

Country report for Burkina Faso

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Abstract

This chapter focuses on strengthening soil management in Burkina Faso. It highlights the challenges facing soil health, particularly emphasising the need for improved legislation, enforcement, and land rights protection. The chapter explores the implications of these issues, particularly regarding sustainable agricultural practices, environmental protection, and social equity, and examines how they impact sectors such as food security, local livelihoods, and ecosystem health.

An analysis of the existing legal framework reveals several shortcomings, including insufficient environmental standards in the Mining Code, weak enforcement mechanisms, and inadequate protection of customary land rights. Specific attention is given to Burkina Faso's mining regulations and the complexities arising from land tenure systems and governance structures, which often hinder effective soil management and the equitable distribution of resources.

The chapter presents key findings on the need for more robust legal frameworks, enhanced monitoring capabilities, and greater transparency in foreign investment. It offers recommendations aimed at improving the integration of environmental and social governance in policy, strengthening land rights protections, and fostering responsible mining practices. It concludes by emphasising the urgent need for a comprehensive soil management law, particularly considering the increasing pressures from mining activities, climate change, and urbanisation.

Chapter contents

Summary	116
1 Country information	117
1.1 Area and population	117
1.2 Climate	118
1.3 Topography and hydrology	119
1.4 Soils	119
1.5 Vegetation	120
1.6 Main economic activities	120
1.7 Gross national product and gross domestic product	121
1.8 National debt	122
1.9 Foreign investments	123
1.10 Education	123
1.11 Health	124
1.12 Socio-political crises	125
1.13 Information on the organisation of the territory	126
1.14 Information on the political organisation	127
1.14.1 Form of government	127
1.14.2 Legislative competence	128
1.14.3 Power of execution	129
1.14.4 Role of traditional bodies	130
2 Main factors of land degradation	131
2.1 State of the environment	131
2.2 Direct factors of land degradation	132
2.2.1 Direct anthropogenic factors	132
2.2.2 Direct natural factors	133
2.3 Indirect factors of land degradation	133
3 Public legislation relating to soils	134
3.1 Policy frameworks for soil protection	134
3.1.1 Policies, strategies, and action plans	134
3.1.2 Treaties and conventions	136
3.2 Environmental provisions in the Constitution	138
3.3 Land ownership legislation	139
3.3.1 Constitution	139
3.3.2 Public law	139
3.3.2.1 Colonial land policies	140
3.3.2.2 Postcolonial land policies	141
3.3.3 Traditional law	141
3.3.4 Land conflicts	142
3.3.5 Land security and conflict resolution	143
3.4 Public environmental law	144
3.4.1 Legal acts and provisions specific to soils	144
3.4.2 Legal acts relating to nature conservation	145

3.4.3	Subsidiary regulations on environmental thresholds and quality standards	147
3.4.4	Legal acts relating to capacity building	148
3.4.5	International law, bilateral, and multilateral agreements	149
3.5	Urban planning law	150
3.6	Land use planning law	150
3.7	Provisions specific to agriculture	151
3.8	Transparency and environmental justice	152
3.8.1	Environmental impact studies	152
3.8.2	Public participation	153
3.8.3	Access to information	153
3.8.4	Recourse and access to courts	154
3.9	Specific instruments to control the behaviour of foreign investors	155
3.9.1	Respect for public law	155
3.9.2	Land acquisition methods	155
3.9.3	Fair taxation	156
3.10	Legal requirements for environmental monitoring	156
3.10.1	Competence of the bodies responsible for the application of legislation	156
3.10.2	Accessibility to environmental data	157
3.10.3	Expertise and research institutions	158
3.10.4	Personnel and equipment	159
3.11	Institutional frameworks	159
4	Legislation concerning the main drivers of land degradation	160
4.1	Urbanisation	160
4.2	Industrial and artisanal mining	162
4.3	Industry and infrastructure	163
4.4	Agriculture (animal production)	164
4.5	Agriculture (use of pesticides)	164
4.6	Agriculture (mineral fertilisers)	165
4.7	Agriculture (good agricultural practices)	166
4.8	Institutions and procedures (application of the law)	166
4.9	Data management and popularisation	167
4.10	Role of traditional leaders	168
4.11	Dispute resolution	168
4.12	Land management	169
4.13	Foreign investors	170
5	Recommendations	170
5.1	Improving legislation and policies	171
5.2	Improving enforcement, monitoring, and access to information	171
5.3	Improvement of land rights	172
5.4	Improving control of foreign investors	172
5.5	General recommendations	173
	References	175

Summary

This chapter focuses on strengthening the legal and policy frameworks surrounding soil management in Burkina Faso, addressing key challenges in soil protection, land rights, and environmental governance. It outlines the necessary actions to improve soil management, with a particular emphasis on legislation, enforcement, monitoring, and the role of foreign investors.

To enhance soil management and protection, the chapter advocates for periodic reviews and updates to the Mining Code, aligning it with international best practices. It calls for stricter environmental standards, particularly regarding waste management, site rehabilitation, and biodiversity protection. Promoting responsible artisanal mining through training, financing, and incentives is also highlighted as crucial. Institutional capacity building is necessary to ensure government agencies can effectively enforce policies. Additionally, research and development efforts should be encouraged to foster innovation in environmentally friendly soil management technologies.

Effective enforcement of environmental laws is fundamental to sustainable soil management. The chapter stresses the need to enhance monitoring capacity by training and equipping regulatory bodies, as well as establishing anonymous reporting mechanisms for violations. It also proposes creating a national public online platform for transparent access to environmental impact reports, mining permits, and data on emissions, waste, and land degradation. Strengthening corporate accountability through dissuasive sanctions and promoting public participation in monitoring and dispute resolution are key aspects of this approach. The use of innovative technologies, such as drones and remote monitoring, is recommended to improve environmental oversight.

Protecting communities' customary land rights, particularly in mining areas, is a central concern. The chapter advocates for fairer, more inclusive consultation processes to ensure the free, prior, and informed consent of local communities before mining licences are granted. It also calls for strengthening women's land rights and ensuring their meaningful involvement in decision-making. Land demarcation, public awareness campaigns, and improved legal remedies are necessary to prevent conflicts and ensure equitable land rights distribution.

To maximise the economic benefits of foreign investments while ensuring responsible resource exploitation, the chapter proposes strengthening transparency requirements for foreign mining contracts and financial flows. It stresses the importance of promoting local participation, encouraging corporate social responsibility (CSR), and ensuring compliance with environmental standards. Public-private partnerships are recommended to foster responsible resource management and equitable benefit distribution.

Key recommendations for improving soil management legislation and policies include strengthening environmental assessments, incorporating sustainable development clauses in investment agreements, and harmonising local regulations with

international environmental protection and CSR standards. The chapter advocates for the creation of specialised soil courts to address environmental issues and calls for integrating soil legislation into national development strategies. It emphasises the need for comprehensive soil legislation that covers all sectors affecting soil, such as agriculture, livestock, mining, and water resources, prioritising preventive measures over punitive ones.

In conclusion, the chapter calls for the establishment of a clear institutional framework for soil management, including regular soil assessments and the implementation of integrated soil fertility management plans. It highlights the need for regulations on pesticide use, soil conservation, and rehabilitation, as well as supporting vulnerable groups in land management. These proposed changes aim to create a robust and sustainable approach to soil protection and land use in Burkina Faso.

1 Country information

1.1 Area and population

Burkina Faso is a country in West Africa, with a total area of approximately 274,000 square kilometres. The country is landlocked and located between Ivory Coast to the southwest, Ghana and Togo to the south, Benin to the southeast, Mali to the northwest, and Niger to the east and northwest. The distance from north to south is 625 km and from east to west is 850 km.¹ From the point of view of administrative organisation, the country is divided into thirteen regions, 45 provinces, 49 urban communes, 302 rural communes, and 9,288 villages and sectors. The Eastern region is the largest, accounting for 17% of the total area, and the Central region is the smallest, accounting for 1%. The Southwestern region has the largest number of villages, totalling 1,093, while the Central region has the fewest, with only 242 villages.

In 2019, the population of Burkina Faso was 20,505,155 inhabitants, of which 51.7% were women and 48.3% were men.² The growth rate is 2.94% per year, giving an estimated population of 22,367,402 inhabitants in 2022. Life expectancy at birth, which was 56.7 years in 2006 (57.5 years for women compared to 55.8 years for men), reached 61.5 years in 2020 according to estimates, with 60.6 years and 62.4 years for men and women, respectively.³ There is a strong immigration to the big cities, especially the capital Ouagadougou, making the central region the densest with 1,056.25 inhabitants/km². Approximately 26% of the population, or 5,360,112 inhabitants, live in the city and nearly 45% of city dwellers live in the capital Ouagadougou.

1 DGD (2022: 3).

2 RGPH (2019).

3 MSHP (2021: 20).

There are multiple languages and ethnic groups, reflecting the diversity of the country's cultural landscape.⁴ The official language is French, inherited from colonisation. However, there are also several indigenous languages spoken by about 60 ethnic groups. The government strives to promote national languages through the adoption of a language policy.⁵ This initiative aims to describe, implement, and effectively use national languages in all aspects of national life.

1.2 Climate

Burkina Faso is located mainly in the Sahelian climatic zone, characterised by arid and semi-arid conditions. The country experiences two distinct seasons, namely a dry season from November to May and a wet season from June to October.⁶ During the dry season, winds from the northeast, known as the harmattan, bring dust, while during the rainy season, winds from the southwest, called the monsoon, bring moisture from the Gulf of Guinea. Rainfall is often irregular. In the northern part of the country, the rainy season is shorter and less intense, unlike in the southern part where the rains last longer and are sufficient to ensure a more considerable harvest and vegetation.

The country can be divided into three distinct climatic zones. In the north, the Sahelian zone is characterised by a three-month rainy season with annual precipitation of less than 600 mm. Average temperatures range from 23.6°C in January to 34.6°C in May. The Sudano-Sahelian zone, which covers the central part of the country, has a rainy season of about four months with annual precipitation ranging from 600 to 900 mm. Average temperatures range from 25°C in January to 33°C in April. Finally, the Sudanian zone, located in the south, has a long rainy season of about five months, with annual precipitation exceeding 900 mm. Average temperatures range from 25.2°C in August to 31°C in April. The isohyet analysis shows a northward shift during the period 1991-2020, compared with 1981-2010. In contrast, the isotherms indicate a southward shift over the same period. According to the regional climate change centre's climate fact sheet, the country faces major climate risks, with temperature increases projected to range from 2.5°C to 3.5°C by 2050, as well as increased precipitation expected between 2040 and 2060.⁷

4 Nyamba (2001).

5 Law 033-2019/AN on the promotion of national languages.

6 See <https://www.meteoburkina.bf/>, accessed 3 February 2025.

7 RCCC-Country Profile (2022: 2).

1.3 Topography and hydrology

Burkina Faso's landscape is characterised by a mostly flat topography, with more than half of its land area lying between 250 and 350 meters above sea level. Its highest and lowest points are 747 meters in the far west and 125 meters in the east, respectively. In addition to this, the country is home to three international rivers, namely the Niger, Volta, and Comoé, as well as four distinct river basins: the Comoé, Niger, Nakambé, and Mouhoun. The Niger basin, covering an area of 83,442 km², generates an interannual volume of 0.86 billion cubic meters of water as it exits the territory. Another major basin is the Nakambé, which covers 81,932 km² and produces an interannual volume of 2.44 billion cubic meters of water. The Mouhoun basin, covering 91,036 km² in Burkina Faso and representing 22.32% of the Volta River basin, has an interannual volume of 2.64 billion cubic meters of water leaving the territory. Finally, the Comoé basin, with an area of 17,590 km², generates an interannual volume of 1.55 billion cubic meters of water leaving the territory. These basins play a crucial role in the water supply and agricultural development of the country.⁸

1.4 Soils

Throughout the national territory of Burkina Faso, nine soil classes are listed:⁹ Raw mineral soils, comprising 5% of the country's total surface area, are characterised by their low thickness due to limited pedological evolution, resulting in shallow depths that reduce their agronomic value. Poorly developed soils, covering 30% of the surface area, are typically rich in mineral elements but are highly susceptible to degradation. Ferralitic soils, occupying 1% of the territory, develop on sandstones and sometimes on schists, and are known for their low water retention capacity. Soils with iron and manganese sesquioxides, which account for 43% of the territory, are distinguished by their high content of iron or manganese oxides and hydroxides. Vertisols, representing 4% of the surface area, are clayey soils rich in organic matter, offering excellent water retention capacity. Brownified soils, covering 5% of the surface, are rich in humus and are marked by high biological activity. Isohumic soils, occupying 2% of the territory, are mainly found in the Sahel region and are characterised by limited water availability. Sodic soils, covering 3% of the territory, are distinguished by the presence of exchangeable sodium and/or magnesium and are predominantly found in the Sahel region. Hydromorphic soils, making up approximately 7% of the surface, are located along the country's rivers and streams.

8 World Bank (2017).

9 See <https://www.bunasols.bf/>, accessed 3 February 2025.

Soils show a general tendency towards degradation, particularly mineral soils, poorly evolved soils, sodic or salsodic soils, as well as hydromorphic soils, together representing 45% of the country's soils.¹⁰

In terms of land use, we note the presence of forest plantations, forests, savannahs and wooded, shrubby, and grassy steppes, as well as a diversity of agricultural production systems.¹¹

1.5 Vegetation

Burkina Faso boasts a variety of landscapes, including open forests in the southwest, savannahs with diverse features in the west, centre, and east, as well as steppes in the northern region.¹² This diversity of landscapes is reflected in the variety of vegetation, which ranges from savannahs and woodlands to desert forests and shrubs. In the south, particularly around the Sudanian and Guinean zones, there are wooded savannahs with tall grasses, scattered trees such as acacias, and shrubs. Moving northwards into the Sahel region, the vegetation becomes sparser, with a predominance of thorny shrubs and grasses adapted to semi-arid conditions. Finally, in the northernmost parts, particularly in the Saharan region, the landscape is marked by desert vegetation composed of sparse shrubs, grasses, and drought-resistant plants.

1.6 Main economic activities

Burkina Faso is facing major economic challenges due to security instability. Despite this, the Burkinabe economy would experience growth of 3.6% in 2023, compared to 1.8% in 2022 according to the results of the macro-economic framework of December 2023, carried out by the Ministry of Economy, Finance, and Foresight.¹³ This growth would be supported by the tertiary (+4.9%), secondary (+3.7%), and primary (+1.8%) sectors. Average inflation in Burkina Faso is estimated at 0.7% in 2023, marking a sharp decline after the peak of 14.1% in 2022. This decline in inflationary pressures is explained by better availability of food products on the markets, as well as by the measures taken by the Central Bank and the government to combat the high cost of living.

10 MEEVCC (2019).

11 OSS (2015).

12 Guinko (1985).

13 MEFP (2023).

The country relies on key sectors such as agriculture, mining, livestock, and informal trade to support its economic growth, with agriculture accounting for around 30% of the gross domestic product (GDP) and employing nearly 80% of the workforce.¹⁴

The mining sector plays a vital role, accounting for around 19% of total government revenue in 2021,¹⁵ and providing employment opportunities to more than 20,000 people.¹⁶ The country is blessed with natural resources such as gold, manganese, and limestone, with gold being the main source of revenue. Significant foreign investment has flowed into the mining sector in recent years, leading to an increase in the presence of multinational mining companies. However, the sector faces challenges in environmental sustainability, community relations, and governance.

Livestock production accounts for 15% of agricultural GDP but currently faces significant security challenges. Informal trade, representing about 40% of total employment, is also vulnerable to security disruptions.

Furthermore, Burkina Faso has other diversified economic sectors, including industry, crafts, tourism, posts, and telecommunications, as well as transport, which play a significant role in its overall economic development.¹⁷ Industry includes manufacturing, mining, and energy. Handicrafts, the third largest employer, contribute 25% to GDP, with a high participation of women. Tourism, which has recently been a significant source of revenue, is currently experiencing a substantial downturn due to ongoing socio-political crises. Posts and telecommunications have experienced significant growth, as has the transport sector, which is crucial due to the country's strategic geographical position.

