



**IACC HIGH-LEVEL SEGMENT
MONITORING MECHANISM
BURKINA FASO
2018-2022**

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EXECUTIVE SUMMARY

SUMMARY OF FINDINGS

Total number of commitments made at the 18th International Anti-Corruption Conference (IACC)	11
Total number of commitments selected for monitoring	6

Current level of progress in commitment implementation	
Number of fulfilled commitments	2
Number of partially fulfilled commitments	3
Number of commitments not fulfilled/dropped	1

KEY CHALLENGES TO COMMITMENT IMPLEMENTATION

The Government of Burkina Faso only fulfilled two and partially fulfilled three of the commitments made in its national statement at the 18th International Anti-Corruption Conference (IACC). Five commitments do not pass the IACC Monitor criteria for being “specific and measurable”, lacking a particular topic focus (policy area or anti-corruption mechanism) or failing to identify a concrete action or target that can be assessed. In addition, some commitments only describe the continuation of existing initiatives to promote transparency and integrity in public administration.

Another challenge is that different ministries or agencies are responsible for implementing and monitoring the commitments, instead of a central agency. This can lead to a lack of overview for the central government which makes the commitments in international fora, making it unable to hold ministries or agencies accountable.

It is important to note that Burkina Faso suffers from political and democratic instability. The government lacks the necessary financial, human and capacity resources to fulfil its anti-corruption commitments. In addition, high-level politicians distribute resources across their networks of patronage, instead of promoting the public good,¹ such as the fight against corruption.

¹ BTI Transformation Index, Burkina Faso Country Report, 2022, <https://bti-project.org/en/reports/country-report/BFA#pos6>

KEY OPPORTUNITIES TO ACCELERATE COMMITMENT IMPLEMENTATION

Many potential opportunities exist to help Burkina Faso accelerate implementation of its IACC commitments.

1. Burkina Faso OGP Action Plan 2021-2023 and Independent Review Mechanism

Burkina Faso's Open Government Partnership (OGP) National Action Plan 2021-2023² offers a clear opportunity for the government to improve transparency, accountability and public trust, and advance the fight against corruption. Recommendations from the 2019-2021 OGP Independent Reporting Mechanism on Burkina Faso³ could help the government improve accountability in the mining sector, which accounts for 65.6 per cent of the country's exports and 16 per cent of its fiscal revenue but is opaque and lacks transparency.⁴

2. UNCAC peer review

The second cycle of peer review by the United Nations Convention against Corruption (UNCAC), ongoing until June 2024,⁵ is an opportunity for Burkina Faso's government to address key challenges and gaps in its anti-corruption mechanisms.

3. Local youth initiatives

According to the 5th General Population Census of Burkina Faso, presented by the Ministry of Economy, Finance and Development in July 2022, the country's population is exceptionally young, with people aged between 15 and 34 years accounting for 32.6 per cent of citizens.⁶ The government should involve this young population in co-designing anti-corruption initiatives – for example, via youth civil society organisations.

4. International donors

A possible opportunity to accelerate commitment implementation is to seek more funding from international donors, which have a keen interest in funding anti-corruption initiatives in West Africa.

5. New political leaders

Following a coup in January 2022, new political leaders from the military regime have emerged. Many civil society organisations (CSOs) welcomed the military regime, recommending that it reprioritise the fight against corruption. The new government should make use of the support offered by experienced anti-corruption CSOs in Burkina Faso.

² Open Government Partnership, Burkina Faso Action Plan 2021-2023, 17 December 2021, <https://www.opengovpartnership.org/documents/burkina-faso-action-plan-2021-2023/>

³ Open Government Partnership, Burkina Faso Design Report 2019-2021, 10 December 2021, <https://www.opengovpartnership.org/?s=Burkina+Faso+Independent+Report+Mechanism+2019-2021>

⁴ Open Government Partnership, Burkina Faso Design Report 2019-2021.

⁵ UNCAC Coalition, UNCAC Review Status Tracker, <https://uncaccoalition.org/uncacreviewstatustracker/>; EITI, Overview and role of the EITI, 2020, <https://eiti.org/countries/burkina-faso>

⁶ Le Faso.net, Burkina Faso: An extremely young and predominantly female population, 3 July 2022, <https://lefaso.net/spip.php?article114450>

KEY RECOMMENDATIONS

- 1. Make more ambitious anti-corruption commitments:** Almost all 11 commitments are the continuation of previous initiatives implementing the legal and institutional framework, or were already due to be implemented shortly after the conference. They also miss critical gaps in the anti-corruption framework, such as the need for e-procurement platforms, the adoption of the implementing decree of the 2015 Law on Access to Public Information and Administrative Documents, and the adjustment of the Law on Asset Declarations by Public Officials to include judicial officers.
- 2. Formulate SMART (specific, measurable, achievable, relevant and time-bound) commitments:** The government's commitments often use vague and non-committal language, making it difficult to monitor them and identify concrete actions that were promised. In future commitments, the government should use SMART criteria, to allow for proper public monitoring.
- 3. Provide public information and evidence on progress towards implementing commitments:** The government should provide the necessary information and evidence on commitment implementation on official state websites.
- 4. Increase civil society participation and collaboration:** The government should develop a strategic plan for collaboration with civil society in the fight against corruption, and include CSOs when drafting, implementing and monitoring its anti-corruption strategy.
- 5. Prioritise the fight against corruption in the private sector:** The IACC commitments only target transparency and accountability in the public sector. However, the government also needs to fight corruption in the private sector – for example, expanding the scope of disclosure of beneficial ownership to sectors beyond the extractive industries, such as real estate.

INTRODUCTION

The 18th International Anti-Corruption Conference (IACC) in Copenhagen featured a series of high-level meetings among countries in the Organisation for Economic Co-operation and Development (OECD), as well as non-OECD states and international and regional organisations. As part of these meetings, participants made a set of statements on the steps that each intends to take to progress in the field of anti-corruption, based on existing commitments, such as Open Government Partnership (OGP) action plans, the UK Summit, United Nations Convention against Corruption (UNCAC), OECD instruments and the UN Sustainable Development Goals (SDGs).⁷ Participants in the high-level meetings agreed to establish a follow-up mechanism engaging all stakeholders – including governments, international and regional organisations, companies and civil society – in monitoring implementation of these commitments.

The aims of the follow-up mechanism are to:

- assess the level of progress towards implementation of the commitments
- provide further analysis on, and complement, other reporting mechanisms
- focus on the qualitative nature of the commitments, rather than quantitative scoring or ranking
- provide insights into what has and has not worked, and why
- provide insights into the opportunities and challenges for implementation, as a basis for understanding where to target technical support.

The follow-up mechanism aims to capture the context and conditions under which the commitments are being implemented, as well as recording progress in their implementation. It provides further analysis on, and complements, other reporting mechanisms, rather than duplicating them.

This report presents the results of the first round of monitoring for Burkina Faso.

It contains the following sections:

1. Filtering of commitments: the results of our assessment of Burkina Faso's commitments based on their levels of specificity and measurability, and hence the feasibility of monitoring them.
2. Burkina Faso's context: a brief analysis of the extent to which the commitments overall are considered pertinent to the country context.
3. Progress in implementation: the level of progress towards the commitments selected for monitoring, and the challenges and opportunities for implementation.
4. Recommendations: key recommendations to accelerate implementation of commitments.

⁷ Transparency International, 18th IACC High-Level Segment Commitments, <https://iaccseries.org/18th-iacc/18th-iacc-high-level-segment-commitments/>

FILTERING OF COMMITMENTS

Burkina Faso presented 11 commitments at the 18th IACC in 2018. Of these, six were deemed feasible to monitor, based on their levels of specificity and measurability, as presented below.

COMMITMENT 1: Strengthen the programme budget implementation mechanism: moving from the inspection to the audit approach and strengthening the autonomy of oversight control agencies.

IS THE COMMITMENT SPECIFIC?

NO

The commitment lacks specificity because it is unclear what “the programme budget implementation mechanism” means and does not name the oversight control agencies that the government aims to strengthen. The Ministry of Finance was contacted for this report, but did not respond to clarify the specificity of the commitment.

IS THE COMMITMENT MEASURABLE?

NO

The commitment does not identify any measurable actions to indicate whether the government has fulfilled it. It is unclear how the government aims to move from the inspection to the audit approach, or how it plans to strengthen the autonomy of control agencies.

IS THE COMMITMENT SELECTED FOR MONITORING

NO

COMMITMENT 2: Continue the implementation of the anti-corruption law in relation to the ASCE-LC:⁸ in the short term, this involves implementing the decrees relating to (i) the appointment of members of the ASCE-LC Advisory Board,⁹ (ii) statutes governing state controllers, verification assistants and (iii) appointment of heads of departments and service directors.¹⁰

IS THE COMMITMENT SPECIFIC?

