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# Burkina Faso

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## BURKINA FASO

CAPITAL: Ouagadougou  
POPULATION: 14.8 million  
GNI PER CAPITA: \$460

SCORES	2005	2007
ACCOUNTABILITY AND PUBLIC VOICE:	3.44	3.52
CIVIL LIBERTIES:	3.88	4.21
RULE OF LAW:	3.32	3.45
ANTICORRUPTION AND TRANSPARENCY:	3.12	3.30

(scores are based on a scale of 0 to 7, with 0 representing weakest and 7 representing strongest performance)

*Michael Kevane*

### INTRODUCTION

Burkina Faso's rich civic institutions are rooted in the history of the pre-colonial Mossi kingdoms, the traditions of stateless societies in the southwest, the Islamic brotherhoods that structure the lives of Muslims, the hundred-year presence of the Roman Catholic Church and Protestant missionary societies, and popular struggles for representation during the colonial and postindependence periods. This heritage is a constant feature of contemporary political discourse, with critics accusing the current regime of betraying the country's political traditions. The regime's defenders emphasize its continuity with the past and its efforts to restore civic life after the excesses of the revolutionary period of the 1980s.

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## 2 COUNTRIES AT THE CROSSROADS

In recent years, the government has taken a number of important steps in the process of deepening participation in governance and the protection of civil liberties. These have included peaceful and relatively free presidential elections, municipal elections, the decentralization of local governance through mayoral and council elections in rural communes, and continued expansion of civil society institutions. The positive developments, however, have been accompanied by allegations of widespread corruption, clashes between police and the army in Ouagadougou, and the July 2006 dismissal of the criminal case against a member of the Presidential Guard who was accused of killing a prominent journalist in 1998.

Freedom and democracy in Burkina Faso have often been overshadowed by the personal rule of President Blaise Compaore. He and other members of a revolutionary council seized control of the country in 1983, ending a succession of short-lived military governments that had followed the 1980 ouster of longtime ruler General Sangoule Lamizana. In the council, Compaore, Jean-Baptiste Lingani, and Henri Zongo shared power with Captain Thomas Sankara, the extremely popular and charismatic young president. Sankara soon consolidated his leadership position, adopted a more strident and Marxist rhetoric for the regime, and became heavily involved in foreign affairs as a “revolutionary” leader of the Third World. In 1987, Compaore launched his own coup, during which Sankara was assassinated. Lingani and Zongo were summarily executed in 1989, allegedly for plotting against Compaore.

Compaore in 1991 began fresh efforts to legitimize his rule. Through a new constitution, he institutionalized a process of gradual political liberalization. Later that year, he won a seven-year term as president in an election that was boycotted by opposition forces. The opposition had called for a truly representative constituent assembly to draw up the new constitution. Compaore was sworn in for a second term in 1998, after an election that was again largely boycotted by the opposition. In the period between 2000 and 2002, the constitution was amended to limit the presidency to two five-year terms, an independent electoral commission was created, and judicial reforms clarified the powers of the various appellate courts. The government was explicit in hoping for a strong showing by opposition parties in the 2002 legislative elections, and in-

deed, the combined opposition gained a substantial number of parliamentary seats. Compaore ran for the presidency again in 2005, following the expiration of his second seven-year term, arguing that the constitutional term limits did not apply retroactively. Opposition forces mounted and lost a legal challenge but decided not to boycott the election. Compaore received 80 percent of the vote, and the process was generally viewed as free, but not entirely fair due to the resource advantage held by the incumbent.

While the past decade has seen gains in the construction of the formal apparatus of freedom and democracy, they must be viewed through the prism of the still-unresolved killing of journalist Norbert Zongo and three traveling companions in 1998.<sup>1</sup> Zongo, as editor of the newspaper *L'Independent*, was a fierce critic of the government. His investigation into a convoluted corruption, torture, and murder case that allegedly involved the younger brother of the president, François Compaore, was proving to be extremely damaging to the legitimacy of the regime. Zongo's death prompted opposition parties and human rights activists to coalesce into what became known as the Collective Against Impunity, a loose umbrella group led by magistrate and human rights advocate Halidou Ouedraogo.<sup>2</sup> The Collective has organized peaceful demonstrations every year to mark the anniversary of the murders, and its actions were probably largely responsible for the constitutional and executive branch reforms of 2000–2002.

The Collective also maintained pressure on the government to pursue a judicial inquiry into the Zongo murders. In 2001, Compaore organized a National Day of Pardon for all illegal acts committed by his own and earlier military regimes. Since 1998, security forces have by all appearances been careful not repeat such crimes. Nevertheless, the unresolved murders of Zongo and his companions—combined with other unpunished and undocumented extrajudicial killings, disappearances, and alleged assassinations in the first decade of Compaore's rule—have raised concerns that many members of the president's inner circle are above the law and public accountability, and that the country's democratic institutions and civil liberties are merely tools of convenience for the leadership.