1.7 Gross national product and gross domestic product

Burkina Faso relies mainly on its agricultural and mining sectors. However, fluctuations in commodity prices, such as cotton and gold, disrupt these sectors. To encourage economic growth and reduce this dependence, a study recommends economic diversification towards high-value-added sectors.¹⁸ Regarding the GDP, it reached 10,322.33 billion CFA francs in 2020, with an average growth of 5.3% between 2016 and 2020. This economic growth fell sharply in 2020 (1.9%) due to the COVID-19 pandemic and insecurity.¹⁹ Despite this, nominal GDP grew by more than 35.72% over the period. In 2022, Burkina Faso recorded growth of 3.2%, still low due to socio-political instability, military coups, the precarious security environment, and the fallout from Russia's

14 FAO (2019).

15 ITIE-BF (2023).

16 MEMC (2022).

17 DGD (2022).

18 UN (2024).

19 DGD (2022).

invasion of Ukraine, as highlighted by the African Development Bank.²⁰ For example, extractive activities have been affected by mine closures for safety reasons. Despite this, the resilience of the agricultural and tertiary sectors should be noted.

1.8 National debt

Burkina Faso's national debt has increased significantly, from 2.5 trillion CFA francs in 2017 to 3.8 trillion CFA francs in 2021. This increase is mainly attributable to borrowings taken out to finance infrastructure projects and budgetary pressures related to the COVID-19 pandemic.²¹

In 2020, the outstanding public debt reached 4,777.67 billion CFA francs, recording an increase of 20.4% compared to 2019. This debt, composed of external and internal debts, saw an increase in both its external and internal components. Debt service, representing the annual payments made by the state to honour its financial obligations, also increased significantly, from 226.92 billion CFA francs in 2016 to 558.53 billion CFA francs. This increase is mainly attributable to the increase in domestic debt service, which represents on average 75.1% of total debt service over the period 2016-2020.

At the end of March 2023, external debt reached 3,145.31 billion CFA francs (equivalent to 5,213.27 million USD), recording an increase of 3.7% compared to the end of December 2022. This increase can be explained by the combined effect of exchange rate fluctuations and net drawings, which totalled +121.25 billion CFA francs as of 31 March 2023. External debt is mainly held by multilateral organisations (89.6%), bilateral creditors (8.7%), and commercial banks (1.7%), exposed to 32.7% foreign exchange fluctuations. As for domestic debt, it stood at 3,663.90 billion CFA francs at the end of March 2023, marking a decrease of 1.1% compared to the end of December 2022.²² However, on an annual basis, it increased by 12.5%, mainly consisting of government securities (78.3%). During the first quarter of 2023, three bond issues for a total amount of 215.08 billion CFA francs and two Treasury Bill issues for a cumulative amount of 12.76 billion CFA francs were carried out.

The growing national debt poses various challenges for the country, including hampering its ability to invest in priority sectors such as health, education, and infrastructure, and imposing fiscal constraints on future generations. Prudent and strategic management of national debt is crucial to ensure Burkina Faso's financial sustainability and foster sustainable economic development.

20 AFDB (2023).

21 World Bank (2021).

22 MEFP (2023).

1.9 Foreign investments

Foreign investment is essential for Burkina Faso's economic development, fostering job creation, technology transfer, and growth in key sectors. The country has recently attracted an increasing flow of such investment. Foreign direct investment (FDI) increased significantly from USD 3 million in 2017 to USD 480 million the following year, reaching a total FDI stock of USD 2.7 billion in 2018, or about 19.1% of GDP.²³ In 2022, FDI in Burkina Faso reached USD 121 million, marking a rebound from negative net inflows of -USD 80 million the previous year. The total FDI stock then stood at USD 2.44 billion, representing about 12.5% of the country's GDP. The mining sector is the main beneficiary of these investments, with strong exploration of new deposits such as gold, zinc, and manganese. Although significant FDI also exists in telecommunications, banking, financial technology, agriculture, transport, logistics, and energy.

To further encourage FDI, the Burkinabe government is implementing measures such as tax breaks and investment incentives, as well as tax exemptions on certain equipment.²⁴ However, the lack of access to the sea, agricultural resources, and the weakness of the country's industrial sector harm investments. In addition, political instability, and insecurity have unfavourable repercussions on the business climate.

It should be noted that excessive reliance on foreign investment in certain sectors could pose challenges to the country's economic sovereignty and increase its vulnerability to external shocks. To maximise benefits and mitigate risks, the country should consider strategies such as diversifying investment sources, promoting public-private partnerships, and improving the business climate.

1.10 Education

Education and health are priority areas for Burkina Faso, as they are closely linked to the quality of life and economic productivity of the population. In recent years, Burkina Faso has made significant progress in the field of education, with an increase in the enrolment rate. Access to primary education increased from a rate of 46.5% in 2001, including 38.9% for girls, to a rate of 88.5% in 2017, including 89.0% for girls and 81% for boys.²⁵ However, challenges persist in access to quality education and student retention, particularly in rural and disadvantaged areas, or those affected by insecurity. Indeed, as of 31 December 2023, approximately 21% of the country's educational facilities were closed due to insecurity, affecting more than 800,000 students.²⁶

23 UNCTAD (2019).

24 UNCDD (2009).

25 See <https://www.unicef.org/burkinafaso/education>, accessed 3 February 2025.

26 MENAPLN (2023).

Literacy is a key component of education in Burkina Faso. Between 1994 and 2018, the literacy rate increased significantly, from 18.9% to 39.3%, an increase of 20.4%. However, disparities persist based on gender, geographic location, and place of residence, with lower literacy rates among women, in rural areas and certain regions of the country.²⁷ As for education in the technical and vocational field, it remains underdeveloped, representing only 3.7% of schools in 2019/2020, and students in these establishments constitute only 2.7% of all post-primary and secondary students.²⁸

1.11 Health

In Burkina Faso, the health sector faces various challenges, such as limited access to medical services, particularly in rural areas, as well as a shortage of medical personnel and resources. Financing the health system relies mainly on out-of-pocket payments, making it difficult for many people, especially those living in disadvantaged communities, to access essential medical care. The availability of health infrastructure has been significantly affected by the security crisis that has been raging in the country since 2016, leading to the closure of approximately 500 health centres.²⁹

The recent outbreaks of COVID-19 and dengue fever have highlighted the vulnerability of the country's health system. These health crises have exposed structural weaknesses, including in response capacity, infrastructure, medical personnel, and material resources. Efforts have been made to improve the accessibility and quality of health care, but disparities persist in terms of access to health and maternal and child health services. For example, the under-five mortality rate declined significantly between 2003 and 2021. It fell from 184 deaths per 1,000 live births in 2003,³⁰ reflecting improvement but also highlighting the need to strengthen basic health services and disease prevention. The government has implemented initiatives such as the National Health Development Plan (NHDP) to strengthen the health system, increase access to basic services, and address major health issues such as maternal and child health, infectious diseases, and malnutrition.³¹ In 2016, the government approved a free healthcare policy to remove financial barriers to maternal, newborn, and child health services. This policy is implemented in all public health facilities, as well as in a few selected private facilities.³² Additionally, several international organisations and NGOs operate in Burkina Faso to support health initiatives, including vaccination

27 INSD (2014).

28 DGD (2022).

29 See www.conasur.gov.bf, accessed 3 February 2025.

30 MSHP (2022).

31 Ministry of Health (2011).

32 Matt et al. (2020).

campaigns, maternal and child health programs, and efforts to combat diseases such as HIV/AIDS, malaria, and tuberculosis.

Despite these efforts, significant challenges remain, including inadequate infrastructure, limited financing, lack of qualified human resources, and socio-economic disparities, affecting equitable access to services and the quality of education and health care, and persistent political instability, which can hamper progress in the health sector. To address these challenges, the country needs to invest more with particular attention to improving the quality of education, training and recruiting qualified medical personnel, and promoting preventive health practices and awareness.

1.12 Socio-political crises

Burkina Faso has been facing major socio-political crises in recent years. Popular uprisings in 2014 were followed by an escalation of instability due to terrorist attacks perpetrated by jihadist groups since 2016, mainly in the north and east of the country. These attacks have led to massive population displacement, loss of life, and disruption of basic social services, particularly in the areas of health and education. The Burkinabe authorities have deployed measures to counter this insecurity, by strengthening security capacities and cooperating with neighbouring countries and international forces. Despite these efforts, insecurity persists, threatening the stability of the country.

The security crisis has negatively impacted education, health, household expenditure and social protection indicators of internally displaced persons (IDPs). Only 41% of IDP children have access to education, with significant regional disparities, and 60% have access to health services, although morbidity is increasing, especially in some regions. In addition, about 68% of households believe that social assistance flows have decreased since the beginning of the crisis.³³

In some parts of the country, there are profound impacts on agriculture, livestock, and the national economy. The massive displacement of populations has led to the abandonment of large areas of agricultural land, especially in the Sahel region, where more than half of farmers have become IDPs. In 2022, agricultural production suffered significant losses, with approximately 251,000 tonnes of cereals, 89,546 tonnes of cash crops, and 47,323 tonnes of legumes and tubers potentially lost, equivalent to a loss in value of more than 106 billion CFA francs. This situation has also affected livestock, with rising prices for cattle and small ruminants between 2016 and 2021, as well as significant livestock losses estimated at 180 billion CFA francs. The agricultural support system is also impacted, with the forced departure of many agents from risk areas, leading to a reduction in assistance services for farmers.³⁴

33 UNDP (2021).

34 MARAH (2023).

The disruptions directly impacted the country's economy and the purchasing power of households, particularly those in rural areas. In 2022, economic growth fell to 1.5%, compared to 6.7% in 2021, due to the decline in extractive activities after the closure of some mines for security reasons. Despite this, the agricultural and tertiary sectors maintained growth, with rates of 10.3% and 6.6%, respectively. Simultaneously, the inflation rate increased to 14.4%, mainly due to the increase in the prices of imported food and fuel products.³⁵ There was an increase in the incidence of poverty, from 41.4% in 2018 to 43.2% in 2021. This increase in poverty is more marked in urban areas, with the incidence increasing from 13.1% in 2018 to 16.6% in 2021, while in rural areas it increased from 51.1% to 52.7%.³⁶

Socio-political crises have significant consequences for soil protection, worsening environmental degradation and compromising conservation efforts. Indeed, political instability disrupts the implementation of soil protection programs, with reforestation and sustainable management initiatives often interrupted or insufficiently funded. In this period of crisis, pressure on natural resources has increased in areas hosting displaced populations who are increasingly exploiting the land to survive, leading to deforestation, overgrazing, and unsustainable agricultural practices. In addition, insecurity makes some rural areas inaccessible, preventing the monitoring and implementation of protection measures, and, thus, promoting destructive practices. Awareness-raising programs on sustainable agriculture are also disrupted, leading to the abandonment of good practices, while reduced investments in environmental projects, due to security-oriented budget priorities, further hamper conservation initiatives. Despite the unfortunate nature of the situation, a positive aspect of the population displacements is the abandonment of land, which naturally lies fallow. This promotes the regeneration of soil fertility, while awaiting its future exploitation.

1.13 Information on the organisation of the territory

The country has a law aimed at structuring and regulating the administrative organisation of the country.³⁷ This law defines the general framework for the management of local authorities and decentralised administration. It establishes several administrative levels, including regions, provinces, and municipalities, each with executive and deliberative bodies. It specifies the powers, responsibilities, and relations between the central state and these local entities. It encourages decentralisation by granting local authorities self-management powers, particularly in local development, while maintaining coordination with the decentralised services of the state. The main objective of the law is to promote better local governance and ensure more efficient and

35 INSD (2024a).

36 INSD (2024b).

37 Law 041/98/AN on the Organisation of Territorial Administration.

participatory management of public affairs at the territorial level, by promoting socio-economic development and bringing the administration closer to citizens. This law stipulates in Article 1 that the territory of Burkina Faso is divided into local authorities or local authorities and administrative districts. Local authorities are the province and the municipality. Administrative districts are the province, the department, and the village. The territories of local authorities and administrative districts may coincide. The province is both a local authority and an administrative district.

1.14 Information on the political organisation

Burkina Faso is organised according to the Constitution of 2 June 1991,³⁸ which has been subject to several amendments since 1997. In 1997, Article 37 concerning presidential mandates was repealed,³⁹ then reinstated in 2000.⁴⁰ In 2002, the Senate was largely abolished.⁴¹ Adjustments were made in 2009 to counter “political nomadism” and reorganise the powers in electoral disputes.⁴² In 2012, the extension of parliamentary mandates was at the heart of the revisions,⁴³ followed by significant changes.⁴⁴ The 2013 revision suspended the 2012 institutions, allowing the National Assembly to deliberate alone before the Senate was established and authorising the Constitutional Council to rule before the appointment of the other members.⁴⁵ In 2015, under the National Transitional Council, the Senate was abolished.⁴⁶ More recently, in 2023, the revision of the Constitution, under the Transitional Legislative Assembly, focused on strengthening democratic processes, political reforms, protecting social and economic rights, strengthening human rights and individual freedoms, promoting ethnic and religious diversity, strengthening national security and stability, as well as protecting the environment and sustainable development.⁴⁷

1.14.1 Form of government

Burkina Faso, known as the “Land of Upright Men”, adopts a semi-presidential system in which a President, as head of state, and a Prime Minister, as head of government,

38 Kiti n°AN-VIII-330/FP/PRES of 11 June 1991.

39 Law 002/97/ADP of 27 January 1997, revising the Constitution.

40 Law 003-2000/AN of 11 April 2000, revising the Constitution.

41 Law 001-2002/AN of 22 January 2002, revising the Constitution.

42 Law 015-2009/AN of 30 April 2009, revising the Constitution.

43 Law 023-2012/AN of 18 May 2012, revising the Constitution.

44 Law 033-2012/AN of 11 June 2012, revising the Constitution.

45 Law 035-2013/AN of 12 November 2013, revising the Constitution.

46 Law 072-2015/CNT of 5 November 2015, revising the Constitution.

47 Law 045-2023/ALT of 30 December 2023, revising the Constitution.

coexist. The President is elected by universal suffrage for a five-year term and can be re-elected once. The Prime Minister is appointed by the President and is responsible for managing the day-to-day affairs of the government. In addition, Burkina Faso has a unicameral Parliament, the National Assembly, whose members are elected by the people. The Constitution establishes a political system based on the separation of powers. The executive (President) and legislative (Parliament) branches operate independently to ensure a balance of power within the government.

The country is administratively divided into regions, provinces, departments, and communes, each with its administrative bodies and elected representatives responsible for local management. Overall, the governmental structure reflects the values of a democratic republic, with distinct branches of government providing checks and balances.

The judicial system, for its part, is independent of the executive and legislative branches, including, among others, the Supreme Court. The courts of the judicial order include the Court of Cassation, the courts of appeal, the high courts, the commercial courts, the labour courts, and the departmental or district courts.⁴⁸ The legal system, based on French civil law, is considered a colonial legacy.⁴⁹ Adaptations are undoubtedly necessary to respond to local realities since the country's independence in 1960. Studies have highlighted the challenges of modernising and strengthening the judicial system, highlighting obstacles such as accessibility, independence, and the efficiency of justice.⁵⁰

Between January and September 2024, the country experienced two *coups d'état*, resulting in a transitional regime led by the Patriotic Movement for the Safeguarding and Restoration (MPSR). In this transition, the National Assembly was replaced by the Legislative Assembly of the Transition (ALT), composed of 71 members. These members include 20 appointed by the transitional President, sixteen by the defence and security forces, thirteen by the vital forces of the regions not affiliated with a political party, twelve by political parties and movements, and ten by civil society organisations.⁵¹

1.14.2 Legislative competence

Burkina Faso moved from a bicameral parliament to a unicameral assembly by abolishing the House of Representatives.⁵² A constitutional revision in 2012 had previously restored bicameralism and established a Senate.⁵³ However, in 2015, a further revision

48 Law No. 015-2019/AN of 2 May 2019, on the Judicial Organisation.

49 John-Nambo (2002: 332).

50 Kouvo & Pearson (2016).

51 See <https://data.ipu.org/fr/parliament/BF/BF-LC01/>, accessed 3 February 2025.

52 Law 001-2002/AN of 22 January 2002, revising the Constitution.

53 Law 023-2012/AN of 18 May 2012, revising the Constitution.

of the Constitution led by the National Transitional Council (NTC) led to the abolition of the Senate, thus, returning the system to a unicameral regime.⁵⁴ According to the Constitution, the members of the National Assembly, called deputies, are elected by direct, equal, and secret universal suffrage and exercise legislative power.⁵⁵ The National Assembly votes on laws, approves taxes, and monitors government action following the current Constitution.⁵⁶ It is headed by a president and a bureau. The president of the National Assembly is elected for the duration of the legislature, either by an absolute majority in the first round or by a simple majority in the second round, and may be re-elected only once.⁵⁷ The National Assembly examines finance bills and settlement bills per the rules established by law.⁵⁸ It has the power to table a motion of censure against the government, which must be signed by at least one-third of the deputies and adopted by an absolute majority of the members of the National Assembly. If the motion is rejected, its signatories cannot present another one for a year.⁵⁹

Draft laws are discussed, amended, and adopted according to established procedures, aimed at ensuring a transparent and democratic legislative process.

