

Independent Reporting Mechanism (IRM): Burkina Faso Design Report 2017–2019

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Executive Summary: Burkina Faso

Burkina Faso seeks to increase civic participation, foster local governance, and fight corruption following a period of political transition. Improvements can be made to commitment design in terms of traceability and diagnosis of problems. Ensuring that information on the OGP process in the country is available to the public is highly encouraged.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Burkina Faso joined OGP in 2016. This report evaluates the design of Burkina Faso’s first plan, the 2017–2019 action plan.

General overview of action plan

The action plan matches the open government context in Burkina Faso. Three commitments seek to increase access to information through law, two address civic participation on local budgetary issues, and four increase accountability and reduce corruption in government practices.

The formation of decision-making and technical bodies encouraged discussions among stakeholders during action plan development. However, an online document repository and improvements in convening meetings are still needed.

The co-creation approach allowed inclusion of commitments by civil society organizations (CSOs). Yet the scope of the co-creation process may have been restricted by budgetary considerations and inconsistent meetings with stakeholders.

Some commitments are structured to encourage local governance through greater financial autonomy and citizen involvement in budgetary processes. One commitment seeks to achieve final implementation of a law recently approved that governs access to information.

Table 1. At a glance

Participating since: 2016
 Action plan under review: 2017–2019
 Report type: Design Report
 Number of commitments: 13

Action plan development

Is there a multistakeholder forum? yes
 Level of public influence: consult
 Acted contrary to OGP process: no*

Action plan design

Commitments relevant to OGP Values: 8 (62%)
 Transformative commitments: 0 (0%)
 Potential stars: 0 (0%)

Action plan implementation

Completed commitments: N/A
 Commitments with Major DIOG: N/A
 Commitments with Outstanding DIOG: N/A



Table 2. Commitments to watch

Commitment description	Moving forward
I. Sign protocols of operations to perform in the 21 areas where competences shall be transferred to municipalities (11) and regions (10)	Increasing local governance, fostering decentralization, and directly impacting citizens' lives will remain key. This commitment could link the effort to formalize protocols to a participatory budget cycle and public accountability mechanism at the local level. Doing so would make the commitment relevant to OGP values and increase its ambition.
10. Ensure the right to the access public information and administrative documents for all citizens.	Effectively address the barriers government has faced in implementing the law of access to information so the law enters into force and the National Authority for Access to Public Information (ANAIP) can start working.

Recommendations

The IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan.

Table 3. Five KEY IRM Recommendations

Improve commitment design so that commitment goals, activities, and expected results are quantifiable, specific, relevant, consistent, strategic, and effectively address the source of problems.
Ensure the executive and the legislative branches work together to approve key supplementary legislation, particularly Law No. 051-2015 / CNT, granting right of access to public information and administrative documents.
Ensure that OGP decision-making and technical bodies in Burkina Faso build a website reporting on the OGP process.
Consider including a commitment that supports public involvement in approving a draft constitution via referendum.
Ensure that government agencies, led by the National Council for the Modernization of Administration and Good Governance, account for budget considerations when developing the action plan and coordinate with implementing agencies to guarantee availability of funds.

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The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



* OGP's Participation & Co-creation Standards were updated in 2016 to support participation and co-creation throughout all stages of the OGP cycle. The Participation & Co-creation Standards outline "basic requirements" which all OGP member countries are expected to meet, and "advanced steps" which, although not obliged to meet, countries will be supported and encouraged to do so. In this line, the Steering Committee resolved in 2017 that if a government does not meet the IAP "involve" requirement during development, or "inform" during implementation of the NAP, as assessed by the IRM, it will be considered to have acted contrary to OGP Process.

Given that guidance materials were not yet published during the rollout period of this new policy, countries developing 2017-2019 action plans were given a one action plan cycle grace period. Therefore, Burkina Faso is not considered to have acted against the OGP process. For more information visit Section 6 of the OGP Handbook – Rules and Guidance for Participants (https://www.opengovpartnership.org/wp-content/uploads/2019/03/OGP_Handbook-Rules-Guidance-for-Participants_20190313.pdf).

I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

Burkina Faso joined OGP in 2016. This report covers the development and design of Burkina Faso's first action plan for 2017–2019.

The Independent Reporting Mechanism of OGP has partnered with Aïcha Blegbo, who carried out this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology, please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

II. Open Government Context in Burkina Faso

The country's political shift toward a democratic regime enables greater opportunities for open government reforms, as well as challenges. Burkina Faso counts on its legal framework to spur policy changes, but the implementation of laws remains a barrier.

Transparency and access to information

Law No. 008-2013 sets out a code of transparency for public finance in Burkina Faso. Article 43 requires the publication of public finance data as a legal duty of government institutions; Article 53 calls upon them to be accountable for financial management.¹ The mining industry is in particular need of transparency. A report by the Extractive Industry Transparency Initiative (EITI) revealed that more efforts are needed to improve transparency in regulating the role of the state in this sector.² This finding is relevant as the country's mining sector contributes to over 20% of government revenue³ and 71% of export revenues.⁴

On 30 August 2015, Burkina Faso passed Law No. 051-2015, governing the right of access to public information and administrative documents. This law sets forth criteria for accessing information and the establishment of the National Authority for Access to Public Information (ANAIP).⁵ However, this law remains unimplemented and the ANAIP has not been created as there has been no implementation decree.⁶ The General Director of the Burkina Faso Media Observatory (OBM) noted that financial difficulties have prevented its implementation.⁷

Civic participation

Article 12 of Burkina Faso's National Constitution (2 June 1991) enshrines the rights of citizens to participate in societal affairs and elect all government leaders.⁸ With the adoption of Law No. 055-2004 on Territorial Communities, the government further encouraged local governance and supported decentralization by transferring its duties and competences. This process also revealed the need for stronger participation in local, community affairs.⁹ The country scored 10/16 on political pluralism and participation in the Freedom in the World Report 2018.¹⁰ According to Tinto Idriss, Open Burkina Project's Coordinator, there are ongoing reforms, i.e., there is a draft bill seeking to modify the system through which community mayors are elected. In the new system, citizens, and not the municipal counselors, would directly elect mayors.¹¹

Civic space

Article 8 of Burkina Faso's Constitution protects the right of citizens to express and disseminate their viewpoints.¹² This right may be limited when reporting on national security issues, public health, or defamations.¹³ On 11 November 2018, the country joined the "Agreement on Information and Democracy,"¹⁴ an initiative from Reporters Without Borders (RSF). Burkina Faso ranked 41/180 in the world, 5th in Africa, and 1st in French-speaking Africa on the RSF's ranking in 2018.¹⁵ However, according to a report from the Norbert Zongo National Press Center (CNPNZ), terrorism threatens the exercise of free press in fragile zones.¹⁶ Journalists are often the target of death threats; sometimes, they are murdered. Journalists cannot openly address issues such as terrorism, forced marriage, or women empowerment. Due to terrorism threats, radio stations are forced out of business or shut down.¹⁷ Thus, terrorist threats clearly limit access to information.

Article 13 of the Constitution declares that Burkina's political parties have the right to freely assemble and are equals in rights and duties. (Parties around tribal, regional, confessional, or racial preferences are forbidden.¹⁸) Assemblies must be in accordance with the law, public order, good manners, and human behavior per Article 7.¹⁹ Public authorities have a mandate to cancel assemblies if public security is in danger.²⁰

However, according to Freedom in the World, political NGOs have been targeted by security forces.²¹ The country passed Law No. 064-2015 on freedom of association.²² This law creates the legal framework for associations to be constituted as NGOs, and also seeks to separate politics

from associations by forbidding associations to pursue political objectives. Furthermore, associations' leaders cannot become leaders of political parties.²³

In August 2017, the Ministry of Justice, Human Rights and Civic Promotion held a workshop to raise awareness among leaders of youth movements, associations, and unions on the freedom of public assembly.²⁴ Yet, challenges remain. Public authorities disrupted a protest against bad governance in October 2017,²⁵ and the State Council's decision to ban sit-in demonstrations has led to protests from unions and public unrest.²⁶

Accountability, balance of powers, and corruption

Following the installation of a transition regime and the election of Marc Christian Kaboré as President in 2015, Burkina Faso started drafting a proposal for a new constitution.²⁷ The draft includes innovations to enforce a balance of powers. The president would be elected through universal suffrage for a five-year term, with a limit of two terms. The National Assembly would be financially independent and accountable to the Court of Audit. Parliament would authorize the president's appointments to high positions in the military and government. The Superior Magistrate Council would no longer be subject to the president but to the Court of Cassation. The constitution is expected to be passed by referendum.²⁸

Burkina Faso passed Law No. 004-2015 on prevention and repression of corruption. This requires public officials to declare their assets and all gifts and donations received while working in the government. Law No. 082-2015 creates the High Authority for State Control and Anti-Corruption (ASCE-LC), which has financial independence and prosecutorial capacities.²⁹

OGP eligibility criteria

In looking at OGP eligibility criteria for Burkina Faso, the country published the Executive's Budget Proposal and the Audit Report in a timely manner and available to the public in 2015 and 2017.³⁰ While Burkina Faso approved a law on access to information, there is no implementation decree.³¹ The country has laws on financial disclosure, such as the Asset Disclosure Law No. 22/95, and No. 14-2002 determining the List of Officials Mandated to Declare Assets.³² Burkina Faso reported an increase on citizen engagement as measured by the EUI Democracy Index's Civil Liberties sub-indicator, from 4.71 to 5 in 2016-2017.³³

Governance areas, country priorities, and action plan

The state of Burkina Faso's democracy and security pose a challenge to governance. According to Siaka Coulibaly, a lawyer, political analyst, and member of Burkina Faso's civil society, both the presidential and legislative elections of 2015 did not include a segment of the political class,³⁴ that hopes the president will promote a full reconciliation process.³⁵ Terrorist attacks occur in northern Burkina as a result of social unrest and a disbalance of power following the fall of former President Blaise Compaoré in 2014.³⁶ The country's security context may compromise Burkina Faso's capacity to keep a balance between ensuring safety while respecting constituents and guaranteeing fundamental rights, such as freedom of expression and access to information.³⁷ It is in this context, however, that OGP presents an opportunity for the country to advance open government through cooperation and technical advice.

On 30 May 2017, the Ministry of Public Function conducted a national workshop in partnership with public and private stakeholders to validate the National Strategy to promote Good Governance (SNPG) between 2017–2026, in support of the country's National Plan for Economic and Social Development (PNDES 2016–2020).³⁸ The Strategy seeks to involve civil society in public affairs and decision-making processes.³⁹ In the same vein, the French Development Agency approved the Project for Promoting Open Governments in the Francophonie World (PAGOF) Support Project, of which Burkina Faso is a beneficiary member. The PAGOF will assist OGP countries in implementing their action plans.⁴⁰

The commitments in the National Action Plan for 2017–2019 address some of the areas described above: Transparency (Commitment 4), Access to Information (Commitments 9–11), Civic Participation (Commitments 12 and 13), Accountability-Corruption (Commitments 5–8). Some areas which a specific commitment does not address were: Civic Space (Freedom of Expression, Association, and Assembly); Accountability (Balance of Powers); and OGP Criterion (Public Officials Asset Disclosure).

¹ National Assembly (Burkina Faso), “Law on Transparency in Public Financial Management in Burkina Faso” (La voix du juriste, 23 Apr. 2013), <https://lavoixdujuristebf.files.wordpress.com/2013/08/loi-portant-code-de-transparence-dans-la-gestion-des-finances-publiques-au-burkina-faso.pdf>.

² Elie Kabore, “Transparency in mines: ‘significant progress’ on behalf of Burkina” (L’Economiste du Faso, 16 Apr. 2018), <https://www.leconomistedufaso.bf/2018/04/16/transparence-dans-les-mines-des-progres-significatifs-au-compte-du-burkina/>.

³ Alain Antil, Lamoussa Salif Kabore, and Marc Trouyet, “Burkina Faso and transparency issues in the mining sector” (IFRI, 20 Jan. 2014), <https://www.ifri.org/en/debates/burkina-faso-enjeux-de-transparence-secteur-minier>.

⁴ *Id.*

⁵ “Burkina Faso: How to access administrative documents” (La voix du juriste, 15 Mar. 2018), <https://lavoixdujuriste.com/2018/03/15/burkina-faso-comment-acceder-aux-documents-administratifs/>.

⁶ Tinto Idriss (Open Burkina Project), interview by IRM researcher, 15 Feb. 2019.

⁷ Saâhar-lyeon Christian Somé Békuoné, “Accès à l’information dans l’administration publique burkinabè: Un parcours du combattant pour le public” (Radars Info Burkina, 7 Dec. 2018), <http://radarsburkina.net/index.php/societe/718-acces-a-l-information-dans-l-administration-publique-burkinabe-un-parcours-du-combattant-pour-le-public>.

⁸ Government of Burkina Faso, Fourth Republic, *National Constitution* (2 Jun. 1991), <https://www.wipo.int/edocs/lexdocs/laws/fr/bf/bf017fr.pdf>.

⁹ “Citizen Participation in Burkina Faso” (Solidar Switzerland, accessed Aug. 2019), <https://www.solidar.ch/fr/projet/participation-citoyenne-au-burkina-faso>.

¹⁰ Freedom House, “Burkina Faso” in *Freedom in the World 2018* (2018), <https://freedomhouse.org/report/freedom-world/2018/burkina-faso>.

¹¹ Email to IRM researcher, 30 Jul. 2019. Note that at the time of the writing of this report, it was not clear whether the draft bill had already been sent for adoption.

¹² “Does freedom of expression mean freedom to say everything?” (La Voix du Juriste, 9 Nov. 2017), <https://lavoixdujuriste.com/2017/11/09/la-liberte-d-expression-signifie-t-elle-liberte-de-tout-dire/>.

¹³ *Id.*

¹⁴ Dominique Cettour-Rose, “Freedom of the press: Burkina, Senegal and Tunisia adhere to the” pact “of RSF” (France Info, 14 Nov. 2018), https://www.francetvinfo.fr/monde/afrique/tunisie/liberte-de-la-presse-burkina-senegal-et-tunisie-adherent-au-pacte-de-rsf_3053783.html.