## ACCOUNTABILITY AND PUBLIC VOICE

FREE AND FAIR ELECTORAL LAWS AND ELECTIONS:	2.50
EFFECTIVE AND ACCOUNTABLE GOVERNMENT:	3.25
CIVIC ENGAGEMENT AND CIVIC MONITORING:	4.33
MEDIA INDEPENDENCE AND FREEDOM OF EXPRESSION:	4.00
<b>CATEGORY AVERAGE:</b>	<b>3.52</b>

Electoral politics in Burkina Faso appear to be at the cusp of the divide between democracy and authoritarianism. Suffrage is universal, and no special interest groups have formally disproportionate representation in government. Electoral reforms in 2002 led to a substantial opposition presence in the National Assembly, 54 out of 111 seats. The introduction of a single-ballot format reduced the opportunities for buying votes, and significant attention has been paid to regularizing the electoral rolls. In addition, public financing for political parties has undoubtedly provided incentives for more political newcomers to enter the ring in presidential and legislative elections.

Presidential elections in November 2005, municipal and communal elections in April 2006, and other special elections during the 2004 to 2006 period were held in a largely competitive and peaceful environment. The presidential poll resulted in a landslide victory for Compaore, who obtained slightly more than 80 percent of the vote. The remainder was divided among twelve other candidates, none of whom received more than 5 percent of the vote. A number of international observers issued favorable reports about the election, but noted some irregularities and possible fraudulent activities, particularly the manipulation of electoral rolls.<sup>3</sup>

Compaore has yet to indicate convincingly that he is willing to step aside in a peaceful transition, dissuading potentially viable candidates from entering the fray. He appears unlikely to surrender power without some provision of immunity for himself and other senior officials with respect to the violence committed by security forces since the 1983 coup.

The municipal and communal vote, which had been delayed twice due to organizational difficulties, produced a low turnout of 49 percent

of the electorate.<sup>4</sup> The president's party, the Congress for Democracy and Progress (CDP), won approximately 73 percent of the seats in communal councils and close to 90 percent of mayoral posts across the country. While the outcome of the local elections was never in doubt, the act of finally decentralizing political authority after years of discussion and delay was a very positive development for Burkinabe democracy. In special elections for the municipal council of Po, held in February 2007 after the previous council was dissolved by the Ministry of Territorial Administration and Decentralization, the ruling party and the opposition each accused the other of buying votes with cash distributions.<sup>5</sup>

The CDP continues to dominate the political playing field. Many Burkinabe perceive that it has become a powerful electoral machine, much like the single-party systems of the 1970s, but now with the illusion of multiparty competition. In much of the country, the well-financed CDP is able to dominate elections without recourse to overt fraud. The party enjoys multiple benefits of incumbency, including the ability to attract considerable campaign donations and greater media attention than its competitors. Opposition politicians believe themselves to be generally threatened with violence should they come too close to defeating the ruling party. A number of politicians issued a public statement in 2005 asserting that they had been threatened by an unidentified Sierra Leonean.<sup>6</sup> The opposition also refers to the case of lawmaker Hermann Yameogo, the son of Burkina Faso's first president, Maurice Yameogo, who was detained at the Ouagadougou airport in September 2004 and accused of working with hostile foreign governments.

Support for the opposition weakened even further after several of its candidates were accused of accepting funding from the president and the CDP to organize parties that would help create the illusion of competition. During the presidential campaign of 2005, Laurent Bado, candidate of the Opposition Burkinabe Unifiée (OBU), publicly admitted having received thirty million CFA francs (US\$6,200) from the president.<sup>7</sup>

Given the dominance of the CDP, opposition parties remain a last recourse for aspiring public servants and often attract CDP members who have lost favor within their own party. For example, in Bobo-Dioulasso, the second-largest city and potentially a major base for any electoral challenge to the president,<sup>8</sup> then-incumbent mayor Celestin Koussoube was unceremoniously dropped from the CDP list as rumors circulated that

he was a potential threat to the leadership in Ouagadougou. He promptly switched parties, joining the Alliance for Democracy and the Federation, African Democratic Assembly (ADF-RDA), and was added to the list for the district of Konsa in the municipal elections of 2005. The high-profile switch prompted a rash of lower-level defections to and from each side, although Koussoube lost his bid for mayor when the new municipal council voted, 114 to 35, for Salia Sanou, a CDP stalwart and deputy in the National Assembly.<sup>9</sup>

Unlike national elections, communal elections seem to have genuine competition and accountability, both within the CDP and among political parties.<sup>10</sup> In Boromo, in the province of Bales, for example, local residents rejected CDP candidates selected by national party structures if they were deemed unresponsive to local needs, insisting instead on better-known and more responsible local candidates. Factional splits in the ruling party also allowed opposition candidates to be elected to the Boromo council. In Gourcy, center of the province of Zondoma, sharp rivalries within the CDP led to simultaneous party meetings held in different parts of the town, each seeking recognition from a delegation of CDP leaders who came from Ouagadougou to resolve the problem.<sup>11</sup>

The Independent National Electoral Commission (CENI) organizes and oversees elections. Appointments to the fifteen-member governing board are divided, with five representatives chosen by the executive branch, five by opposition parties, and five by civil society (one person from each of three major religious communities, one from the institutions of traditional chieftaincy, and one from the human rights community). The method of selection is opaque, and the rushed and irregular “election” of the human rights organizations’ representative in August 2006 drew much protest.<sup>12</sup> Political parties are partially financed by the state.<sup>13</sup> The larger parties such as the CDP and ADF-RDA receive amounts based on their electoral returns, and smaller parties have been given equal shares of a remaining allocation. Annual grants to all parties together have been approximately 200 million CFA francs (US\$415,000). There is little regulation of private financing of political parties.