YES

In 2015, Burkina Faso adopted a stand-alone anti-corruption law establishing the *Autorité Supérieure de Contrôle d'Etat et de Lutte contre la Corruption* (Higher Authority for Control of the State and the Fight against Corruption, ASCE-LC)¹¹ as the national anti-corruption body, with

⁸ *Autorité Supérieure de Contrôle d'Etat et de Lutte contre la Corruption* (Higher Authority for Control of the State and the Fight against Corruption) – Burkina Faso’s national anti-corruption body.

⁹ ASCE-LC, Decree 2016-978-PRES appointing the members of the advisory board of ASCE-LC, <https://www.asce-lc.bf/index.php/documentations/reglementation?task=document.viewdoc&id=1>

¹⁰ According to Mr Drabo from the ASCE-LC, the decrees relating to the statutes governing state controllers, verification assistants and relating to the appointment of the heads of departments are not yet publicly available.

¹¹ The ASCE-LC is the successor of the *Autorité Supérieure de Contrôle d'Etat* (Higher State Control Authority, ASCE). From 2007 to 2014, the ASCE operated based on legal provisions with shortcomings and deviations compared to

new provisions regarding the management of asset declarations.¹² The commitment is specific because it identifies the ASCE-LC and its capacity for managing asset declarations as a concrete anti-corruption mechanism.

IS THE COMMITMENT MEASURABLE?

YES

The commitment is measurable because it identifies three actions for implementing the decrees (as part of implementing the anti-corruption law from 2015) relating to the ASCE-LC mission:

1. The appointment of members of the ASCE-LC Advisory Board. The Council of Ministers had already appointed the Advisory Board members in July 2018, before the government made the commitment at the IACC in October 2018. Therefore, this part of the commitment will not be monitored.¹³
2. The implementation of statutes governing state controllers and verification assistants.
3. The appointment of the ASCE-LC heads of departments and service directors.

IS THE COMMITMENT SELECTED FOR MONITORING

YES

COMMITMENT 3: Dissemination of the Anti-Corruption Law: a communication and dissemination strategy for the law already exists, and resources still need to be mobilised for its implementation, starting in 2019.

IS THE COMMITMENT SPECIFIC?

YES

The commitment identifies dissemination of the Anti-Corruption Law as a concrete mechanism to create anti-corruption awareness among the population of Burkina Faso.

IS THE COMMITMENT MEASURABLE?

YES

The commitment identifies two measurable actions. It can be monitored by checking whether:

1. the government managed to mobilise the resources to disseminate the anti-corruption law among the population.
2. the communication and dissemination strategy was implemented.

IS THE COMMITMENT SELECTED FOR MONITORING

YES

international standards governing anti-corruption institutions. For example, the Jakarta Principles, which state that anti-corruption institutions must have clear mandates to fight corruption through prevention, education, awareness-raising, investigation and prosecution, either through a single body or several coordinated bodies. See: U4 Anti-Corruption Resource Centre and Transparency International, Burkina Faso: Overview of Corruption and Anti-Corruption, 3 November 2019, <https://www.u4.no/publications/burkina-faso-overview-of-corruption-and-anti-corruption>;

¹² ASCE-LC, Law 004 2015 CNT on the prevention and repression of corruption in Burkina Faso, 3 March 2015, <https://www.asce-lc.bf/index.php/documentations/reglementation?task=document.viewdoc&id=9>

¹³ Le Faso.net, Good governance in Burkina: the nine members of the ASCE-LC Orientation Council have been sworn in, 11 July 2018, <http://lefaso.net/spip.php?article84434>

COMMITMENT 4: Implementation of judicial centres specialising in the prosecution of economic and financial offences and organised crime: this involves the creation of an implementation plan by the end of 2019 in collaboration with the ASCE-LC and actors from the judicial system.

IS THE COMMITMENT SPECIFIC?

YES

In 2017, Burkina Faso adopted a law for the creation, organisation and operation of judicial centres specialised in the prosecution of economic and financial offences and organised crime.¹⁴ The commitment is specific because it focuses on the implementation of the law beyond the 2018 IACC, and identifies a specific policy area in the prosecution of economic and financial offences and organised crime.

IS THE COMMITMENT MEASURABLE?

YES

This commitment identifies two clear, measurable actions:

1. The creation, by the end of 2019, of an implementation plan for judicial centres specialising in the prosecution of economic and financial offences and organised crime.
2. Implementation of the plan to create the judicial centres.

IS THE COMMITMENT SELECTED FOR MONITORING

YES

COMMITMENT 5: Engage in phase 2 of the “eSINTAX” project.

IS THE COMMITMENT SPECIFIC?

YES

In April 2018, the Directorate General of Taxes (DGI) launched “eSINTAX”, a platform for declaring and paying taxes online, with the support of Switzerland and Denmark.¹⁵ The platform is interfaced with the 2007 SINTAX taxation system and allows the DGI to collect taxes and identify and prosecute defaulters.¹⁶ The commitment is specific because it refers to the launch of a new version (phase 2) of eSINTAX as a concrete anti-corruption mechanism.

IS THE COMMITMENT MEASURABLE?

YES

This commitment is measurable by monitoring whether the DGI launched the new version (phase 2) of the eSINTAX platform.

¹⁴ Superior Council of the Judiciary Burkina Faso, Law No. 005-2017/AN of 19 January 2017 on the Creation, Organisation and Functioning of Judicial Centres Specialised in the Repression of Economic and Financial Offences and Organised Crime, 19 January 2017, <https://csm.bf/?wpdmpro=loi-n005-2017-portant-creation-organisation-et-fonctionnement-des-poles-judiciaires-specialises-dans-la-repression-des-infractions-economiques-et-financieres-et-de-la-criminalite-organisee>

¹⁵ La Tribune, Burkina Faso: eSintax, a new platform for tax declaration, 27 March 2018, <https://afrique.latribune.fr/economie/strategies/2018-03-27/burkina-faso-esintax-une-nouvelle-plateforme-pour-la-declaration-des-impots-773307.html>

¹⁶ Aujourd’hui au Faso, eSINTAX platform of the DGI: “Today it is 4 to 5 billion telepaid amounts, more than 40 billion declared and more than 290 members,” Mayel Dabiré, <https://www.aujourd8.net/plateforme-esintax-de-la-dgi-aujourd'hui-cest-4-a-5-milliards-de-montants-telepayes-plus-de-40-milliards-declares-et-plus-de-290-adherents-mayel-dabire/>

IS THE COMMITMENT SELECTED FOR MONITORING YES

COMMITMENT 6: Extension of the Anti-Corruption Committee (ACC) pilot in all ministerial departments: write a report on the activities of the ACCs during the first half of 2019 and propose the extension of the ACC, starting in January 2020.

IS THE COMMITMENT SPECIFIC? YES

In 2012, the Ministry of the Economy, Finance and Development established an Anti-Corruption Committee (ACC) to address corruption within its structures and central directorates.¹⁷ In this commitment, the government sought to extend this experience to other governmental ministries. The commitment is specific in identifying the ACCs as a concrete anti-corruption mechanism to be implemented in different ministries.

IS THE COMMITMENT MEASURABLE? YES

This commitment is measurable because it identifies two clear actions:

1. Writing a report on the activities of the ACCs during the first half of 2019.
2. Setting up ACCs in all government ministries, starting in January 2020.

IS THE COMMITMENT SELECTED FOR MONITORING YES

COMMITMENT 7: Continue the efforts of the e-services system at the revenue authorities.

IS THE COMMITMENT SPECIFIC? NO

The commitment is a general statement of intent to reduce corruption or strengthen anti-corruption. It is merely the continuation of existing work, without any progress indicators. To mobilise revenue, the Ministry of the Economy, Finance and Development has developed a variety of digital platforms in recent years. These new tools are used in administrative procedures in customs, treasury and tax offices, with a view to improving the collection of state revenue.

IS THE COMMITMENT MEASURABLE? NO

The commitment does not identify any measurable actions to indicate how the government plans to advance its efforts to strengthen the e-services system used by the revenue authorities.

IS THE COMMITMENT SELECTED FOR MONITORING NO

¹⁷ Annex 2.

COMMITMENT 8: Continue reforms to combat fraud, forgery and corruption.

IS THE COMMITMENT SPECIFIC? NO

The commitment is a general statement of intent to reduce corruption or strengthen anti-corruption through reforms. It does not indicate what kind of reforms the government wants to implement, or in what specific policy areas.