¹⁵ “State of the press freedom in Burkina Faso: A public conference to reinforce the professionalism in the media” (Aouaga News, 19 Sept. 2018), <http://news.aouaga.com/h/119144.html>.

¹⁶ Alimatou Diallo, “Freedom of Presse: Orange card for Burkina Faso” (Droit Libre, 4 May 2018), <http://www.droitlibre.net/liberte-de-presse-carton-orange-pour-le-burkina.html>.

¹⁷ *Id.*

¹⁸ Government of Burkina Faso, Fourth Republic, *National Constitution*.

¹⁹ *Id.*

²⁰ Paligüwindé Martin Sawadogo, “Freedom of demonstration in Burkina Faso: What does the law say?” (La Voix du Juriste, 20 Dec. 2017), <https://lavoixdujuriste.com/2017/12/20/liberte-de-manifestation-au-burkina-faso-que-dit-la-loi/>. The article was produced based on the provisions of Law No. 022/97/11 / AN on freedom of meetings and demonstrations on public roads.

²¹ Freedom House, “Burkina Faso” in *Freedom in the World 2018*.

²² “New regulation on freedom of association in Burkina Faso: Training on new texts and taxation applicable to NGOs and associations” (Le Faso, 9 May 2016), <http://lefaso.net/spip.php?article71029>.

²³ “Law on freedom of association in Burkina: Politics and associations do not get along well” (Le Faso, 21 Dec. 2015), <http://lefaso.net/spip.php?article68766>.

²⁴ “Freedom of meeting and demonstration: trade union leaders and associations sensitized” (Aouaga News, 23 Aug. 2017), <http://news.aouaga.com/h/110482.html>.

²⁵ “Burkina Faso: a dispersed demonstration, people arrested” (RFI, 22 Oct. 2017), <http://www.rfi.fr/afrique/20171022-burkina-faso-manifestation-mal-gouvernance-tribunaux-exception-dispersee>.

²⁶ “Illegal sit-in: 18 trade union organizations denounce ‘a violation of trade union rights’” (FASOZINE, 23 May 2018), <http://www.fasozine.com/actualite/societe/4258-illegalite-du-sit-in-18-organisations-syndicales-denoncent-une-violation-des-libertes-syndicales.html>.

²⁷ “Processus constituant au Burkina Faso : entre préservation des acquis démocratiques et persistance de certaines lacunes” (Le Faso, 26 Mar. 2018), <http://lefaso.net/spip.php?article82638>.

²⁸ Kibessoun Pierre Claver Millogo, “Constituent process in Burkina Faso: between preservation of democratic gains and persistence of certain gaps” (Le Faso, 26 Mar. 2016), <http://lefaso.net/spip.php?article82638>.

²⁹ “Burkina Faso adopts two anti-corruption laws” (UNODC, accessed Aug. 2019), <https://www.unodc.org/westandcentralafrica/en/new-2015-burkina-faso-anti-corruption-laws.html>.

³⁰ International Budget Partnership, “Burkina Faso” in *Open Budget Survey 2017* (International Budget Partnership, 2017) 1, <https://www.internationalbudget.org/wp-content/uploads/burkina-faso-open-budget-survey-2017-summary-english.pdf>.

³¹ Idriss, interview.

³² “Financial Disclosure Law Library” (World Bank Group, 2019),

https://publicofficialsfinancialdisclosure.worldbank.org/law-search?page=1&f%5B3%5D=im_field_law_region%3A%28222%29%20&items_per_page=10#searchlibrary.

³³ *Democracy Index 2016: Revenge of the “deplorables”* (The Economist: Intelligence Unit, 2016) 7, 10,

https://www.eiu.com/public/topical_report.aspx?campaignid=DemocracyIndex2016; *Democracy Index 2017: Free Speech Under Attack* (The Economist Intelligence Unit, 2017),

https://www.eiu.com/public/topical_report.aspx?campaignid=DemocracyIndex2017.

³⁴ Julien Adayé, “Burkina, a good example of democracy in Africa” (Deutsche Welle, 3 Mar. 2018),

<https://www.dw.com/fr/le-burkina-un-bon-exemple-de-la-d%C3%A9mocratie-en-afrique/a-43092318>.

³⁵ *Id.*

³⁶ *The Social Roots of Jihadist Violence in Burkina Faso’s North: Crisis Group Africa Report N°254* (International Crisis Group, 12 Oct. 2017), <https://www.crisisgroup.org/africa/west-africa/burkina-faso/254-social-roots-jihadist-violence-burkina-faso-north>.

³⁷ “Burkina Faso. La lutte contre le terrorisme ne doit pas servir de prétexte pour réprimer la liberté d’expression et d’information” (Amnesty International, Mar. 5 2019), <https://www.amnesty.org/fr/latest/news/2019/03/burkina-faso-la-lutte-contre-le-terrorisme-ne-doit-pas/>.

³⁸ “Good governance: the 2017-2026 national strategy in debate” Wednesday 31 May 2017, in www.ouaga.com,

<http://news.aouaga.com/h/108741.html>.

³⁹ *Id.*

⁴⁰ “Promote a transparent and collaborative public action in French-speaking Africa” (French Agency for Development, 1 Oct. 2017), <https://www.afd.fr/fr/print/pdf/node/9159>.

III. Leadership and Multistakeholder Process

The multistakeholder process in Burkina Faso is characterized by consultations with stakeholders and the drafting of 13 commitments. Improvements are needed in the publication of information on the OGP process and timelines for convening meetings.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Burkina Faso.

According to the action plan, the Minister of Public Affairs, Labor and Social Welfare is the responsible body in charge of OGP. The National Council of Modernization of Public Administration and Good Governance (CN-MABG) is responsible for coordinating, guiding, and monitoring implementation of the action plan. The Steering Committee of Modernization of Administration and Good Governance (CP-MABG) meets twice a year, monitors, and evaluates OGP action plans. It gives guidelines to the Permanent Secretariat of Modernization of Administration and Good Governance (SP-MABG) and the General Division for Sectorial Studies and Statistics (DEGSS), who are responsible for submitting technical reports. CP-MABG submits reports to the CN-MABG. The OGP Monitoring and Evaluation Technical Committee elaborates on OGP action plans, oversees OGP implementation, and evaluates recommendations from the Steering Committee.¹

OGP is mandated through the adoption of a decree adopting the OGP Action Plan 2017–2019 by the Council of Ministers, on 25 October 2017.²

According to the action plan, the Government of Burkina Faso will allocate 1,134,092,700 CFA francs to the OGP process.³ 104 staff members, including representatives from civil society and the private sector, will be dedicated to the OGP process. (The number of staff is calculated from the number of representatives by institution highlighted in the action plan, and figures available from Investir en Zone Franc and Afric Evolution.⁴)

Burkina Faso's involvement in the OGP process supports synergies with civil society stakeholders to boost open data initiatives. Both government and CSO leaders stress the importance of open data and digitalization at local and regional levels. An example of this is Burkina's role as a host of the first Francophone Africa Open Data Conference in 2017.⁵ Additionally, during International Open Data Day 2017, the co-founder of the Beog Neere foundation affirmed that the open data community was developing the 2017 OGP action plan.⁶ The OGP process has the potential for significant impact if political will is maintained and the Technical Committee for Monitoring and Evaluation of OGP Implementation can raise funds.⁷

3.2 Multistakeholder process throughout action plan development

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. Burkina Faso **did not act** contrary to OGP process. It is worth noting, however, that at the time of the drafting of this report, there was no evidence of an online repository of the OGP process. Nor was there evidence about how the government provided feedback and reasons for decisions during the co-creation process. If not addressed, these factors would be considered as triggers for the country to have acted contrary to the OGP process.⁸

Please see Annex I for an overview of Burkina Faso's performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Table 3.2: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.⁹ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborate.”

Level of public influence		During development of action plan
Empower	The government handed decision-making power to members of the public.	
Collaborate	There was iterative dialogue AND the public helped set the agenda.	
Involve	The government gave feedback on how public inputs were considered.	
Consult	The public could give inputs.	✓
Inform	The government provided the public with information on the action plan.	
No Consultation	No consultation	

Multistakeholder forum

The Government of Burkina Faso has designated the National Council of Modernization of Public Administration and Good Governance (CN-MABG) and the Steering Committee of Modernization of Administration and Good Governance (CP-MABG) as the bodies responsible for convening civil society, the private sector, and other stakeholders for developing and implementing the OGP action plan.

According to the action plan, the implementing agency, the Ministry of Civil Service, Employment and Social Welfare, is mandated through the Council of Ministers’ Report No. 2017-040/MAEC-BE/CAB of 24 February 2017.¹⁰ The CN-MABG and CP-MABG are decision-making and overseeing bodies. Members from civil society, unions, technical and financial partners, private sector, governors, local and regional authorities and ministers are represented under the framework of the CN-MABG and CP-MABG. Two technical bodies were also established: The Technical Committee for Monitoring and Evaluation of the Implementation of the OGP and the Technical Secretariat.¹¹ According to a representative of the Permanent Secretariat of Modernization of Management and Good Governance, the Technical Committee membership is half government and half civil society.¹²

Civil society organizations held workshops in regions throughout the country as well as the capital city of Ouagadougou and the city of Koudougou in June 2017.¹³ According to Sylvestre Tiemtoré, the Executive Secretary for SPONG (a leading CSO coalition), actors were optimistic about the potential for open data, greater information flows, citizen participation in governance, government management competency, and transparency.¹⁴ According to the Action Plan, government agencies, the private sector, and civil society gathered three times, in April, June, and October 2017. CSOs arranged consultations in September 2017. The government held intersectoral consultations in June and July 2017 to validate commitments and agree on follow-up mechanisms for the action plan.¹⁵ Members of the Technical Committee for Monitoring and Evaluation of OGP Implementation confirmed the process was participatory and inclusive, as all decisions related to adopting commitments were made with the consensus of CSOs.¹⁶

For instance, some civil society and public inputs became commitments: Commitments 4 and 5 are direct concerns of civil society.¹⁷ CSOs were consulted, involved, and had the opportunity to amend and initiate commitments or question their prioritization.¹⁸ A civil society member was the vice-chair of the monitoring committee.¹⁹

Participation and engagement throughout action plan development

According to a former IRM researcher, the action plan development process started in June 2017; this was originally the date by which it was expected to be completed. According to the action plan, the Government of Burkina Faso provided opportunities to stakeholders to participate in the plan's development. In April 2017, civil society, the private sector, and government institutions discussed monitoring and evaluation mechanisms of the plan. Stakeholders discussed participation opportunities and worked on the validation and drafting of the action plan.²⁰

The Government of Burkina Faso is promoting the implementation of the 2017–2019 action plan. In partnership with the Government of France, the Permanent Secretariat for the OGP process and the Ministry of Public Administration, Labor and Social Welfare hosted a high-level workshop for French-speaking OGP members on 2 June 2017.²¹ This workshop convened relevant stakeholders in an effort to reinforce OGP mechanisms in these countries;²² however, youth and women groups were underrepresented.²³ This forum allowed Burkina's CSOs and government to learn from their African counterparts.²⁴ Discussion topics included the feasibility of the action plan, as well as the plan's financing, coordination, monitoring, and evaluation mechanisms. Attendees included members from civil society, unions, territorial communities, the private sector, technical and financial partners, and experts from France, Kenya, and South Africa.²⁵ Stakeholders drafted 17 commitments at the June workshop.²⁶

According to the Minister of Public Administration, the OGP process is in line with and contributes to the accomplishment of the country's development plan.²⁷ However, CSOs face challenges. According to Jackes Dingara (the Burkina Faso Point-of-Contact) and Tinto Idriss, insufficient financial resources necessitate some CSOs to focus on fundraising instead of their missions. Additionally, CSOs also need to better internalize concepts of strategic planning and understand the interplay between open governance and development. CSOs depend on volunteers who are not always involved in the OGP process.²⁸ Improvements in these areas may enhance the overall quality of CSO contributions to the OGP process.

Government entities responsible for commitment implementation gathered in July 2017 to refine commitments' relevance, identify stakeholders, and review follow-up mechanisms.²⁹ Based on desk research, there is no evidence of the government publishing OGP documents or updates on the plan's development. Civil society held a special workshop in September 2017 to collect feedback on the action plan.³⁰ CSOs had proposed further engagements, but the government decided not to hold them due to financial constraints.³¹

Government authorities met with stakeholders—civil society, the private sector, technical partners—in October 2017 to agree on the final 13 commitments.³² Financial constraints may limit the scope of the commitments and hinder work in policy areas that are necessary to the plan's successful implementation.³³ The OGP Action Plan was designed without taking into account budgetary considerations.³⁴

Co-creation and participation recommendations throughout development

Burkina Faso shows evidence of achievement and strong performance in areas of multistakeholder forum (MSF) conduct. The government involved civil society in preparing for OGP membership, conducted inclusive meetings during the action plan process, and made efforts to consider the concerns of all actors.

Some areas where Burkina Faso can improve are:

- The OGP Steering Committee and National Council could ensure that all stages of the OGP process are completed within the stipulated timelines and according to the proposed responsibilities/engagements for each activity in order to avoid delays in implementation.
- It is strongly recommended that either the Technical committee for monitoring and evaluating OGP implementation or the Technical secretariat create a national website with information on the OGP process, including documents like the National Action Plans, self-assessments, and other documents related to aspects of the OGP process. It is also advised that they publish their reasoning behind decisions.

In order to improve performance in these areas, the IRM researcher suggests that moving forward, the following actions be taken:

- Creating a schedule for relevant stakeholders to meet at least quarterly to help advance OGP discussions in the country and designate an agency responsible for ensuring that meetings are held.
- Launching and operationalizing citoyen20.net as a sharing platform where information on all aspects of the national OGP process is proactively published. Alternatively, explore a partnership with the existing platform www.presimetre.bf.
- Documenting the creation and implementation of the commitments.
- In addition to the MSF, determining a system for public outreach and awareness that reaches all citizens.
- Supporting efforts to ensure CSOs are organized and well-coordinated in order to improve the plan's development and the co-creation process.

¹ Ministry of civil service, employment and social welfare (Burkina Faso), *2017-2019 National Plan of Actions* (OGP, Oct. 2017), https://www.opengovpartnership.org/sites/default/files/Burkina-Faso_Action-Plan_2017-2019_EN.pdf.