A very small degree of rotation of power takes place within the elite of the ruling party. The prime minister since 2000, Ernest Paramanga Yonli, is among the longer-serving premiers of the Fourth Republic, as the regime of President Compaore is known. While a large number of

ministers and the head of the CDP are longtime stalwarts of the regime, others are relative newcomers and technocrats.

Constitutionally, the National Assembly can hold the executive accountable through votes of censure and no confidence, but in practice it asserts little oversight and rarely questions government actions. In particular, the National Assembly has failed to establish commissions of inquiry to investigate any controversial government moves. Given the dominance of the executive and legislature by one political party, the independence of the judiciary is a matter of utmost importance. Reforms resulting from the Norbert Zongo crisis began the process of establishing a stronger judiciary, but there is still little pretense of judicial independence.

The government seems to actively promote and empower minority or historically disadvantaged social groups. For example, the government annually organizes the *Journee Nationale du Paysan* (National Day of the Farmer), an all-day affair at which government officials listen and respond to the concerns of rural community leaders. The government is also a strong promoter of artistic and cultural events. There are no apparent restrictions on cultural expression, whether in traditional forms (such as dance, masks, and oral poetry) or in new media of expression (including print and recorded music and video).

Sankara's rule in the 1980s created high popular expectations of effective and reasonably accountable governance, and the Compaore regime has generally sought to meet those expectations. Meetings and minutes of the Council of Ministers are regularly reported on and debated in the press. Civil service positions are usually allocated by national, competitive examinations, though allegations of irregular hiring and promotion are a staple of daily newspapers. Technocrats are well represented in the upper echelons of government. By and large, civic associations are allowed to flourish. Those that seek formal status may register with the government, and registration requirements are not viewed as onerous.

International nongovernmental organizations (NGOs) operate throughout the country, and the activities of international human rights groups and other civil liberties groups are not subject to any reported impediments. The International Organization for Francophonie (OIF), for example, organized a conference in September 2005 on sustainable development, including themes of governance and human rights, that

drew more than sixty international NGOs and local civil society organizations. In October 2006, the UN Development Programme (UNDP) created a consultative committee to represent more than 100 civil society organizations interested in working with the agency. There are few barriers to the establishment of domestic NGOs, particularly for development and associational activities. Farmer organizations, such as the Cotton Producers Group (GPC) in the cotton areas, and the village organizations known as Associations Naam–Six-S in the northwest, are active in associational life. Many villages have development NGOs.

Political associations are also in evidence. An association of several political parties called the Coordination for the Transparency of Elections (COTE) was formed in August 2005 to monitor the presidential election.<sup>14</sup> The Center for Democratic Governance regularly hosts conferences and workshops and organizes research on the political institutions of the country.

Article 8 of the constitution guarantees freedom of the press. The country's media outlets regularly report on the activities of the executive branch, and open criticism of government action or inaction is common. Several dozen newspapers are published regularly, including the sharply satirical *Journal de Jeudi*. The government-funded official newspaper, *Sidwaya*, has been reasonably neutral in tone and coverage, including during campaign seasons. The private sector has increased its presence in television and radio, with three television stations and numerous private radio stations broadcasting. The government television station, TNB, has accepted funding from a number of major private enterprises and individuals, including the wealthy entrepreneurs Alizeta Ouedraogo (thirty million CFA francs or US\$62,300) and Oumarou Kanazoe (seventy million CFA francs or US\$145,500), for the remodeling of the station headquarters, but denied that this would influence news coverage.<sup>15</sup>

The media are free of overt censorship, and several newspapers are openly antigovernment. However, the unpunished and unresolved murders of newspaper editor Norbert Zongo and his companions in 1998 have been considered by many to be a deliberate warning to journalists to exercise self-censorship. A number of libel cases have further underscored the ambiguity of the government's position regarding critical journalism. One case heard in January 2007 involved the bimonthly newspaper *L'Evenement*, which published accusations made by the international organization Reporters Without Borders that the president's

brother had ordered Zongo's killing.<sup>16</sup> The defendants argued unsuccessfully that they were reporting the public accusations rather than the facts of the matter; they were sentenced to two-month jail terms and fines of 300,000 CFA francs (US\$623,200). Libel is considered a criminal offense punishable by imprisonment rather than payment of monetary damages, and there seems to be little interest in the CDP to change that status.<sup>17</sup>

Internet access is widely available in the two major cities of Ouagadougou and Bobo-Dioulasso through an extensive array of private internet cafes. The costs are affordable to middle-class users. A number of websites (lefaso.net, for example) collate and archive articles from all of the major newspapers.

### *Recommendations*

- The selection process for the governing board of the Independent National Electoral Commission (CENI) should be reformed to improve transparency and ensure that the outcome reflects the consensus of the National Assembly.
- Compaore should complete the transition away from personal rule by initiating an open discussion in the National Assembly on a grant of immunity for acts of violence committed by security forces prior to 2000, and by organizing a process to select a new CDP leader who could stand in the 2010 presidential election.
- Legislation should be enacted to regulate the financing of electoral campaigns, with reporting requirements for party contributions as well as provisions governing nonparty political campaigning.
- Penalties for libel should be reduced.

