

VALIDATION OF BURKINA FASO

Responses to observations addressed to civil society

Progress since Validation

(...) A review of 2018-2019 MSG meeting minutes confirms that the MSG has met regularly since the first Validation (10 times in total, five times in 2018 and five in 2019). There is also evidence that the MSG has met its EITI reporting deadlines. Some stakeholders consulted expressed concern with regard to the absence of progress in the government's review and approval of the Decree codifying the legal status of EITI Burkina Faso.

Observation

"...This lack of progress was explained by the change of government in January 2019 and by the government's focus on responding to a major security crisis in the country."

Response

This statement is inaccurate. The change of government and the security situation are not the reason why the process of restructuring the EITI's permanent secretariat has not yet been completed.

The fundamental reason is that the Prime Minister's Cabinet Council has not yet met.

Observation

Government nominations:

- Local government:
- Association of Local Government Regions
- Association of Municipalities and Regions

Response

A complete muddle and total confusion. The correct names or names for our country must be used. (at the PS-EITI).

Also, the term should be 'appointment', not 'nomination'. This applies to all EITI constituencies.

Observation

Civil society nominations (appointments)

- (CGD) = Centre **for** Democratic Governance, not Centre **of** Democratic Governance.
- ABSM is not currently part of the MSG. It should therefore be deleted from the report. ABSM will be on the list if the restructuring process is completed.

Observation

The Code of Conduct states that it applies to civil society organisations that are currently represented on the MSG, without explicitly naming these organisations.

Response

This is a contradiction, insofar as the organisations are cited in the report with ABSM, which needs to be removed. These organisations were therefore explicitly appointed.

Observation

The process for the drafting of the Code of Conduct is not publicly documented.

Response

The term “publication” is confusing insofar as it was not done in secret, either. What is meant by “publicly”?

Observation

(...) It is not possible to confirm whether civil society organisations not represented on the MSG had an opportunity to comment or take part in this exercise.

Response

The Code of Conduct was developed by a small group, made up of members of civil society on the MSG and non-members of the MSG. It was subsequently presented to a general meeting held on 4 July 2019, at the offices of the NGO ORCADE, in Ouagadougou. This meeting was attended by all organisations that are members of the Publish What You Pay coalition in Burkina Faso. The Code was discussed, amended and adopted by the general meeting.

Not all organisations that are members of the Publish What You Pay coalition are members of the EITI Steering Committee; otherwise, the committee would be too big. The International Secretariat did not request any documentation about the general meeting whatsoever.

Observation

(...) *The same CSO representatives were appointed to serve on the MSG following the adoption of the Code of Conduct and the call for nominations.*

Response

The question of appointing representatives to sit on the Steering Committee and subsequent rotation arrangements were discussed in depth at the general meeting that adopted the Code of Conduct. All those present decided unanimously to renew the terms of office of members already sitting on the Steering Committee. They also unanimously appointed three other organisations in addition to the seven already sitting on the committee, to reflect the new rules on the restructuring that is currently underway.

With regard to rotation arrangements, the general meeting decided that members currently sitting or who will sit on the Steering Committee in future will be replaced in stages, once the new provisions of the Code of Conduct are in place, to ensure continuity on the Steering Committee in terms of information sources and institutional memory, and to prepare the next wave of civil-society organisations represented on the MSG. However, since the restructuring process is not yet complete, the validation was based on the previous provisions and way of working. Accordingly, the previous members of the MSG have remained in place, based on the decision of the general meeting.

The Validation report confuses the previous provisions and way of working with the restructuring process, which is not yet complete.

Observation

Civil society

(...) *Civil society stakeholders consulted ahead of Validation confirmed that they used a WhatsApp group to consult CSOs on key MSG documents and decisions. However, there is no evidence to suggest that civil society representatives on the MSG have canvassed their constituency more broadly for the preparation of key EITI documents such as the annual progress report, the work plan or the EITI Report.*

Response

Discussions between members of civil society on the MSG have not identified the source of this information. Members of civil society sitting on the Steering Committee do not use WhatsApp to carry out consultations on EITI documents. They therefore request that these passages be deleted, since they do not reflect the reality of the situation.

Observation

Secretariat's Assessment

(...) Industry and civil society organisations have, shortly prior to the start of Validation, adopted public procedures to nominate their representatives on the MSG. While the new EITI Decree is still pending at the start of Validation, the MSG has adopted ToR through its internal rules that are aligned with all aspects of Requirement 1.4.b.

However, there is no evidence that the new Code of Conduct for civil society is the result of an open, transparent and inclusive process.

Response

Burkina Faso has more than 80,000 civil society organisations. Each organisation works in the area it has chosen for itself. While there is a desire to be inclusive, it is not possible to bring all these organisations together.

On the other hand, the process of developing and adopting the Code of Conduct was accessible to all organisations interested in the extractive sector through the Publish What You Pay coalition. In addition, the National Council of Civil Society Organisations in Burkina Faso is part of the Publish What You Pay coalition.

The Council is the largest civil society organisation in Burkina Faso, combining over 100 large networks of civil society organisations, with each network having numerous grassroots members of its own. The National Council is the official interface between the State and civil society organisations. Every year, in conjunction with the Ministry of Public Freedoms, it organises a consultation and discussion meeting with the President of Burkina Faso (President of the Republic) and civil society, covering all questions of national interest.

However, as part of the efforts underway to move gradually towards more coordinated action with other civil society organisations in other development sectors, the Code of Conduct provides as follows: "This Code of Conduct shall be rolled out to civil society organisations in Burkina Faso." (Article 21)

The organisations that attended the general meeting are therefore representative of civil society working in various areas of development.

The consultation stage of the process of adopting the Code of Conduct was therefore fully inclusive.

Observation

In accordance with Requirement 1.4, Burkina Faso should ensure that the procedures for nominating and changing EITI Multi-Stakeholder Group representatives are public and implemented in a fair, open and transparent way in practice.

Response

These issues have already been addressed in the new provisions drafted as part of the restructuring process. However, since they have not yet been implemented because the process is not complete, they were not used for the Validation. It should therefore be recommended that the process be completed, in order to implement new measures to strengthen the governance of the MSG.

Observation

Burkina Faso is encouraged to ensure that effective outreach activities are undertaken with civil society groups and companies, including through communication such as media, website and letters, informing stakeholders of the government's commitment to implement the EITI, and the central role of companies and civil society.

Response

Civil society is already aware of its role, which is why – separately from the MSG work plans – it engages in activities outside the MSG on the governance of the mining sector and EITI. For example, actions are currently being developed to roll out the EITI Standard that emerged from the Paris conference in June 2019, and highlight the new requirements on gender. A training workshop was organised in July 2019 for the MSG, organisations sitting on the MSG, non-MSG organisations, the media and women's organisations.

Civil society action also depends on the funding available to it, which it has to seek from partners.

Conclusion

Civil society welcomes the observations made about it in the Validation report but notes that some of these are a result of confusion between the restructuring process and the previous provisions, which formed the basis on which it operated.