² Ministry of Communication and Relations with Parliament (Burkina Faso), "Minutes of the Council of Ministers" (Open Burkina, 25 Oct. 2017), <http://www.openburkina.bf/wp-content/uploads/2017/10/CONSEIL-DES-MINISTRES-N%C2%B038-DU-25-OCTOBRE-2017.pdf>.

³ Ministry of civil service, employment and social welfare (Burkina Faso), *2017-2019 National Plan of Actions* at 10.

⁴ *Id.* at 7–9. The calculation includes 68 members from government institutions and 36 from CSOs, the private sector, and unions; The national institutions of Burkina Faso, (Investir en Zone Franc, accessed Aug. 2019), www.izf.net/contact/les-institutions-nationales-burkina-faso; "The Thirteen Governors of Burkina Faso" (Afric Evolution, 17 Jan. 2018), <https://afrique-ae.com/les-13-gouverneurs-du-burkina-faso-2/>.

⁵ Tinto Idriss (Open Burkina Project) and Ousseynou Ngom (OGP's Country Support Unit Lead for French-Speaking Countries in Africa and a CAFDO member), interview with IRM staff, 30 Jul. 2019.

⁶ Noufou Kindo, "Open Data Day in Burkina Faso: What is the environmental impact of the extractive industry?" (Open Knowledge Foundation, 10 May 2017), <https://blog.okfn.org/2017/05/10/open-data-day-in-burkina-faso-what-is-the-environmental-impact-of-the-extractive-industry/>.

⁷ Malick Lingani, Agnèx Kabore, and Sidi Barry (Technical Committee for Monitoring and Evaluation of OGP Implementation), focus group discussion (during PAGOF meeting) with former IRM researcher, Nov. 2018.

⁸ Acting Contrary to Process - Country did not meet (1) "involve" during the development or "inform" during implementation of the NAP (2) government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.

⁹ "IAP2's Public Participation Spectrum," IAP2, 2014.

http://c.yimcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.

¹⁰ Ministry of civil service, employment and social welfare (Burkina Faso), *2017-2019 National Plan of Actions* at 7.

¹¹ According to findings from a former IRM researcher, the Technical Secretariat is composed of eight representatives from civil society and eight from the government. January 20th 2019.

¹² Sidi Barry (Technical Committee for Monitoring and Evaluation of OGP Implementation), interview by IRM researcher, 15 February 2019.

¹³ According to information provided by a former IRM researcher, Koudougou is the third largest town in Burkina Faso located at 100km from the capital Ouagadougou. January 20th 2019.

¹⁴ Information provided by former IRM researcher as of January 20th 2019.

¹⁵ Ministry of civil service, employment and social welfare (Burkina Faso), *2017-2019 National Plan of Actions* at 7–9.

¹⁶ Jacques Sosthène Digara and Sidi Barry (Technical Committee for Monitoring and Evaluation of OGP Implementation), interview by former IRM researcher, 9 and 12 Nov. 2018.

¹⁷ Malick Lingani (President of the Beog Neere Association) and Sidi Barry (representative of the Permanent Secretariat of Modernization of Management of Good Governance) interview by IRM researcher. 15 February 2019

¹⁸ Sylvestre Tiemtore (Permanent Secretariat of Non-Governmental Organizations), interview by former IRM researcher, 16 Nov. 2018.

¹⁹ *Id.*

²⁰ Ministry of civil service, employment and social welfare (Burkina Faso), *2017-2019 National Plan of Actions* at 7.

²¹ Malick Lingani, “Open Government Partnership. A High-Level Workshop held at Ouagadougou”, Beog Neere.

²² *Id.*

²³ Tinto Idriss (Open Burkina Project Coordinator), interview with IRM researcher, 4 Jul. 2019.

²⁴ *Id.*

²⁵ Open Government Partnership. 2017-2019 Action Plan. Burkina Faso. October 2017. P.8.

²⁶ Based on findings from a previous IRM researcher.

²⁷ Idriss, interview, 4 Jul. 2019.

²⁸ Tinto Idriss (Open Burkina Project) and Jackes Sosthène Dingara (Burkina Faso POC), information shared with IRM researcher via OGP CSU lead on 31 July 2019.

²⁹ Ministry of civil service, employment and social welfare (Burkina Faso), *2017-2019 National Plan of Actions* at 8.

³⁰ *Id.*

³¹ Anonymous source, interview by IRM researcher.

³² Ministry of civil service, employment and social welfare (Burkina Faso), *2017-2019 National Plan of Actions* at 9.

³³ Anonymous source, interview by IRM researcher.

³⁴ *Id.*

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's/entity's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹ The indicators and method used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
 - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
 - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - Public Accountability: Will the government create or improve public facing opportunities to hold officials answerable for their actions?
 - Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.

What makes a potentially starred commitment?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., 'Misallocation of welfare funds' is more helpful than 'lacking a website.')?
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26 percent of judicial corruption complaints are not processed currently.")?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation (e.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response")?

Starred commitments

One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Potential star: the commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *Implementation IRM report*.

General Overview of the Commitments

The action plan focused on five key areas: strengthening democracy, human rights and justice, improvement of the effectiveness of public administration, prevention and punishment of corruption, access to information and transparency in public finance management. The action plan is aligned with Burkina Faso’s *National Plan for Economic and Social Development* and the Sustainable Development Goals.

¹ “Open Government Partnership: Articles of Governance,” OGP, June 2012 (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf.

² “IRM Procedures Manual,” OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

I. Sign protocols of operations to perform in the 21 areas where competencies shall be transferred to municipalities (11) and regions (10)

Language of the commitment as it appears in the action plan:

“Sign protocols of operations to perform in the 21 areas where competence shall be transferred to municipalities (11) and regions (10)”

Issue: Raise the awareness of local stakeholders in the exercise of their powers

Overall objective: Improve local governance

Expected outcome: The 21 protocols of operations relating to the transfer of competence are signed.

Milestones/Deliverables/Activities:

Validate the general inventory report of assets to be transferred to territorial communities

Initiate interdepartmental orders relating to public assets allocation to territorial communities

Sign twenty-one (21) operation protocols

Start Date: November 2017

End Date: June 2019

Action Plan is available [here](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall		✓	Unclear					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment addresses the incomplete transfer of competencies and financial resources from the central government to territorial municipalities. Twenty-one decrees govern these competence and resources transfers; yet, territorial communities are unaware of the content of their new powers.¹ Transfers are also ineffective because: budget classifications are not well suited to manage transferred funds; the resources transferred place financial burdens of those who conduct these duties in the field;² local agencies are reluctant in implementing laws; and there are difficulties in passing and executing the transfer agreements.³

According to Burkina Faso’s Government Information Service, other factors have hindered the process. The multiplicity of involved actors delays the transfer; there is a mismatch between resources allocated and the financial needs on the ground; and the territories prepare their budget in October, two months before the adoption of the finance law, which contains key data for budget planning and impacts the final amount of resources disbursed.⁴ This timing prevents territorial communities from knowing the budget and resources the central government allocates. It also undermines local officials’ accountability for their budget management because they do not know the resources they will be allocated.

To that end, the commitment's objective is to enhance local governance and get governors, mayors, and presidents of regional councils to sign 21 protocols of operations that will make the transfer of competencies operational. This will require the central government to fully transfer economic resources.

The protocols will also help identify the responsibilities of asset management and competencies of the central government, regions, and territorial communities.⁵ By signing the protocols of operation, territorial communities commit to developing an action plan, allocating a budget line for asset management, and abiding to a code of conduct.⁶

The commitment's relevance to OGP values is unclear. While the commitment's design assumes that the protocols will be available for local stakeholders, the activities and implementation approach of the commitment is mainly focused on preparing and signing the protocols. These are internally facing actions.

According to government officials interviewed for this report, the Government of Burkina Faso will also disclose budget data on territorial communities' assets through the Assets Inventory General Report. This document will list the movable and immovable property of each municipality and the methods and challenges faced during the transfer.⁷ However, this is not mentioned in the commitment. Both government and CSO representatives interviewed for this report claim that the protocols will enable citizens to submit complaints and demand the effective transfer of resources in case it does not take place.⁸

A representative of Open Burkina Project, a CSO directly involved in promoting transparency, accountability, and civic participation, believes that officials will no longer be able to blame budget gaps on insufficient resources from the central government.⁹ Therefore, local authorities will be fully accountable to their citizens on budget management, although there is no specific mention on how they will be accountable before the law.¹⁰

As written in the action plan, this commitment is verifiable as the commitment has a measurable, quantifiable target: the signatures of 21 operations protocols relating to transfer of competencies and resources from central government to territorial communities. Out of these protocols, 11 are between regional governors and mayors and 10 are between regional governors and the presidents of regional councils.

The goal is to enable territorial communities to have full management of their resources and enforce accountability of local authorities. However, the activities are limited to creating the legal and operational framework for transferring assets and resources to the territorial communities. While a positive step toward effective transfers, the commitment activities do not significantly address other constraints faced by the decentralization process (e.g., inconsistencies in allocated funds and the financial burdens of implementation).

Next steps

The relevance of this commitment is unclear. As designed in the action plan, the commitment's activities focus on preparing and signing protocols, which are internally facing actions. The commitment itself focuses on the formalization of legal agreements without any elements of disclosure, participation, or accountability.

Although the commitment addresses an important policy area, the proposed activities do not confront the main constraints of the decentralization process at the local level.

A commitment that links the effort to formalize protocols to a participatory budget cycle and public accountability mechanism at the local level, will not only make this commitment relevant to OGP values but also would increase its ambition. A more ambitious version of this commitment would be one that considers including the following recommendations:

- The commitment focuses on empowering local authorities and stakeholders to effectively carry out the decentralization process (as opposed to focusing on the activities to achieve this as an end in itself). For example, instead of seeing the adoption of protocols as the objective, this could be one of the milestones that would allow local constituencies to be empowered to implement the decentralization process.
- The milestones should address the roots of the problem. Good problem identification at the co-creation stage remains key.
- Signature of protocols of operation within a specific timeframe.
- Establishing a coordinating committee or working group to identify and work toward the amendment of internal, administrative, and procedural barriers that limit the operational transfer of competencies. This working group can include representatives from all levels of government involved in the transfer process.
- Setting up a participatory budget exercise at the local level to include citizens and local authorities in budget discussions and decision-making. Consider alignment with the national budget process timeline to address issues mentioned above. Note that Commitment 13 (Arranging Areas for Community Dialogue and Questioning on Local Budget Management EDIC) suggests a similar process. Consider a commitment that joins both Commitments 13 and 1.
- Establishing a mechanism through which citizens can participate in oversight activities on budget planning and management. A public accountability mechanism would need to include a channel for citizens to provide input and for the local and central governments to respond.

¹ Government officials, email from Sidi Barry (Permanent Secretariat of Modernization of Management and Good Governance) to IRM researcher, 26 Feb. 2019.

² Fabé Mamadou Ouattara, "Transfer of resources to local authorities: 15 billion CFA francs for municipalities in 2016" Sidwaya No. 81 34 (Burkina Faso House for Business, 5 Apr. 2016), <http://www.me.bf/en/content/transfert-de-ressources-aux-collectivités-territoriales-15-milliards-de-fca-pour-les>.

³ Ministry of Economics, Finance and Development, "Transfer of resources to local authorities: more than 57 billion CFA francs will be released for municipalities in 2017" (Ouaga, 19 Jan. 2017), <http://news.aouaga.com/h/105617.html>.

⁴ "Cronicle of the Government, Competences and resources transfer in the context of decentralization: more than 67 billion CFA Francs transferred to territories" (Information Service, Government of Burkina Faso, 24 Jul. 2013), <http://www.sig.bf/2013/07/transfert-de-competences-et-de-ressources-dans-la-decentralisation/>.

⁵ Responses from government authorities, sent by email to Sidy Barry, government representative from the Permanent Secretariat of Modernization of Management and Good Governance. Interview by IRM researcher, 26 February 2019.

⁶ Sidy Barry, government representative from the Permanent Secretariat of Modernization of Management and Good Governance. 26 February 2019.

⁷ Sidy Barry, government representative from the Permanent Secretariat of Modernization of Management and Good Governance. 26 February 2019.

⁸ Tinto Idriss (Open Burkina Project), interview by IRM researcher, 15 Feb. 2019.

⁹ Tinto Idriss (Open Burkina Project), interview by IRM researcher, 15 Feb. 2019.

¹⁰ Idriss, interview. by IRM researcher.

2. Respect time limit required for issuing legal acts, in accordance with order No. 2014-022/MJ/CAB of June 25, 2014

Language of the commitment as it appears in the action plan:

“Respect time limit required for issuing legal acts, in accordance with order No. 2014-022/MJ/CAB of June 25, 2014”

Issue: Satisfy the users of the public service of justice.

Overall objective: Issue legal acts to users within reasonable time limit.

Expected outcome: 50 % of legal acts are issued within the time limit, in accordance with the order No. 2014-022/MJ/CAB of June 25, 2014.

Milestones/Deliverables/Activities:

Monitor and supervision missions to be conducted by the Inspectorate General of Services (IGS)

Publish the most used procedures

Make a statistical report on legal acts issued

Start Date: November 2017

End Date: June 2019

Action Plan is available [here](#)

Editorial Note: “Legal acts” refer to legal documents such as judicial sentences, certificates of citizenship, and criminal records.

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall		✓	✓			✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment seeks to reduce the excessive delays in issuing legal acts. The government and CSOs agree that the lack of human and financial resources is one cause behind the delays.¹ Both the government and private users lack a full understanding of order No. 2014-022/MJ/CAB of 25 June 2014, governing deadlines for issuing legal acts.² There is no data available on government officials’ compliance with deadlines. Also, there are low levels of cooperation and coordination among relevant government divisions within the Ministry of Justice, Human Rights and Civic Promotion (MJDHPC), such as the General Division of Legal and Justice Affairs (DGAJJ), the General Inspection for Services (IGS), and the General Division for Sector Research and Statistics (DDII).³

The baseline for assessing this commitment is characterized as follows: insufficient equipment and supplies; procedures and statistics are not available in digital format; and delays in issuing legal acts in Ouagadougou and Bobo-Dioulasso jurisdictions.⁴

The commitment's objective is to ensure that legal acts are issued within reasonable deadlines and benefit users, with a target of 50% of legal acts complying with deadlines in accordance with order No. 2014-022/MJ/CAB of 25 June 2014. Additionally, this commitment seeks to implement monitoring and evaluation missions and digitalize the procedures that users demand the most in an effort to solve the problem of excessive delays in issuing legal acts by setting up a target of legal acts that are to be issued within the deadlines mandated by law.