IS THE COMMITMENT MEASURABLE? NO

The commitment does not identify any measurable actions to indicate whether the government has pushed for the implementation of reforms.

IS THE COMMITMENT SELECTED FOR MONITORING NO

COMMITMENT 9: Strengthening collaboration with civil society organisations (CSOs) in the fight against corruption.

IS THE COMMITMENT SPECIFIC? NO

The commitment is not specific because the government does not identify a policy area, thematic priority or anti-corruption mechanism for the collaboration with CSOs.

IS THE COMMITMENT MEASURABLE? NO

The commitment wording does not identify measurable actions, because it is unclear how the government aims to strengthen its collaboration with CSOs.

IS THE COMMITMENT SELECTED FOR MONITORING NO

COMMITMENT 10: Establishment of internal controls in ministries and institutions.

IS THE COMMITMENT SPECIFIC? NO

The commitment is a general statement of intent to reduce corruption or strengthen anti-corruption. It does not identify a concrete policy area or mechanism, meaning it is unclear which ministries and institutions are targeted and what kind of internal controls the government plans to establish. We contacted ASCE-LC for this report, but it was not able to provide further clarity.

IS THE COMMITMENT MEASURABLE? NO

The commitment does not identify any measurable actions to indicate whether it has been achieved. Therefore, it is unclear what exactly the government plans to do for the “establishment of internal controls”.

IS THE COMMITMENT SELECTED FOR MONITORING **NO**

COMMITMENT 11: Continue the implementation of legal provisions relating to the declaration of assets before and after appointment to positions of responsibility.

IS THE COMMITMENT SPECIFIC? **YES**

In 2015 the government established a law for the mandatory submission of asset declarations, and their publication in the official government bulletin, for cabinet members, directors within the executive branch, legislators and members of the judiciary.¹⁸ The ASCE-LC is responsible for receiving, controlling and publishing these asset declarations. Officials affected by this requirement must submit their declarations annually and within 30 days before and after appointment to positions of responsibility.¹⁹ The commitment targets a concrete policy area to improve transparency and accountability in public management, and is specifically targeted at public embezzlement, conflict of interest and state capture.

IS THE COMMITMENT MEASURABLE? **YES**

This commitment is measurable because it is possible to assess whether all public officials assuming and leaving office in the executive, legislative and judiciary have declared their assets annually within the timeframe of 30 days, before and after appointment to positions of responsibility.

IS THE COMMITMENT SELECTED FOR MONITORING **YES**

¹⁸ ASCE-LC, Law 004 2015 CNT on the prevention and repression of corruption in Burkina Faso (Article 13), 3 March 2015, <https://www.asce-lc.bf/index.php/documentations/reglementation?task=document.viewdoc&id=9>

¹⁹ U4 Anti-Corruption Resource Centre and Transparency International, Burkina Faso: Overview of Corruption and Anti-Corruption, 3 November 2019, <https://www.u4.no/publications/burkina-faso-overview-of-corruption-and-anti-corruption>

COUNTRY CONTEXT

Burkina Faso is a landlocked country in West Africa²⁰ with a population of 21.5 million,²¹ and is among the most corrupt countries in the world. According to Transparency International's *Corruption Perceptions Index* (CPI), Burkina Faso scored 38 points out of 100 in 2012,²² and 42 points in the latest 2021 CPI. In the World Bank's *Worldwide Governance Indicators* 2020, Burkina Faso scored 51.44 out of 100 points for controlling corruption.²³ Compared to 2010, with a score of 43.41, and 2015, with a score of 49.04, this indicates minor progress in the fight against corruption.

The 2019 Afrobarometer survey on Burkina Faso revealed that 44 percent of citizens think their government is doing a bad job of tackling corruption.²⁴ The survey results show that demand for bribes to obtain a public service is an obstacle to social and economic development, with 16 per cent of public-service users having paid a bribe in the previous 12 months. In addition, 31 per cent of government officials and 27 per cent of local government officials are perceived as corrupt, which may indicate an elevated risk of state capture and embezzlement of public funds.

Burkina Faso's judicial and law enforcement systems are also concerning. Afrobarometer finds that 31 per cent of citizens perceive judges and magistrates as corrupt, and the judicial system is not seen as impartial in its judgments. The survey also showed that 29 per cent of people perceive police officers as corrupt, indicating racketeering, fraud and bribery, and 38 per cent see business executives as corrupt.²⁵

Freedom House rates Burkina Faso as “partly free”, with a score of 56 out of 100, including 23 out of 40 for political rights and 31 out of 60 for civil liberties.²⁶ According to the 2021 Freedom House survey on Burkina Faso, while civil society and organised labour continue to be powerful advocates for democracy, the country still suffers from instability and bloodshed from armed militant groups, militias and government forces.

In the 2020 presidential election, President Roch Kaboré was re-elected with 57.7 per cent of the vote. International election observers such as the African Union deemed the election fair and just.²⁷ The government authorised 146 political groups to participate.²⁸ However, according to Freedom House, the opposition's political rights were still restricted, and public demonstrations were banned.²⁹ It was reported that opposition leaders alleged that the 2020 election was marred by fraud

²⁰ FISTULA Foundation, Burkina Faso, <https://fistulafoundation.org/country/burkina-faso/>

²¹ Population Pyramid.net, Burkina Faso 2021, <https://www.populationpyramid.net/fr/burkina-faso/2021/>

²² Transparency International, Corruption Perceptions Index, Burkina Faso score changes 2012-2021, <https://www.transparency.org/en/cpi/2021/index/bfa>

²³ World Bank, World Bank's Worldwide Governance Indicators – Control of Corruption – Burkina Faso (2010, 2015, 2020), <http://info.worldbank.org/governance/wgi/Home/Reports>

²⁴ Afrobarometer, Burkina Faso, 2019, <https://afrobarometer.org/countries/burkina-faso-0>

²⁵ Afrobarometer, Burkina Faso, 2019.

²⁶ Freedom House, Burkina Faso 2022, <https://freedomhouse.org/country/burkina-faso/freedom-world/2022>

²⁷ African Union, African Union Electoral Observation Mission for the Presidential and Legislative Elections of November 22, 2020 in Burkina Faso, December 2020, https://au.int/sites/default/files/documents/40255-doc-rapport_de_la_mission_observation_electorale_de_lunion_africaine_pour_les_elections_generales_du_22_novembre_2020_au_burkina_faso.pdf

²⁸ Freedom House, Freedom in the World 2021 – Burkina Faso, <https://freedomhouse.org/country/burkina-faso/freedom-world/2021>

²⁹ Freedom House, Freedom in the World 2021 – Burkina Faso.

and insecurity, and not all citizens were able to vote. For example, many Burkinabè from at least 15 communes could allegedly not exercise their right to vote.³⁰

However, on 24 January 2022,³¹ a military coup overthrew the democratically elected President Kaboré, which may undermine these efforts. The elected government was replaced by a military junta.³² Due to pressing security issues in the country, anti-corruption reforms and implementation may not be a priority area for the new authorities.

Civic space is restricted, making it difficult for citizens to voice their concerns. For example, in November 2021, the government blocked the internet following mass protests organised by the civil society movement known as the “27 November Coalition”, due to the growing insecurity in the country.³³ Following a popular protest which caused the downfall of Blaise Compaoré in 2014³⁴ after 27 years in power, the press now enjoys the freedom to work, investigate social issues and speak out. There is less political interference in how the press should treat information, and self-censorship by the media and journalists has also reduced in recent years. According to Freedom House, Burkina Faso scores 3 out of 4 in freedom of expression and beliefs.³⁵

Burkina Faso has ratified international anti-corruption conventions, such as the African Union Convention on Preventing and Combatting Corruption, in 2005, and the United Nations Convention against Corruption (UNCAC), in 2006.³⁶ This places it among the first African nations that committed to enforcing the anti-corruption provisions prescribed in the conventions.³⁷

Over the past few years, the country has strengthened its legal and anti-corruption bodies to promote transparency and accountability. In 2015, Parliament passed a new anti-corruption law³⁸ to broaden the range of officials required to submit financial asset declarations, including the president, the prime minister and members of parliament. To extend anti-corruption reforms, the National Assembly adopted a law in 2018 amending legislation on preventing and prosecuting corruption.³⁹ Since the adoption of this law, public officials subject to asset declarations, other than members of the government and parliament, can submit them electronically on the anti-corruption agency's website.