## CIVIL LIBERTIES

PROTECTION FROM STATE TERROR, UNJUSTIFIED IMPRISONMENT, AND TORTURE:	3.00
GENDER EQUITY:	3.75
RIGHTS OF ETHNIC, RELIGIOUS, AND OTHER DISTINCT GROUPS:	4.50
FREEDOM OF CONSCIENCE AND BELIEF:	6.00
FREEDOM OF ASSOCIATION AND ASSEMBLY:	3.80
<b>CATEGORY AVERAGE:</b>	<b>4.21</b>

Overcrowded prisons and instances of arbitrary detention characterize the justice system in Burkina Faso. One survey found that city and town prisons were filled to double or even triple their intended capacity; an estimated one-quarter of the inmates were awaiting trial.<sup>18</sup> Burkinabe citizens often note the prevalence of arbitrary arrest and the ease of undocumented temporary detention despite laws providing formal protection against such abuses. Moreover, the popular opinion is that police routinely beat and torture criminal suspects, although no reliable or authoritative reports on the issue are currently available. The government supports a citizen's ombudsman, the Mediateur du Faso, whose office works to facilitate the process of seeking redress for arbitrary detention and other abuses against civil liberties.

There were no reports of torture or extrajudicial killings of political opponents between November 2004 and March 2007. Noel Yameogo, an official in the National Union for Democracy and Development (UNDD) party, was arrested at Ouagadougou airport in September 2004—along with his cousin, Hermann Yameogo—and held for six months without trial before he was released in February 2005.

Extrajudicial killings by police in rural areas continue to be a serious problem. The killing of Djolgou Yaarga, a gold merchant, and his two employees near the town of Piela in October 2006 illustrated the lack of accountability among rural police services. Despite scant evidence, the two employees were detained under suspicion of highway robbery while traveling on a work assignment. Yaarga, learning of the arrest, went to the jail to clarify the situation, but was also imprisoned. All three men were executed the following day without a hearing or trial.

The government continued its effort to institutionalize a formal apparatus for the protection of civil liberties. In 2002, it established the Ministry for the Promotion of Human Rights and subsequently named and continued to support Monique Ilboudo—a renowned lawyer, journalist, and defender of human rights—as human rights minister. The government continued to honor its commitment, made during the National Day of Pardon, to indemnify the families of victims of political violence. By the end of 2006, the families of 449 victims had received compensation, and the total amount disbursed had reached 4.7 billion CFA francs (US\$9.7 million).

A number of nongovernmental human rights organizations, including the prominent Burkinabe Movement for Human Rights (MBDHP),

continue to be active. The president of MBDHP, Halidou Ouedraogo, suffered a heart attack in 2006 and was medically evacuated to France for recovery and rehabilitation. In an interview after his return, he noted that numerous government officials had assisted him in his recovery.<sup>19</sup>

The Burkinabe state has expressed considerable interest in protecting the rights of minors, women, and socially distinct groups. Ilboudo, the human rights minister, has been able to bring about the ratification of a number of international protocols of high relevance to West Africa, including the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Optional Protocol of the Convention Eliminating Discrimination Against Women, and the Optional Protocol on the rights of women of the Charter of the African Union.<sup>20</sup> However, implementation of many of the provisions of the protocols has been slow. In July 2005, a multilateral cooperation agreement on child trafficking was adopted by a number of West African states, including Burkina Faso. The signings and ratifications were accompanied by the establishment of programs to make citizens and local authorities more aware of the problems and encourage them to seek solutions, and the government has promised reforms of the relevant national laws.<sup>21</sup>

Women have enjoyed increasing freedom from discrimination as the customs and traditions of rural society erode. The government has strongly backed efforts to improve the low rates of female school attendance. Messages of empowerment, in newspapers, soap operas, radio programs, and other formats, are encouraged, and the CDP tried in the municipal elections of 2006 to increase gender equality in the party lists, with the goal of a 25 percent female quota in urban areas and a 50 percent quota of women candidates in rural areas. In early 2007, the government announced that it would support a 30 percent quota of women in decision-making positions in the executive branch.

The state supports the livelihoods of people with disabilities by encouraging civil society organizations devoted to improving their well-being. However, the circumstances of extreme poverty in Burkina Faso make state support for the rights of the disabled more rhetorical than effective. There has been little effort to make public buildings accessible to those with special needs, and the private sector is not held to any measure of accountability for discrimination or physical accommodation. The government hosted the Pan-African Disabled Games in July 2005.

Religious and ethnic tolerance has long been a hallmark of Burkinabe society and state policy, and this continued through the survey period.<sup>22</sup> The constitution proscribes the formation of political parties on the basis of religious affiliation or ethnic identity. Political advertising designed to appeal to narrow religious or ethnic interests is prohibited. There is little evidence of employment discrimination based on religion and ethnicity.

The government and civil society organizations value the Burkinabe tradition of *parente a plaisanterie* (joking relationships) among ethnic groups as a cultural mechanism for defusing possible ethnic tensions. The government holds an annual Week of Culture festival and makes every effort to include all the ethnic groups of the country. Religious organizations abound in Burkina Faso, and there is considerable proselytizing and conversion among Christian and Muslim groups, as well as a substantial adherence to traditional religious practices. The government in general does not interfere with religious practices.