This commitment is relevant to the OGP value of technology and innovation for openness and accountability, as it seeks to publish government data and procedures online.⁵ By doing so, the case workload is expected to decrease within jurisdictions.⁶ Also, this commitment is relevant to the OGP value of access to information in that decisions will be communicated via email, thus reducing time previously taken for physical document delivery.⁷

While the overall objective of the commitment is not verifiable, the actions are clear and specific enough to be objectively assessed. Completion of the commitment's activities can be evaluated as follows: a) the number of oversight missions carried out; b) the number of digitalized procedures, which are used the most; and c) the development of a statistical report on legal acts and delivery times.

If fully implemented as written, officials may find difficulties in monitoring a reduction of delays. The government encourages oversight of timely legal act issuance, as well as the digitalization of data and procedures (which will reduce processing times). However, there is insufficient data on the current number and length of delays, which hinders the establishment of a baseline. Furthermore, the commitment does not include any actions based on the findings from the oversight missions.

Based on the status quo, the impact of the commitment's objective and activities as written in the action plan is coded as minor: an incremental but positive step in the relevant policy area to improve the problem identified.

Next steps

- Include specific actions to address any bottlenecks found from oversight missions.
- Include quantifiable terms (i.e., a specific number of missions to be conducted, as well as the number of procedures digitalized).
- There is no data on the numbers and length of current delays in the issuing of legal acts, including those prior to the enactment of order No. 2014-022/MJ/CAB of 25 June 2014, which makes it difficult to track progress. Therefore, the IRM researcher suggests developing a statistical monitoring and evaluation system to ensure continuous reporting. Furthermore, this will help establish the current baseline of compliant issuances and provide other data like geographic or topical disparities. This will contribute to setting up a specific target against which to track progress.

¹ Government officials, email from Sidi Barry (Permanent Secretariat of Modernization of Management and Good Governance) to IRM researcher, 26 Feb. 2019; Tinto Idriss (Open Burkina Project), interview with IRM researcher.

² Government officials, emails.

³ *Id.*

⁴ Ministry of civil service, employment and social welfare (Burkina Faso), *2017-2019 National Plan of Actions* (OGP, Oct. 2017) 6, https://www.opengovpartnership.org/sites/default/files/Burkina-Faso_Action-Plan_2017-2019_EN.pdf.

⁵ Government officials, emails.

⁶ Government officials, emails; Chrysogone Zougmore (Burkina Movement for Human and Peoples' Rights), interview with IRM researcher, 14 Feb. 2019.

⁷ Idriss, interview.

3. Improve the access of vulnerable people to “Fonds d’assistance judiciaire” [legal aid fund]

Language of the commitment as it appears in the action plan:

“Improve the access of vulnerable people to “Fonds d’assistance judiciaire” [legal aid fund]”

Issue: provide assistance to a maximum of the destitute to get access to justice

Overall objective: contribute to a better access of the destitute to justice

Expected results:

- The funds amounting to CFAF 100 000 000 turns up to CFAF 200 000 000
- The number of persons receiving aid yearly goes from 97 to 200

Milestones/Deliverables/Activities:

To advocate for the increase of the funding envelope

Reconsider texts relating to judicial assistance

Raise awareness on the existence of the fund

Increase the allocation of funds from 100,000,000 CFAF to 200,000,000 CFAF

Start Date: October 2018

End Date: June 2019

Action Plan is available [here](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall		✓	Unclear					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment seeks to give citizens greater access to the Legal Aid Fund. The current barriers that prevent vulnerable populations from benefitting from this fund may be summarized as follows:

- Cultural: a) there is no culture of resorting to legal means and judicial institutions, sometimes due to fear; b) there is a lack of awareness about the Legal Aid Fund; and c) the government gives low support to legal aid funding vis-à-vis other funds.¹
- Administrative and logistic: a) there are difficulties in getting a certificate of indigence and other requirements for qualifying for legal support; b) there is often great geographic distance between citizens and the Commission for Legal Aid.²
- Budgetary and strategic planning: a) there is limited funding for the Legal Aid Fund; b) the disbursement process is lengthy, partially due to the Fund’s status as a Public Institute; c) budget allocations do not reflect the required needs; d) the cost of judicial procedures remains very high; 65.6% of citizens believe the cost of justice is high compared to 8.9% who believe the cost is low.³ The action plan acknowledges that poverty, ignorance, and the Ministry of Justice’s insufficient budget aggravates the problem.⁴

There is information to establish a baseline for evaluating this commitment. The average cost of a legal procedure is CFA F 910,000.⁵ The total number of beneficiaries at the end of 2018 rose to 605.⁶ The initial number of beneficiaries per year is 97 and the initial budget is CFA F 100,000,000.⁷

This commitment seeks to improve access to justice for vulnerable populations by increasing the number of beneficiaries from 97 to 200 on a yearly basis, and the amount of available funds from CFA F 100,000,000 to CFA F 200,000,000. Additionally, the commitment seeks to review texts relating to judicial assistance. A government source noted that the revision of legal assistance texts aims to empower female victims of violence, handicapped individuals with no income, and others.⁸ By raising awareness among citizens on the existence of a Legal Aid Fund, calling for increased funding, and revising current legal texts on legal assistance, this commitment seeks to achieve the ultimate goal of helping vulnerable individuals access legal tools encourage a culture of exercising the right to justice.

While the commitment seeks to improve access for vulnerable citizens to justice by readjusting the current legislation governing legal assistance and by enabling citizens to apply for financial legal aid, This commitment is not relevant to the OGP value of public accountability To achieve its objective and expected results, this commitment seeks to implement the following activities: a) submit a plea for a budget increase; b) reconsider texts relating to judicial assistance; c) raise awareness on the existence of the fund; and d) increase the allocation of funds from 100,000,000 CFAF to 200,000,000 CFAF.

While the principal objective of increasing funding (and reach) of the program is verifiable, activities number two and three lack sufficient clarity and specificity to be objectively verified. Activity number two calls for reconsidering legal texts pertaining to legal aid assistance. This goal does not provide a specific definition of what “reconsidering” means or what the outcome of “reconsidering” legal texts will be. The action plan does not explicitly state the specific items or adjustments. It is not clear if this activity intends to propose amendments to current legislation or submit new draft bills. Since there is no clarity as to what areas the reconsideration of legal texts refers to, the scope of the commitment may be limited.

Activity number three calls for raising awareness on the existence of the Legal Aid Fund. It is not clear how the Ministry of Justice will monitor or measure progress on “raising awareness.” Additionally, the commitment does not address most of the current difficulties faced by individuals accessing justice.

If fully implemented, this commitment may not be able to achieve its intended objectives and expected results. Based on the status quo and the commitment’s objective and activities, the potential impact for this commitment is coded as minor.

Although the government foresees requesting an increased budget for legal aid assistance, there is no safeguard mechanism included in the action plan for guaranteeing financial sustainability, in the possible event of a lack of appropriate funding. According to a government source, 400 is the expected number of beneficiaries with a budget worth 200,000,000.⁹

On the other hand, the maximum number of expected beneficiaries given the average cost of a legal procedure (CFA F 910,000), would be 220,¹⁰ which is a smaller number and therefore may affect government’s expectations.

Next steps

This commitment should be continued in future action plans with the following suggestions:

- Make the activities more specific; i.e., indicate the exact characteristics of legislation that require adjustments, the target population, the number of laws to be modified or enacted, the number of campaigns, etc. This is particularly relevant for activities two and three.
- Do not include the expected outcome as an activity.
- Use socialization campaigns to address the fear of and lack of interest in submitting claims and respond to citizen skepticism toward public institutions.
- A significant binding constraint is the lack of budget resources. Set financial targets and objectives in accordance with realistic budget availability to ensure that activities will be carried out.
- Assess the number of individuals who need financial assistance to have a clear outlook of where to focus resources.
- A member of a CSO suggests leveraging input from populations and including it in policies and legal documents pertaining to legal aid assistance (e.g., revise the eligibility criteria for legal assistance). Regulation should address the criteria used to designate indigence, poverty, and vulnerability so that potential beneficiaries are not excluded.
- Use surveys and other monitoring tools to track beneficiaries' understanding of the procedures and eligibility criteria for submitting applications for the Legal Aid Fund.
- Use technology and online tools to provide assistance for citizens whose reside far away from the Commissions of Legal Assistance.

¹ Government officials, email from Sidi Barry (Permanent Secretariat of Modernization of Management and Good Governance) to IRM researcher, 26 February 2019

² *Id.* Chrysogone Zougmore (Burkina Movement for Human and Peoples' Rights), interview by IRM researcher. 14 February 2019

³ *Legal Aid Fund* (document provided by Zougmore, interview with IRM researcher). 14 February 2019. Data as of 2 November 2018, provided by the General Direction of Legal Aid Fund,

⁴ Ministry of civil service, employment and social welfare (Burkina Faso), *2017-2019 National Plan of Actions* (OGP, Oct. 2017) 8, https://www.opengovpartnership.org/sites/default/files/Burkina-Faso_Action-Plan_2017-2019_EN.pdf.

⁵ *Legal Aid Fund* at 3. This estimate includes the costs of a proceeding for recovering a claim worth three million: subpoena: 16,000; subpoena notification: 16,000; file opening fees: 75,000; lawyer's fee: 350,000; bailiff allowance: 74,000; right of litigation: 5,000; bailiff's fee: 300,000; lawyer's travel expenses: 74,000. Note that these are all-inclusive estimations on the basis of indicative rates.

⁶ Government officials, emails from Sidi Barry

⁷ Ministry of civil service, employment and social welfare (Burkina Faso), *2017-2019 National Plan of Actions* (OGP, Oct. 2017), https://www.opengovpartnership.org/sites/default/files/Burkina-Faso_Action-Plan_2017-2019_EN.pdf. Page 9.

⁸ *Id.*

⁹ *Id.*

¹⁰ Zougmore, interview by IRM researcher.

4. Systematize online registration of all the competitions of public administration for post-baccalaureate and at least 50% of baccalaureate level competitions

Language of the commitment as it appears in the action plan:

“Systematize online registration of all the competitions of public administration for post-baccalaureate and at least 50% of baccalaureate level competitions”

Stake: further relieve candidates queuing each year to submit their files so as to apply for decent jobs in dignified conditions.

Overall objective: improving the quality of public administration by strengthening the access to users.

Expected results: online registration for all post-baccalaureate competitions of public administration is at least systematized by 50%

Milestones/Deliverables/Activities:

Drafting the specifications of the registration platform upgrading

Upgrading actually the registration platform

Start Date: November 2017

End Date: June 2019

Action Plan is available [here](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall		✓	Unclear				✓				Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment addresses the difficulties for citizens in submitting applications to job vacancies within the public administration. The number of available jobs is smaller than the number of interested candidates. There were about 1.3 million candidates for 6,668 vacancies within the administration for the year 2018, and 900,000 candidates for 11,096 vacancies in 2017.¹ The government’s system for processing applications—a ticket given to each applicant—cannot handle the great influx of applicants, making the process lengthy and cumbersome.² Applicants were forced to queue for long hours just to apply for a job, and in some cases, more than 24 hours in the city of Ouagadougou.³ Therefore, the system not only prevents citizens from applying, but it also hinders officials’ management of the applications.⁴ The geographic dispersion of the application centers imposes mobilization burdens for applicants wishing to apply for multiple positions.⁵

To that end, the commitment seeks to improve the quality of public administration by better facilitating the users’ access to the job application process. The commitment will develop an online

registration for all post-baccalaureate vacancies in public administration and ensure that 50% of positions are published online.

By implementing an online job application system, the government expects to increase citizens' access to applications for jobs within the public administration. The government will draft terms of service to upgrade the registration platform and then upgrade the registration platform effectively.

The action plan claims the commitment is relevant to the OGP value of civic participation in that publishing information on job vacancies and application centers will encourage public participation.⁶ Yet, the activities do not say how the government will equip citizens to submit applications through the online platform. Activities aim at facilitating job applications through the effective upgrade of an online platform, which will improve access to information. The action plan claims the commitment is relevant to the OGP value of public accountability. By publishing statistics, the government will be reminded of its obligation to create job opportunities.⁷ However, the activities make no reference to how the government will be more accountable to their citizens regarding the use of online registration or how the government will ensure that this tool will be used to guarantee a fair recruitment process.

As written in the action plan, some of the activities and results are specific enough to be verifiable (e.g., whether or not the government wrote terms of reference to upgrade the registration platform). It is also possible to verify that the online registration for all post-baccalaureate vacancies is available. While the commitment states that at least 50% of the online registration should be systematized, it remains unclear if this percentage is derived from the total number of available vacancies.

If implemented as written, the government will improve access to careers within the public administration by building an online application system. However, this scope is limited by the low level of internet coverage in the country, plus the fact that no specific activities are aimed at securing internet access for applicants. Therefore, the potential impact of this commitment may be coded as none. According to a report by Agence Ecofin, as of 28 January 2017, only 10.2% of citizens had internet access.⁸ The country ranks 34th out of 54 countries in Africa in internet access⁹. This means that approximately 2 million people (1,900,600) have access to the internet, out of more than 16 million inhabitants according to the 2010 population census.¹⁰ If the online application system is to fully replace the current application system, which is also not explicitly mentioned in this commitment, this may actually cause a regression of the current status of this problem.

The commitment does not include non-internet alternatives for submitting job applications. While the goal is to help citizens have better access to job applications through an online application system, the commitment does not describe any strategies to ensure that candidates will have internet access to submit the applications. The overall objective is expressed in terms of improving quality of service; however, metrics for measuring quality (for instance, time for processing online applications) or the number of online applicants covered are not explicitly mentioned. Therefore, the overall objective seems difficult to track and verify.