The government has also allocated resources to build capacity in the judicial system to fight financial corruption by prosecuting economic and financial crimes.⁴⁰ Burkina Faso has laid out anti-corruption

³⁰ Anadolu Agency, Burkina Faso/Elections: a provisional participation rate between 38 and 40% (ECOWAS), 23 November 2020, <https://www.aa.com.tr/fr/afrique/burkina-faso-elections-un-taux-de-participation-provisoire-entre-38-et-40-cedeao/2052627>

³¹ Institute for Security Studies, What caused the coup in Burkina Faso?, 3 February 2022, <https://issafrica.org/iss-today/what-caused-the-coup-in-burkina-faso>

³² RTS, Coup in Burkina Faso, borders closed, 24 January 2022, <https://www.rts.ch/info/monde/12811015-au-burkina-faso-la-situation-politique-est-confuse-et-tendue.html>

³³ Bloomberg, Burkina Faso Extends Internet Outage Before Weekend Protest, 25 November 2021, <https://www.bloomberg.com/news/articles/2021-11-25/burkina-faso-extends-internet-shutdown-before-nov-27-protests>

³⁴ Ritimo, Burkina Faso: a young democracy put to the test by Islamist terrorism, 10 January 2020, <https://www.ritimo.org/La-chute-de-Blaise-Compaore-un-souffle-pour-la-democratie>

³⁵ Freedom House, Freedom in the World 2021 – Burkina Faso, <https://freedomhouse.org/country/burkina-faso/freedom-world/2021>

³⁶ United Nations Treaty Collection, United Nations Convention against Corruption, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdq_no=XVIII-14&chapter=18&clang=en

³⁷ African Union, African Union Convention on Preventing and Combatting Corruption, <https://au.int/en/treaties/african-union-convention-preventing-and-combating-corruption>

³⁸ ASCE-LC, Law 004 2015 CNT on the prevention and repression of corruption in Burkina Faso, 3 March 2015, <https://www.asce-lc.bf/index.php/documentations/reglementation?task=document.viewdoc&id=9>

³⁹ All Africa, Burkina Faso: Anti corruption - MPs for the electronic declaration of assets, 26 July 2018, <https://fr.allafrica.com/stories/201807270287.html>

⁴⁰ Open Government Partnership, 2017-2019 National Plan of Actions, October 2017, https://www.opengovpartnership.org/wp-content/uploads/2017/12/Burkina-Faso_Action-Plan_2017-2019_EN.pdf

plans in the 2016-2020 National Economic and Social Development Plan (PNDES).⁴¹ The objective was to glean 60 points in the CPI in 2020, which was rather unrealistic.⁴² There is a lack of implementation, and the fight against corruption is challenging for the government, due to weak institutions to enforce reforms, poor access to information and a culture of impunity.⁴³

Overall, Burkina Faso has made some progress in its fight against corruption, through prevention, education, awareness-raising, investigation, and prosecution. However, according to the local CSO *Réseau National de Lutte Anti-Corruption* (National Network for the Fight against Corruption, REN-LAC), Burkina Faso's anti-corruption agency lacks qualified personnel, infrastructure, and financial means to prosecute corrupt practices. In addition, since the commitments were made in 2018, the judiciary has been hampering implementation of the anti-corruption law due to delays in prosecuting corrupt practices.⁴⁴

The IACC anti-corruption commitments seek to address weak institutions, access to information and the culture of impunity. Commitment 11 strengthens anti-corruption institutions' capacity to collect asset declarations before and after officials are appointed to positions of responsibility, to promote transparency, control public expenditure and strengthen governance systems. This commitment will also help reduce impunity when corruption occurs in the public administration. Commitment 4, on the establishment of the 2019-2021 strategic plan integrating tax reforms, will provide more clarity and transparency in dealing with tax payments, giving the population real-time access to tax information.

⁴¹ Burkina Faso, National Economic and Social Development Plan, Foundation and Vision, <https://www.pndes.gov.bf/le-pndes/presentation>

⁴² Burkina 24, Fight against corruption in Burkina Faso: It is imperative to strengthen citizen monitoring, 5 February 2021, <https://www.burkina24.com/2021/02/05/lutte-contre-la-corruption-au-burkina-faso-renforcer-imperativement-la-veille-citoyenne/>

⁴³ Gan Integrity, Burkina Faso Country Report August 2020, August 2020, <https://www.ganintegrity.com/portal/country-profiles/burkina-faso/>

⁴⁴ L'Economiste Faso, Fight against corruption: Justice, the weak link, <https://www.leconomistedufaso.bf/2019/06/24/lutte-contre-la-corruption-la-justice-le-maillon-faible/>

PROGRESS ON COMMITMENT IMPLEMENTATION

COMMITMENT 2: Continue the implementation of the anti-corruption law in relation to the ASCE-LC: in the short term, this involves implementing the decrees relating to (i) the appointment of members of the ASCE-LC Advisory Board, (ii) statutes governing state controllers, verification assistants and (iii) appointment of heads of departments and service directors.

THEMATIC AREA: 1. Legislative and Institutional Framework

COMMITMENT TIMEFRAME: Not stated

COMMITMENT SOURCE: Not applicable

Current level of progress in commitment implementation

Fulfilled

X

Partially fulfilled

Not fulfilled/dropped

Background information

In 2015, Burkina Faso adopted a stand-alone anti-corruption law establishing the ASCE-LC as its national anti-corruption body, with new provisions regarding the management of asset declarations.⁴⁵ Still in 2022, the anti-corruption law is not fully implemented. At the IACC 2018 Burkina Faso made a commitment to implement three decrees in relation to the role of the ASCE-LC as outlined in the anti-corruption law.

Monitoring

The commitment identifies three actions, two of which were eligible for monitoring:

1. *The appointment of members of the ASCE-LC Advisory Board.*

The Council of Ministers had already appointed the Advisory Board members in July 2018, before the government made the commitment at the IACC in October 2018. Therefore, this part of the commitment will not be monitored.⁴⁶

⁴⁵ ASCE-LC, Law 004 2015 CNT on the prevention and repression of corruption in Burkina Faso, 3 March 2015, <https://www.asce-lc.bf/index.php/documentations/reglementation?task=document.viewdoc&id=9>

⁴⁶ Le Faso.net, Good governance in Burkina: the nine members of the ASCE-LC Orientation Council have been sworn in, 11 July 2018, <http://lefaso.net/spip.php?article84434>

2. *The adoption of decrees on state controllers, investigators and audit assistants*

Under the anti-corruption law adopted in 2015, regulations governing state controllers, investigators and audit assistants should have been implemented by 2017.⁴⁷ However, the government only adopted the decree on the legal regime applicable to the state controllers, verification assistants and ASCE-LC investigators in 2021.⁴⁸

3. *Appointment of heads of departments and service directors*

The Council of Ministers appointed the heads of departments in May 2022⁴⁹ and the service directors by decree in June 2022.⁵⁰

Therefore, this commitment is considered fulfilled.

Recommendations

Further continue and finalise the implementation of the anti-corruption law in relation to the ASCE-LC with the adoption of two outstanding implementation decrees (the decree regulating the ASCE-LC intervention fund and the decree on the quantum of assets) to provide the anti-corruption agency with more operational and financial autonomy.⁵¹

COMMITMENT 3: Dissemination of the Anti-Corruption Law: a communication and dissemination strategy for the law already exists, and resources still need to be mobilised for its implementation, starting in 2019.

THEMATIC AREA: Public Integrity

COMMITMENT TIMEFRAME: 2019

COMMITMENT SOURCE: Not applicable

Current level of progress in commitment implementation

Fulfilled

Partially fulfilled

X

Not fulfilled/dropped

⁴⁷ Ouaga.com, Fight against corruption in Burkina Faso: ASCE-LC wants the suspension of the director of cabinet of President Kaboré and the deputy director general of Customs, 12 January 2022, <http://news.aouaga.com/h/138888.html>

⁴⁸ Bendre, Burkina Faso : Enfin un décret sur le régime juridique des contrôleurs d'Etat, May 2021, <https://www.bendre.bf/burkina-faso-enfin-un-decret-sur-le-regime-juridique-des-contrôleurs-detat/>

⁴⁹ Burkina Faso Government Information Service, Minutes of the Council of Ministers of Friday, May 06, 2022, 10 May 2022, <https://www.sig.bf/2022/05/compte-rendu-du-conseil-des-ministres-du-vendredi-06-mai-2022/>

⁵⁰ Annex 3.