1.14.3 Power of execution

According to the Constitution,⁶⁰ the government, as an organ of the executive, is responsible for directing national policy. In this capacity, it is responsible for various responsibilities, including the examination of draft international agreements, draft and proposed laws, as well as draft regulatory texts. It exercises its authority over the Administration and the Defence and Security Forces.⁶¹ The government is subject to accountability to Parliament, under the provisions of the Constitution.⁶²

The Prime Minister, as head of government, is responsible for directing and coordinating government action. He is also responsible for implementing the national defence policy, defined by the President. He exercises regulatory power per the law, ensures the execution of laws and appoints to civil and military positions, except those falling within the competence of the President.⁶³ He ensures the Presidency of the Council of Ministers by delegation and for a specific agenda.⁶⁴ It determines the

54 Law 072-2015/CNT of 5 November 2015, revising the Constitution.

55 Art 80 of the Constitution Kiti n°AN-VIII-330/FP/PRES of 11 June 1991.

56 Ibid.: Art 84.

57 Ibid.: Art 91.

58 Ibid.: Art 103.

59 Ibid.: Art 115.

60 Constitutional Law No. 072-2015/CNT.

61 Ibid.: Art 61.

62 Ibid.: Art 62.

63 Ibid.: Art 63.

64 Ibid.: Art 64.

responsibilities of the members of the government by decree taken in the Council of Ministers.⁶⁵

To implement its programs, the government may ask the National Assembly for authorisation to take measures by ordinances, for a limited period. These ordinances must be ratified by Parliament to become permanent.⁶⁶ The Prime Minister has access to the National Assembly and may be represented there by a member of the government. He may also be assisted during debates or in committee by members of the government, advisers or experts of his choice.⁶⁷ Members of the government also have access to the National Assembly, its committees and advisory bodies, and may be assisted by advisers or experts.⁶⁸ The government is required to provide the National Assembly with all requested explanations on its management and actions, and the National Assembly may set up parliamentary commissions of inquiry if necessary.⁶⁹

1.14.4 Role of traditional bodies

The Constitution recognises customary and traditional chieftaincy as a moral authority that is the repository of customs and traditions within society. However, their influence may vary depending on the region and local customs. Some communities attach great importance to these traditional authorities, particularly in conflict resolution and cultural preservation.

Since the advent of the Fourth Republic in 1991, traditional leaders have entered the political sphere, actively participating in electoral processes and holding positions in Parliament and municipal councils. They play a crucial role in local governance, particularly in the electoral field where they are often called upon by political parties to mobilise voters.⁷⁰

Burkinabe royalties and chieftaincies are often called upon by the state to intervene in the mediation of community conflicts and development initiatives. They play a crucial role in conflict mediation, mobilising the population around development issues, and settling certain disputes, particularly those related to land.⁷¹ In addition, they contribute to the animation of cultural life and are often called upon by the state to organise festivities aimed at promoting local cultures.

65 Ibid.: Art 65.

66 Ibid.: Art 107.

67 Ibid.: Art 109.

68 Ibid.: Art 110.

69 Ibid.: Art 113.

70 Ouedraogo (2008).

71 See <https://revues.acaref.net/wp-content/uploads/sites/3/2024/05/2-Guilga-Francois-de-Paule-YAMBRESSINGA.pdf>, accessed 3 February 2025.

2 Main factors of land degradation

2.1 State of the environment

Burkina Faso boasts significant agricultural potential, with a total agricultural land area of approximately 20,923,989 hectares, according to a mapping and assessment by the Council of Ministers in May 2024.⁷² Of this, 9,020,198 hectares are classified as having good or average agricultural suitability, while 11,178,919 hectares are considered to have poor suitability. Despite this, about 59% (12,346,559 hectares) of the arable land is already being exploited, leaving 8,577,429 hectares of arable land yet to be utilised. The lowlands, which cover 1,871,765 hectares, are also experiencing significant exploitation, with 55% (1,030,485 hectares) already in use, leaving 841,280 hectares unexploited. Additionally, the country has an estimated 878,226 hectares of pastoral land, with 778,219 hectares remaining available after excluding classified forests and mining areas.

Despite these vast natural resources, Burkina Faso faces considerable challenges with land degradation, largely driven by recurrent droughts and human activities. The degradation is evident through reduced plant cover, excessive soil exposure, and declining agricultural productivity, which increases vulnerability to erosion and threatens food and nutritional security.

To address these challenges, Burkina Faso has set a baseline for land degradation neutrality (LDN) using three key indicators: land productivity, land use, and occupation, and organic carbon stocks. Between 2002 and 2013, nearly 19% of the territory was degraded, with 9.3% experiencing a decline in land productivity, 9.6% in terms of land use and occupation, and 3% in carbon storage, translating to an annual loss of 469,650 hectares.⁷³

The drivers of land degradation are categorised into two broad types: direct factors, such as land use patterns, which may be natural or human-induced, and indirect factors, such as demographic, economic, or socio-political elements. A 2017 study on the economics of land degradation in Burkina Faso, conducted under the Land Development and Resource Conservation Project (PATECORE) in the Central Plateau, highlights that investments in sustainable land management can yield substantial returns.⁷⁴ The study found that sustainable land management practices could generate between 162,000 CFA francs/year and 440,350 CFA francs/year per hectare of developed land. Additionally, these efforts led to a surplus of 11,016.7 tons of cereals in 2017, enough to meet the annual food needs of around 58,000 people.

72 See <https://sentinellebfbf.com/wp-content/uploads/2024/05/CONSEILDESMINISTRESN015DU08MAI2024.pdf>, accessed 3 February 2025.

73 MEEVCC (2017).

74 Traoré & Requier-Desjardins (2019).

This evidence underscores the importance of adopting policies that promote soil conservation, sustainable agricultural practices, and natural resource management. Such strategies would not only mitigate land degradation but also ensure the long-term sustainability of Burkina Faso's agricultural and environmental systems.

2.2 Direct factors of land degradation

2.2.1 Direct anthropogenic factors

Human activities in Burkina Faso significantly contribute to land degradation through various practices that undermine soil health and ecosystem stability. Key factors include land clearing for agriculture and energy, deforestation, and unsustainable agricultural methods such as intensive ploughing, excessive use of fertilisers and pesticides, and inappropriate soil management in certain cropping systems. Overgrazing, unplanned urbanisation, and mining also play a major role in land degradation.

The intensive use of pesticides in some farming systems is particularly harmful to both the environment and human health. A study in vegetable production systems revealed that pesticide application rates exceeded recommended levels by 72%, and the concentrations of these products surpassed the recommended amounts by 56%. Alarmingly, 36% of vegetables grown had pesticide levels above health standards, posing risks to consumers.⁷⁵

Soil cultivation practices lead to significant carbon loss, estimated at 2.2% annually or around 360 kg per hectare in Burkina Faso's western cotton-growing areas.⁷⁶ Furthermore, the country loses an average of 0.72% of its forest cover each year, contributing to soil erosion and declining soil fertility.⁷⁷ Bushfires exacerbate the loss of certain forest species, further compounding the environmental challenges.⁷⁸

Overgrazing, with an annual livestock growth rate of around 2.7%, accelerates species loss and vegetation degradation, which in turn contributes to soil erosion. Mining activities, both artisanal and industrial, have an even more alarming impact. Between 700 and 1,000 artisanal mining sites are concentrated in the southwestern and northern regions, and industrial mining involves extensive land disruption, such as large-scale excavation or digging galleries up to 100 meters deep, rendering the land unsuitable for agriculture.⁷⁹ In addition, mining operations contaminate soils with toxic substances such as mercury, cyanide, sulfuric and nitric acids, zinc, used engine oils, and detergents, all of which threaten the health of local populations.

⁷⁵ Lehmann (2017).

⁷⁶ Ouattara et al. (2011).

⁷⁷ See <https://www.environnement.gov.bf/accueil>, accessed 3 February 2025.

⁷⁸ Dayamba (2010).

⁷⁹ Won (2022); Bohbot (2017).

Finally, rapid and unplanned urbanisation is transforming agricultural land into urban areas, leading to the degradation of plant cover and the loss of biodiversity. The capital, Ouagadougou, faces rapid urban expansion, placing tremendous pressure on its surrounding agricultural land and further exacerbating environmental degradation.⁸⁰

2.2.2 Direct natural factors

In Burkina Faso, certain natural factors directly contribute to soil degradation due to the inherent fragility of the country's soils. Most soils are sandy, clayey, or loamy, with clay content rarely exceeding 20%, making them particularly susceptible to erosion.⁸¹ In these vulnerable conditions, both water and wind erosion play significant roles in land degradation, impacting over 20% of the country's arable land. Water erosion is most severe in the southwest, where higher rainfall and mountainous terrain lead to land losses that can exceed 50 tonnes per hectare, as well as substantial losses of carbon and nutrients.⁸² In contrast, erosion is less intense in the arid northern regions, where limited rainfall reduces its impact.

Soil salinity, while generally less problematic in Burkina Faso, does affect around 5% of soils at depths between 30 and 100 cm. However, in the top 30 cm, salinity is negligible, with over 95% of soils showing zero salinity in this layer. This resilience to salinity is a positive aspect, although the vulnerability to erosion remains a serious challenge for sustainable land management in the country.⁸³

2.3 Indirect factors of land degradation

Land degradation in Burkina Faso is driven by a complex interplay of demographic, socio-economic, and political factors. Rapid population growth, currently at an annual rate of 2.7%, is leading to heightened demand for agricultural land, pushing both the expansion and intensification of farming practices, which contribute to soil degradation. With around 78% of the population under 35, much of the country's youth relies on agriculture as a primary source of income, further increasing land pressure. For instance, in the Sissili province in the south, agricultural expansion has reduced savannah lands from 85.2% of the province in 1975 to just 42.3% by 2013.⁸⁴

80 Zabré et al. (2023).

81 Baumann et al. (2020).

82 Lesschen et al. (2007).

83 See https://www.fao.org/fileadmin/user_upload/GSP/GSAS21/017.pdf, accessed 3 February 2025.

84 Nebie & West (2019).

Additionally, mass displacement due to insecurity impacts land use dynamics. While abandoned lands left by displaced persons may temporarily recover fertility through fallow periods, urban and peri-urban areas hosting these individuals face intensified land pressure, often resulting in soil degradation due to limited technical and financial means for sustainable management.

Socio-economic factors, including land insecurity and low agricultural household incomes, significantly contribute to land degradation. Research shows that land tenure insecurity, particularly affecting migrants, women, youth, and agro-pastoralists, hinders investments in sustainable land management technologies. In contrast, those with secure customary land rights are more likely to invest in land improvement.⁸⁵ Limited education and restricted access to knowledge on sustainable land management also act as barriers, particularly for small-scale producers. For low-income populations, meeting immediate needs through natural resource exploitation, such as deforestation for energy, often takes precedence over long-term sustainable practices.

Finally, policy gaps or ineffective implementation exacerbate degradation. For example, the absence of specific legal frameworks for soil governance poses a major challenge in addressing soil health. Certain policies, such as those prioritising mining, agricultural intensification for food security, or urbanisation, often conflict with sustainable land management goals, highlighting the need for integrated policy approaches that balance land use and protection.

3 Public legislation relating to soils

Burkina Faso's approach to sustainable development involves a collaborative effort among the state, international partners, and local stakeholders to protect natural resources. This includes implementing national policies, strategies, and action plans across sectors such as agriculture, land security, environmental protection, and rural development. Together, these initiatives aim to enhance food security, promote sustainable land use, and strengthen resilience to climate impacts.

3.1 Policy frameworks for soil protection

3.1.1 Policies, strategies, and action plans

Burkina Faso has established a comprehensive policy framework to enhance food security, sustainable agriculture, and environmental stewardship. These initiatives

⁸⁵ IASS (2017).

address food security and the sustainable management of agricultural and natural resources:

National Food Security Strategy (SNSA) (2003): This strategy aimed to reduce hunger and malnutrition by 2015.⁸⁶ It evolved into the National Food and Nutrition Security Policy (PNSAN) in 2013, which aims to ensure sustainable food and nutrition security by 2025. PNSAN emphasises sustainable agricultural practices, focusing on the intensification of plant production to promote long-term food security.

National Policy for Sustainable Development of Irrigated Agriculture (PNDDAI) and Strategy for Sustainable Development of Irrigated Agriculture (SNDDAI) (2004): These policies focus on increasing agricultural output through irrigation, boosting economic contributions, and improving rural incomes by promoting efficient, sustainable water use.⁸⁷

National Environmental Policy (PNE) (2007): Aiming to integrate environmental protection with development, PNE promotes the sustainable use of resources, improving the quality of life, and addressing desertification. It supports agricultural and pastoral activities while protecting ecosystems.⁸⁸

National Policy for Land Security in Rural Areas (PNSFMR) (2009): This policy ensures fair land access, secures rural investments, and resolves land conflicts. Backed by rural land laws and regulations, it fosters productive and sustainable agriculture by ensuring stable land tenure.⁸⁹

National Sustainable Development Policy (PNDD) (2013): PNDD sets out sustainable development principles for planning, and establishing guidelines for implementing development projects and programs, thereby, promoting economic and social progress in harmony with environmental sustainability.⁹⁰

Strategic Investment Framework for Sustainable Land Management (CSI-GDT) (2014): CSI-GDT aims to reverse land degradation trends by promoting sustainable agricultural practices that enhance soil fertility and ecosystem restoration. It focuses on mobilising financial, technological, and knowledge resources to support rural productivity.⁹¹

National Plan for Sustainable Territorial Development and Planning (SNADDT) (2017): SNADDT guides balanced and equitable regional development under the

86 See <https://www.fao.org/faolex/results/details/fr/c/LEX-FAOC188165/>, accessed 3 February 2025.

87 See <https://www.fao.org/faolex/results/details/fr/c/LEX-FAOC174080/>, accessed 3 February 2025.

88 See <https://www.fao.org/faolex/results/details/fr/c/LEX-FAOC198271/>, accessed 3 February 2025.

89 See <https://www.fao.org/faolex/results/details/fr/c/LEX-FAOC085683/>, accessed 3 February 2025.

90 See <https://www.fao.org/faolex/results/details/fr/c/LEX-FAOC172660/>, accessed 3 February 2025.

91 See <http://news.aouaga.com/h/31255.html>, accessed 3 February 2025.

National Economic and Social Development Plan (PNDES).⁹² Its goals include reducing regional disparities, fostering regional growth, and strengthening national infrastructure.⁹³

Agro-Sylvo-Pastoral Production Sector Policy (PS-PASP) (2016-2026): This policy aims to modernise Burkina Faso's agro-sylvo-pastoral sector, making it competitive and sustainable. It focuses on developing family farms and agro-businesses to improve food security and support rural development.⁹⁴

National Strategic Plan for Agro-Sylvo-Pastoral Investments (PNIASP) (2021-2025): Aligned with PNDES and PS-PASP, PNIASP focuses on transforming the agro-sylvo-pastoral sector. Its main goals include boosting productivity, enhancing sector competitiveness, and promoting sustainable resource management and good governance.⁹⁵

These policies collectively reinforce Burkina Faso's commitment to sustainable development, addressing food security, environmental protection, land security, and rural development, and aligning with international and regional goals for resource management and climate resilience.