Next steps

1. Although this commitment can be used as a tool to support the government's public policy objectives, it is not relevant to OGP values, and should not be necessarily be included in future action plans.
2. Include accountability measures and encourage civic participation to support implementing the online job application system. For instance, include activities that guarantee the government will adopt a protocol for data security, or strategies to encourage applications from all citizens.
3. Improve internet coverage while developing the online registration and application system, given a major binding constraint for this commitment is the country's current difficulties in providing internet coverage.

4. Monitor applications by region, time of year, gender, age, and include a user satisfaction survey to detect bottlenecks in the application process.
5. Adjust the activity language to include the specifics for the terms of reference for upgrading the registration platform.

¹ Alban Kini, Burkina: 1.3 million candidates for the public service (Agence de Presse Africaine, 25 Aug. 2018), <http://apanews.net/news/burkina-13-millions-de-candidats-aux-concours-de-la-fonction-publique/>.

² “Burkina Faso: endless queue lines for applying to public administration competitions” (Radio France Internationale, 2 Jun. 2017), <http://www.rfi.fr/afrique/20170601-burkina-faso-longues-files-attente-concours-fonction-publique>.

³ *Id.*

⁴ Government officials, email from Sidi Barry (Permanent Secretariat of Modernization of Management and Good Governance) to IRM researcher; Malick Lingani (OGP Technical Implementation Committee, Beog Neere Association), interview by IRM researcher.

⁵ Ministry of civil service, employment and social welfare (Burkina Faso), *2017-2019 National Plan of Actions* (OGP, Oct. 2017) 11, https://www.opengovpartnership.org/sites/default/files/Burkina-Faso_Action-Plan_2017-2019_EN.pdf.

⁶ *Id.* at 11.

⁷ *Id.* at 11.

⁸ Noufou Kindo, “Access to Internet. Burkina is lagging behind” (Burkina 24, 31 Jan. 2017), <https://burkina24.com/2017/01/31/taux-dacces-a-internet-le-burkina-trainent-toujours-les-pieds/>.

⁹ *Id.*

¹⁰ *Id.*

5. Setting up a registration and complaints handling mechanism within ministry departments

Language of the commitment as it appears in the action plan:

“Setting up a registration and complaints handling mechanism within ministry departments”

Stake: Citizen involvement in the improvement of the quality of public administration

Overall objective: improving citizen involvement in the provision of public service

Expected result: 5 ministerial departments have at their disposal mechanisms for complaints recording

Milestones/Deliverables/Activities:

Provide reception services of 5 ministerial departments with a mechanism for complaints recording

Setting up an online platform to collect opinions/complaints of citizens

Setting up a committee for complaint processing

Start Date: November 2017

End Date: June 2019

Editorial Note: the commitment description provided above is an abridged version of the commitment text, please see the full action plan [here](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall		✓	✓	✓	✓		✓				Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment seeks to increase citizen engagement for improving public services and address limitations citizens face in filing complaints with government agencies. In 2016, Burkina Faso ranked 143 out of 191 countries in the E-Participation Index (EPI), with a score of 0.2373 on a scale between 0 and 1.¹ This metric measures the extent that civil society can access government information and services through online tools and participate in decision-making processes. Burkina Faso’s score suggests civil society does not fully benefit from online government services. According to the latest available figures from Burkina Faso’s Ombudsman Office, as of 2014, 338 out of 560 non-resolved complaints (58.38%) concerned government agencies and ministries.² A government source noted that citizens sometimes have difficulty accessing public services due to inappropriate and inconsistent registration and management of complaints by civil servants. This challenge has led to recriminations by the citizens against civil servants.³ A member of the Technical Implementation Committee stated that government agencies merely forward complaints among themselves, pushing citizens to appeal to social media to publicly express their frustration.⁴ In the 2017–2019 OGP National Action Plan, the government acknowledged the absence of a complaint mechanism at the public level.⁵

To that end, the commitment's objective is to improve citizen involvement in the provision of public services. The government expects that registration tools for submitting complaints will be available within five ministerial departments. This commitment includes the following activities: a) providing reception services in five ministerial departments with a mechanism to record complaints; b) setting up an online platform to collect citizens' opinions and complaints; and c) setting up a committee for processing complaints. Through these activities, the government aims to provide citizens with tools to submit complaints, as well as to effectively address citizens' complaints regarding the provision of public services.

This commitment is relevant to the OGP values of civic participation, technology, and innovation for transparency and accountability. Activity number two uses a technological tool—an online platform—for registering and processing citizens' complaints. The platform will foster public engagement with ministerial provision of public services. In the same vein, the commitment is relevant to the OGP value of public accountability as activity number three envisions developing a special committee for addressing complaints from users. According to the action plan, "all the complaints will then be processed and appropriate responses will be publicly posted and enforced."⁶ A government self-assessment states that the committee tasked processing complaints will "verify that all complaints submitted receive an appropriate answer; make recommendations to technical structures to improve the management of complaints; [and] prepare a periodic report on complaints management to be shared with ministries and institutions representatives. The creation, powers and faculties of this committee will be defined by decree."⁷

As written in the action plan, the activities and expected results of this commitment are specific enough to be verifiable. However, the commitment doesn't clarify what ministerial departments will be involved, nor whether the complaint registration tool and the online platform are meant to be the same.

If implemented as planned, the commitment will provide a previously absent mechanism for processing complaints at the public service level and address the low level of citizen engagement to improve public service delivery, although not to a full extent. Therefore, the potential impact for this commitment is graded as minor. According to a member from Burkina Faso's Permanent Secretariat of Modernization of Management and Good Governance, the committee will monitor the status of complaints received and responses provided through statistics and reports. Institutions will have 10 days to address citizens' concerns and citizens will be able to call upon officials if the deadline is not observed. In his view, the commitment could help improve the quality of public services by communicating with users, taking into account citizens' recommendations, and promoting a culture of good governance within public officials.⁸ Nevertheless, the commitment lacks specifics on deadlines, the committee's functions (particularly regarding responding to complaints), the development of monitoring and evaluation statistics, and guidelines governing the use of the complaint registration tool.

The commitment does not describe the procedure, methodology, or regularity of the committee reports. The commitment lacks a specific activity describing how the committee's statistical system will collect data, be maintained, and be used to provide both the government and citizens with current data. The commitment also lacks a budget line for maintaining the online platform. While the commitment and additional information sources provide an indication that the report has a public accountability component, there are still some aspects that could be improved. The action plan does not mention which five departments will be involved, nor how their staff will be trained and equipped to address an influx of e-complaints. There is also no activity describing how they will transition from processing paper-based complaints to online requests.

This commitment aims to increase citizen participation by providing citizens a mechanism for complaints about public services. As the UNDP and the West Africa Panos Institute⁹ stress, in order to encourage citizen participation in e-governance initiatives, this has to be explained and understood by citizens *as well as* leaders.¹⁰

Next steps

The commitment could be potentially impactful in the long term if the complaints mechanism is effective. It could provide citizens with tools to demand better delivery of services from government institutions. However, the scope of this commitment could be expanded by clarifying which ministerial departments will be involved and by including clear mechanisms for providing responses to citizens' complaints. IRM recommends the following suggestions:

- Explicitly state which ministerial departments will develop the mechanisms for processing complaints.
- Develop a monitoring and evaluation system of statistics, derived from the online complaints platform, to track how many complaints are received, processed, pending, and delayed, in order to detect bottlenecks and improve management.
- Include specific activities to counsel citizens on submitting applications, train civil servants for processing and managing complaints, and support the government in addressing both online and paper complaints.
- Clarify the difference between the complaint registration tool and the online platform tool and describing their maintenance procedures.
- Elaborate on the committee's oversight functions, procedures, and goals.
- Establish complaint centers for individuals residing in the provinces, given that these citizens constitute the majority of individuals who submit complaints.¹¹ Since the complaint systems will be incorporated within the five ministerial departments, rural citizens may be prevented from submitting if the ministerial departments are located at the capital city.

¹ The E-Participation Index assesses how a national government performs at enabling participation by providing individuals with information; how well a country engages individuals in debating policies and services; and how effective a country is in empowering citizens with decision and policy-making opportunities. United Nations Department of Economic and Social Affairs, United Nations E-Government Survey 2016 (New York: United Nations, 2016) 141, 142, 171, <http://workspace.unpan.org/sites/Internet/Documents/UNPAN96407.pdf>.

² "2014 Activity Report", Burkina Faso Ombudsman's Office, 2014, <http://www.mediateurdufaso.org/les-rapports.html>. Pp 26-28.

³ Government officials, email from Sidi Barry (Permanent Secretariat of Modernization of Management and Good Governance) to IRM researcher. 26 February 2019.

⁴ Tinto Idriss (Open Burkina Project), interview by IRM researcher. 15 February 2019.

⁵ Ministry of civil service, employment and social welfare (Burkina Faso), *2017-2019 National Plan of Actions* (OGP, Oct. 2017) p. 13, https://www.opengovpartnership.org/sites/default/files/Burkina-Faso_Action-Plan_2017-2019_EN.pdf.

⁶ Ministry of civil service, employment and social welfare (Burkina Faso), *2017-2019 National Plan of Actions*.

⁷ Open Government Partnership, *2017-2019 National Action Plan Implementation Report* (Nov. 2018).

⁸ Government officials, email.

⁹ *E-Governance and citizen participation in West Africa: Challenges and Opportunities* (UNDP, West Africa Panos Institute, 2009) 74, [http://www.undp.org/content/dam/undp/library/Democratic%20Governance/IParticipation/e-Governance%20and%20Citizen%20Participation%20in%20West%20Africa%20\(UNDP-IPAO%20Report%20English\).pdf](http://www.undp.org/content/dam/undp/library/Democratic%20Governance/IParticipation/e-Governance%20and%20Citizen%20Participation%20in%20West%20Africa%20(UNDP-IPAO%20Report%20English).pdf).

(Since the 2000s, The West Africa Panos Institute has been working in the region to support media, communication and public spaces. It is affiliated with the Panos Institute in Paris, that has supported political pluralism in media. See <http://www.presseetcite.info/ressource/associationsgroupes-dinfluence/institut-panos-paris>.)

¹⁰ *E-Governance and citizen participation in West Africa: Challenges and Opportunities* (UNDP, West Africa Panos Institute, 2009) 74, [http://www.undp.org/content/dam/undp/library/Democratic%20Governance/IParticipation/e-Governance%20and%20Citizen%20Participation%20in%20West%20Africa%20\(UNDP-IPAO%20Report%20English\).pdf](http://www.undp.org/content/dam/undp/library/Democratic%20Governance/IParticipation/e-Governance%20and%20Citizen%20Participation%20in%20West%20Africa%20(UNDP-IPAO%20Report%20English).pdf).

(Since the 2000s, The West Africa Panos Institute has been working in the region to support media, communication and public spaces. It is affiliated with the Panos Institute in Paris, that has supported political pluralism in media. See <http://www.presseetcite.info/ressource/associationsgroupes-dinfluence/institut-panos-paris>.)

¹¹ Malick Lingani, Member of the OGP Technical Committee for Implementation, interview by IRM researcher. 14 February 2019.

6. Operationalizing specialized judicial areas in the punishment of economic and financial crimes

Language of the commitment as it appears in the action plan:

“Operationalizing specialized judicial areas in the punishment of economic and financial crimes”

Stake: manage to prosecute the offenders of economic and financial crimes

Overall Objective: combat financial delinquency

Expected result: specialized judicial areas of Ouagadougou I et Bobo are operational

Milestones/Deliverables/Activities:

To adopt the decree on the regulation of the duty of specialized assistant to specialized judicial areas and grant of special allowance

To adopt an order on recruitment conditions of specialized assistants

To appoint actors of areas

To train actors

Equip judicial areas (50,000,000)

To set up a team of specialized investigation judicial police officers

To operate the areas by sending files and competences

Start Date: November 2017

End Date: June 2019

Action Plan is available [here](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall		✓	Unclear						✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment seeks to reduce impunity in financial and economic crimes in Burkina Faso by reinforcing the judiciary. According to a 2017 report by Réseau national de Lutte anti-corruption (REN-LAC), the embezzlement of funds from 28 government agencies and 11 audited structures totaled CFA F 31,144,000,000.¹ Accounting procedures were not in compliance with due diligence standards; individuals without professional training in accounting were charged with managing deposit accounts; and there was proof of mismanagement of state companies and irregular practices in public markets. REN-LAC recommended strengthening good governance practices in public markets and close judicial follow-up of financial crimes.²

In the view of the President of the Burkinabe Movement for Human and Peoples Rights (MDBHP by its acronym in French), the judiciary faces a number of obstacles for appropriately prosecuting and investigating financial crimes: a) a lack of proper understanding of the procedures and the applicable laws by investigators and judges during investigation, judgement and sentence enforcement; b) the dispersion of legal instruments applicable to financial and economic crimes; c) a lack of reliable statistics and financial and human resources; and d) a lack of cooperation between the government and the judiciary regarding the provision of feedback to judges' requests.³

Financial corruption among government agencies, and the limitations of the judiciary to fully and properly investigate financial crimes and prosecute criminals, have led to popular unrest. On 20 May 2017, CSOs gathered at the House of People to denounce impunity in economic crimes and called for a war on injustice against a judicial system that, in their view, concealed crimes and remained silent.⁴

To that end, the commitment's overall objective is to combat financial delinquency. This commitment seeks to reduce the level of impunity in financial crimes by adopting a decree on the regulation of duties governing assistants within specialized judicial centers, as well as by adopting recruitment terms for these assistants. The commitment also envisions building capacity by training relevant actors, creating a special team of judicial police officers, and equipping judicial centers. The expected outcomes aim at ensuring that the specialized judicial centers within High Courts of Ouagadougou and Bobo-Dioulasso are operational.⁵ While this commitment envisions strengthening investigative capacities of judicial centers concerning financial crimes, and thereby constitutes an improvement in justice, it does not in any way enable citizens to have any role in oversight. Therefore, this commitment does not appear relevant to the OGP value of public accountability and thus, the relevance of this commitment to OGP values is unclear.

Some of the activities and expected results are specific enough to be verifiable. Commitment completion can be verified by looking at the number of actors trained, the number of areas supported, and by assessing if the legal documents were passed and adopted (both the decree and the order).