⁵¹ Ouaga.com, Fight against corruption in Burkina Faso: ASCE-LC wants the suspension of the director of cabinet of President Kaboré and the deputy director general of Customs, 12 January 2022, <http://news.aouaga.com/h/138888.html>

Background information

The communication and dissemination strategy for the anti-corruption law existed since January 2018, before the government made the commitments in Copenhagen, entrusting the ASCE-LC and the CSO REN-LAC with its implementation.⁵²

Monitoring

The commitment includes the following sub-commitment:

1. *Mobilise the resources to disseminate the anti-corruption law to the population.*

According to the strategy, disseminating the anti-corruption law in Burkina Faso requires a budget allocation of 146.5 million West African francs (US\$ 228,000) from both the Public Treasury and technical and financial partners.⁵³ However, according to ASCE-LC's Head of the Department of the National Strategy for Preventing Corruption, the communication strategy is ongoing, because the department did not succeed in fully mobilising the budget allocation intended for the communication strategy.⁵⁴

2. *Implement the communication and dissemination strategy.*

This strategy has since been implemented jointly with REN-LAC and separately through awareness-raising campaigns via TV, radio, press conferences, training and workshops. The strategy also includes traditional, religious, administrative and political authorities, civil society organisations, young people, and women's groups in all regions, provinces and communes of Burkina Faso.⁵⁵

Given that ASCE-LC has not succeeded in mobilising the financial resources needed to fully implement the communication strategy, this commitment is only partially fulfilled.

Challenges to effective commitment implementation

A possible challenge to this commitment is that over the past few years, Burkina Faso has suffered insecurity and political tension that may delay the mobilisation of resources for implementing the Anti-Corruption Law communication plan.

Following the election of Roch Christian Kaboré in 2015, Burkina Faso began to suffer assaults by armed terrorist groups.⁵⁶ When President Kaboré was re-elected for a second term in 2020, such attacks became an almost daily occurrence, resulting in hundreds of deaths. Large parts of the country were beyond the control of the state.⁵⁷ As a result, government resources may not have been used to fight corruption, but to support efforts for the restoration of security.

Opportunities to accelerate commitment implementation

⁵² Annex 4.

⁵³ Annex 4.

⁵⁴ Drabo Mamoudou, Head of Department of National Strategy for the Prevention of Corruption, ASCE-LC, 6 July 2022, via email.

⁵⁵ Interview with Programme Manager, REN-LAC, 4 April 2022, via WhatsApp call

⁵⁶ La Presse, President Kaboré overthrown by a putsch, 24 January 2022,

<https://www.lapresse.ca/international/afrique/2022-01-24/burkina/le-president-kabore-renverse-par-un-putsch.php>

⁵⁷ La Presse, President Kaboré overthrown by a putsch, 24 January 2022.

International and regional cooperation could help Burkina Faso to learn from the domestic resource mobilisation experience of other countries. For example, in October 2021, ASCE-LC and Cote d'Ivoire's Anti-Corruption agency, HABG (Haute Autorite pour la Bonne Gouvernance), signed an agreement on mutual assistance and information exchange.⁵⁸

Recommendations

Seek funding from international donors, which have a particular interest in funding anti-corruption initiatives in West Africa, to support dissemination of the anti-corruption law.

COMMITMENT 4: Implementation of judicial centres specialising in the prosecution of economic and financial offences and organised crime: this involves the creation of an implementation plan by the end of 2019, in collaboration with the ASCE-LC and actors of the judicial system.

THEMATIC AREA: Public Integrity

COMMITMENT TIMEFRAME: 2019

COMMITMENT SOURCE: 2017-2019 Burkina Faso OGP Action Plan

Current level of progress in commitment implementation

Fulfilled

Partially fulfilled

X

Not fulfilled/dropped

Background Information

In 2017, Parliament passed a law on the creation, organisation and operation of judicial centres specialised in the prosecution of economic and financial offences, and organised crime.⁵⁹

Monitoring

The commitment can be separated into two sub-commitments:

1. *Define the implementation plan for judicial centres specialising in the prosecution of economic and financial offences and organised crime by the end of 2019.*

⁵⁸ HABG, Fight against corruption: Côte d'Ivoire and Burkina Faso pool their efforts, 12 October 2021, <https://www.habg.ci/blog/Lutte-contre-la-corruption-la-Cote-d-Ivoire-et-le-Burkina-Faso-mutualisent-leurs-efforts>

⁵⁹ Superior Council of the Judiciary Burkina Faso, Law No. 005-2017/AN of 19 January 2017 on the Creation, Organisation and Functioning of Judicial Centres Specialised in the Repression of Economic and Financial Offences and Organised Crime, 19 January 2017, <https://csm.bf/?wpdmpro=loi-n005-2017-portant-creation-organisation-et-fonctionnement-des-poles-judiciaires-specialises-dans-la-repression-des-infractions-economiques-et-financieres-et-de-la-criminalite-organisee>

There is no public information available as to whether the implementation plan was developed by ASCE-LC and the government. According to the CSO REN-LAC, there is no implementation plan for the judicial centres, but 90 per cent of them are now operational and are prosecuting cases of economic crime.⁶⁰

2. *Establishment of the judicial centres based on the implementation plan.*

In 2020, the government established the judicial centres⁶¹ housed within the High Courts of Ouaga I and Bobo-Dioulasso to prosecute economic and financial offences, and organised crime. Around 40 magistrates and clerks from these centres receive ongoing training in techniques for investigating and sentencing economic and financial crime.⁶²

However, this commitment is only partially fulfilled, because there is no public information available on the implementation plan. We requested further information on the plan from the Ministry of Justice, but received no response before this report's publication.

Challenges to effective commitment implementation

A possible challenge could be a lack of coordination between ASCE-LC and the judicial system about which institutions should have designed the implementation plan. For example, during the research, ASCE-LC's Head of the Department of National Strategy for the Prevention of Corruption could not provide this implementation plan. ASCE-LC suggested seeking more information from the Ministry of Justice. The fact that we received no response from the ministry might be linked to staff changes resulting from the military coup.

Opportunities to accelerate commitment implementation

According to ASCE-LC, there is effective collaboration with the judiciary to accelerate this commitment. ASCE-LC has two magistrates covering investigations and the follow-up of legal actions, ensuring a strong operational link with the judicial system. It also has expertise in how the judicial system operates,⁶³ which it should use to establish the judicial centres in all the country's high courts.

Recommendations

1. Provide more resources and training to all staff dealing with economic and financial crime cases.
2. Provide more training programmes to magistrates working in the judicial centres, to increase speed and efficiency in processing cases of economic and financial crime.

⁶⁰ Programme Manager, *Réseau National de Lutte Anti-Corruption (REN-LAC)*, April 14 2022, Interview via WhatsApp.

⁶¹ Le Faso.net, Specialized judicial poles: Insights from the director of criminal policy, 10 February 2016, <https://lefaso.net/spip.php?article69579>

⁶² Ministry of Justice of Burkina Faso, Fight against economic and financial crime: the magistrates and clerks of the TGI Ouaga I and Bobo strengthen their capacities, 25 August 2020, <http://www.justice.gov.bf/index.php/2020/08/25/lutte-contre-la-criminalite-economique-et-financiere-et-la-criminalite-organisee-les-magistrats-et-greffiers-des-tgi-ouaga-i-et-bobo-renforcent-leurs-capacites/>

⁶³ Drabo Mamoudou, Head of Department, National Strategy for the Prevention of Corruption, ASCE-LC, 10 May 2022, via email.

COMMITMENT 5: Engage in phase 2 of the “eSYNTAX” project.

THEMATIC AREA: Fiscal Integrity

COMMITMENT TIMEFRAME: January 2019

COMMITMENT SOURCE: Not applicable

Current level of progress in commitment implementation

Fulfilled	X
Partially fulfilled	
Not fulfilled/dropped	

In April 2018 the Directorate General of Taxes (DGI) launched “eSINTAX”, a platform to declare and pay taxes online, with the support of Switzerland and Denmark.⁶⁴ It is interfaced with the 2007 SINTAX taxation system and allows the DGI to collect taxes as well as identify and prosecute defaulters.⁶⁵ The commitment, therefore, refers to the launch of a new version (phase 2) of eSINTAX as a specific anti-corruption mechanism.

The DGI launched phase 2 of eSINTAX in June 2019. It includes new functionalities, such as online issuance of tax status certificates, turnover certifications, and the payment of taxes and duties by mobile money”.⁶⁶ The DGI announced in October 2020 that to date, eSINTAX had processed 157,315 declarants, 21,677 payments via banks, 1,730 payments via mobile money, 282,288 withholding tax certificates, 9,203 requests for tax status certificates and 1,678 turnover certification requests.⁶⁷ The commitment is therefore fulfilled.

Recommendations

To take the commitment forward:

1. The Directorate General should continue training taxpayers in proper use of the platform’s functionalities.
2. The DGI should use its social media platforms and other traditional media outlets to encourage all taxpayers in different regions to use the eSINTAX portal.