3.1.2 Treaties and conventions

Burkina Faso has shown a strong commitment to environmental and natural resource protection by ratifying several international conventions and aligning its policies with global and regional environmental standards. Key conventions that Burkina Faso has ratified include:

Ramsar Convention on Wetlands (1971): Ratified by Burkina Faso in 1990, this treaty aims to conserve wetlands, halt their disappearance, and promote sustainable management of these vital ecosystems, which support diverse flora and fauna.⁹⁶

United Nations Framework Convention on Climate Change (UNFCCC) (1992): Signed in 1992 and ratified in 1993, this convention focuses on stabilising greenhouse gas concentrations to mitigate climate change. The UNFCCC paved the way for further climate agreements, including the Paris Agreement.⁹⁷

92 See <https://www.fao.org/faolex/results/details/fr/c/LEX-FAOC223802/>, accessed 3 February 2025.

93 See <https://www.fao.org/faolex/results/details/fr/c/LEX-FAOC215540/>, accessed 3 February 2025.

94 See <https://leap.unep.org/en/countries/bf/national-legislation/politique-sectorielle-production-agro-sylvo-pastorale-2018-2027>, accessed 3 February 2025.

95 See <https://www.fao.org/faolex/results/details/fr/c/LEX-FAOC210385/>, accessed 3 February 2025.

96 See <https://www.ramsar.org/fr>, accessed 3 February 2025.

97 See <https://unfccc.int/en/processes-and-meetings/what-is-the-unfccc-the-united-nations-framework-convention-on-climate-changes>, accessed 3 February 2025.

Convention on Biological Diversity (CBD) (1992): This agreement, which Burkina Faso joined in 1992, targets the conservation of biodiversity, sustainable use of its components, and equitable sharing of benefits from genetic resources. It addresses threats to biological diversity and promotes sustainable ecosystem use.⁹⁸

United Nations Convention to Combat Desertification (UNCCD) (1994): This convention focuses on combating desertification and reducing drought impacts, particularly in Africa. It supports Burkina Faso's efforts in addressing land degradation and enhancing resilience against climate-related challenges.⁹⁹

African Convention on the Conservation of Nature and Natural Resources (Algiers Convention) (1969, revised in 2003): Ratified in 2016, this regional treaty obligates parties to protect against land degradation, emphasising soil conservation, and erosion control to combat poor land use.¹⁰⁰

Stockholm Convention on Persistent Organic Pollutants (POPs) (2001): Ratified by Burkina Faso in 2007, this convention targets the reduction or elimination of harmful chemical releases, promoting safer agricultural and industrial practices to prevent environmental contamination.¹⁰¹

In addition to these formal conventions, Burkina Faso participates in several non-conventional frameworks supporting sustainable soil and environmental management:¹⁰²

World Soil Charter (1981): Adopted by the FAO, this charter emphasises sustainable soil management principles, including reducing deforestation, avoiding acidifying crops, and supporting agricultural practices that protect soil health. Burkina Faso's involvement reflects its commitment to sustainable land use.

Agenda 21 (1992): Chapter 10 of Agenda 21, part of the UN's Earth Summit outcomes, promotes an integrated approach to land planning and management, urging countries to gather soil data and implement soil protection measures.

These conventions and frameworks underscore Burkina Faso's proactive approach to environmental conservation and sustainable land management, aligning with international goals and promoting a comprehensive strategy to safeguard its natural resources for future generations.

98 See <https://www.cbd.int/history>, accessed 3 February 2025.

99 See https://www.un.org/en/events/desertification_decade/convention.shtml, accessed 3 February 2025.

100 See https://www.bonobosworld.org/fr/glossaire/convention-africaine-pour-la-conservation-de-la-nature-et-des-ressources-naturelles?tmpl=component&show_layout=1, accessed 3 February 2025.

101 See <https://www.bafu.admin.ch/bafu/fr/home/themes/produits-eglises/info-specialistes/affaires-internationales--produits-chemicals/convention-de-stockholm-pop-sur-les-polluants-organiques-persist.html>, accessed 3 February 2025.

102 Guaranteed & Zakané (2008).

3.2 Environmental provisions in the Constitution

In Burkina Faso, while the Constitution lacks explicit provisions on soil and general land rights, it includes broad protections for the environment and natural resources. Key constitutional principles and protections related to environmental stewardship include:

Environmental protection emphasis: The Constitution underscores the importance of protecting the environment as part of the country's commitment to sustainable development.¹⁰³

People's ownership of natural resources: Natural resources and wealth are considered collective assets of the people, meant to be managed for the improvement of citizens' living conditions and in line with sustainability principles.¹⁰⁴

Right to a healthy environment: Citizens are guaranteed the right to a healthy environment, and protecting and promoting environmental welfare is deemed a civic duty.¹⁰⁵

Right to petition for environmental protection: Every citizen can initiate or join collective action, such as petitions, to oppose acts that may harm public assets, social communities, the environment, or cultural and historical heritage.¹⁰⁶

Investment in environmental initiatives: By guaranteeing the right to ownership, the Constitution supports investments in environmental efforts, such as tree planting and land restoration, which can improve environmental resilience and land productivity.¹⁰⁷

In terms of environmental protection legislation, the Constitution mandates that laws establish fundamental principles for environmental protection, development, and oversight of national development plans. This framework extends to the management and disposition of state property and production organisation.¹⁰⁸

Regarding international treaties and agreements, the President has the authority to negotiate, sign, and ratify treaties, though certain types of treaties (e.g., those affecting state finances or legislative provisions) require legislative approval.¹⁰⁹ If a treaty contradicts the Constitution, it can only be ratified after amending the Constitution.¹¹⁰ Once ratified, treaties take precedence over domestic laws, provided they are reciprocated by the other party.¹¹¹

103 Law 072-2015/CNT of 5 November 2015, revising the Constitution.

104 Ibid.: Art 14.

105 Ibid.: Art 29.

106 Ibid.: Art 30.

107 Ibid.: Art 15.

108 Ibid.: Art 101.

109 Ibid.: Art 148.

110 Ibid.: Art 150.

111 Ibid.: Art 151.

These constitutional commitments support Burkina Faso's framework for environmental governance, but practical implementation largely relies on further legislative measures and policy frameworks to address specific land and soil management needs.

3.3 Land ownership legislation

3.3.1 Constitution

Burkina Faso's Constitution does not directly address land ownership or land-specific policies. Instead, it provides general principles on the ownership and management of natural resources. Starting with the first Constitution of 2 June 1991, and maintained in subsequent versions, the Constitution establishes that all wealth and natural resources belong collectively to the people. This approach reflects a commitment to using natural resources as a means of improving citizens' living conditions, aligned with principles of sustainable development.

3.3.2 Public law

Land legislation in Burkina Faso has a rich history, evolving from pre-colonial customs to modern legal frameworks.¹¹² During the colonial period, particularly in the 1940s, land regulations began to address issues of land control, including policies for expropriation in the public interest. These regulations laid the early groundwork, but they were primarily focused on colonial interests.

After Burkina Faso gained independence in 1960, land laws became more comprehensive and specialised. The landmark Agrarian and Land Reorganisation (RAF) reform of 1984 marked a new era in land governance, setting out ambitious goals to consolidate land management under the state. This reform introduced significant changes, such as abolishing private land ownership in favour of state ownership and establishing "titles of enjoyment" instead. However, tensions with customary practices emerged, particularly in rural areas where traditional land tenure systems remained strong.

Since 1984, land legislation in Burkina Faso has undergone multiple revisions and now encompasses three main categories:

National land: This includes the state's control over public and private land domains, regulating urban areas, housing, industry, and other public land uses.

Rural land: Laws here focus on agricultural, pastoral, forestry, and conservation activities, aiming to secure tenure for rural communities while promoting sustainable

¹¹² Nacambo & Sanou (2015).

land use. However, customary tenure practices remain a significant factor, particularly in rural areas where traditional rights coexist with modern laws.

Related sectors: These include policies on water resources, pastoralism, and environmental management, which are increasingly recognised as integral to sustainable land management and rural development.

3.3.2.1 Colonial land policies

Former French colonial authorities in West Africa critiqued traditional land tenure systems as lacking clarity and impeding economic development. To address this, they introduced a land registration system to promote private property, innovation, and economic growth. This system was first implemented through decrees in 1906 and 1932 across French West Africa (AOF), encouraging a shift toward individual land ownership.

Land registration involved a formal process managed by a land registrar, granting exclusive and irrevocable property rights that were immune to dispute. This system established definitive real estate rights, including ownership, usufruct, and easements. However, the registration system faced challenges, as it was often incompatible with local customs and led to a complex, bureaucratic process that limited its adoption. Consequently, a 1925 decree introduced the “administrative certificate,” which acknowledged customary land rights and provided a simplified way for communities to attest to their land rights. Despite this, the system remained largely unsuccessful and was discontinued in 1955.

In response, the 1955 decree introduced the “land booklet” system, which formally recognised customary land rights and allowed their conversion into private property. This shift aimed to increase agricultural productivity by integrating local communities into the colonial economic framework. Despite the colonial push for private property, customary rights remained strong, leading to their eventual formal acknowledgement in the 1955 reform.

Colonial land policy in West Africa, especially in Burkina Faso, prioritised agricultural exploitation over urban development. This was evident in the largely rural focus of colonial interventions, which aimed to control and utilise agricultural land while leaving urban development as a secondary concern. The persistence of customary rights alongside imposed property systems underscored a complex interplay between colonial objectives and traditional practices, ultimately shaping the modern land tenure landscape in Burkina Faso and other parts of West Africa.

3.3.2.2 Postcolonial land policies

The Burkinabe Revolution marked a significant shift in land policy, recognising that control over land was fundamental for effective urban development. Through radical reforms, the Revolution declared all land to be state property, abolishing individual land titles inherited from colonial rule and replacing them with usage rights. The Agrarian and Land Reorganisation (RAF) sought to redefine the land framework by establishing a national land domain that encompassed land managed by the state, local authorities, and private individuals.¹¹³

This national land domain was segmented into two main categories: urban and rural land. Urban land was designated for housing, commerce, and industry, while rural land was intended for agriculture, livestock, forestry, and conservation activities. Within this framework, the state's land domain includes both a public domain, allocated for public use, and a private domain, covering real estate not designated as public property. Local authorities also maintain a land domain with a similar structure: a public domain for communal use and a private domain for properties held with title deeds.

Individual landholdings within the RAF framework consist of full ownership of land and real estate, rights to use land in the unallocated private domains of the state and communities, and rural land assets. The RAF aims to improve land management and enable the state to pursue urban development and housing projects, while also allowing the coexistence of customary land rights. This dual approach intends to balance state-led modernisation efforts with respect for traditional practices and local land use customs, recognising both formal and customary rights within the national land system.

3.3.3 Traditional law

Land management in Burkina Faso has evolved significantly, reflecting an ongoing tension between customary and modern legal systems, especially following the country's independence in 1960. Before the RAF, tenure security relied on customary practices that viewed land as inalienable, complemented by a regulatory regime offering security through documentation, including administrative certificates and land booklets. However, with the “domanialisation” of land, the state sought to assert greater control over resources, creating a complex coexistence between state and customary legal frameworks.¹¹⁴ This dual system has led to persistent friction between the formal legitimacy of state laws and the social legitimacy of customary law. Despite multiple reforms, including efforts to harmonise these systems, the conflict endures. Local

113 Law No. 034-2012/AN of 2 July 2012, on Agrarian and Land Reorganisation.

114 See https://www.cifor-icraf.org/publications/pdf_files/Books/BBouda0801.pdf, accessed 3 February 2025.

authorities and customary structures remain key in everyday land management, even with the state's established legal frameworks. A study in southern Burkina Faso underscores the need for a co-constructed normative model for land access, one that is broadly accepted by all stakeholders.¹¹⁵

Customary law, deeply ingrained in local traditions, remains the backbone of land management despite the state's centralised reforms. The RAF of 1985 declared all land as state property but faced resistance in rural areas, where customary practices prevail. Land ownership varies by ethnic group and environmental conditions, with areas experiencing land pressure seeing challenges to collective lineage-based management.¹¹⁶ Farmers and younger family members increasingly seek individualised land management without necessarily pushing for full private ownership. Although customary law traditionally prohibits land sales, such transactions are becoming more common in some areas, often without the customary authorities' involvement, rendering them illegitimate under both customary and formal legal standards. Immigrants' land rights are traditionally based on permissions from village authorities and social obligations to the host community, but intensifying competition over land is straining these relationships and increasing expectations for immigrants.

The institutional development of land law in Burkina Faso has undergone several phases.¹¹⁷ During the colonial period, there was inconsistent recognition of local land rights. After independence, the state acknowledged local rights while emphasising state ownership. The revolutionary era in 1984 abolished all private land rights in favour of state ownership, which created friction with traditional landholders. In the post-revolution period, customary rights were informally recognised but lacked formal legal validation. Since 1991, local land rights have been acknowledged in practice, but without full legal status, until the 2009 Land Law, which marked a shift toward progressive recognition of customary land rights within the formal legal framework.

3.3.4 Land conflicts

Land conflicts in Burkina Faso often stem not only from the intensifying competition for natural resources but also from complex social dynamics within African societies.¹¹⁸ These conflicts can manifest in various ways, reflecting both economic pressures and traditional social structures. One major factor is the commodification of land, which can undermine the land rights of non-natives who previously acquired land through customary transfers. Native populations may attempt to reinterpret these transfers as commercial contracts and, if unsuccessful, might seek to expel non-native

¹¹⁵ Birba (2020).

¹¹⁶ Won (2022).

¹¹⁷ Rattle (2014).

¹¹⁸ ONF-BF (2016).

beneficiaries to reallocate the land within a commercial framework. Additionally, the rise of substantial land rents can provoke or rekindle territorial disputes between village communities, sometimes reviving longstanding native claims to lands that non-natives have cultivated for generations. This dynamic illustrates how traditional land arrangements are increasingly being challenged by market-driven motives, potentially leading to conflict and social fragmentation.

In Burkina Faso, land disputes often involve various rights and contractual issues and can take multiple forms, reflecting the complexities of land tenure systems and economic pressures. Disputes over the transferor's rights are common, especially when extra-familial parties contest the transferor's right to convey land, often raising questions about ownership or boundaries. Conflicts may also arise from objections by the land's custodian or their heirs, who previously granted access to an outsider, now disputing the outsider's or their heirs' right to sell the land. Family members of the transferor might also consider the transfer illegitimate if not properly sanctioned. Disagreements over lease terms can emerge when the transferor attempts to adjust the rent retrospectively, especially if they notice a productive yield from the tenant's farming, or if the tenant introduces agricultural practices not initially specified in the lease. Contract enforcement issues also arise, particularly around deadlines—such as when leased land is not returned on time, prompting the transferor to reclaim the plot before the contract's conclusion. Payment delays, often when rent is not paid at the beginning of a farming cycle, can further aggravate relations.

In Burkina Faso, these land conflicts are typically resolved through customary conciliation methods, although some cases escalate to administrative or formal judicial systems when parties reject traditional settlement. Such rejections often stem from power imbalances or the declining authority of customary bodies. Land-use conflicts are another major source of tension, driven by land development and natural resource exploitation. Livestock farmers face growing insecurity as agricultural expansion reduces available land, intensifying conflicts with farmers as increased livestock numbers strain land capacity. Additionally, herders often clash with artisanal gold miners, whose activities impact traditional grazing areas. These disputes underscore the pressures on land as multiple stakeholders vie for resources within evolving economic and social contexts.

3.3.5 Land security and conflict resolution

One of the major challenges is to ensure that populations can coexist harmoniously and make the most of available resources. This requires effective means of securing land tenure and resolving conflicts when they arise. Land tenure security results from the fusion of modern and customary rights, thus, ensuring the legality and legitimacy of land tenure. It considers local realities and the needs of vulnerable groups, such as

women and youth in rural areas. Land tenure security and conflict resolution can be categorised as follows:

Several organisations play vital roles in managing and securing rural land. The Specialised Public Body is tasked with establishing, developing, and managing land within the state's rural land domain. This body is responsible for preserving this land, securing state-owned rural lands, and promoting their development and rational management according to established guidelines. The National Fund for Land Security in Rural Areas supports land security and management efforts by financing and subsidising operations focused on rural land areas.¹¹⁹ Additionally, a national body for consultation, monitoring, and evaluating rural land policy and legislation has been established by the state. This body unites public, private, and civil society stakeholders, including representatives from customary authorities, local government, and research institutions, to ensure rational, equitable, and sustainable management of rural land.