Freedom of association is increasingly respected, and there were few reported cases of police interruption of peaceful rallies or denial of demonstration permits during the survey period. Trade unions and civic associations are active in Burkina Faso. During much of 2005, the major unions organized short national strikes as they negotiated with the government over salaries and benefits. There has been little recent government interference in their activities. The long process of privatization begun in the 1990s has resulted in a much-smaller parastatal sector, and this has reduced the ability of organized labor to effect government change.

#### *Recommendations*

- The National Assembly should hold hearings and work with the Ministry for the Promotion of Human Rights to submit and make public a report to the secretariat for the Convention Against Torture, indicating the specific steps that have been taken to enforce the provisions of the convention.
- The government should cease holding citizens in detention without charge for longer than the prescribed seventy-two hours.
- Cases of extrajudicial killing, especially by police in rural areas where there are few witnesses or checks on police power, should be examined by an independent prosecutor.

- The National Assembly should organize public hearings and site visits to assess prison conditions throughout the country.

## RULE OF LAW

INDEPENDENT JUDICIARY:	3.40
PRIMACY OF RULE OF LAW IN CIVIL AND CRIMINAL MATTERS:	3.33
ACCOUNTABILITY OF SECURITY FORCES AND MILITARY TO CIVILIAN AUTHORITIES:	2.50
PROTECTION OF PROPERTY RIGHTS:	4.00
EQUAL TREATMENT UNDER THE LAW:	4.00
<b>CATEGORY AVERAGE:</b>	<b>3.45</b>

A prosecuting judge's July 2006 decision to dismiss the case against the sole suspect in the Norbert Zongo murders presented a serious setback to the popular perception of judicial independence. The case documents seemed to indicate very strong evidence of the guilt of defendant Marcel Kafando, a member of the Presidential Guard, causing widespread public dissatisfaction when the case was dismissed. The prosecuting judge indicated that he had been unable to secure testimony from many members of the Presidential Guard and that a key witness against Kafando had recanted his testimony. However, many opposition figures argued that the evidence was more than sufficient had the prosecutor wanted to pursue the case vigorously.

Reforms resulting from the Zongo crisis began the process of establishing an independent judiciary, but there is still little pretense of judicial independence. According to the constitution, the judiciary is regulated by the High Council of Magistrates (CSM); the president of the CSM is the president of the republic. The reelection of President Compaore in 2005 was made possible in part by the preelection decision of the Constitutional Council, created in 2000, to reject the petition of four opposition presidential candidates who argued that Compaore had already served the maximum number of terms. The council found that the 2000 amendment limiting the presidency to two five-year terms was not retroactive. Of the ten members of the Constitutional

Council, the president appoints seven (including the body's president and three magistrates nominated by the justice minister) and the head of the National Assembly names three. All but the council's president serve nine-year terms, with one-third of the members subject to renewal every three years.

The judicial reforms of 2000 led to the creation of a Supreme Court with jurisdiction over the president in cases of treason, violation of the constitution, or misappropriation of public funds. The Supreme Court can hear an accusation only if it is referred with a vote by four-fifths of the members of the National Assembly, which is extremely unlikely. The members of the Supreme Court are selected from the National Assembly and the Appeals Court, and as long as the CDP remains in control of the executive and legislative branches, the Supreme Court will consist of CDP and presidential loyalists.

The evolution of a truly independent judiciary made slow progress between 2004 and 2007. Judicial independence was a central plank of the government's National Policy for Good Governance (PNBG), originally adopted by the Council of Ministers in 1998 and renewed in May 2006. The action plan for the PNBG document went through a participatory formulation process after being drafted initially by the High Authority for Coordination of the Fight against Corruption (HACLIC), the government anticorruption unit. For example, a two-day workshop in Ouahigouya to discuss the document drew several hundred government and civil society participants and generated open discussion and suggestions for amendment.<sup>23</sup> Nonetheless, corruption remains one of the main problems in the Burkinabe judicial system. A 2005 report by the CSM found numerous instances of corruption in the national courts of Ouagadougou and Bobo-Dioulasso.

Judges in Burkina Faso are, given the circumstances, reasonably well-trained to administer justice. Under a judicial reform program that commenced in 2002, the number and training of magistrates has been increasing rapidly, and the government has embarked on a program to build and equip the infrastructure of appeals courts and Courts of First Instance (TGI).

Defendants are informally presumed guilty, despite legal provisions guaranteeing the opposite, and often do not have access to legal representation.

It is very difficult to gauge the effectiveness of civilian control over the military and police in Burkina Faso. A serious test of effective civilian control occurred in December 2006, in what became known as *l'affaire militaire-policier*. The incident began when an army recruit was shot dead by a police officer following an altercation. Infuriated, the recruit's army comrades raided a camp armory and proceeded to mount attacks against police positions throughout central Ouagadougou. The police responded with some small-arms fire but generally fled and removed their uniforms. Military personnel set up roadblocks and, according to some accounts, proceeded to confiscate the personal property of civilians who entered the downtown area the next morning. Authority over the military was not fully restored until the following afternoon. The civilian defense minister appeared in public with the security minister, who was in charge of the police, and reassured the public that the unrest was under control. The government officially announced that the violence had caused six deaths.