⁶⁴ La Tribune, Burkina Faso: eSintax, a new platform for tax declaration, 27 March 2018, <https://afrique.latribune.fr/economie/strategies/2018-03-27/burkina-faso-esintax-une-nouvelle-plateforme-pour-la-declaration-des-impots-773307.html>

⁶⁵ Aujourd’hui au Faso, eSINTAX platform of the DGI: “Today it is 4 to 5 billion telepaid amounts, more than 40 billion declared and more than 290 members”, Mayel Dabiré, <https://www.aujourd8.net/plateforme-esintax-de-la-dgi-aujourd'hui-cest-4-a-5-milliards-de-montants-telepayes-plus-de-40-milliards-declares-et-plus-de-290-adherents-mayel-dabire/>

⁶⁶ BusinessFrance, Burkina Faso - Launch of a new version of the eSintax platform (tele-declaration and tele-payment of taxes), 14 June 2019, <https://www.businessfrance.fr/burkina-faso-lancement-d-une-nouvelle-version-de-la-plateforme-esintax-tele-declaration-et-telepaiement-des-impots>

⁶⁷ General Tax Directorat of Burkina Faso, Launch of the eSINTAX portal in the Centre-Sud region: taxpayers in the region are immersed in the portal, 10 December 2020, https://www.impots.gov.bf/details-article?tx_news_pi1_per cent5Baction_per cent5D=detail&tx_news_pi1_per cent5Bcontroller_per cent5D=News&tx_news_pi1_per cent5Bnews_per cent5D=239&cHash=f4fa66b6118d1e9b13ad2e9d5171ec1f

COMMITMENT 6: Extension of the Anti-Corruption Committee (ACC) pilot in all ministerial departments: write a report on the activities of the ACCs during the first half of 2019 and propose the extension of the ACC, starting in January 2020.

THEMATIC AREA: Public Integrity

COMMITMENT TIMEFRAME: January 2020

COMMITMENT SOURCE: Not applicable

Current level of progress in commitment implementation

Fulfilled

Partially fulfilled

Not fulfilled/dropped

X

Background Information

This commitment adds to an existing initiative. In 2012, the Ministry of Economy, Finance and Development established an ACC within its structures and central departments.⁶⁸ The ACCs consist of representatives of staff, trade unions and the administration. According to Burkina Faso's government information service (*Service d'Information du Gouvernement*). The committees are responsible for raising staff awareness of corruption; processing and forwarding proven complaints of corruption to the competent structures, and formulating recommendations likely to improve anti-corruption measures.⁶⁹ In July 2015, the Ministry of Development of the Digital Economy and Posts⁷⁰ and in 2018, the Ministry of Justice also established ACCs.⁷¹ On this basis, the government sought to extend the ACC model to all other ministries.

Monitoring

The commitment includes the following two sub-commitments:

1. *Writing a report on the activities of the ACC during the first half of 2019.*

The Ministry of Economy, Finance and Development has not yet written the report on the ACC, as promised in Burkina Faso's 2018 commitments. Even with further research based on the latest 2019 ASCE-LC report,⁷² there was no mention of ACC activity. In an email response, ASCE-LC's Head of Department for Corruption Prevention stated that the agency maintains a good relationship with the ACCs, as it regularly carries out capacity building with them. He also suggested that the General Inspectorate of Finance and the Ministry of Economy, Finance and Development could provide information on the reports. However, no response from the ministry was received for this report.

2. *Setting up anti-corruption committees in all other government ministries, starting in January 2020.*

⁶⁸ Annex 2.

⁶⁹ Burkina Faso 24, Ministry of Justice: A committee to fight against corruption, 18 January 2018,

<https://burkina24.com/2018/01/18/ministere-de-la-justice-un-comite-pour-lutter-contre-la-corruption/>

⁷⁰ Burkina Faso Government Information Service, Fight against corruption: The Ministry of Development, Digital Economy and Posts sets up anti-corruption committees , 4 August 2015, <https://www.sig.bf/2015/08/lutte-contre-la-corruption-le-ministere-du-developpement-de-leconomie-numerique-et-des-postes-se-dote-de-comites-anti-corruption/>

⁷¹ Burkina Faso 24, Ministry of Justice: A committee to fight against corruption, 18 January 2018,

<https://burkina24.com/2018/01/18/ministere-de-la-justice-un-comite-pour-lutter-contre-la-corruption/>

⁷² ASCE-LC, Activity Report 2022, <https://www.asce-lc.bf/index.php/documentations/rapports-d-activites>

ACCs have not been set up in all other government ministerial departments. According to REN-LAC, only the Ministry of Economy, Finance and Development, and the Treasury and Tax Offices under its supervision, have established ACCs.⁷³ However the ministry did not respond to further requests for evidence on these ACCs.

Therefore, this commitment is considered not fulfilled.

Challenges to effective commitment implementation

The Ministry of Economy, Finance and Development and ASCE-LC have not given any reason for the delay or cancelling of the report. However, a possible challenge in the effective implementation of this commitment could be the limited resources of the ministry, which supervises the ACCs. Burkina Faso being a low-income country,⁷⁴ the ministry may often have limited resources for implementing its projects.

Opportunities to accelerate commitment implementation

A possible opportunity to accelerate implementation of the commitment is to seek more funding from international donors, which have specific interest in funding anti-corruption initiatives in the West Africa region.⁷⁵

Recommendations

Analyse and write a report on the impact of existing ACCs. The report should highlight implementation challenges and how other ministries can overcome them, and should be accessible via the Ministry of Finance website.

COMMITMENT 11: Continue the implementation of legal provisions relating to the declaration of assets before and after appointment to positions of responsibility.

THEMATIC AREA: Legislative and Institutional Framework

COMMITMENT TIMEFRAME: Not stated

COMMITMENT SOURCE: National Statement of Burkina Faso at the IACC 2018

Current level of progress in commitment implementation

Fulfilled

Partially fulfilled

x

⁷³ Sinon Harouna, Programme Manager, Réseau National de Lutte Anti-Corruption (REN-LAC), April 14 2022, Interview via WhatsApp.

⁷⁴ World Bank, The World Bank in Burkina Faso, 13 April 2022, <https://www.worldbank.org/en/country/burkinafaso/overview>

⁷⁵ UNODC, Burkina Faso aims to strengthen its anti-corruption institution, July 2015, <https://www.unodc.org/westandcentralafrica/fr/burkina-faso-strengthens-asce.html>

Not fulfilled/dropped

Background Information

This commitment continues an existing initiative to promote transparency and integrity in public administration. In 2015, the government established a law for the mandatory submission of asset declarations, and their publication in the official government bulletin, by cabinet members, directors within the executive branch, legislators, and judicial officers⁷⁶ These officials must submit their asset declarations to ASCE-LC annually, within 30 days before and after appointment to positions of responsibility.⁷⁷

Monitoring

The latest list of asset declarations published by ASCE-LC in September 2020 shows that 100 per cent of executive officials and 131 out of 138 parliamentarians have declared their assets.⁷⁸ This report does not cover the transitional legislative following the coup, but focuses on the former elected members of parliament. As ASCE-LC did not publish a list regarding the judiciary, this commitment is considered only partially fulfilled.

Challenges to effective commitment implementation

According to REN-LAC, almost all members of the judiciary have declared their assets. However, under the law on asset declaration, there is no requirement the judiciary to make their asset declarations public, unlike members of parliament, who are obliged to do so.⁷⁹

Opportunities to accelerate commitment implementation

Since 2006, Burkina Faso has been a signatory to UNCAC.⁸⁰ Article 8.5 states that “Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.”⁸¹ The term “public official” also applies to judicial officers. Therefore, the asset declaration law in Burkina Faso requires adjustment to include judicial officers, in line with the UNCAC.

Recommendations

Adjust the law on asset declarations, making public disclosure of the judiciary’s declarations mandatory.

⁷⁶ ASCE-LC, Law 004 2015 CNT on the prevention and repression of corruption in Burkina Faso (Article 13), 3 March 2015, <https://www.asce-lc.bf/index.php/documentations/reglementation?task=document.viewdoc&id=9>

⁷⁷ U4 Anti-Corruption Resource Centre and Transparency International, Burkina Faso: Overview of Corruption and Anti-Corruption, 3 November 2019, <https://www.u4.no/publications/burkina-faso-overview-of-corruption-and-anti-corruption>

⁷⁸ ASCE-LC, Entry into office: Statements by members of the executive branch, 11 September 2020, <https://www.asce-lc.bf/index.php/declaration-d-interet-et-de-patrimoine-dip/declarations-de-l-executif/entrees-en-fonction>

⁷⁹ Sinon Harouna, Programme Manager, REN-LAC, 14 April 2022, Interview via WhatsApp.