The state's decentralised technical services offer essential support to rural land services in managing local authority land and ensuring the security of individuals' rural land assets. These services work to provide technical assistance, helping local authorities implement land management practices that safeguard ownership and usage rights for individuals in rural areas.¹²⁰

Land management at the local level involves several key bodies. The rural land service, operating at the municipal level, is responsible for managing and securing municipal land, including common-use natural resource areas, and for protecting the rural land assets of individuals. Local land consultation bodies, formed at the request of municipalities either at the municipal or inter-municipal level, address matters related to land security for local stakeholders, land management and governance, equity, and sustainable rural land use, providing recommendations as needed. Additionally, each village has a village land commission, established under the Village Development Committee (CVD), which includes customary and traditional village land authorities or their representatives, as well as other individuals deemed valuable for their input on land issues.

3.4 Public environmental law

3.4.1 Legal acts and provisions specific to soils

The soil-specific legal acts in Burkina Faso address various measures and legal obligations aimed at the protection and sustainable management of soils. These measures impose obligations on public authorities and individuals, regulate potentially polluting

119 Art 90 of Law No. 034-2009/AN of 16 June 2009, relating to Rural Land Regime.

120 Ibid.: Art 86.

discharges and deposits, and integrate the prevention of natural risks into territorial planning. The Law on the Environmental Code¹²¹ imposes a proactive responsibility on public authorities to protect and sustainably manage soils and natural resources, including combating desertification and ensuring soil fertility.¹²² This law also prohibits any action that could harm the environment, including soils, to protect them from contaminants¹²³ and regulates discharges, spills, and activities likely to degrade the quality of air, water, soil, and biodiversity.¹²⁴ The Forest Code¹²⁵ provides for provisions for the protection of soils in forest areas, in particular the fixing of sloping soils and protection against erosion.¹²⁶ The new Mining Code adopted in 2024¹²⁷ supervises mining operations through respect for the rights of affected communities, in particular their rights to an adequate standard of living and the improvement of their living conditions,¹²⁸ and imposes strict public health, occupational safety and environmental regulations on the domestic exploitation of quarried substances.¹²⁹ The Orientation Law Relating to Pastoralism¹³⁰ regulates the use of pastoral and agricultural land, ensuring a balance between agricultural and pastoral needs and prohibiting activities that disrupt animal watering points.¹³¹ The Agro-Sylvo-Pastoral, Fisheries and Wildlife Orientation Law¹³² promotes sustainable land management and environmentally friendly agricultural practices, including the restoration of degraded land and the promotion of organic farming.¹³³ Finally, the General Code of Local Authorities¹³⁴ makes town halls responsible for land use permits, involving local authorities in environmental management.

3.4.2 Legal acts relating to nature conservation

Nature conservation in Burkina Faso is based on a diverse and integrated legal framework, aimed at ensuring sustainable management of natural resources through collaboration between the state, local authorities, private actors, and local populations.

121 Law No. 006-2013/AN of 2 April 2013, relating to the Environmental Code.

122 Ibid.: Art 19.

123 Ibid.: Art 48.

124 Ibid.: Arts 75-79.

125 Law No. 003-2011/AN of 5 April 2011, relating to the Forest Code.

126 Ibid.: Art 46.

127 Law 016-2024/ALT on the Mining Code.

128 Ibid.: Arts 21-22.

129 Ibid.: Art 88.

130 Law No. 034-2002/year of 14 November 2002, relating to the Framework Law relating to Pastoralism.

131 Ibid.: Arts 23, 26 & 32.

132 Law No. 070-2015/CNT of 22 October 2015, relating to the Agro-Sylvo-Pastoral, Fisheries, and Wildlife Orientation Law.

133 Ibid.: Arts 81-82.

134 Law No. 055-2004/AN of 21 December 2004, relating to the General Code of Local Authorities.

Existing legal provisions emphasise a holistic approach to nature conservation, involving various actors and establishing mechanisms to ensure the sustainability and protection of natural resources. The Environmental Code¹³⁵ integrates the conservation of natural resources and the management of natural risks into land use planning policies¹³⁶ and classifies establishments presenting environmental hazards into categories, with specific requirements for each class to protect the environment.¹³⁷ The Forest Code¹³⁸ advocates the conservation of biological diversity¹³⁹ and provides for the allocation of funds to finance the conservation of forest, wildlife and fisheries resources. It imposes rational and balanced management of forests, including specific measures to protect soils and rare species,¹⁴⁰ and defines protected wildlife areas and wildlife reserves for the conservation of wildlife.¹⁴¹ The Orientation Law Relating to Pastoralism¹⁴² requires pastoralists to respect environmental laws and participate in the sustainable management of pastoral resources.¹⁴³ The Orientation Law Relating to Water Management¹⁴⁴ prioritises the conservation of aquatic ecosystems because of their multifunctional importance¹⁴⁵ and regulates water-related activities to preserve quality and ensure sustainable management.¹⁴⁶ The Sustainable Development Orientation Law¹⁴⁷ establishes a framework for coherent sustainable development, based on principles such as prevention, precaution and CSR.¹⁴⁸ The Agro-Sylvo-Pastoral, Fisheries, and Wildlife Orientation Law¹⁴⁹ insists on the development of management plans for the sustainable exploitation of agro-sylvo-pastoral, fisheries, and wildlife resources, with particular attention to the protection of endangered species and the conservation of genetic resources.¹⁵⁰ The Plant Seed Regulation Act¹⁵¹ ensures the preservation of traditional plant genetic resources.¹⁵² Finally, the General Code of Local Authorities¹⁵³

135 Law No. 006-2013/AN of 2 April 2013, relating to the Environmental Code.

136 Ibid.: Art 23.

137 Ibid.: Art 38.

138 Law No. 003-2011/AN of 5 April 2011, relating to the Forest Code.

139 Ibid.: Art 6.

140 Ibid.: Arts 46-47.

141 Ibid.: Arts 72 & 93.

142 Law No. 034-2002/year of 14 November 2002, relating to the Framework Law relating to Pastoralism.

143 Ibid.: Arts 9-10.

144 Law No. 002-2001/AN of 8 August 2001, relating to the Framework Law relating to Water Management.

145 Ibid.: Art 4.

146 Ibid.: Arts 27 & 47.

147 Law No. 008-2014/AN of 8 April 2014, relating to the Orientation Law on Sustainable Development.

148 Ibid.: Arts 2, 5 & 14.

149 Law No. 070-2015/CNT of 22 October 2015, relating to the Agro-Sylvo-Pastoral, Fisheries, and Wildlife Orientation Law.

150 Ibid.: Arts 26, 93, 95, 97 & 100.

151 Law No. 010-2006 of 31 March 2006 regulating Plant Seeds.

152 Ibid.: Art 13.

153 Law No. 055-2004/AN of 21 December 2004, relating to the General Code of Local Authorities.

delegates environmental management skills to local authorities, including the protection of water resources, the fight against pollution, and the management of forests and green spaces.¹⁵⁴

3.4.3 Subsidiary regulations on environmental thresholds and quality standards

Burkina Faso's legislative framework for environmental thresholds and standards comprises various laws aimed at integrating environmental requirements and establishing control mechanisms for effective protection. The Environmental Code¹⁵⁵ mandates that the government develop environmental standards, monitor compliance, ensure restoration where necessary, and encourage eco-friendly economic activities.¹⁵⁶ This Code stipulates that goods imported with potential for pollution must meet national standards and requires that standards for discharges, emissions, and deposits are developed jointly by relevant ministries and periodically revised.¹⁵⁷ Violations of these standards are subject to strict penalties,¹⁵⁸ and cross-border environmental issues are managed in consultation with neighbouring states, in line with international standards.¹⁵⁹

The Forest Code¹⁶⁰ specifies that any discharge of substances into the water must comply with established standards,¹⁶¹ while hygiene and quality standards for fish processing establishments fall under the jurisdiction of the fisheries ministry.¹⁶² Similarly, the Mining Code¹⁶³ requires both artisanal and industrial mining operations to adhere to public health, workplace safety, and environmental protection standards, mandating that access routes within mining areas respect environmental standards.¹⁶⁴

The Orientation Law on Water Management¹⁶⁵ enforces principles of continuity and adaptability in water management to maintain water quality for domestic use, specifying clear thresholds to ensure safe distribution.¹⁶⁶ Furthermore, the Sustainable Development Orientation Law¹⁶⁷ provides a national framework to harmonise sustainable

154 Ibid.: Arts 89-102.

155 Law No. 006-2013/AN of 2 April 2013, relating to the Environmental Code.

156 Ibid.: Art 10.

157 Ibid.: Arts 68 & 72.

158 Ibid.: Art 135.

159 Ibid.: Art 145.

160 Law No. 003-2011/AN of 5 April 2011, relating to the Forest Code.

161 Ibid.: Art 236.

162 Ibid.: Art 238.

163 Law 016-2024/ALT on the Mining Code.

164 Ibid.: Arts 94, 110, 137 & 152.

165 Law No. 002-2001/AN of 8 August 2001, relating to the Framework Law relating to Water Management.

166 Ibid.: Arts 46 & 50.

167 Law No. 008-2014/AN of 8 April 2014, relating to the Orientation Law on Sustainable Development.

development efforts,¹⁶⁸ promoting the green economy and emphasising risk reduction for environmental sustainability.¹⁶⁹ This law also involves the private sector in promoting sustainable practices and mandates their participation in repairing environmental damage.¹⁷⁰

Under the Agro-Sylvo-Pastoral, Fisheries, and Wildlife Orientation Law,¹⁷¹ fish and agro-sylvo-pastoral products must meet quality standards,¹⁷² with measures in place to encourage quality through labelling and other initiatives.¹⁷³ The Pesticide Management Control Act¹⁷⁴ sets safety and quality standards for pesticide production and repackaging, particularly for emissions and discharges.¹⁷⁵ To minimise environmental pollution risks associated with mineral fertilisers, quality control provisions are enforced; producers must obtain a National Certificate of Conformity (CNC) issued by the ministry responsible for trade, with input from the agriculture ministry, to gain approval.¹⁷⁶

3.4.4 Legal acts relating to capacity building

Environmental management and protection require capacity building for grassroots stakeholders. In Burkina Faso, existing legislative provisions include those governing scientific research and knowledge transfer, as well as the organisation of stakeholders. The Scientific Research and Innovation Orientation Law¹⁷⁷ specifies that scientific research is carried out following the national development plan and the development plans of local authorities.¹⁷⁸ It also specifies that scientific research and innovation activities must generate knowledge contributing to the economic, social, cultural, and environmental development of the country.¹⁷⁹ Finally, it provides for provisions for the valorisation of research results for the benefit of public authorities and users.¹⁸⁰ The Law on the Regulation of Interprofessional Organisations in the Agricultural,

168 Ibid.: Art 2.

169 Ibid.: Art 4.

170 Ibid.: Art 14.

171 Law No. 070-2015/CNT of 22 October 2015, relating to the Agro-Sylvo-Pastoral, Fisheries, and Wildlife Orientation Law.

172 Ibid.: Art 99.

173 Ibid.: Arts 148-151.

174 Law No. 026-2017/year of 15 May 2017, on the Control of Pesticide Management.

175 Ibid.: Arts 15 & 23.

176 Art 3 Law No. 026-2007/AN of 20 November 2007, Establishing Fertiliser Control.

177 Law 038-2013 on the Orientation Law for Scientific Research and Innovation.

178 Ibid.: Art 2.

179 Ibid.: Art 3.

180 Ibid.: Art 43.

Forestry, Pastoral, Fishing, and Wildlife Sectors¹⁸¹ specifies the role of the state in providing support and advice to stakeholders.¹⁸²

3.4.5 International law, bilateral, and multilateral agreements

Burkina Faso is engaged in various international, bilateral, and regional agreements to respond to environmental challenges. At the level of multilateral agreements, we can cite among others:

- The United Nations Framework Convention on Climate Change (UNFCCC),¹⁸³ aimed at limiting greenhouse gas emissions;
- The Kyoto Protocol and Paris Agreement, which aim to reduce global greenhouse gas emissions with specific actions to mitigate climate change and build resilience;¹⁸⁴
- The Convention on Biological Diversity (CBD), which aims to conserve biodiversity, use biological resources sustainably, and share the benefits arising from the utilisation of genetic resources equitably;¹⁸⁵ and
- The United Nations Convention to Combat Desertification (UNCCD), is intended to combat land degradation.¹⁸⁶

At the level of bilateral agreements, this includes, among other things, cooperation with European countries such as France involving initiatives for the sustainable management of natural resources, reforestation, and access to drinking water and partnerships with Germany for sustainable development projects, particularly in the areas of renewable energies and sustainable agriculture.

The country is also involved in African regional agreements aimed at protecting the environment and promoting sustainable development. These include environmental initiatives within the Economic Community of West African States (ECOWAS), including water resource management and combating desertification. However, on 29 January 2025, the country finalised its withdrawal from ECOWAS to form the Sahel States Alliance with Mali and Niger, which could potentially impact certain agreements. Additionally, the country benefits from initiatives under the Congo Basin Forest Partnership for forest conservation and natural resource management, despite not

181 Law No. 050-2012/AN of 30 October 2012, regulating Interprofessional Organisations in the Agricultural, Forestry, Pastoral, Fisheries, and Wildlife Sectors.

182 Ibid.: Art 33.

183 See <https://unfccc.int/resource/docs/convkp/convfr.pdf>, accessed 3 February 2025.

184 See <https://www.acte.centre-val-de-loire.developpement-durable.gouv.fr/du-protocole-de-kyoto-aux-accords-de-paris-a39.html>, accessed 3 February 2025.

185 See <https://www.cbd.int/>, accessed 3 February 2025.

186 See https://www.un.org/en/events/desertification_decade/convention.shtml, accessed 3 February 2025.

being geographically part of the Congo Basin. The Law on the Environmental Code¹⁸⁷ specifies in Article 145 that the management of environmental problems of a trans-boundary nature is done in consultation with the states concerned in compliance with international standards in this area.¹⁸⁸

3.5 Urban planning law

Urban planning law in Burkina Faso is mainly governed by a law that establishes a comprehensive framework to regulate land use, development, and construction activities.¹⁸⁹ This law covers various essential aspects, such as zoning and land use regulation, determining the allocation of land according to permitted activities, and building permits, and regulating the obtaining of permits for construction. It also establishes construction and safety standards to ensure the quality and safety of buildings and ensures the protection of the environment by ensuring the preservation of natural resources in urban planning projects. In addition, the law specifies the conditions for expropriation for public utility and the terms of compensation, as well as dispute resolution mechanisms to resolve disputes related to urban planning. The Ministry of Urban Planning and Housing (MHU) is responsible for implementing this law and supervising urban development, also providing access to legislation, regulations and other relevant resources. Urban planning management is carried out through specific documents, such as the master plan for development and urban planning, which determines the general destination of the land and locates the areas to be urbanised or protected, and the land use plan (POS), which sets out the rules for land use and easements that can go as far as prohibiting construction.¹⁹⁰ All urban municipalities must have a master plan and a POS following the provincial, regional, and national land use plans, while rural municipalities must also have a POS.¹⁹¹ Urban development areas are subject to various operations such as subdivision, restructuring, urban renewal, real estate restoration, and urban consolidation.

3.6 Land use planning law

The Law on Territorial Planning and Sustainable Development establishes the fundamental principles of planning and sustainable development in Burkina Faso.¹⁹² It aims

187 Law No. 006-2013/AN of 2 April 2013, relating to the Environmental Code.

188 Ibid.: Art 145.

189 Law No. 17-2006 AN of 18 May 2006, relating to the Urban Planning and Construction Code.

190 Ibid.: Art 2.

191 Ibid.: Art 18.

192 Law No. 024-2018/AN of 28 May 2018, relating to the Orientation Law on the Planning and Sustainable Development of the Territory in Burkina Faso.

to promote social progress, economic efficiency, and environmental protection, thus, ensuring structured and equitable development of the territory.¹⁹³ This law encourages productive investments and poverty reduction while strengthening the partnership between the state, local authorities, and other stakeholders involved. It also promotes the sustainable management of natural resources and contributes to the preservation of social peace. The general principles include the conservation of biodiversity,¹⁹⁴ the promotion of local techniques to improve land use, and the sustainable management of natural resources. The law guarantees the rehabilitation of degraded areas, the improvement of the living environment, and the management of nature reserves and protected areas. Considering the constraints linked to climate change,¹⁹⁵ it integrates mitigation and adaptation measures to address the adverse effects of these changes.