If implemented as written, the commitment will address judicial inequity, but not solve the problem completely. Therefore, the potential impact of this commitment is graded as moderate. While the action plan states that this commitment will increase effectiveness in processing, investigating, and prosecuting financial and economic crimes, there is no explicit mention about the specific areas this commitment will provide training on or who will provide the training. The commitment does not set out a specific baseline from which progress can be tracked (e.g., setting a specific amount of cases to be processed within a known timeframe). The commitment does not explicitly mention what the difficulties in investigating financial and economic crimes are. Nor does the commitment provide any reference regarding the current case workload per judge.

While the commitment's intended goal and objective are of significant relevance to the action plan in terms of the number and nature of activities proposed, a lack of monitoring and evaluation concerning the impact of training judicial officers may make it difficult to track and measure progress.

Next steps

- Even though this commitment is not relevant to OGP values, it should be continued as a tool to support the government’s public policy objectives, but not necessarily to be included in future action plans.
- Define the specific areas in which officers will be trained as well as monitoring mechanisms to assess their understanding of applicable procedures and legislation. This monitoring should be conducted periodically.
- Identify key obstacles hindering effective prosecutions and investigations.
- Establish a monitoring system for case statuses to propose quantifiable targets. It would also help to track the caseloads of each investigator and jurisdiction to alleviate and prevent overloading.
- Encourage collaboration and coordination between government agencies to facilitate investigations, particularly between the government and the judiciary regarding information requests.
- Enforce tougher legislation on corruption to dissuade civil servants from illegal practices when conducting investigations.

¹ State of Corruption in Burkina Faso: Report 2017, (Réseau national de Lutte anti-corruption, 2017) 55, <http://renlac.com/download/rapports/Rapport-REN-LAC-2017.pdf>.

² *Id.* at 55–56.

³ Chrysogone Zougmore (Burkina Movement for Human and Peoples’ Rights), interview by IRM researcher. 14 February 2019

⁴ “Burkina Faso: mobilization day in Ouagadougou to denounce impunity” (Radio France Internationale (RFI), 21 May 2017), <http://www.rfi.fr/afrique/20170521-burkina-faso-journee-mobilisation-ouagadougou-denoncer-impunite>.

⁵ Government officials, email from Sidi Barry (Permanent Secretariat of Modernization of Management and Good Governance) to IRM researcher.

7. Setting up citizen committees to control racket in public administration

Language of the commitment as it appears in the action plan:

“Setting up citizen committees to control racket in public administration”

Stake: combating any form of racket by setting up mechanisms of citizens’ watch comprised of public administration, users and OCS

Overall objective: improving the quality of service provision in public administration

Expected result: the quality of service provision in public administration is improved by the reduction of cases of rackets

For this first plan of actions, only service provision in health field will be considered.

Milestones/Deliverables/Activities:

Formalize a legal framework for the setting up of citizen committees in regional hospitals (CHR) and University hospitals (CHU)

Put in place a mechanism for complaints receipt in regional hospitals (CHR) and University hospitals (CHU)

Organize awareness-raising workshops for health workers on the respect for ethics and deontology codes in regional hospitals

Carry out and broadcast awareness-raising spots on the rights and duties of users

Start Date: November 2017

End Date: June 2019

Action Plan is available [here](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall		✓	✓	✓	✓			✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment seeks to reduce corruption in Burkina Faso’s health sector. According to REN-LAC, the health sector ranked 13th among the public services sectors with the greatest number cases of corruption in 2017.¹ The report revealed that racket was the most frequent corruption practice in the sector; 42.10% of patients at medical centers did not pay at the cashier.²

In the view of Claude Wetta, REN-LAC’s Executive Secretary, rackets usually occur during appointments; medicines and materials are diverted at no cost for patients, and patients are directed to private medical centers.³

Racket may also involve a direct sale of products by health officers.⁴ This corruption endangers lives and weakens economic productivity.⁵ The National Authority for Government Oversight and Fight Against Corruption revealed that corruption in the Kossodo Health District in 2016 accounted for more than FCA F 13 million.⁶ In addition, health industry racketeering is reported by testimonies, sometimes anonymously, rather than formal legal complaints, which make follow-ups challenging.⁷ This confirms that corruption practices in the health sector can compromise citizens' access to health and worsen public finance. Complaint mechanisms are still far from being completely effective.

To that end, the commitment seeks to improve the quality of service provision in public administration by setting up oversight committees of CSOs, governments and citizens. According to responses provided by Sidi Barry, citizen committees will create mechanisms for handling complaints, hold periodic meetings to discuss corruption cases, and make suggestions to improve management of public service.⁸ The commitment also looks to raise awareness for users and health officers on the importance of ethics and legal compliance. Finally, this commitment aims to create a complaint mechanism for users to submit pleas to denounce corruption practices in the health sector.

This commitment is relevant to the OGP value of public accountability. The government will create opportunities to hold officials answerable for their actions. According to Sidi Barry, citizen committees will raise awareness about ethics codes among public servants.⁹ Chrysogone Zougmore (REN-LAC) believes citizen committees will denounce corruption cases and follow up on the number of complaints.¹⁰

The government will conduct special workshops to raise awareness among public officials on ethics in the health sector. The government will also be accountable to their citizens through the establishment of the complaint mechanism. The commitment is relevant to the OGP value of civic participation. According to responses provided by Sidi Barry, oversight committees will be made up of citizens who will instruct citizens on their rights and duties for accessing health services.¹¹ This commitment is also relevant to the OGP value of access to information in that this commitment will inform citizens about the new legal framework.

As written in the action plan, the objectives, results, and activities are clear and specific enough to be objectively verified. Verifiability can be checked using the number of racketeering cases, the number of workshops on the legal rights and duties for users and health workers, and the establishment of a citizen oversight committee and the complaint-processing mechanism.

The commitment is helpful but will not fully address health-sector corruption if implemented as written. Therefore, the potential impact of this commitment is graded as minor. While the government claims that the oversight committees will facilitate the submission of complaints, help improve public services through citizen input, and raise awareness campaigns for users on their rights and duties,¹² the effective treatment of racketeering complaints in the health sector by justice authorities remains an issue to be solved. It does not address the causes and opportunities of corruption in the health sector, for instance, by reducing queue lines.¹³ This may, therefore, limit the scope of this commitment.

According to the President of the Burkinabe Movement for Human and Peoples Rights, there is a perception of low engagement by the administration to fight against corruption. Proof of this low engagement includes the weak sanctions (or no sanction at all) which may indicate a degree of complicity or even willingness to protect agents.¹⁴ This conclusion is supported by REN-LAC's call on the administration to sanction officials guilty of funds diversion¹⁵ and a representative of the Union for Workers on Human and Animal Health confirms that according to their field experience, those who are corrupt are those who get promoted.¹⁶

The commitment also fails to address a number of current difficulties in the health sector: insufficient budgets to monitor and follow up on recommendations from oversight mechanisms; limited professional training of health inspectors; weak enforcement of relevant decrees; and ineffective anti-corruption decrees.¹⁷ Based on these findings, this commitment is coded as having a minor potential impact.

Next steps

- This commitment should be continued in future action plans, particularly those activities related to the scope and effectiveness of the citizen oversight committee.
- Enforce accountability by judicial and administrative institutions who investigate and prosecute racketeering.
- Address sources of corruption in the health sector not fully captured in the current action plan.
- Follow up on the impact of trainings and awareness campaigns of both users and civil servants; determine their attitude toward health sector racketeering.
- Use metrics for assessing progress in the quality of service in the health sector.

¹ Kossi Fiakofi, “REN-LAC: Corruption in the health sector at the heart of the 13th National Days to reject corruption” (Ecodufaso, 29 Nov. 2018), <http://ecodufaso.com/ren-lac-la-corruption-dans-le-secteur-de-la-sante-au-coeur-des-13eme-journees-nationales-du-refus-de-la-corruption/>.

² *Id.*

³ Par BD, “Corruption: Health in REN-LAC’s viewfinder” (L’Economiste du Faso, 10 Dec. 2018), <https://www.leconomistedufaso.bf/2018/12/10/corruption-la-sante-dans-le-viseur-du-ren-lac/>.

⁴ Elie Kabore, “Corruption in the health sector: Racket all around patients” (L’Economiste du Faso, 17 Dec. 2018), <https://www.leconomistedufaso.bf/2018/12/17/corruption-dans-la-sante-racket-tous-azimuts-des-malades/>.

⁵ Hamidou Traore, “REN-LAC wants to boot corruption out of the health sector” (CONTACTS, Dec. 2018), <http://contacts.bf/le-ren-lac-veut-booter-la-corruption-hors-du-secteur-de-la-sante/>.

⁶ Rodrigue Tagnan, “JNRC 2018: REN-LAC diagnoses corruption in the health sector” (REN-LAC, 5 Dec. 2018), <http://renlac.com/2018/12/le-ren-lac-fait-le-diagnostic-de-la-corruption-dans-le-secteur-de-la-sante-pour-ses-13eme-jnrc/>.

⁷ Government officials, email from Sidi Barry (Permanent Secretariat of Modernization of Management and Good Governance) to IRM researcher.

⁸ *Id.*

⁹ *Id.*

¹⁰ Chrysogone Zougmore (Burkina Movement for Human and Peoples’ Rights), interview by IRM researcher. 14 February 2019.

¹¹ *Id.*

¹² *Id.*

¹³ Rodrigue Tagnan, “JNRC 2018: REN-LAC diagnoses corruption in the health sector.”

¹⁴ Zougmore, interview.

¹⁵ Rodrigue Tagnan, “JNRC 2018: REN-LAC diagnoses corruption in the health sector.””

¹⁶ Lamine Traoré, “Health sector riddled with corruption, study finds” (Voice of America, Africa, 7 Dec. 2018), <https://www.voafrique.com/a/vols-de-m%C3%A9dicaments-de-poches-de-sang-et-des-paiements-de-patients-au-burkina/4691311.html>.

¹⁷ Government officials, email.

8. Build the capacities of disciplinary committees

Language of the commitment as it appears in the action plan:

“Build the capacities of disciplinary committees”

Issues: Improve the efficiency of public service

Objective: Improve the functioning of disciplinary boards

Result: Disciplinary committees are operational

Milestones/Deliverables/Activities:

Review or update regulations on disciplinary committees

Train disciplinary committees’ members

Train or raise awareness of the first officials (central directors, technical directors...) on the procedure of submission of case to the court by the disciplinary committee

Start Date: November 2017

End Date: June 2019

Action Plan is available [here](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall	✓		unclear					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment addresses the difficulties disciplinary committees face in applying sanctions. Articles 79 and 81 of Law 081 of 2015 governing the framework of civil service define disciplinary committees as advisory bodies for the implementation of disciplinary sanctions due to professional misconduct.¹ In 2011, the Government of Burkina Faso provided disciplinary committee members with training to ensure effective implementation of applicable disciplinary law.² Initially, the committees were responsible for sanctioning civil servants not complying with disciplinary provisions, and for solving governmental management and administrative issues through social dialogue.³ The government provided further training in 2014 to discipline committees within ministerial departments to equip them with tools for applying the applicable disciplinary regime to civil servants.⁴

However, disciplinary committees have faced difficulties. The disciplinary code is inconsistently applied, with a notable gap between the provisions contained in the code and their implementation by the government.⁵ The lack of expertise and knowledge of the committee members has led to impunity.⁶ Disciplinary committee decisions are perceived as biased, abusive, or too lenient. In some cases, legal errors in either form or substance may nullify decisions.⁷ Decisions may be irrelevant or untimely, and only the minister or the president of an institution can submit referrals to the disciplinary committees.⁸ To that end, the commitment seeks to make disciplinary committees operational.

This commitment's activities are aimed at updating legislation on disciplinary committees, and at training committee members and key officials on the procedure for submitting referrals to the disciplinary committees. The government claims that all these activities will improve the effectiveness of public administration.

This commitment is not relevant to any of the OGP values. It could be claimed that the commitment is relevant to public accountability in that the government will support disciplinary committee members with workshops, trainings, and legislation amendments to improve the quality, promptness, fairness, and relevance of sanctions against civil servant misconduct. However, these elements basically constitute an internal accountability mechanism. It does not appear to have any public component. Citizens can not inform or monitor this process.

As written, the objectives, expected results, and activities are neither clear nor specific enough to be objectively verified. For example, the commitment does not make an explicit reference of the number of legislative documents subject to actualization. The commitment does not give the number of civil servants to be trained, nor those from the ministries or agencies in question.

If fully implemented, the commitment will not contribute to solving the problem of ineffective disciplinary mechanisms. Therefore, the potential impact for this commitment is graded as minor. While the commitment highlights the inadequate enforcement of disciplinary sanctions, proposes training government officials, and suggests updates to legislation, it doesn't specify the legislative changes nor describe the critical skills that civil servants need to improve on. Moreover, the government has trained civil servants in the past (2011, 2014) and updated legislation (Law 081 of 2015). This commitment replicates some actions the government has already conducted, which seem to have already proved inadequate.

Also, the commitment does not include any activity to evaluate or track the training workshops of either the disciplinary committee members or the main decisionmakers. This omission makes it hard to assess the effectiveness of this commitment. It remains unclear how the government defines and pretends to assess "operability" in discipline committees.

Next steps

- This commitment could be improved to measure the impact of training civil servants and to verify they understand how to apply the law.
- Elaborate on the difficulties disciplinary committee members face to improve commitment design.
- Readjust activities to make them trackable and verifiable (e.g., the number of civil servants trained, the number of disciplinary committees trained and assessed). Assessments should be conducted periodically.
- Define criteria for operability, for instance, in terms of number of cases with appropriate sanctions, number of days to issue a sanction, etc.

¹ National Council of Transition (Burkina Faso), *Law No 081-2015/CNT* (24 Nov. 2015), <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/104109/126863/F1226210917/BFA-104109.pdf>.

² "Disciplinary Committees of Government Public Institutions: members trained to ensure institutions perform well" (Government of Burkina Faso, 29 Mar. 2011).

³ *Id.*

⁴ Ebou Mireille Bayala, "Unruly officials: Attention, sanctions will fall!" (News Aouaga, 8 Apr. 2014), <http://news.aouaga.com/h/23898.html>.

⁵ *Id.*

⁶ *Id.*

⁷ Government officials, email from Sidi Barry (Permanent Secretariat of Modernization of Management and Good Governance) to IRM researcher.