⁸⁰ U4 Anti-Corruption Resource Centre and Transparency International, Burkina Faso: Overview of Corruption and Anti-Corruption, 3 November 2019, <https://www.u4.no/publications/burkina-faso-overview-of-corruption-and-anti-corruption>

⁸¹ United Nations Office on Drugs and Crime, United Nations Convention against Corruption, https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf

RECOMMENDATIONS

1. Make more ambitious anti-corruption commitments

Overall, Burkina Faso's commitments are not ambitious enough. Almost all 11 commitments are the continuation of previous initiatives implementing the legal and institutional framework, or were already set to be implemented shortly after the conference. They also miss critical gaps in the anti-corruption framework, requiring measures such as:

- Initiate e-procurement platforms to reduce human interaction in the traditional public procurement system, known for extensive corruption risks.⁸²
- Adopt the implementing decree of the 2015 Law on Access to Public Information and Administrative Documents.
- Adjust the law on asset declarations so public disclosure of the judiciary's asset declarations becomes mandatory.

2. Formulate SMART (specific, measurable, achievable, relevant and time-bound) commitments

Burkina Faso's government often uses vague and non-committal language, making it difficult to monitor and identify concrete actions that were promised. Of 11 commitments made, only seven passed the criteria for monitoring. In future commitments, the government should use SMART criteria to allow for proper public monitoring.

3. Provide public information and evidence on progress towards commitment implementation

Public open data and reports are vital to enable civil society and citizens to hold the government accountable for its commitments. Research for this report revealed that evidence primarily exists in online newspaper articles. The government should provide the necessary information and evidence on commitment implementation on its official websites.

4. Increase civil society collaboration and participation

Collaboration between the government and civil society organisations is still lagging. According to REN-LAC, the Ministry of Finance established the anti-corruption committees on its recommendation, but without involving it.⁸³ The government needs to develop a strategic plan on how it wants to collaborate with civil society in the fight against corruption. It should involve youth CSOs when drafting, implementing and monitoring the national anti-corruption strategy, as well as stakeholders including the media and religious representatives.

⁸² U4 Anti-Corruption Resource Centre and Transparency International, Burkina Faso: Overview of Corruption and Anti-Corruption, 3 November 2019, <https://www.u4.no/publications/burkina-faso-overview-of-corruption-and-anti-corruption>

⁸³ L'Economiste Faso, Fight against corruption: Justice, the weak link, 6 July 2019, <https://www.leconomistedufaso.bf/2019/06/24/lutte-contre-la-corruption-la-justice-le-maillon-faible/>

5. Prioritise the fight against corruption in the private sector

The IACC commitments only target transparency and accountability in the public sector. However, the government also needs to fight corruption in the private sector. For example, the extractive industry is particularly vulnerable to corruption risks, with a loss of nearly US\$1 billion dollars between 2005 and 2015.⁸⁴ The extractive industries are an essential source of revenue for Burkina Faso, making up 75 per cent of exports and employing roughly 10 per cent of the workforce.⁸⁵ In June 2021, the government adopted a decree⁸⁶ mandating the disclosure of beneficial ownership data for extractive companies.⁸⁷ However, Burkina Faso also needs to expand the scope of its beneficial ownership disclosure to other sectors subject to corruption and illicit enrichment,⁸⁸ such as the real estate sector, to guarantee transparency and accountability in business.

⁸⁴ Reuters, Burkina Faso mining lost \$1 billion to graft in decade: parliament, 26 October 2016, <https://www.reuters.com/article/us-burkina-mining-corruption-idUSKCN12Q2QO>

⁸⁵ U4 Helpdesk, Burkina Faso: Overview of Corruption and Anti-Corruption, 3 November 2019, <https://www.u4.no/publications/burkina-faso-overview-of-corruption-and-anti-corruption>

⁸⁶ ITIE-BF, Decree 2021-0493/PRES/PM/MINEFID/MEMC/MJDHP/MICA on the obligation to declare the effective ownership of Extractive companies of June 07, 2021, 30 November 2021, <https://sp-itie.finances.bf/download/ladhesion-du-burkina-faso-a-litie-implique-le-respect-des-exigences-de-la-norme-et-marque-son-engagement-a-garantir-la-transparence-dans-le-secteur-extractif-en-juin-2019-le-conseil/>

⁸⁷ EITI, Overview and role of the EITI, 2020, <https://eiti.org/countries/burkina-faso>

⁸⁸ Lobs Paalga, Appearance offence: the ASCE/LC investigates real estate, 7 April 2022, <https://www.lobspaalga.com/?p=41040>

ANNEX 1: INTERVIEWEES

People interviewed during the commitment monitoring:

	Position	Organisation	Date	Location
1.	Programme Manager	Réseau National de Lutte Contre la Corruption	14 April 2022	Via WhatsApp call
2	Head of the Department of the National Strategy for the Prevention of Corruption	Autorité Supérieure de Contrôle de l'Etat et de Lutte contre la Corruption (ASCE-LC)	10 May 2022	Via email

ANNEX 2: NO 2012/401/MEF/IGF

MINISTERE DE L'ECONOMIE
ET DES FINANCES

INSPECTION GENERALE
DES FINANCES

BURKINA FASO
Unité - Progrès - Justice

Arrêté N° 2012 401 /MEF/IGF
portant création, composition, attributions
et fonctionnement des Comités Anti corruption
au sein des structures du MEF

LE MINISTRE DE L'ECONOMIE ET DES FINANCES

- Visa c/m e 07469*
16/
- Vu La Constitution du 02 juin 1991 ;
 - Vu Le décret n° ~~208~~ 208/PRES du 18 avril 2011 portant ~~attribution~~ *attribution* du Premier Ministre ;
 - Vu Le décret n° 2012-122/PRES/PM du 23 février 2012 portant ~~composition~~ *composition* du Gouvernement du Burkina Faso ;
 - Vu La Loi n° 032 - 2007/AN du 29 Novembre 2007, portant création, attributions, composition et fonctionnement d'une Autorité Supérieure de contrôle d'Etat (ASCE);
 - Vu Le Décret n° 2008 - 160/PRES/PM du 8 avril 2008, portant organisation et fonctionnement de l'Autorité Supérieure de Contrôle d'Etat (ASCE) ;
 - Vu Le décret N° 2008-403/PRES/PM/SGG-CM du 10 juillet 2008 portant organisation-type des départements ministériels ;
 - Vu Le décret N° 2012-588/PRES/PM du 12 juillet 2012 portant attributions des membres du Gouvernement ;
 - Vu Le décret N° 2012-546/PRES/PM/MEF du 02 juillet 2012 portant organisation du Ministère de l'Economie et des Finances ;
 - Vu Le décret N° 2012-430/PRES/PM/MEF du 24 mai 2012 portant adoption de la stratégie d'implantation du Budget Programme ;
 - Vu Le décret N° 2011-472/PRES/PM/MEF du 26 juillet 2011 portant adoption de la politique sectorielle 2011-2020 du Ministère de l'Economie et des Finances (POSEF) ;

ARRETE

CHAPITRE I : CREATION

ARTICLE 1 : Il est créé au sein des directions générales, centrales et des structures de mission du Ministère de l'Economie et des Finances, un Comité Anti-corruption, (CAC), chargé de la lutte contre la corruption.

CHAPITRE II : ATTRIBUTIONS

ARTICLE 2 : le Comité anti-corruption est chargé :

- d'identifier les zones à risque ;
- d'informer et de sensibiliser les agents sur la corruption et les effets néfastes du fléau;
- de recevoir et d'étudier les dénonciations des agents, de la population et des organisations et structures chargées de la lutte contre la corruption;
- de mener des investigations sur les pratiques de délinquance économique et de corruption au sein de l'administration auprès de laquelle il est créé;
- d'assurer les relations avec les structures et organisations chargées de la lutte contre la corruption ;
- d'assister les structures et organisations de lutte contre la corruption, dans le cadre de leurs investigations;
- de suivre la mise en œuvre des recommandations concernant les dossiers de corruption de l'administration ;
- de mener toutes actions, études, réflexions, ayant pour but de concourir à l'accomplissement de sa mission.

CHAPITRE III : COMPOSITION

ARTICLE 3 : Le Comité anti-corruption (CAC) comprend :

- Un (1) inspecteur technique de la structure ou une personne désignée par le premier responsable, pour les structures n'ayant pas d'inspection technique;
- Un (1) représentant du personnel ;
- Un (1) représentant du ou des syndicats ;
- Un (1) représentant du service des ressources humaines.