3.7 Provisions specific to agriculture

Burkina Faso has put in place several legislative and regulatory texts to regulate the use and management of land, with the objectives of securing land rights, promoting sustainable management of land resources and preventing conflicts in rural areas.

The Rural Land Tenure Act, which recognises and protects customary and modern land rights, including land registration and titling, promotes sustainable and environmentally friendly agricultural practices and establishes mechanisms for resolving land conflicts involving local authorities and rural communities.¹⁹⁶

In addition, the Law on Agro-Sylvo-Pastoral, Fisheries, and Wildlife Orientation sets out the principles for the development of the agro-sylvo-pastoral sector, aimed at modernising agriculture, increasing productivity, and ensuring food security.¹⁹⁷ It promotes sustainable agricultural techniques, facilitates farmers' access to essential resources such as water, seeds and agricultural equipment, and sets up support programmes for smallholders including training, subsidies, and easy access to credit.

To protect soils and promote sustainable management, Burkina Faso implements the United Nations Convention to Combat Desertification (UNCCD), implements reforestation and land conservation programs, and initiates training and awareness-raising for farmers on sustainable agricultural practices.

Other legal texts include the Law on Animal Health and Veterinary Public Health,¹⁹⁸ the Law Regulating Interprofessional Organisations in the Agricultural,

193 Ibid.: Arts 2 & 24.

194 Ibid.: Art 5.

195 Ibid.: Art 26.

196 Law No. 034-2009/AN of 16 June 2009, relating to the Rural Land Regime.

197 Law No. 070-2015/CNT of 22 October 2015, relating to the Agro-Sylvo-Pastoral, Fisheries, and Wildlife Orientation Law.

198 Law No. 048-2017/AN of 16 November 2017, relating to the Animal Health and Veterinary Public Health Code.

Forestry, Pastoral, Fishing, and Wildlife Sectors,¹⁹⁹ the Water Management Law,²⁰⁰ the Law on Pastoralism,²⁰¹ the Forest Code,²⁰² the Law on Agrarian and Land Reorganisation,²⁰³ the Environmental Code,²⁰⁴ the Law on Sustainable Development,²⁰⁵ and the Agro-Sylvo-Pastoral, Fisheries, and Wildlife Investment Code.²⁰⁶

Some of the international conventions, which the country has signed up to help regulate the agricultural sector include the Stockholm Convention on Persistent Organic Pollutants, the UNCCD, the UNFCCC, the CBD, and the Convention on Wetlands of International Importance.

3.8 Transparency and environmental justice

3.8.1 Environmental impact studies

Burkina Faso has a comprehensive legislative framework for land management and environmental protection, including strict requirements for conducting environmental impact assessments (EIAs). The law regulates rural land use, securing land rights, and promoting sustainable resource management to prevent conflict.²⁰⁷ It requires EIAs to assess the impacts of projects on the environment.²⁰⁸ Key provisions include land tenure security, sustainable land management, and the requirement to conduct EIAs to identify environmental impacts, prevent land degradation, ensure regulatory compliance, and promote public participation. The decree, issued on 17 July 2001, sets out guidelines for environmental impact studies and notices under the law establishing the Peasant Environmental Code.²⁰⁹ This decree details the scope, content, and approach to be followed to carry out these studies. According to this decree, an EIA is a prospective analysis intended to assess the environmental repercussions of a development

199 Law No. 050-2012/AN of 30 October 2012, regulating Interprofessional Organisations in the Agricultural, Forestry, Pastoral, Fisheries, and Wildlife Sectors.

200 Law No. 002-2001/AN of 8 August 2001, relating to the Framework Law relating to Water Management.

201 Law No. 034-2002/year of 14 November 2002, relating to the Framework Law relating to Pastoralism.

202 Law No. 003-2011/AN of 5 April 2011, relating to the Forest Code.

203 Law No. 034-2012/AN of 2 July 2012, on Agrarian and Land Reorganisation.

204 Law No. 006-2013/AN of 2 April 2013, relating to the Environmental Code.

205 Law No. 008-2014/AN of 8 April 2014, relating to the Orientation Law on Sustainable Development.

206 Law No. 017-2018/AN of 17 May 2018, relating to the Agro-Sylvo-Pastoral, Fisheries, and Wildlife Investment Code.

207 Law No. 034-2009/AN of 16 June 2009, relating to the Rural Land Regime.

208 Law No. 006-2013/AN of 2 April 2013, relating to the Environmental Code.

209 Decree No. 2001-342/PRES/PM/MEE of 17 July 2001 (JON°31 2001) relating to the Scope, Content and Procedure of the Study and Environmental Impact Notice in Burkina Faso.

project or program.²¹⁰ On the other hand, an Environmental Impact Statement (EIS) is a simplified version of the EIA, but it must, nevertheless, provide sufficiently relevant information to assess environmental impacts. The EIA report is a document summarising the results of the study, assisting the project owner in designing a plan that minimises adverse effects and maximises economic and environmental benefits, thus, facilitating informed decision-making by the authority and promoting a better public understanding of the environmental consequences of the project. The project owner, whether a private or public entity, is the one who requests authorisation for the project to be carried out. The environmental management plan includes all the measures that the project owner undertakes to implement to reduce negative impacts and strengthen the positive aspects of the project on the environment.

3.8.2 Public participation

Regarding public participation in environmental justice, the country has established a legislative framework that includes local communities and stakeholders in natural resource management and land use planning processes. Public participation is carried out through various frameworks such as preliminary consultations with local communities to gather their views before any major projects are launched, public meetings and hearings to discuss development plans and specific projects, providing a platform for people's concerns and expectations, and partnerships with local authorities that facilitate public participation by acting as intermediaries between the people and central authorities, ensuring that local voices are heard. There are texts on securing farmers' land rights for sustainable land management, preventing land conflicts and customary and modern land rights.²¹¹

3.8.3 Access to information

The Environmental Code and Rural Land Tenure Acts provide specific provisions for access to environmental information aligned with international transparency standards. The Ministry of the Environment plays a central role in disseminating information through reports, studies, and bulletins accessible online. The National Agency for the Promotion of Information and Communication Technologies also contributes to this accessibility by digitising public data. Public participation is encouraged through consultations within the framework of EIAs and public forums organised regularly to discuss environmental policies. The results of EIAs, as well as proposed mitigation measures, are in principle made public to ensure transparency and allow citizens to

210 Ibid.: Art 2.

211 Law No. 034-2009/AN of 16 June 2009, relating to the Rural Land Regime.

formulate comments and concerns. Annual reports and online databases also facilitate access to this information.

Access to environmental information is crucial to ensure effective public participation in environmental decision-making processes. However, studies such as the 2014 Environmental and Mining Services Assessment Study (EESS) have highlighted gaps in this area, such as a lack of awareness of legal texts, the non-public nature of EIAs and the mining cadastre, and the lack of data collection on the impacts of artisanal mining.²¹² To address these gaps, measures have been proposed, including the dissemination of documents to stakeholders and the availability of reports on relevant websites. In line with this, the Minister of Environment recently launched a digital platform, *Envirinfos*, which aims to provide environmental information accessible to the public.²¹³

3.8.4 Recourse and access to courts

Burkina Faso has established a legal framework to guarantee the right to appeal against administrative decisions that impact the environment and agricultural activities. The Environmental Code Law and the Agro-Sylvo-Pastoral Orientation Law establish procedures to challenge these decisions and protect the rights of citizens and affected communities. Administrative courts are competent to examine these appeals, with the possibility of appealing to the Supreme Court in the event of disagreement. In addition, mediation and arbitration mechanisms are available to resolve land conflicts more quickly and less costly. Local authorities and traditional leaders play an important role in resolving land conflicts, with the National Commission for the Reconciliation of Land Disputes providing a platform for mediation and conciliation between conflicting parties.²¹⁴

Access to justice in Burkina Faso faces several challenges, including the language used in judicial structures. To overcome this barrier, a Support Project for Strengthening Justice to Fight Impunity (PARJI), funded by the European Union, is being implemented. This project supports the Ministry of Justice and Human Rights and the National School of Administration and Magistracy to train court interpreters. This initiative responds to a crucial need to make justice accessible to all, in their mother tongue.²¹⁵

212 CNEE (2023).

213 See <https://lefaso.net/spip.php?article121462>, accessed 3 February 2025.

214 See https://www.hiil.org/wp-content/uploads/2022/09/HiiL-Burkina-Faso-JNS_FR_web.pdf, accessed 3 February 2025.

215 See <https://open.enabel.be/fr/BFA/2473/p/projet-d-support-au-renforcement-de-la-justice-pour-lutter-contre-l-impunit-au-burkina-faso.html>, accessed 3 February 2025.

3.9 Specific instruments to control the behaviour of foreign investors

3.9.1 Respect for public law

Legal and institutional instruments exist to control the behaviour of foreign investors, thus, ensuring that their activities comply with sustainable development goals, environmental standards, and national interests.

The legislative framework includes the Investment Code,²¹⁶ which promotes the entry of foreign capital by guaranteeing freedom of investment, the absence of discrimination, and the same rights for foreign employers and workers as for nationals. The Environmental Code requires EIAs for significant projects and allows the Ministry in charge of the Environment to carry out regular checks and sanction non-compliance. The Agro-Sylvo-Pastoral, Halieutic, and Fauna Investment Code offers similar protection for foreign companies in these sectors. Institutions such as the Burkinabe Investment Agency (ABI) created by a decree in 2018, and the Ministry of the Environment monitor and assist investors to ensure compliance with commitments and local standards. Participation and transparency mechanisms, such as public consultations and monitoring committees, ensure the inclusion of local communities in the decision-making process. Finally, bilateral and multilateral investment protection agreements include sustainable development clauses, aligning foreign investments with national sustainable development objectives.

3.9.2 Land acquisition methods

The Investment Code in Burkina Faso established a set of measures to control and regulate the acquisition of land by foreign investors. This favourable regulatory framework is based on several key principles. First, it guarantees freedom of investment while avoiding any discrimination between domestic and foreign investors, thus, ensuring a fair environment for all parties. In addition, it requires foreign investors to strictly comply with local laws and regulations, including land laws, to prevent any unfair or illegal acquisition of land. This regulation also grants foreign companies equal protection to that of national companies in terms of commercial and intellectual property, thus, eliminating any form of discrimination. Furthermore, it explicitly recognises the right of foreign migrants established in Burkina Faso to acquire land rights, without any distinction, thus, promoting economic and social integration. In addition, the regime guarantees the right of foreign investors to transfer their capital and income, subject to compliance with the provisions of the Investment Code.

216 Law No. 038-2018/AN of 30 October 2018, relating to the Investment Code.

3.9.3 Fair taxation

Fair taxation of foreign investors in Burkina Faso is guaranteed by several legislative provisions.

The Investment Code establishes a common law regime for the benefit of companies, encouraging the entry of foreign capital.²¹⁷ This legislation guarantees freedom of investment, the absence of discrimination between national and foreign investors, as well as total freedom of management and financial transfers. Foreign investors are subject to the same duties, contributions, and taxes as nationals, following the legislation in force. In addition, foreign companies benefit from equitable protection concerning commercial properties and intellectual properties, with fair and equitable treatment excluding any discriminatory measure. Furthermore, the Agro-Sylvo-Pastoral, Fishing, and Wildlife Investment Code grants foreign companies the same protection as national companies in terms of commercial and intellectual property.²¹⁸ In addition, Burkina Faso adopted a law establishing a special tax and customs regime in June 2012 applicable to investment agreements signed with the state.²¹⁹ This regime aims to attract foreign investors, particularly those with significant capital to invest, in the implementation of “growth poles”. It guarantees the right to transfer capital and its income to foreign investors making investments financed by a contribution of foreign currency.²²⁰

3.10 Legal requirements for environmental monitoring

3.10.1 Competence of the bodies responsible for the application of legislation

Environmental management and enforcement of environmental laws in Burkina Faso involve a variety of both governmental and non-governmental agencies. The Ministry of the Environment plays a leading role, overseeing various technical departments and services, including water management, coordination of efforts against climate change, and biodiversity preservation. In parallel, institutions such as the National Agency for the Promotion of Renewable Energy and Energy Efficiency (ANEREE), the National Office for Water and Sanitation (ONEA), the National Agency for Environmental Assessments (ANEE), and the National Energy Sector Regulatory Authority (ARSE), the National Public Health Laboratory (LNSP) also contribute to environmental

217 Ibid.: Arts 9-10.

218 Art 13 of Law No. 017-2018/AN of 17 May 2018, relating to the Agro-Sylvo-Pastoral, Fisheries, and Wildlife Investment Code.

219 Law 025-2012/AN establishing a Special Tax and Customs Regime applicable to Investment Agreements signed with the state as part of the Implementation of the Accelerated Growth and Sustainable Development Strategy (SCADD).

220 Ibid.: Art 4.

monitoring. Local and international NGOs, including the International Union for Conservation of Nature (IUCN) and the Sustainable Development Actors Network (RADD), also play an active role in environmental monitoring, through advocacy and awareness-raising. These organisations are tasked with developing and implementing environmental policies, monitoring activities to ensure compliance with laws, conducting environmental impact studies, and imposing sanctions in the event of non-compliance. On the legislative level, the Environmental Code establishes the principles and rules for environmental protection. The processes of environmental impact studies, environmental monitoring and control, as well as sanction measures in the event of non-compliance with environmental standards are regulated by a strict legal framework.

3.10.2 Accessibility to environmental data

Transparency of environmental data is an essential pillar of responsible management of natural resources and public engagement in environmental preservation.

In Burkina Faso, several initiatives and mechanisms promote the transparency of environmental data. Government data portals, such as those of the Ministry of Environment, Green Economy, and Climate Change (MEEVCC) and the Agency for Environment and Sustainable Development (AEDD), provide online access to a variety of environmental information, including reports and impact studies. In addition, regular public reports on the state of the environment are published by government agencies, covering crucial aspects such as biodiversity, pollution, and climate change. Public consultations are also integrated into environmental assessment procedures, allowing local communities to be informed and participate in decisions regarding development projects. In addition, civil society organisations play a key role in collecting, publishing, and disseminating environmental data, while raising awareness of environmental issues. Finally, the media and awareness campaigns organised by government and non-government actors also contribute to the dissemination of environmental information, thereby strengthening transparency and public engagement in environmental protection in Burkina Faso. However, despite this progress, Burkina Faso faces a need for institutional capacity building and public awareness of the importance of environmental data transparency. To address these challenges, it is essential to continue efforts to improve the accessibility and quality of environmental data while strengthening collaboration between government actors, civil society, and local communities.

3.10.3 Expertise and research institutions

The expertise and technical skills required for effective environmental monitoring are essential in Burkina Faso. However, the country faces several challenges in this area. It is essential to continue training and strengthening the skills of environmental professionals. Government institutions, supported by international organisations, are running training programs aimed at improving technical skills in environmental monitoring. In addition, recruiting qualified specialists in various related fields is crucial to strengthen local expertise.

Research institutions play a crucial role in providing scientific data, analysis and recommendations based on rigorous research. These institutions include the National Environmental Information System (SNIE), the Ministry of Quarries, Mines and Energy (BUMIGEB), the National Soil Bureau (BUNASOLS), universities and polytechnics across the country, the National Centre for Scientific and Technological Research (CNRST) with its institutes such as the Institute of Environment and Agricultural Research (INERA) and the Institute for Research in Applied Sciences and Technologies (IRSAT), as well as the Directorate of Meteorology.