Rumors that the events were really an attempted coup d'état circulated widely, as did assertions that the soldiers had attacked the main prison of Ouagadougou and either deliberately or accidentally allowed prisoners to escape. Moreover, it seemed that once soldiers saw that discipline was breaking down, they used the disorder as an opportunity to vent dissatisfaction with living conditions and pay. In the days following the violence, soldiers presented a list of demands to the authorities. On the evening of December 31, troops opened fire in other major towns in an apparent display of solidarity with the Ouagadougou soldiers. Prison guards attempted a mass strike in early January, claiming the right to indemnification for losses suffered during the two days of violence, as well as improvements in working conditions.<sup>24</sup>

The events point to ineffective mechanisms for communication and response to grievances within the security forces, and suggest that there is not yet full respect for the rule of law among younger recruits. Only a full public analysis of the violence can help ensure that soldiers remain in their barracks and police do not act with impunity. As of March 2007, neither the National Assembly nor the executive had indicated any commitment to such an inquiry.

The reaction to the army-police clashes contrasted with the spirit of open investigation and disclosure that animated a military tribunal

convened in April 2004 to try a group of military officers and enlisted men who had been charged in October 2003 with involvement in an alleged coup plot.<sup>25</sup> The defendants were accused of taking money to carry out the coup and recruiting comrades within the military to support them. The trial was billed by the government as an example of the institutionalization of the rule of law and a divergence from the summary executions of coup plotters both in neighboring countries and in Burkina Faso in the past. Some of the accused were acquitted, and others were found guilty and sentenced to prison terms. President Compaore subsequently freed some of the imprisoned officers as part of the National Day of Pardon. Nevertheless, when two of the freed men, Bayoulou Bouledie and Bassama Bassole, sought out members of the press in April 2006, claiming that they were being followed and feared for their lives, they were detained for two days and then released without charge.<sup>26</sup> Commander Bernardin Pooda, another of the officers tried in 2004, was brought before a military tribunal again in early 2007 on charges of embezzling public funds while serving in the military.<sup>27</sup>

Individual and corporate ownership of private property is increasingly well respected. Contracts are generally enforced as part of the normal routine of governance. Labor contracts in particular are subject to considerable scrutiny and enforcement by the Work Inspectorate, a government agency. The most significant public taking of private property for redevelopment efforts, the *Projet ZACA* in central Ouagadougou, proved in early 2007 to be less poorly managed than public perception had hitherto held, as infrastructural improvements and land titling began in the project area. Decentralization policies have sped up the process of formal surveying, subdivision, and titling of residential parcels in larger villages and small towns. Agricultural, pastoral, and forested areas held as traditional, communal, or common property continue gradually to come under the umbrella of regularized and formal land-use rules as part of the National Program for the Management of Rural Lands (PNGT). The establishment of rural communes is likely to strengthen this process further. Generally, compensation is rendered for government takings.

#### *Recommendations*

- The High Council of Magistrates and the Constitutional Council should be made completely independent of the executive, and the vot-

ing margins for referring cases of presidential malfeasance to the Supreme Court should be lowered.

- A public parliamentary inquiry into the *l'affaire militaire-policier* should be conducted, and reforms—such as a regular monthly dialogue and joint activities among the various security services—should be implemented to ensure that the events are not repeated.
- The government should regularly publish the salaries and supplemental pay scales of magistrates as one in a series of steps to reinforce public confidence in the integrity of the judiciary.

## ANTICORRUPTION AND TRANSPARENCY

ENVIRONMENT TO PROTECT AGAINST CORRUPTION:	3.00
EXISTENCE OF LAWS AND ETHICAL STANDARDS BETWEEN PRIVATE AND PUBLIC SECTORS:	3.25
ENFORCEMENT OF ANTICORRUPTION LAWS:	3.25
GOVERNMENTAL TRANSPARENCY:	3.71
<b>CATEGORY AVERAGE:</b>	<b>3.30</b>

Anticorruption rhetoric has been an important element of Burkinabe political discourse since the Sankara period, when public integrity in word and deed were given great salience. Burkinabe are quick to note that when Sankara was killed in 1987, a public inquest into his assets revealed only a guitar, his aging Renault, and a sizable book collection. The long-serving military ruler Sangoule Lamizana was also revealed to have benefited little from his presidency; an inquest held under the revolutionary Sankara regime found his accounting of presidential funds to be adequate.

However, there are few checks on corruption at the apex of public power in Burkina Faso. The listings of assets of the president and other members of government, as prescribed by Article 77 of the constitution, appear to be irrelevant, as the Constitutional Council does not make these listings available to the public. The prohibition on government officials benefiting from or participating in transactions involving the public domain is commonly evaded in practice, due in part to the extended family relationships of the Burkinabe elite. Little positive or negative

evidence of these practices is available to the public, however. In recent years, President Compaore and other high officials have repeatedly been accused of violating the tradition of modesty and integrity, but his appetite for large-scale corruption is either well concealed or well moderated.<sup>28</sup>

On numerous occasions over the period between 2004 and 2007, the president and prime minister have publicly proclaimed the importance of the integrity in public administration. The government ratified the African Union Convention against Corruption in 2005 and the UN Convention on Corruption in 2006. The Compaore regime has since 1991 followed an economic model of liberalization and privatization, which often has the effect of reducing the scope for corrupt practices by bureaucrats. The government does a fair job of making budget discussions, bidding for publicly financed projects, and the allocation of public expenditures transparent.