⁸ *Id.*

9. Operationalize the virtual window of public administration

Language of the commitment as it appears in the action plan:

“Operationalize the virtual window of public administration”

Issues:

Functionality of the virtual window computer platform Availability of information on the most used services and procedures in 5 ministries (Ministry of National Education and Literacy, Civil service, Justice, Housing, MINEFID)

Overall objective: operationnalize the virtual window platform for public administration.

Results: the virtual window platform is operational; a directory of the most used administrative services and procedures in 5 ministries is available;

the platform includes the basic documents of public administration;

users have access to administrative information

Milestones/Deliverables/Activities:

Make the diagnosis of needs

Train e-services and computer security development actors

Hire a firm to help the technical team in the development of the GV platform

Take measures for hosting the platform on the G-cloud

Carry out the computer application of the platform (coding, carrying out of tests, writing of users' handbook, actors' training)

Make basic regulations available on-line (laws, decrees, orders, sector policies, strategies, action plans and programs) of 5 ministries

Work out and put on-line a directory of the most used administrative services and procedures in 5 departmental ministries

Start Date: November 2017

End Date: June 2019

Action Plan is available [here](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall		✓	✓				✓				Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment addresses the difficulties the government faced in operationalizing the Virtual Window of Public Administration. On 28 May 2013, the Ministries of Public Administration, Budget, Labor and Social Welfare held a workshop to highlight the need for developing a virtual window to improve the efficacy of public administration and strengthen ties between the government and citizens.¹

This virtual window would consolidate, in a single source, all access to government services, forms, procedures and information.² Digitalization of information remains at the core of this initiative.

According to government sources, e-government tools are good for public administration as they help avoid waste of resources, increase productivity by reducing commuting times for users to submit information, decrease opportunities for corruption, and increase the quality of public services.³ However, the process of digitalization of public information and e-governance in Burkina Faso has faced challenges. According to the Director of Regulation, Standardization and Digitalization of Administrative Procedures at the Ministry of Technology, effective digitalization of public services would depend on the simplification of procedures and a serious commitment from government agencies to comply with transparency and due diligence.⁴ The former Technical Secretary for the Virtual Window, Hadja Ouattara/Sanon, regretted the Virtual Window not having enough financial and human resources for its implementation,⁵ and feared that the government's effort might not be matched with significant user involvement and interaction.⁶

While the country counts on legislation to ensure proper management of digital public information,⁷ the government acknowledges the difficulties in digitalizing and disseminating public information.⁸ A study conducted on the management of public archives in Burkina Faso revealed a lack of data control, and that unfamiliarity with data management legal and normative policies hindered the security and sustainability of digitalized data over time.⁹

In this context, the commitment seeks to improve Virtual Window operations. The commitment will train actors on e-services and security protocols and develop a platform to publish government information and key procedures from five ministerial departments (as revealed by a diagnosis study). This commitment is relevant to the OGP values of access to information and technology and innovation for transparency in that the government will disclose new information to the public through developing the Virtual Window.

Most of the objectives, expected results, and activities are specific enough to be objectively verified, such as the publication of the administrative procedures within the five ministries and procuring a team to support development of the platform. Activities number two and four (training officials and adopting provisions to include the platform in the G-cloud) are not clear enough to be verified; the number of officials and the regulations is not provided. It is not clear how or what regulations will be adopted.

If implemented, the commitment will contribute to solving the problem, although not completely. Therefore, its potential impact is graded as minor. One of the key expected results is that users will have access to administrative information.

According to information provided by Sidi Barry, the platform would allow citizens to access different government services via a single location and reduce corruption by reducing physical contact between the civil servant and the user.¹⁰ However, the commitment does not provide any information regarding how exactly it will effectively engage citizens to use the platform, for instance, through socialization campaigns and continuous customer support.

A 2016 survey about open data sources in Burkina revealed that six out of 21 citizens knew about government open data sources, and all six stated difficulties in understanding and accessing the information due to poor data quality and slow download times.¹¹ This, in addition to the fact that approximately only 2 million people have internet access (out of more than 16 million inhabitants),¹² may significantly limit the scope of this commitment.

Next steps

- Frame activities to include more quantitative goals to facilitate monitoring and evaluation.
- Elaborate on the difficulties in data digitization and dissemination.
- Define criteria for operability, for instance, a number of decrees digitalized, a number of decrees consulted by public within a specific timeframe, etc.
- Reinforce the commitments' activities to enable user access to the platform through campaigns and government support to users. These actions are of the utmost importance given the country's challenges concerning internet access.

¹ Serge Ekra Delafaurce, "Modernization of public administration: single virtual window coming soon" (www.aouaga.com, 29 May 2013). <http://news.aouaga.com/h/8608.html>

² Pelagie Sandwidi, "Burkina Faso's public administration in the digital era" (Burkina News, Technologies, Communities Development, 21 Jun. 2016), <http://www.burkina-ntic.net/spip.php?article2234#>.

³ Moussa Diallo, "Dematerialization of administrative procedures: Ending the imperatives of time and space" (LeFaso.net, 8 July 2010), <http://lefaso.net/spip.php?article37834>.

⁴ *Id.*

⁵ Pélagie SANDWIDI and Yam-Pukri/Burkina Ntic, Burkina News, Technologies, Communities Development. "L'administration publique Burkinabé à l'ère du numérique", 21 June 2016 in <http://www.burkina-ntic.net/spip.php?article2234>

⁶ *Id.*

⁷ For example, Law 61/98/AN of 22 Dec. 1998 concerns Burkina Faso's national archives; Law 10-2004/AN of 20 Apr. 2004 concerns protection of personal data; and Law 045-2009/In of 10 Nov. 2009 concerns regulation of services and electronic transactions in Burkina Faso. Alizata Kouda, "Management of public archives in Burkina Faso: Security and durability of electronic data" in *Atlanti* 25 No. 1 (International Institute for Archival Science of Trieste and Maribor, 2015) 83, <http://www.iias-trieste-maribor.eu/fileadmin/atti/2015/Kouda.pdf>.

⁸ Ministry of civil service, employment and social welfare (Burkina Faso), *2017-2019 National Plan of Actions*.

⁹ Kouda at 87.

¹⁰ Government officials, email from Sidi Barry (Permanent Secretariat of Modernization of Management and Good Governance) to IRM researcher.

¹¹ Étienne Damome, "Opportunities and challenges of developing open archives for public communication: the situation in sub-Saharan Africa" in *French Journal of Information Science and Communication* vol. 12 (2018), <https://journals.openedition.org/rfsic/3491>.

¹² Noufou Kindo, "Access to Internet. Burkina is lagging behind" (Burkina 24, 31 Jan. 2017), <https://burkina24.com/2017/01/31/taux-dacces-a-internet-le-burkina-trainent-toujours-les-pieds/>.

10. Enforce law n°051-2015/CNT of August 30, 2015 on the right of access to public information and to administrative documents

Language of the commitment as it appears in the action plan:

“Enforce law n°051-2015/CNT of August 30, 2015 on the right of access to public information and to administrative documents”

Issues: Effectiveness of the right to information established by the constitution; Contribution to transparency and liability.

Overall objective: Ensure the right to the access to public information and administrative documents for all citizens.

Results: three (03) decrees and (02) orders are passed to enforce the application of law on the right to the access to information and administrative documents of August 30, 2015; obstacles on the right to the Access to information are removed ; law 051-2015/CNT of August 30 , 2015 is known by actors.

Milestones/Deliverables/Activities:

Pass the decree on the establishment of constitutive and organizing methods for the protection of information given and filed «very secrete defense»

Take the joint Order Defense/Security on the establishment of constitutive and organizing methods for the protection of information given and filed « secrete defense»

Pass the Decree creating, organizing assigning and on the functioning of the National Authority for access to public information (ANAIP)

Pass Decree appointing ANAIP office members

Disseminate law 051-2015/CNT of August 30, 2015 through administration and medias

Start Date: November 2017

End Date: June 2019

Action Plan is available [here](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall		✓	✓						✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment addresses the lack of implementation of Law No. 051-2015 of 30 August 2015 governing the right of access to public information and administrative documents. The law, adopted by representatives of the National Council for Transition, describes the implementation mechanisms, modalities for accessing information, the administration’s responsibilities, accessible and non-accessible information, as well as the criteria for classifying and declassifying information.¹

The law foresees creating a new government agency, the National Authority for Access to Public Information (ANAIP), to manage and oversee information,² ensure access to information for citizens, and facilitate interactions between government officials and constituents.³ The law highlights cases in

which citizens lack access to certain information. For instance, government agencies are forbidden from releasing documents that are incomplete, being validated or processed.⁴ The government restricts access to information related to national security, defense, foreign policy,⁵ industrial property, and author rights.⁶ Article 36 of the law establishes the security levels for classified documents and the timeframes for releasing information: very secret defense (after 50 years), secret defense (after 40 years), and confidential release (after 30 years).⁷

While the law was adopted in 2015, the government has not yet implemented it. According to a Program Manager of the Media Foundation for West Africa, CSOs and the media denounce the absence of an implementation decree for Law No. 051, plus the lack of government action; this prevents their access to information and therefore, their ability to influence policy-making.⁸ As the government is not empowered without an implementation decree, the ANAIP has not been constituted either.⁹ A government source claims that one of the main challenges in implementing the law is the need for greater coordination and collaboration between relevant actors, including ministerial departments.¹⁰

Moreover, the decision of the High Council on Communication to block the newspaper, *L'Événement*, from publishing “information on military secrets”¹¹ reveals a potential controversy over balancing the need for information and the need for secrecy and security.

In this context, the commitment seeks to guarantee that citizens have access to public information and administrative documents. The commitment’s activities aim at enforcing supplementary legislation to allow for Law 051’s full entry into force, including the establishment of the ANAIP. Some activities support setting up a legal framework for managing confidential and sensitive information, as well as promoting the law through media. This commitment is relevant to the OGP value of access to information as its main goal seeks to implement a law on access to public information and administrative documentation for citizens.

As written in the action plan, some of the objectives, results, and activities are specific enough to be objectively verified. Activity verifiability can be evaluated for instance, by assessing whether the implementation decrees of Law No. 051 are enacted.

However, it remains unclear how this commitment will ensure that obstacles to access information are overcome, as the commitment does not provide specific metrics to track progress or completion.

If implemented as written, the commitment will contribute to solving the problem. The commitment would lead to a major step forward in accessing information. Implementing the law would give the ANAIP authority on matters related to access to public information in the country. The ANAIP would report to the President of Burkina Faso and the National Assembly on the status of the access of public information in the country.¹² That alone would be a significant improvement. Yet, due to weaknesses in the commitment’s design, it may be limited in scope and scale. Therefore, the potential impact of this commitment is graded as moderate.

While one of the expected results is to overcome the obstacles of access to information, the commitment does not explicitly reference how the ANAIP will address these obstacles, nor what these obstacles are. Therefore, it is unclear whether the commitment will effectively address the barriers to information.

The action plan cites insufficient funding from key actors as one of the problems limiting public access to information. However, the commitment does not say how it will encourage government agencies’ appropriation of, involvement in, or compliance with access to information legislation. The commitment assumes barriers to information and lack of involvement will be solved through the ANAIP, although specific actions are not explicitly mentioned.

Next steps

- This commitment should be continued in terms of enforcing the ANAIP, encouraging active involvement from stakeholders, and ensuring that key actions will be taken to limit potential conflicts between the need for access to information and the need for confidentiality.
- Explicitly mention what the barriers to information are as well as the specific actions to address those barriers.
- Support the development of socialization and communication campaigns to effectively ensure that citizens are aware of the law. Special attention should be given to the mechanisms through which citizens may request for information as provided by the law.

¹ Sié Simplicie Hien, “Access to public information and documents: NTC deputies give their discharge” (Aouaga, 31 Aug. 2015), <http://news.aouaga.com/h/74142.html>.

² *Id.*

³ Omar Compaoré, “Right of access to public information: a law passed and a structure for its implementation coming soon” (Les Echos du Faso, 30 Aug. 2015), <http://lesechosdufaso.net/droit-dacces-a-linformation-publique-une-loi-votee-et-bientot-une-structure-pour-sa-mise-en-oeuvre/>.

⁴ Paling Wendé, “Burkina Faso: how to access administrative documents. Law No. 051-2015 / CNT granting right of access to public information and administrative documents” (La voix du juriste, 15 Mar. 2018), <https://lavoixdujuriste.com/2018/03/15/burkina-faso-comment-acceder-aux-documents-administratifs/>.

⁵ Hien.

⁶ Wendé.

⁷ Hien.

⁸ Adizatu Moro, “Burkina Faso’s Access to Information Law: A Treachery or a Reality?” (Media Foundation for West Africa, 13 Jul. 2018), <http://www.mfw.org/issues-in-focus/burkina-fasos-law-on-access-to-information-a-hoax-or-a-reality/>

⁹ Tinto Idriss (Open Burkina Project), interview by IRM researcher. 15 February 2019

¹⁰ Government officials, email from Sidi Barry (Permanent Secretariat of Modernization of Management and Good Governance) to IRM researcher.

¹¹ Herman Frédéric Bassolé, “Media and security: the defense secret explained to journalists” (LeFaso.net, 27 Mar. 2019), http://lefaso.net/spip.php?page=web-tv-video&id_article=72260&rubrique6.

¹² National Council of Transition (Burkina Faso), *Law No. 051-2015 / CNT granting right of access to public information and administrative documents* (30 Aug. 2015) art. 54, 71, <http://www.freedominfo.org/wp-content/uploads/Loi-051-portant-sur-lacc-s-linformation-publique.pdf>.

II. Collect and publish data¹ produced in Ministries and public institutions in open and accessible² format by all

Language of the commitment as it appears in the action plan:

“Collect and publish data³ produced in Ministries and public institutions in open and accessible⁴ format by all”

Challenges:

- Stimulating innovation and digital business creation;
- Increasing citizen participation;
- Strengthening democracy;

Global objective: making public data easily accessible in Burkina Faso

Expected Outcomes:

- 500 sets of data are available on the data.gov.bf Portal

Milestones/Deliverables/Activities:

Raising public actors awareness on data access

Hosting data collection campaigns

Processing and publishing 500 sets of data collected in open data

Start Date: November 2017

End Date: June 2019

Action Plan is available [here](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment addresses a lack of control for government performance, which, this action claims, is exacerbated by the difficulties in accessing good public statistics. In an effort to improve the country's economic progress through technology, information, and communication tools (TICs), the government created the National Agency for the Promotion of Information and Communication Technologies in February 2014 (ANPTIC by its acronym in French).⁵ The ANPTIC, in partnership with the World Bank and the Open Data Institute, launched the Burkina Open Initiative (BODI) on 5 June 2014.