In the field of research, considerable efforts are being made to understand and control the dynamics of ecosystems through various research devices set up in several forests of the country. These are mainly devices to study anthropogenic influences such as fires, logging, grazing, increasing urbanisation and agricultural activity, as well as climatic variations. The objective is to design effective and adapted technical tools to ensure sustainable management of natural forests. There are also long-term experimental devices that aim to study the long-term effects of different fertilisation practices on soil productivity. The oldest of these devices is the one that has been set up since 1960 at the agricultural and environmental research station of Saria, located in the centre-west of the country. Research carried out on this device since its establishment highlights key elements for sustainable agriculture. They first emphasise the crucial importance of organic amendments to support long-term production of sorghum, cotton and cowpea. Furthermore, these studies highlight the essential role of crop rotation, particularly with legumes such as cowpeas, to maintain sustainable production in the long term by preserving soil fertility and reducing disease risks. Furthermore, they highlight both the importance, and the challenges associated with the use of mineral and/or organic amendments, as well as crop rotation to achieve sustainable agriculture.²²¹

Collaboration among different stakeholders, including government agencies, NGOs, research institutions, and international partners, is crucial to improve environmental knowledge production and to share resources, knowledge, and best practices.

²²¹ See <https://www.foodsystemstories.org/blog/20/04/20/long-term-field-trial-of-saria-leading-to-a-sustainable-agricultural-production-and-food-system-in-sub-saharan-africa>, accessed 3 February 2025.

However, despite the potential of research institutions, several challenges persist, including a lack of adequate funding, the need for modern monitoring equipment, and insufficient accurate and up-to-date data. To overcome these obstacles, it is crucial to improve coordination among different stakeholders and strengthen the institutional framework.

3.10.4 Personnel and equipment

The availability of qualified personnel is crucial for effective environmental monitoring. In Burkina Faso, several challenges remain in this area.

In terms of training and capacity building, there is an urgent need for continuing education programs in areas such as environmental impact assessment, natural resource management, and modern monitoring techniques. In addition, there is a need for the recruitment of specialists in specific fields such as hydrology, waste management, and other related disciplines. Collaborations with universities, research institutes, and academia are essential to develop a talent pool and provide opportunities for training and applied research.

In terms of technical equipment, the country faces limitations in terms of equipment. Indeed, environmental agencies need modern monitoring devices such as air quality sensors, water monitoring stations, and remote sensing equipment to track changes in the environment. Furthermore, although laboratory analysis capacities exist in some universities and research institutions, these laboratories have yet to be well equipped for soil, water, and air analysis, and to conduct in-depth environmental research. Capacity building in equipment maintenance is also important. Finally, Information and Communication Technologies (ICT), such as the use of Geographic Information Systems (GIS) and environmental databases is crucial for monitoring and managing environmental data.

Burkina Faso benefits from the support of various international partners and organisations to strengthen its environmental monitoring. Some cooperation projects funded by international organisations, such as the World Bank, the United Nations Environment Program (UNEP), the European Union, and the International Atomic Energy Agency provide financial and technical resources to improve monitoring capacities. Training programs and workshops organised in collaboration with international partners also help to develop local skills.

3.11 Institutional frameworks

The institutional framework for the management of natural resources reflects a certain instability since independence, with a distribution of skills between various ministries

and structures. It presents a structuring in different levels of decision, namely the central level, the decentralised/deconcentrated level, and the non-state level.

At the central level, a multitude of ministries and structures, including the National Assembly, as well as the ministries in charge of the Environment, Energy, Research, Agriculture, and Animal Resources, are involved in the management of these resources.

The decentralised and deconcentrated levels include regions, provinces, departments, and municipalities. Finally, non-state structures include a variety of actors such as chambers of trade, professional associations, NGOs, local actors, training and research institutions, technical and financial partners, as well as regional and international cooperation structures.

Concerning the environment, it is based on an institutional framework structured around the Ministry in charge of the Environment and Living Environment, as well as other ministries and structures concerned with the management of natural resources. At the central level, the Ministry in charge of the Environment is the main actor, organised into General Directorates, in particular the General Directorate of Nature Conservation and the General Directorate of the Improvement of the Living Environment, with the Directorate of Environmental Assessments playing a crucial technical role. The Permanent Secretariat of the National Council for Sustainable Development (SP-CNDD) ensures coordination and consultation, with a specialised commission on legislation and environmental assessments. The operational plan is supported by the Directorate of Environmental Assessments (DEE), responsible for promoting environmental assessments, supervising impact studies, analysing and validating reports, and contributing to the regional harmonisation of procedures. It is organised into two departments: promotion of environmental assessments and monitoring/control of environmental management plans.

4 Legislation concerning the main drivers of land degradation

4.1 Urbanisation

Legislation on land degradation and urbanisation in Burkina Faso is based mainly on specific laws on land use planning, urban planning, and the environment, as well as on implementing decrees and local regulations.

The Law on Land Use Planning and Sustainable Development, for example, aims to promote rational and sustainable management of natural resources and to improve living conditions through the creation and renovation of urban infrastructure.²²² It

²²² Law No. 024-2018/AN of 28 May 2018, relating to the Orientation Law on the Planning and Sustainable Development of the Territory in Burkina Faso.

allows the state and local authorities to acquire land through expropriation procedures or by right of pre-emption for urban development projects. This legislation also establishes principles of soil and water conservation, and respect for land, while integrating objectives of social progress, economic efficiency, and environmental protection.

In terms of sanctions, fines and imprisonment are provided for those who carry out construction or modifications without a permit, and demolitions can be ordered for illegal constructions. The Urban Planning and Construction Code regulates urban planning and construction, imposing technical controls to guarantee the solidity and safety of the works.²²³ The establishment of a planning police force, as well as monitoring and evaluation mechanisms, ensure the implementation and compliance with these laws, contributing to structured and sustainable urban development in Burkina Faso.

The Law on Land Use Planning and Sustainable Development and the Urban Planning and Construction Code of Burkina Faso aims to promote sustainable land use planning and development. These laws aim to integrate objectives of social progress, economic efficiency, and environmental protection, by structuring, harmonising, and balancing territorial development. They also seek to reduce poverty, encourage citizen participation, and ensure sustainable management of natural resources.

Regarding urban planning, the law specifies that urban infrastructure must be developed and renovated to improve living conditions.²²⁴ The state and local authorities may acquire land for this purpose by various legal means, including expropriation. The Ministry of Urban Planning, in collaboration with other ministries, is responsible for delineating the master development plans.

The law also establishes the fundamental principles of rational management of natural resources, including the conservation of water and soil and the protection of land according to its purpose.²²⁵ As for sanctions, it provides for violations of development plans, with fines and suspensions for the approved experts involved, and establishes a development police force to coordinate prevention and repression actions.²²⁶

Articles 99 and 100 detail the regular monitoring and evaluation of planning policies and legislation, carried out by the Ministry of Regional Planning, which must prepare periodic reports on the state of sustainable development in the territory.

The Urban Planning and Construction Code organises and regulates the areas of urban planning and construction. It imposes fines and prison sentences for construction without a permit and requires mandatory technical inspections for certain types of construction to ensure the safety and stability of the works.

223 Law No. 17-2006 AN of 18 May 2006, relating to the Urban Planning and Construction Code.

224 Arts 28-30 of Law No. 024-2018/AN of 28 May 2018, relating to the Orientation Law on the Planning and Sustainable Development of the Territory in Burkina Faso.

225 Ibid.: Arts 1, 2 & 5.

226 Ibid.: Arts 102-104.

4.2 Industrial and artisanal mining

Mining plays a crucial role in Burkina Faso's economy, particularly through the gold sector, which contributes significantly to national revenues. However, this activity generates environmental, social, and economic challenges. The legal framework, foreign investors, and monitoring of mining are essential to maximise socio-economic benefits while minimising negative impacts on the environment and local communities. An integrated approach involving the government, mining companies, local communities, and civil society organisations is necessary to ensure sustainable and equitable mining.

The legal framework governing mining is based on the new Mining Code, adopted in 2024, which establishes the conditions for granting mining permits, the obligations of mining companies in terms of social and environmental responsibility, and the terms of sharing revenues with the state. For example, the law stipulates that individuals or legal entities may conduct mining activity on state land, on the domains of local authorities, or the land assets of individuals.²²⁷ However, the conduct of such activities is subject to the prior obtaining of a mining title. In addition, mining activities must be conducted in a manner that ensures the preservation and management of the environment,²²⁸ and the sites must be rehabilitated using mining funds supplied by annual contributions from holders of operating permits.²²⁹

The new Mining Code governs all mining operations, including prospecting, exploitation, processing, transport, transformation, marketing, and rehabilitation of mining sites. Administrative, financial, or criminal sanctions are provided for violations including those of non-compliance with environmental clauses.²³⁰ Environmental impact studies (EIA) or environmental and social impact notices (NIES) are mandatory before any mining activity and failure to comply with these obligations is considered a violation.²³¹ Sworn or mandated agents of the Mining Administration or any other agent duly mandated by another administration are responsible for monitoring and controlling mining activities to ensure their compliance with the legislation. The new Mining Code also provides for artisanal mining with specific permits.

Although these regulations aim to mitigate the negative impacts of industrial and artisanal mining, their effectiveness depends on their implementation, awareness-raising among the actors involved, and the rigorous application of sanctions in the event of non-compliance.

227 Art 6 of Law 016-2024/ALT on the Mining Code.

228 Ibid.: Arts 152 & 155.

229 Ibid.: Arts 28 & 32-33.

230 Ibid.: Art 204.

231 Ibid.: Art 205.

4.3 Industry and infrastructure

Industry and infrastructure are governed by various laws and regulations aimed at mitigating adverse impacts on land and the environment. Environmental legislation requires infrastructure and industry developers to conduct EIAs to assess potential impacts on land, natural resources, and local communities. An environmental permit must be obtained before any industrial or infrastructure project begins, stipulating the conditions necessary to minimise environmental impacts.

Spatial planning requires that industrial and infrastructure projects comply with land use and urban planning plans, defining industrial zones, protected areas, and sensitive areas. Construction and waste management standards must be respected to limit negative impacts on land, including the use of sustainable construction techniques and efficient waste management.

Government authorities monitor and control industrial and construction activities to ensure compliance with environmental legislation. Regular inspections help detect violations and apply corrective measures if necessary. The environmental responsibility of developers is also emphasised, requiring the rehabilitation of sites after the end of projects to restore degraded land.

The Environmental Code frames these activities with principles such as public participation, prevention, precaution, polluter pays, and sustainable development. It stipulates that authorities must facilitate access to environmental information and encourage the participation of populations in decision-making processes.²³² It requires that industrial activities avoid harmful effects on the environment and authorises the closure or suspension of establishments presenting serious dangers to public health.²³³

Penalties for environmental violations are strict. It allows the jurisdiction to publish convictions, suspend activities, or close offending establishments.²³⁴ They also provide for fines and imprisonment for violations of environmental requirements, including non-compliance with EIAs, opposition to environmental monitoring, and illegal treatment of hazardous waste. Finally, the law establishes control of products placed on the market, radiation sources, and biological and genetic monitoring of the territory, thus, ensuring comprehensive and proactive management of the environmental impact of industries and infrastructure in Burkina Faso.²³⁵

232 Art 6 of Law No. 006-2013/AN of 2 April 2013, relating to the Environmental Code.

233 Ibid.: Arts 37 & 46.

234 Ibid.: Art 122.

235 Ibid.: Art 101.

4.4 Agriculture (animal production)

The pastoral areas of the lands in Burkina Faso, designated as “open pastoral areas”, are often sources of conflict between pastoralists and farmers due to their multiple uses. These conflicts are exacerbated by unclear laws on their management and access to natural resources. To address these challenges, the Pastoralism Orientation Law, adopted on 14 November 2002, aims to secure these areas and guarantee pastoralists equitable access to natural resources. It sets out the principles for sustainable and integrated development of pastoral activities. Pastoral resources include plant, water, and mineral resources exploited for pastoral livestock farming, while pastoral areas are areas allocated and open to animal grazing, including special development areas and fodder crop areas.

The law stipulates that the state and local and regional governments must guarantee pastoralists the right to access and equitable use of resources, improve the performance and quality of pastoral livestock farming, and protect and develop pastoral areas. Specific regulations include pasture management to prevent overgrazing, protection of water resources, management of animal waste, rehabilitation of degraded areas, and awareness-raising and training of livestock farmers. The law provides for penalties for various offences, such as fines for illegal clearing and unauthorised settlement, as well as imprisonment for serious offences. Offences are recorded by judicial police officers and sworn agents, and penalties are applied following the laws and regulations in force.

The key provisions are relevant to ensure sustainable and balanced development of these activities. The law prohibits clearing for agricultural purposes in pastoral areas²³⁶ and allows animals to access fallow agricultural land, except for specific restrictions.²³⁷ In terms of offences and penalties, the law provides for fines and imprisonment for various violations, such as illegal settlement in special development areas, unauthorised clearing, or dumping of toxic products. Violations are recorded by judicial police officers and sworn agents, with sanction procedures per the Code of Criminal Procedure.²³⁸

4.5 Agriculture (use of pesticides)

The Pesticide Control Law establishes a framework for monitoring pesticide management in Burkina Faso and a framework for supervising all activities related to these substances. It defines the scope of control, the creation of a National Pesticide Management Committee (CNGP), as well as the regulatory procedures and standards to be

236 Art 23 of Law No. 034-2002/an of 14 November 2002, relating to the Framework Law relating to Pastoralism.

237 Ibid.: Art 26.

238 Ibid.: Arts 49-50.

followed.²³⁹ It specifies the control procedures, the approval requirement, and the control standards on production, experimentation, storage sites, etc.²⁴⁰

As for offences and penalties, it lists the various acts considered as offences, such as the production or importation of pesticides without a valid licence, and the corresponding penalties, ranging from imprisonment to fines, as well as the withdrawal or suspension of licence in the event of serious offences.²⁴¹

For monitoring, it specifies the skills of the agents authorised to search for and note offences, the terms of police custody, the possibility of transactions for certain offences, and the management of fines and confiscations.²⁴² The main legal provisions clearly define the scope of the control, with the creation of a National Pesticide Management Committee responsible for supervising all stages of this management. The control procedures, entrusted to the agents of the Ministry of Agriculture, require approvals for any activity related to pesticides and specify the standards to be followed.

4.6 Agriculture (mineral fertilisers)

The legislation on plant production and the use of mineral fertilisers in Burkina Faso aims to regulate these activities while preserving the land and the environment. It regulates the use of fertilisers, requiring their approval by the competent authorities and compliance with good agricultural practices to preserve the health of the soil and the environment. Fertiliser labelling is also strictly regulated, providing comprehensive information on their composition, recommended dosage, and environmental impact. The Burkinabe government is implementing training programs to raise awareness among farmers about good fertiliser use practices, promoting rational and sustainable use. Government authorities monitor and control fertiliser use, with regular inspections to detect violations and take corrective measures. In addition, farmers are required to effectively manage agricultural waste, including fertiliser packaging, to avoid soil and water contamination, thereby encouraging environmentally friendly agricultural practices.

The law adopted on 20 November 2007, establishes a system of control of fertilisers, covering their import, export, and local production.²⁴³ In the event of an infringement, administrative or judicial measures are based on analysis reports from approved laboratories and inspection reports. Non-compliant fertilisers may be seized or

239 Arts 1-4 of Law No. 026-2017/an of 15 May 2017, on the Control of Pesticide Management.

240 Ibid.: Arts 5-12.

241 Ibid.: Arts 50-71.

242 Ibid.: Arts 73-77.

243 Art 1 of Law No. 026-2007/AN of 20 November 2007, establishing Fertiliser Control.

confiscated, and refusal to re-label within the prescribed time limits may result in the suspension of approval and confiscation of the offending batch.²⁴⁴

Monitoring of these activities, placed under the responsibility of the Ministry of Agriculture, includes controls at borders, at production and sales sites, as well as sampling and analyses in approved laboratories. In addition, the creation of a National Fertiliser Control Commission (CONACE) aims to contribute to the development of the national policy on fertiliser control and promotion, underlining Burkina Faso's commitment to the responsible use of mineral fertilisers and environmental protection.²⁴⁵

4.7 Agriculture (good agricultural practices)

In Burkina Faso, legislation on good agricultural practices is mainly focused on land preservation and the promotion of sustainable agricultural methods. Forest legislation in Burkina Faso establishes a rigorous framework for the sustainable management of forest resources and the prevention of their degradation. In terms of scope, it establishes the fundamental principles of sustainable management and development of forest, wildlife, and fisheries resources,²⁴⁶ and specifically aims to protect and enhance these resources.²⁴⁷ Bushfires are strictly prohibited,²⁴⁸ except in controlled and regulated circumstances.²⁴⁹ Any activity that could harm the balance of forests, such as unauthorised clearing,²⁵⁰ and the carrying out of major works without prior authorisation and EIA,²⁵¹ is also prohibited. Violations of these provisions are severely punished, ranging from imprisonment to significant fines.²⁵² Furthermore, monitoring and implementation of these regulations are ensured through inspections and legal proceedings carried out by the relevant ministries, as stipulated.²⁵³

4.8 Institutions and procedures (application of the law)

Land degradation legislation mobilises various institutions and procedures to ensure effective and sustainable management. The Ministry of Environment, the Ministry of

244 Ibid.: Arts 13-15 & 26.

245 Decree No. 2011-880/PRES/PM/MAH/MEDD/MEF/MICA/MRSI of 8 November 2011, on the composition and operation of the National Fertiliser Control Commission.