Nevertheless, corruption remains a significant though not insurmountable problem. Burkina Faso's score on Transparency International's Corruption Perceptions Index was low in comparison with those of many other African countries. The range of scores for 2005 (the first year the country was given a score in the index) was 2.7 to 3.9, with an average of 3.4, ranking the country 70 out of 158 countries, in the company of Ghana, Mexico, and Egypt. For 2006, the country scores ranged from 2.8 to 3.6, and the average score ranked Burkina Faso 79 out of 163 countries, flanked by Senegal and Lesotho.

The respected anticorruption NGO National Anticorruption Network (REN-LAC), which has regularly surveyed government and private-sector employees on the issues of corruption, has found that the urban elite perceives corruption as a serious problem, with only minor changes from year to year.<sup>29</sup> Typically, about half of the respondents indicate that corruption is widespread, about three-quarters say that the problem is worsening rather than improving, and one-third to one-half report that they have personally had experiences with corruption. Corruption is believed to be especially widespread in the customs and police services. Education and the media are consistently viewed as the least corrupt professional sectors.

The media report widely on cases of corruption, and the REN-LAC reports contain summaries of the content of newspaper articles dealing with corruption. One observation REN-LAC makes is that a large num-

ber of articles are unsigned; the nature of corruption is such that hard evidence is difficult to obtain and the actors involved are often powerful public figures. Nevertheless, a number of journalists (Michel Zoungrana, Lierme Some, and San Evariste Barro) and independent newspapers (*L'Observateur Paalga*, *L'Independent*, and *Le Pays*) have strong reputations for regularly reporting on corruption.

Possibly the most significant action against corruption in 2005 was the dismissal of Mathieu Ouedraogo, the minister of primary education (Ministere de l'Enseignement de Base et de l'Alphabetisation), following accusations that he had embezzled 700 million CFA francs (US\$1.45 million). There was no official comment on his removal from office, and he was subsequently named ambassador to South Africa. The lack of follow-through in the form of a public inquiry or judicial process suggested to many that the government was not serious about punishing major corruption. Most observers continue to believe that government officials at the highest levels will not be investigated or prosecuted for alleged corruption. The government insists that corruption is taken seriously and that no officials are above the law.

Important corruption cases or accusations have implicated public officials in major cities such as Ouagadougou, Bobo-Dioulasso, Koudougou, and Ouahigouya. In two of these cities, mayors were removed following administrative findings of malfeasance or negligence in administration; in others, lower-level officials were removed from office or high-ranking officials were induced to respond more forthrightly to public accusations of corruption.

A smaller but typical case reported by REN-LAC concerned the secondary school of the small town of Zorgho, where a French donor city had agreed to build a science laboratory.<sup>30</sup> The school official in charge, François Kabore, was found to have embezzled a large fraction of the donated funds and never completed the laboratory. After his election as mayor, however, he was arrested and found guilty of fraud in the allocation of residential parcels following the surveying of the town, and was sentenced to prison. The Council of Ministers removed him from office in January 2005. Other public officials have been implicated in similar fraudulent sales of residential parcels allocated by the government in newly surveyed zones.<sup>31</sup>

Major corruption makes front-page news, but petty corruption in government bureaucracies—by the semipublic cotton marketing companies,

in schools, by customs agents, and at the revenue service—is also viewed in the Burkinabe newspapers and in ordinary discourse as a troubling low-level threat to the social fabric. Cotton farmers see the semipublic cotton companies as major venues of corruption. In an attempt to increase competition and reduce corruption in the sector, the monopoly company SOFITEX was partially broken apart into regional public-private entities in 2004. But the companies retain their local monopolies over the sale of fertilizer and pesticides, and over the grading of cotton quality and subsequent purchases from farmers. At numerous points in the supply and marketing chain, cotton company employees have opportunities to extract bribes from farmers.<sup>32</sup>

Another area of concern is brand fraud, in which low-quality goods are sold with the tag of a high-quality product attached. This type of fraud has been found in consumer durables such as the ubiquitous *mobilette* (moped) that the majority of the urban population uses for motorized transport, as well as in pesticides and construction materials. In 2005, the National Assembly undertook an inquiry into the quality of mass-produced foodstuffs, and the resulting report identified numerous irregularities. This was one of the few instances in which the legislature took up the corruption issue.

Over the past decade the government has been steadily privatizing many areas of the economy, including health and education, leading to the rapid growth of private clinics and schools. The overall incidence of abuse of public office may be declining as the private sector provides more services to the public.

Several entities in the executive branch are responsible for combating corruption. There are inspection services tasked with auditing public accounts and investigating corruption and fraud. Revenue-collection and human-resource divisions of government are particularly prone to corruption, and the leadership has devoted considerable resources to improving the auditing and control capacities of these services, but such capacities remain limited.

Three higher-level entities—the National Ethics Committee (CNE), the High Authority for Coordination of the Fight against Corruption (HACLC), and the Public Accounts Court—were established with much fanfare in the aftermath of the Norbert Zongo crisis. They have, however, been allowed to lapse into a low level of effectiveness. The resources

allocated for their activities have remained limited, and they are seen essentially as reporting and coordinating bodies; that is, they are considered a part of the government rather than outside or independent entities.