Les membres du Comité Anti-corruption sont choisis sur la base de leur moralité, de leur probité et de la bonne renommée dont ils jouissent auprès de leurs collègues.

ARTICLE 4 : La présidence du CAC est assurée par le représentant de l'inspection technique.

ARTICLE 5 : Le CAC peut faire appel à toute personne ressource ou structure publique ou privée, dans le traitement de certains dossiers.

CHAPITRE IV : FONCTIONNEMENT

ARTICLE 6 : Le CAC travaille sur la base d'un programme d'activités validé par le premier responsable de la structure.

ARTICLE 7 : Le CAC se réunit mensuellement sur convocation de son président et en cas de besoin.

ARTICLE 8 : Le CAC définit son budget de fonctionnement et son plan de travail.

ARTICLE 9 : Le CAC rend compte trimestriellement au premier responsable de la structure, de l'exécution de ses activités. Le rapport est transmis par le premier responsable au MEF.

Ces rapports, à l'initiative du MEF pourront être transmis pour exploitation, en cas de nécessité à l'IGF et à l'ASCE.

Des rapports spéciaux seront produits à l'occasion de dossiers sensibles ou particuliers.

ARTICLE 10 : Le CAC dispose d'un téléphone vert, afin de faciliter la réception des dénonciations.

CHAPITRE V : DISPOSITIONS FINALES

ARTICLE 11 : Les charges de fonctionnement du CAC sont imputables au budget de l'Etat.

ARTICLE 12 : Le Secrétaire Général du Ministère de l'Economie et des Finances, l'Inspecteur Général des Finances les Directeurs Généraux Centraux et responsables des structures de mission concernés, sont chargés de l'exécution du présent arrêté qui prend effet pour compter de sa date de signature.

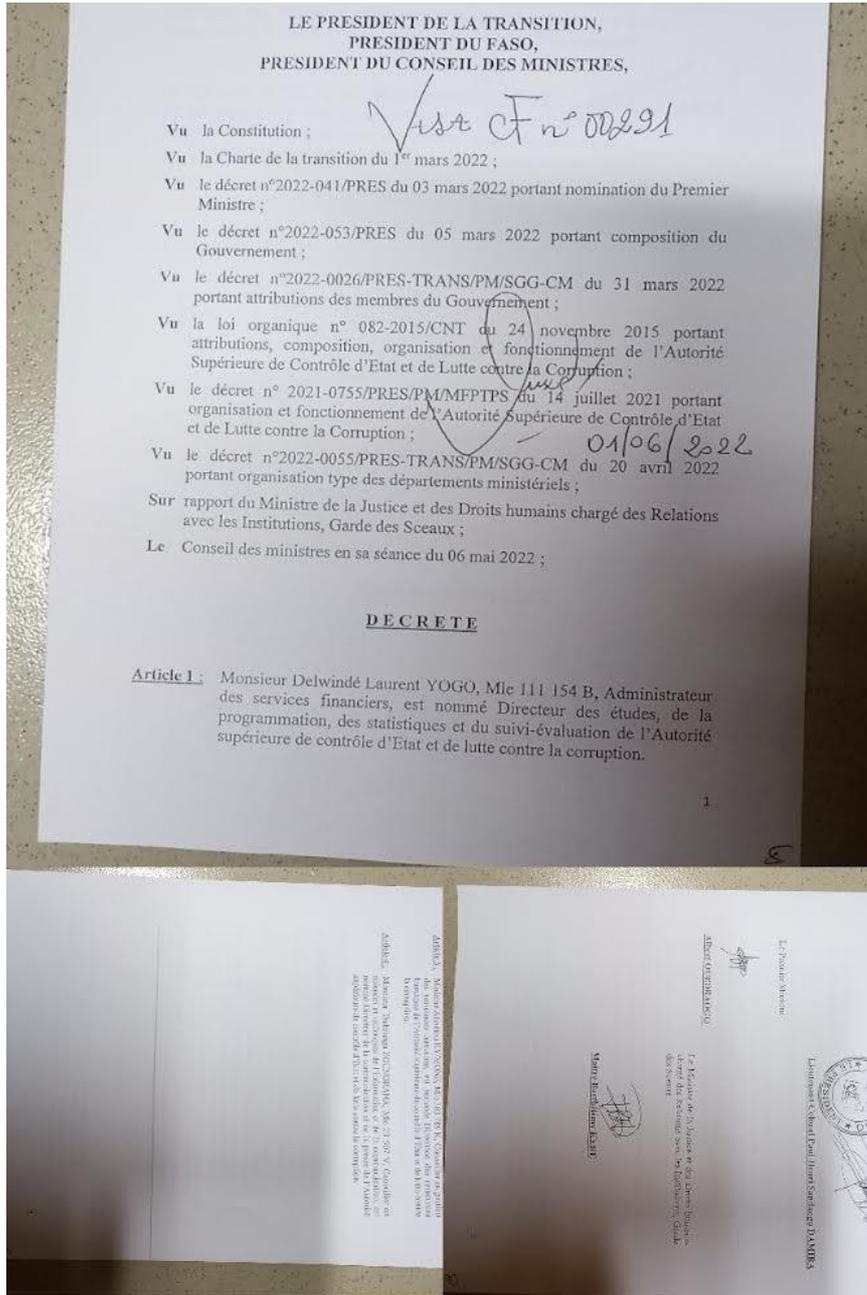
ARTICLE 13 : Le présent arrêté sera enregistré, publié et communiqué partout où besoin sera.

Ouagadougou, le 16/11/2012


Lucien Marie Noël BEMBAMBA
Officier de l'Ordre National

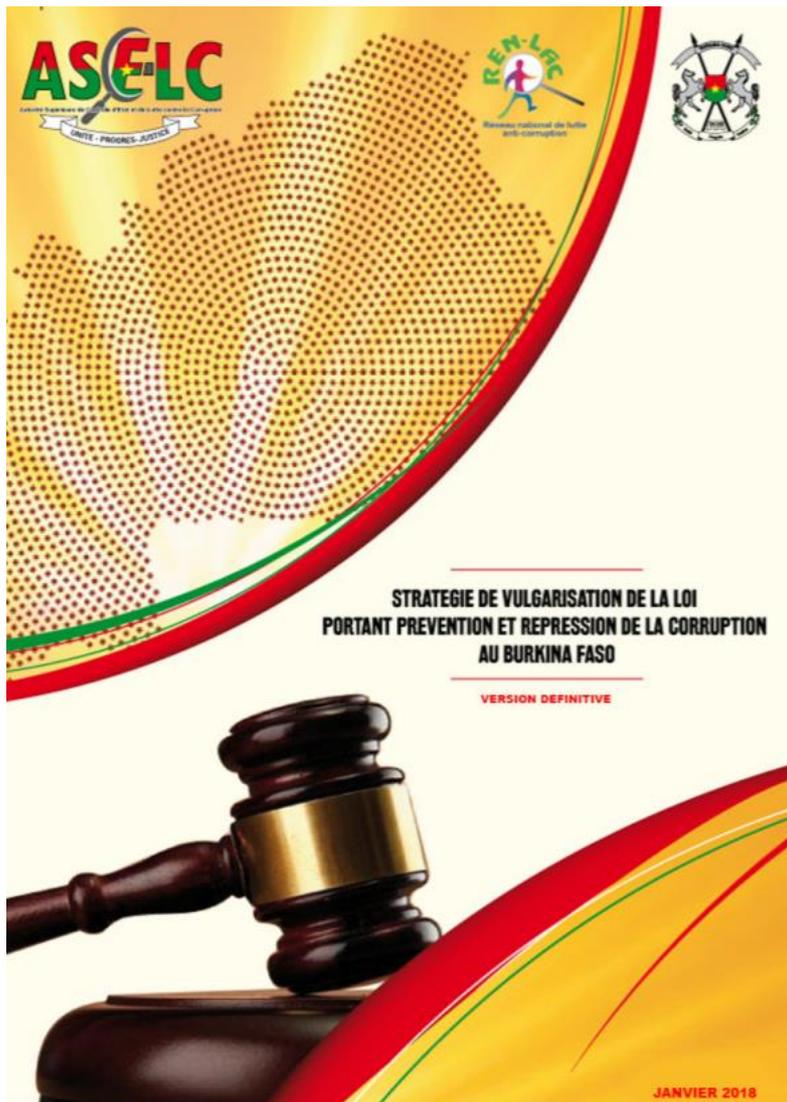
ANNEX 3: EVIDENCE COMMITMENT 2

Decree of appointment of service director



ANNEX 4: EVIDENCE COMMITMENT 3

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