246 Art 1 of Law No. 003-2011/AN of 5 April 2011, relating to the Forest Code.

247 Ibid.: Art 2.

248 Ibid.: Art 50.

249 Ibid.: Art 51.

250 Ibid.: Art 47.

251 Ibid.: Art 48.

252 Ibid.: Arts 263-266.

253 Ibid.: Arts 251-253.

Agriculture, the Ministry of Urban Planning and Housing, the Ministry of Mines and Energy, as well as local authorities such as municipalities, are responsible for enforcing these laws. Enforcement procedures include regular inspections, investigations, and interventions to ensure compliance. In the event of non-compliance, administrative, civil, or criminal sanctions, such as fines, suspension of activities, and legal proceedings, may be applied. In parallel, authorities and civil society organisations conduct awareness-raising and training campaigns to inform various stakeholders about land degradation risks and preventive measures. Burkina Faso is also working with international partners and regional organisations to strengthen its land management capacities, including through access to funding and training programs.

4.9 Data management and popularisation

Regarding data management and outreach on land degradation in Burkina Faso, various initiatives and legislative provisions are put in place to collect, manage, and disseminate relevant information for sustainable land management. Government institutions, such as the Ministry of Environment and the Ministry of Agriculture, play a central role in collecting data on land conditions, soil degradation, agricultural practices, natural resource use, and other relevant indicators. These data are crucial for assessing land degradation trends and identifying areas at risk. Geographic information systems (GIS) are used to map and analyse spatial data related to land degradation, facilitating the visualisation of changes in land use, land cover, and degradation trends. The government is establishing data-sharing platforms to enable researchers, policy-makers, practitioners, and the public to access reliable and up-to-date information.

Although data collection and sharing systems exist, it is important to highlight the lack of coordination between the institutions responsible for this collection, which often leads to duplication of efforts and misuse of financial resources. The third symposium on Sustainable Land Management (SLM) in Burkina Faso, in its Ouagadougou declaration, highlights the crucial need to establish a national platform for the formalisation of SLM and recommends the creation of a regional SLM platform under the coordination of sub-regional institutions.²⁵⁴ Extension programmes are organised to raise awareness among farmers and local communities about good land management practices, providing information on soil conservation, erosion control, water management, crop rotation, and other sustainable farming techniques. Field agents receive specialised training to advise farmers and awareness campaigns are conducted through the media, community events and public meetings to inform the public about land degradation issues and promote responsible behaviour in natural resource management.

254 SSSBF-CILSS-ANSAL (2021).

4.10 Role of traditional leaders

The role of traditional leaders in land degradation management is critical and often recognised in national legislation and policies. Existing legislation recognises traditional leaders as key actors in natural resource management, valuing their local knowledge, authority, and influence over communities in national natural resource management policies.

Traditional leaders are consulted and actively participate in the development of land management policies and programmes, with their views and perspectives considered in the design and implementation of strategies to prevent land degradation and promote the conservation of natural resources.

In collaboration with local authorities, such as municipal councils, traditional leaders participate in land management and decision-making regarding the use of communal land, acting as mediators and coordinators between local communities and government institutions. They often encourage the adoption of traditional and sustainable agricultural practices, such as agroforestry, community-based pasture management, and crop rotation, which preserve soil fertility and reduce erosion.

In addition, traditional leaders raise awareness and educate local communities on land degradation issues, using their moral authority and communication skills to promote environmentally friendly behaviours and sustainable land management practices. However, the effectiveness of their role depends on several factors, including collaboration with government authorities, active participation of local communities, and the integration of their traditional knowledge into land management policies and programs.

4.11 Dispute resolution

Land degradation dispute resolution legislation aims to resolve land and environmental disputes efficiently and equitably. The Burkinabe legal framework includes environmental legislation and other specific laws concerning land and natural resource management. These texts lay down the basis for the management of land and environmental conflicts, and specific provisions are found in environmental legislation. For example, the Forest Code allows the competent departments of the ministries of the environment, wildlife, and fisheries to bring actions and prosecutions before the competent criminal courts for offences against forestry, wildlife, and fisheries legislation.²⁵⁵ In addition, mechanisms such as mediation, arbitration, and tribunals are provided to find acceptable and lasting solutions to land and environmental disputes.

²⁵⁵ Art 251 of Law No. 003-2011/AN of 5 April 2011, relating to the Forest Code.

Community mediation, often led by elders, traditional chiefs, and other community leaders, plays a key role in resolving land and environmental conflicts. In some areas, customary courts apply customary law to resolve these disputes, considering local customs and traditions in their decisions. The law also guarantees access to justice for all parties involved in conflicts, ensuring fair and impartial treatment of cases and respecting the fundamental rights of those affected.

In addition to resolving conflicts, the legislation aims to prevent them by promoting good land governance, clarifying property rights, strengthening natural resource management, and fostering dialogue and collaboration between stakeholders.

4.12 Land management

Land management in Burkina Faso is essential to prevent land degradation, resolve land conflicts, and promote sustainable use of natural resources. It aims to ensure land security, prevent conflicts, and promote sustainable use of agricultural land and natural resources, thereby, protecting the rights of local communities, preserving the environment, and promoting sustainable rural development. The Law on Rural Land Tenure regulates rural land management. This law specifies that it aims to ensure equitable access to rural land, promote investment, increase productivity in the agro-sylvo-pastoral sector, and promote poverty reduction in rural areas.²⁵⁶ It also encourages rational and sustainable management of natural resources and contributes to the preservation of social peace.

Burkinabe legislation recognises customary land rights, particularly in rural areas, where traditional practices and local customs predominate. These rights are often administered by traditional chiefs and customary authorities. The Law on Agrarian and Land Reorganisation emphasises the importance of securing the land rights of all rural land stakeholders.

To ensure the legal security of property titles and prevent land conflicts, Burkina Faso is setting up rural land registry systems according to which all land constituting the rural land domain of local authorities must be listed, demarcated, and registered in the name of the local authority concerned.²⁵⁷ These lands are then managed rationally and sustainably by the competent community services, with the support of the state's technical services.

In the management of communal lands, the legislation provides mechanisms to ensure equitable and sustainable use, while preserving the rights of local communities. Rules and procedures regarding land acquisition by third parties, such as foreign investors or companies, are strictly regulated to ensure that such acquisitions do not

256 Art 1 of Law No. 034-2009/AN of 16 June 2009, relating to the Rural Land Tenure.

257 *Ibid.*: Art 30.

compromise the interests of local populations and do not contribute to land degradation.

4.13 Foreign investors

Foreign investors play a major role in Burkina Faso's mining sector, providing financing, technical expertise, and access to international markets. According to statistics from the country's Chamber of Mines, foreign mining investment reached USD 500 million in 2023, representing 60% of total investment in the mining sector. Research has highlighted the importance of foreign investment in Burkina Faso's mining development, highlighting its contribution to job creation, infrastructure development, and revenue generation for the government and local communities.²⁵⁸ Moreover, other work has shown that foreign investors have also played a role in the transfer of technologies and good environmental practices in the mining sector.²⁵⁹ Foreign investment in Burkina Faso, while promoting economic growth, can have significant impacts on land degradation. Industrial agriculture and mining, the main targets of these investments, are often accompanied by practices that deplete soils, cause deforestation, and worsen erosion. Land grabbing for large-scale agricultural projects deprives local communities of their traditional lands, while mining activities pollute soils and water resources with toxic chemicals. In addition, increased pressure on water resources for irrigation and mining contributes to desertification, which is already a concern in the country. These impacts are often exacerbated by a lack of strict environmental regulation, allowing investors to pursue unsustainable practices. Thus, foreign investment, if not framed by rigorous environmental policies, can accelerate land degradation and compromise Burkina Faso's ecological resilience.

5 Recommendations

Given the various challenges facing Burkina Faso's soils, it is crucial to examine several key aspects of soil management, including improving legislation and policies, strengthening enforcement and monitoring, improving land rights, and other measures to promote their sustainable management.

258 Kansole et al. (2021).

259 Garcia (2021).

5.1 Improving legislation and policies

To strengthen the legislative and political framework for soil management and protection in Burkina Faso, several actions could be undertaken.

It is crucial to regularly review the Mining Code, for example, every five years, to ensure that it remains aligned with developments in the sector and international best practices. Strengthening environmental standards is also essential. Indeed, the Mining Code must integrate precise criteria for waste management, site rehabilitation, and the protection of biodiversity.

Promoting responsible artisanal mining requires the development of supportive policies, including training, access to finance and incentives for environmentally and human rights-friendly practices. The integration of CSR should be required of mining companies, with a focus on community engagement, local job creation, and social infrastructure development.

To ensure transparency and accountability, transparent monitoring and evaluation mechanisms must be put in place.

Encouraging research and development is also crucial to foster innovation, particularly in energy efficiency, reducing greenhouse gas emissions, and more environmentally friendly soil management technologies.

Institutional capacity building is also essential. Government agencies responsible for environmental regulation and monitoring must receive adequate training and sufficient resources to improve their effectiveness and integrity in implementing existing policies and regulations.

5.2 Improving enforcement, monitoring, and access to information

Improving the enforcement of mining legislation, strengthening environmental monitoring, and transparent access to information for stakeholders will contribute to a more responsible and sustainable use of natural resources, particularly soils. To achieve this, it is crucial to strengthen monitoring capacities by investing in training and equipping monitoring bodies, as well as establishing anonymous reporting mechanisms to report violations.

Improving access to environmental information involves creating a national public online platform that would make environmental impact reports, mining permits, and data on emissions, waste and land management and degradation accessible.

Strengthening corporate accountability must include establishing dissuasive sanctions for those who violate environmental and social laws, ensuring that they compensate for damage caused to the environment and local communities.

Promoting public participation is essential and should be strengthened by encouraging the active participation of citizens and civil society organisations in the mining

monitoring process, including through regular public consultations and increased collaboration between stakeholders.

Strengthening dispute resolution mechanisms is necessary to quickly and fairly resolve disputes between mining companies, local governments, and affected communities.

Integrating innovative technologies such as drones, sensors, and remote monitoring systems can also enhance environmental monitoring and enable early detection of illegal or non-compliant activities.

Finally, it is important to strengthen international partnerships by working with other countries and regional organisations to exchange best practices, data, and resources in environmental monitoring, to strengthen national capacities and improve international standards.

5.3 Improvement of land rights

Improving land rights requires fairer mining that respects local communities. Burkina Faso must recognise and protect communities' customary land rights on land affected by mining activities. This involves considering their traditional governance systems and resource management practices. It is also essential to facilitate local communities' access to effective legal remedies in the event of violations of their land rights by mining companies, by providing adequate legal and financial support.

Formal and inclusive consultation mechanisms must be put in place to ensure that the free, prior, and informed consent of local communities is obtained before mining licenses are granted. Strengthening women's rights is crucial and their land rights must be recognised and protected, abolishing discriminatory practices, and ensuring their meaningful participation in decisions regarding mining.

Land demarcation and mapping are necessary to clarify land rights and avoid conflicts related to the overlapping of mining titles and customary rights. In addition, it is essential to raise awareness among local communities about their land rights and the implications of mining, by providing them with training on legal procedures, grievance mechanisms, and available remedies.

Finally, monitoring and evaluation mechanisms must be put in place to monitor the impact of mining activities on the land rights of local communities, allowing their active participation in this process.

5.4 Improving control of foreign investors

Burkina Faso can strengthen its control over foreign investors in the mining sector and the industry in general, by promoting more responsible and equitable exploitation of

natural resources and maximising economic benefits for the country and its citizens through several key actions.

Strengthening transparency requirements by requiring full disclosure of mining contracts, payments made to governments, and ownership structures of mining companies is essential to combat corruption and ensure responsible management of natural resources.

The establishment of mechanisms to monitor financial flows related to foreign investments, in cooperation with international financial institutions and anti-money laundering agencies, is also crucial. It is important to conduct economic impact studies to assess the impact of foreign investments on the national economy, focusing on job creation, tax revenues, and infrastructure development.

Encouraging local participation is another priority, by facilitating access to public markets for local companies, encouraging partnerships with foreign investors, and promoting the transfer of skills and technologies.

The promotion of CSR should be encouraged so that foreign investors support social, educational, and environmental development initiatives in the areas of operation. It is also crucial to strengthen the monitoring of the environmental practices of foreign companies, requiring their compliance with national and international standards on environmental protection and waste management.

Finally, promoting public-private partnerships between government, foreign companies, and civil society organisations is essential to ensure transparent and responsible management of natural resources, ensuring that the benefits of exploitation benefit the entire population.

5.5 General recommendations

To improve legislation and policies regarding soil management, several recommendations should be considered. It will be necessary to strengthen mandatory environmental assessments, requiring more rigorous studies for all investment projects likely to have a significant impact on the environment. Encouraging consultation with local stakeholders is crucial, and this can be achieved by establishing more inclusive consultation mechanisms for local communities and civil society organisations. Environmental safeguards should be established by imposing financial guarantees for foreign investors to cover the potential costs of restoring degraded land. Promoting green technology and good environmental practices should be prioritised, encouraging the transfer of sustainable technologies and practices through tax incentives and subsidies. Additionally, strengthening institutional capacities to improve monitoring and enforcement of environmental and land regulations is vital. Local regulations should be harmonised with international standards on CSR, environmental protection, and human rights to ensure more responsible investments. It is also important to include sustainable

development clauses in investment protection agreements to ensure that foreign investments contribute to national sustainable development objectives while minimising their environmental impact. Strengthening the skills of magistrates, who are often insufficiently trained on environmental issues, is another key consideration, and creating specialised soil courts could be beneficial. An effective strategy, including clear communication regarding soil legislation, should be established to ensure the application of existing laws. Integrating land legislation into national development policies and strategies is essential, as is including soil legislation in the curricula of agricultural and rural training schools. Finally, the development of a specific collection on soil legislation would provide further clarity and support for effective soil management.

Burkina Faso should adopt specific legislation on soil management. This legislation should establish a clear institutional anchor for soil issues, strengthen soil monitoring and data management, and include specific provisions for all soil-related sectors, such as crop production, livestock, mining, industry and infrastructure, water, forests, and agricultural inputs. It is also crucial to include appropriate measures in the event of social or political conflict, as is currently the case with terrorism, and to prioritise incentives rather than punitive measures for soil protection.

In terms of soil management, it is essential to implement several key measures in the legislation. This includes the carrying out of prior or periodic soil or morpho-soil studies, as well as the assessment of land on agricultural, forestry, pastoral, fishing, and wildlife farms, whether public or private.

It is also crucial to regularly conduct physical, chemical, biological, and microbiological analyses of soils, fertilisers, organic amendments, plants and irrigation water.

Water and soil conservation, as well as soil defence, restoration, rehabilitation, and recovery, must be prioritised. In addition, the implementation of integrated soil and crop fertility management plans, periodic monitoring of soil fertility, and the implementation and monitoring of soil impact management plans are essential to ensure land sustainability and productivity.

Legislation should also encourage the addition of micronutrients in fertilisation formulas, the supply of organic matter and consideration of the specific soil quality of each site. It is important to exclude the overdosage of fertilisers and to respect the specific needs of plants. Regarding pesticides, it is essential to use approved products, control their quality, regulate production and import, define the minimum size of plots requiring the use of pesticides, and demarcate pesticide-free zones.

Regarding mining, legislation should enforce land rehabilitation clauses, regulate the use of harmful chemicals, and rigorously carry out environmental impact assessments.

The legislation should also encourage state support for vulnerable groups in land management such as smallholders, the elderly, people with disabilities, widows, migrants, refugees and displaced persons.

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