The nine-member CNE, the government ethics watchdog, was supposed to be the highest-profile entity created. However, the committee has had a rather limited impact. Only two annual reports (for 2002 and 2003) have been delivered to the prime minister, and although they were made available to the public, little effort or resources were directed to printing and distributing copies. The first report severely criticized and called for reform of the inspection services. One recommendation was for the government to publicize the services' reports. The government's response, cited in the second CNE report, was that releasing inspection-service reports would violate the separation of powers, according to which the judicial system is responsible for prosecuting corrupt actions by public officials. There is always a balance in any system of governance between the public release of information in advance of a judicial process and the presumption of innocence for individuals who might be named in a government report. However, the government's position, that the results of all inquiries should be withheld, essentially tipped the balance entirely to one side.

Reports and recommendations were also produced by the HACLC, a government anticorruption body that began functioning in 2003. It acts as a coordination unit within the government for public information and administrative action, and manages a hotline service for citizens to report corruption and request assistance. In presenting the agency's 2004 annual report, Honore Tougouri, then the president of the HACLC, observed that it had not received a response to the recommendations in the 2003 report. During HACLC workshops in December 2004 and December 2005, attendees made proposals to give the entity some independent prosecutorial powers. Presenting the 2005 report in March 2006, Tougouri repeated calls for greater coordination and investigatory authority. He stepped down in 2006, and new HACLC members were sworn in. They had not yet announced a report for 2006 as of early 2007, nor had any of the reports been made fully public. The government did adopt in May 2006 a National Plan of Action against Corruption, as recommended by the HACLC, and Compaore gave

the agency his support in his campaign statement for the 2005 election.<sup>33</sup> The plan of action called for a number of reforms, but the government has not yet passed legislation to adopt the proposed changes.

Finally, the Public Accounts Court (Cour des Comptes) was tasked in the judicial reforms of 2000 to 2002 with oversight of public finances, enhancing the normal investigations of the inspection services. Through 2005, the court had not yet issued any formal public reports on its investigations. The press indicated that the court had distributed reports to members of the National Assembly, but no details were published on the content of those reports. In October 2006, the Council of Ministers adopted new rules that gave the court more autonomy and strengthened the career paths of the magistrates.

The plethora of bureaucratic anticorruption structures has led observers in the opposition and civil society to suggest that the grand strategy of the regime is to buy off critics and incorporate them into public service. These critics are promised much authority and independence but then receive small budgets and have their reports ignored.

The right of citizens to obtain information about government operations in a timely and reasonable manner remains limited, and the government has not adopted freedom of information legislation. The government made an initial investment in e-governance, creating websites for many of the major ministries, but the sites have not been maintained, and access to documents and reports is limited. The government does not make analyses of annual expenditures and receipts widely available. Information for people with disabilities is very limited, although government investment in radio and television services increasingly provides visually impaired persons with access to information.

### *Recommendations*

- Article 77 of the constitution should be revised to include public access to the listings of assets submitted by members of the government.
- Reports and inquiries of the National Ethics Committee, the High Authority for Coordination of the Fight against Corruption, the Inspector General's Office, and the Public Accounts Court should, as a matter of policy, be made available to the public, either without delay or after some fixed period following their finalization or presentation to the Council of Ministers.

- A special prosecuting unit should be established to handle cases of corruption by high government officials, and it should make public at the end of every year a summary of investigations under way and prosecutions brought against government officials.

## NOTES

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- <sup>7</sup> Seni Dabo, "Laurent Bado: 'Nous avons reçu 30 millions du CDP,'" *Le Pays*, lefaso.net, 4 July 2005.
- <sup>8</sup> See Adaman Drabo, "Bobo: Des Militants QUITtent l'ADF-RDA pour le CDP," 10 February 2006, [http://www.lefaso.net/impression.php3?id\\_article=12308&id\\_rubrique=; Djibril Toure, "Rivalites entre le CDP et l'ADF/RDA a Bobo-Dioulasso: Attention au Retour des Vieux Demons!" \*L'hebdomadaire\* No. 358, 24 February to 2 March 2006, \[http://www.hebdo.bf/actualite2/hebdo358/focus\\\_rivalites358.htm\]\(http://www.hebdo.bf/actualite2/hebdo358/focus\_rivalites358.htm\).](http://www.lefaso.net/impression.php3?id_article=12308&id_rubrique=; Djibril Toure, 'Rivalites entre le CDP et l'ADF/RDA a Bobo-Dioulasso: Attention au Retour des Vieux Demons!' L'hebdomadaire No. 358, 24 February to 2 March 2006, http://www.hebdo.bf/actualite2/hebdo358/focus_rivalites358.htm)
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- <sup>28</sup> Vincent Ouattara, "L'ère Compaore: Crimes de sang et crimes économiques."
- <sup>29</sup> See *Etat de la Corruption au Burkina Faso* (Ouagadougou: REN-LAC, Imprimerie FGZ Trading, 2004, 2005).
- <sup>30</sup> *Etat de la Corruption au Burkina Faso* (Ouagadougou: REN-LAC, Imprimerie FGZ Trading, 2005), 79–80.
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