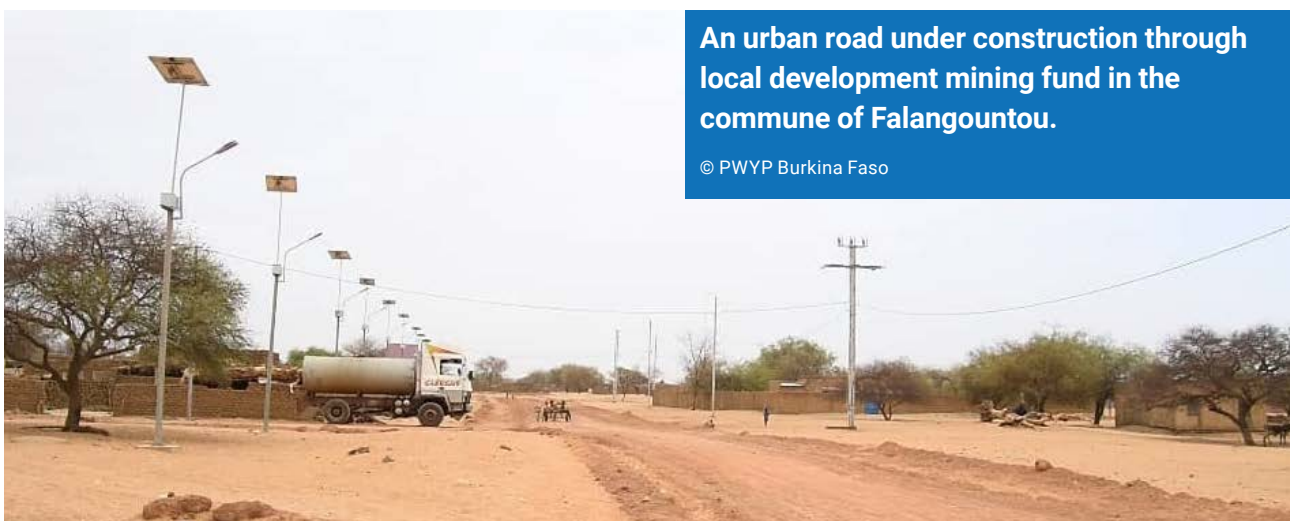
Monitoring implementation as a coalition

By July 2019, civil society observers reported that more than CFA12 billion (US\$20 million) had been collected and distributed to regions and

municipalities via the fund. Coalition members are highly active in ensuring an effective mechanism for revenue distribution and accountability and in tracking impact through to communities. Civil society's commitment has been essential to implementation of the law, underpinned by financial support from Oxfam, an active partner from the start of the campaign. This has enabled the coalition to follow up on advocacy to ensure the law has impact in community development.

Coordinated by ORCADE (PWYP Burkina Faso), the coalition produces a yearly a report monitoring implementation. Oxfam partners and co-funds five member CSOs, which have divided up the work to monitor and support implementation, covering different municipalities and intervention points:

- ORCADE monitors the Mining Fund to ensure that the money benefits communities
- The Centre for Study and Applied Research in Public Finance (CERA/PF) builds local officials and communities' capacity in how public finances work and how to manage them
- The Burkinabe Coalition for Women's Rights (CBDF) acts as a watchdog to ensure



An urban road under construction through local development mining fund in the commune of Falangountou.

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37 women organised in a cooperative growing the fruits and vegetables produced by the company Waghion Gold.

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participation of women and young people in municipalities' development initiatives

- The Communication and Information Network on Good Governance acts (RECIBOG) as a watchdog on questions of transparency and accountability in the management of public resources
- The Permanent Secretariat of Non-Governmental Organisations (SPONG) monitors citizen participation in municipal decision making.

Other organisations continue to keep the fund in the spotlight to maintain public accountability. The Norbert Zongo Press Centre, a group of journalists' organisations, brings together local elected representatives, civil society, the media and the authorities to debate best practice. Organised in the regions, these meetings are broadcast live on several local and community radio stations and relayed by public and private television broadcasters. The Centre for Democratic Governance, a research institute, also raises awareness among local authorities and communities about the importance of the fund and of monitoring its use.

Ongoing advocacy

Next steps include capacity building for the heads of town halls responsible for managing resources from the fund, in order to guarantee their proper use, and for communities to monitor the use of resources. The Association of Women in the Burkina Faso Mining Sector (AFEMIB) is advocating for the ringfencing of 30 per cent of the funds allocated to mining communities for projects directed towards women.

Members of civil society from other countries in the region are looking at the Burkina example as inspiration. The WIMOWA (Women In Mining Of West Africa) project working in Burkina Faso, Ghana and Mauritania is exploring the application of the local development fund model for other countries³.

3. Other projects associated with the process include a Canadian project called PASIE, designed to support the Court of Auditors in measuring the functioning of the Fund. The reports of the Court of Auditors are submitted to the President of the Republic. The European Union, Swiss Cooperation Agency and DANIDA continue to fund interventions related to the Mining Fund



Key learning

- **Civil society commitment beyond the passage of the law to its implementation has been critical to its success. Ongoing financial support enabled the coalition to follow up its advocacy, ensuring implementation and ultimate impact.**
- **The campaign proved that well-organised civil society coalitions can use political opportunities to have an impact on critical resource governance decisions – even in the face of strong opposition from extractive companies.**
- **Campaigners reported that the experience of conducting coalition advocacy helped them to strengthen their advocacy and gain confidence.**
- **Campaign success was based on good collaboration within the coalition, direct community involvement, strategic media relations, evidence-based advocacy, securing champions within government and generating public support.**
- **The campaign benefited from the credibility of coalition partners, including international organisations such as Oxfam and PWYP. ■**

This story of change is told from the perspective of civil society advocates involved. It serves as a starting point for capturing progress and reflecting on advocacy, with the intention of learning. Stories of change can be strengthened and built on through formal project evaluations that can add evidence of civil society contributions and other stakeholders' perspectives.

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