According to the ANPTIC's Director General in 2014, BODI's goal is to publish non-sensitive data produced by administrations, the private sector, and civil society on a single platform, and to encourage its reuse.⁶ According to Agnès Kabore, representative of the Center for Democratic Governance, most documents are available in PDF Format.⁷ However, documents are not available in a reusable format and CSOs have expressed their preference for CSV and Excel formats.⁸ The

BODI section of the ANPTIC website has links to four reusable data applications, one open data platform, and one open election platform.⁹ A CSO member expressed that over 200 datasets had been published thanks to the Open Data Portal in 2016.¹⁰

Despite improvements in developing open data platforms, citizens face challenges in accessing information and thereby are limited in their ability to influence their government. As of 2014, 3,440 individuals submitted information requests to Burkina Faso's Ombudsman regional and headquarters.¹¹ According to the Open Burkina Project Coordinator, the lack of implementation of Law 051 of 2015 prevents citizens from successfully demanding information and holding the government accountable. The government and stakeholders could coordinate to prioritize which data should be published. Also, the government should maintain platforms to ensure functionality and publish data in a predictable, periodic, and sustainable fashion.¹²

In this context, the commitment seeks to enable citizens of Burkina Faso access to public data and statistics. The activities aim to raise awareness among public actors on open data, organize data collection campaigns, and publish 500 databases in an open data format. This commitment is relevant to the OGP value of access to information in that the government will disclose more information through the publication of datasets and develop an open data culture within public institutions.

As written in the action plan, some of the objectives, results and activities are specific enough to be objectively verified. Verifiability can be assessed by looking at the number of datasets published and processed in open data format, and the number of data collection campaigns conducted. There is room for clarity. For instance, the first two activities do not provide enough information as to the number of public actors to be trained or how many data collection campaigns will be conducted. There is also no way to monitor the effectiveness of the raising-awareness initiative. As for activity number three, the commitment does not provide a baseline defining the current number of available datasets, which prevents verifiability.

If implemented as written, the commitment will contribute to solving the problem, but not to a full extent. Therefore, the potential impact of this commitment is minor. The commitment's activities seek to publish information and build open data capacity. While the commitment will produce 500 datasets in open data format, there are no specific activities addressing citizens' needs to hold government institutions accountable for policies concerning publication of data. As the implementation decree for Law 051 has not been yet been approved, citizens cannot effectively demand that the government publishes data, regardless of the government's efforts to make data available. In addition, access to open data is compromised by the country's access to internet rate of 11%.¹³

Next steps

- This commitment should be continued and improved. In order to enhance the commitment's design, rephrase activities in quantitative terms (e.g., the number of campaigns, the number of datasets, the number of actors trained).
- Improve coordination between the government and CSOs to prioritize which data tools to share and periodically maintain these tools.
- Include specific activities ensuring that citizens have means to hold government accountable for publishing data as requested.
- Consider a monitoring and evaluation mechanism to track the effectiveness of awareness campaigns for government officials.
- A major binding constraint for this commitment is the lack of implementation of Law 051 of 2015 concerning the access to information, which is related to Commitment 10. Draw upon recommendations for Commitment 10 to adopt mechanisms that accelerate the Law's implementation.

¹ Open data mean[s] data produced by ministries and institutions (examples of [datasets]: [databases] listing schools, listing teachers[.]])

² Open and accessible format means the type of reusable file (CSV, Excel[.]])

³ Open data mean[s] data produced by ministries and institutions (examples of [datasets]: [databases] listing schools, listing teachers[.]])

⁴ Open and accessible format means the type of reusable file (CSV, Excel[.]])

⁵ National Agency for the Promotion of Information and Communication Technologies (Burkina Faso), anptic.gov.bf/accueil.

⁶ Mathieu Bonkougou, "Burkina Faso: Government opens digital data to the public" (SciDevNet, 16 Jun. 2014), <https://www.scidev.net/afrique-sub-saharienne/donnees/actualites/burkina-faso-le-gouvernement-ouvre-les-donn-es-num-riques-au-public.html>.

⁷ Agnès Kabore, Resercher, Center for Democratic Governance. interview by IRM researcher. 15 February 2019

⁸ Agnès Kabore, Resercher, Center for Democratic Governance. interview by IRM researcher. 15 February 2019

⁹ Open Data Burkina Faso, National Agency for the Promotion of Information and Communication Technologies

¹⁰ Malick Lingani, "The state of Open Data in Burkina Faso" (School of Data, 5 Nov. 2016),

<https://schoolofdata.org/2016/11/05/the-state-of-open-data-in-burkina-faso/>.

¹¹ "2014 Activity Report" (Burkina Faso Ombudsman's Office, 2014) | |, <http://www.mediateurdufaso.org/les-rapports.html>.

¹² Tinto Idriss, Open Burkina Project Coordinator, interview by IRM researcher. 15 February 2019

¹³ "Burkina Faso Internet usage, broadband and telecommunications reports" (Internet World Stats, accessed Aug. 2019), <https://www.internetworldstats.com/af/bf.htm>.

12. Improving access by public to information, as well as citizen involvement in State budget development and implementation

Language of the commitment as it appears in the action plan:

“Improving access by public to information, as well as citizen involvement in State budget development and implementation”

Challenges:

- Citizen participation in budget process;
- Consideration of populations’ real concerns in budget.

Global objective: Ensuring strong citizen involvement in budget process for transparency and accountability in public finance management

Expected Outcomes:

- Citizens actively participate in budget process;
- populations’ aspirations are taken into account in State budget;
- Increased control of budget implementation by citizens

Milestones/Deliverables/Activities:

Hosting information meetings on State budget breadlines for year n+1 for civil society private sector and local authorities.

Building capacities of civil society organizations on public finance.

Posting online, on DGB and MINEFID website, the list of budget documents for publication as well as deadlines for publication with users

Hosting communication and information meetings on budget

Re-launching the budget newspaper « Budget infos »

Using radio, television and printed media channels to share budget information and data

Producing and disseminating the « Citizen Budget » in the thirteen (13) regions

Start Date: November 2017

End Date: June 2019

Action Plan is available [here](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment addresses the low participation of citizens in the development and implementation of the budget. According to the Open Budget Survey for 2017, Burkina Faso's score on public participation in the budget process was 0 of 100.¹ The survey found that none of the country's branches of power—executive, legislative, or the High Oversight Institution—allow citizen participation in the budget process.² According to the mayor of a rural community (Laye), the state budget is fixed and not subject to change, which blocks citizens from guiding budget implementation.³ A member of the Center for Democratic Governance stated that while citizens can attend orientation debates held at the National Assembly, they cannot voice their opinions or intervene during deliberations.⁴

A study conducted by the World Bank, the Centre on Budget Training, Information and Training (CIFOEB), and the Ministry of Economy, Finance and Development in 2016 revealed a number of reasons preventing citizens from participating in the budget process.⁵ The executive does not consult citizens at any point on the development of the budget.⁶ No publications are available on the internet; citizens have low comprehension of budget affairs and consider them a matter for local representatives and technocrats.⁷ Budget information is complicated.⁸ As local budget information is unavailable, very few people follow news about budgetary matters. The frequency of budget execution oversight by the citizens is very low.⁹

Based on the 2017 Open Budget Survey for Burkina Faso, the International Budget Partnership (IBP) recommended, among other things, developing annual legislative audiences in which members of the public can participate; allowing citizens to partner with the High Oversight Institution to create the Institution's audit program and participate in investigations; and communications between the executive branch and CSOs on budget affairs during budget formation and implementation.¹⁰ In this context, the commitment seeks to ensure strong citizen involvement in the budget process for transparency and accountability. To do so, the commitment foresees launching communication activities on budget affairs through media, a newsletter, capacity-building, and hosting meetings between the government and civil society on budget affairs.

This commitment is relevant to the OGP value of access to information as six out of the seven activities provide citizens with budget information through the internet, a newsletter, media, and meetings. While the commitment will help citizens develop skills, it does not explicitly mention opportunities for citizens to engage in public financial management.

As written in the action plan, most of the objectives, results and activities are specific enough to be objectively verified. Activities can be verified by the number of meetings held, a budget newspaper being released, and media channels for providing individuals with budget information. Capacity-building activities and the expected results are not specific enough to be verifiable, as they are expressed in general terms.

If implemented, the commitment will contribute to solving the problem, although not to the full extent. This commitment is an incremental but positive step in the field of budget participation. Therefore, the potential impact of this commitment is graded as minor.

While the commitment's activities strive to increase access to information, there is no activity to enhance or guarantee public participation in budget formation and implementation. For instance, the commitment does not foresee enacting legislation that requires civil participation during these processes; this would be an important change. Nor does the commitment propose socialization campaigns among public officials on involving civil society actors in the deliberation process for defining the budget.

It is worth mentioning that access to budget information may be prevented due to the lack of implementation of Law 051, as covered in previous commitments. It is unclear whether the government will guarantee participation during meetings with the civil society. None of the activities seem to address any of the IBP recommendations on these topics.

Next steps

- This commitment should be continued as a tool to support the government's public policy objectives, but not necessarily included in future action plans.
- A major constraint is the lack of ensuring effective civil society participation during budget development. Therefore, future activities should ensure participation at all levels of the budget development process through a legal instrument and/or body with jurisdiction throughout the country.
- Consider supplemental activities that address IBP's suggestions and concerns.
- Simplify budget data for easier comprehension in light of World Bank, CIFOEB, and Ministry of Economy's findings.
- Extend capacity-building activities on budget affairs to local representatives.

¹ "Burkina Faso" in *Open Budget Survey 2017* (International Budget Partnership, 2017),

<https://www.internationalbudget.org/wp-content/uploads/burkina-faso-open-budget-survey-2017-summary-english.pdf>.

² *Id.*

³ Zango Boniface (Mayor, Laye Rural Community), interview by IRM researcher, 14 Feb. 2019.

⁴ Agnès Kabore (Center for Democratic Governance) interview by IRM researcher, 15 Feb. 2019.

⁵ Maturin Kone, *Report 2016 on the State of Budget Transparency in Burkina Faso* (World Bank, Centre on Budget Training, Information and Training (CIFOEB), Ministry of Economy, Finance and Development (Burkina Faso), Oct. 2017), <https://www.veenem.bf/document-importes/5946fdaaa6c96f40b5b0d23c83a2a630.pdf>.

⁶ *Id.* at 17, 31, 35, and 28.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ "Burkina Faso" in *Open Budget Survey 2017*.

13. Arranging areas for Community Dialogue and questioning on local budget management (EDIC)

Language of the commitment as it appears in the action plan:

“Arranging areas for Community Dialogue and questioning on local budget management (EDIC)”

The challenge is to allow communities to get informed, and associated in budget development, presentation of account and budget implementation. Most municipalities face transparency issues in presentation of account, claims for community participation in budget process.

Global Objective: Increase transparency in presentation of account to communities

Expected Outcomes:

- communities of the 20 municipalities are better informed about budget implementation;
- local governance and trust among elected representatives and local communities are improved;
- dialogue and questioning points contribute towards pacifying social environment and consolidating peace.

Milestones/Deliverables/Activities:

Organizing mobilization and awareness raising tours on said among populations of the 20 municipalities

Training town council members on dialogue and accountability techniques

Putting in place one or more organizing and monitoring committee(s) for dialogue/decisions

Arranging an area for dialogue with compulsory attendance of the Mayor

Monitoring actions /decisions by the committee

Start Date: February 2018

End Date: June 2019

Action Plan is available [here](#)

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall		✓	✓				✓				Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment addresses the low accountability and transparency of local authorities in municipal budget management. To support decentralization, Burkina Faso approved Law No. 055-2004. This law sets out the legal framework regulating the nature, competences, and responsibilities of territorial communities in Burkina Faso. Article two emphasizes the right of territorial communities to govern themselves independently, with a view to ensuring local governance.¹ Article 11 protects territorial community members' right to ask for information regarding the management of local affairs.² In addition, article two of Law No. 008-2013 states that citizens can oversee how public funds of the administration are being managed during public debates.

According to the law, civil servants responsible for budget management must abide by their obligations of integrity, and if not, sanctions shall be effectively applied.³ Despite existing legislation,

citizens struggle to hold local authorities accountable on budget management and other community affairs.

Additionally, elected authorities—mayors, counselors—often lack the experience and technical knowledge of concepts like decentralization, local development, or regulation of budget execution and management.⁴ In some cases, this leads to legal violations.⁵ Due to political pressure and corruption, local authorities modify budget items, which impacts implementation.⁶ Local authorities seldom provide citizens with information on budget execution, do not involve local actors in budget development, and evaluations of budget execution are minimal.⁷ The absence of legal instruments also prevents good governance and accountability.⁸

Regarding civil society, culture and participation are key areas to tackle. Individuals are unaware of their rights to information in addressing authorities, which leads to abuses by local representatives in disclosing data on budget expenditures.⁹ Citizens have not properly internalized the concepts of participation and local governance. They do not participate in municipal sessions and rely on mayoral decisions.¹⁰ The Rural World Association (AMR in French) launched the Areas for Community Dialogue and Questioning (EDIC in French) in 2008 with a view toward improving management of local public affairs by fostering decentralization.¹¹ According to the AMR's Coordinator, misinformation about local management leads to frustration and causes permanent conflict in communities.¹² A report from AMR found that financial constraints are also a challenge for local communities to host EDICs.¹³

In this context, this commitment seeks to increase budget transparency and accountability in local communities through many activities. These activities might include training municipal councilmembers on budget accountability and dialogue, launching socialization campaigns to promote dialogue on budget implementation within the 20 communities, and setting up monitoring and evaluation committee(s) to track decisions adopted through dialogue between communities and authorities.

This commitment is relevant to the OGP value of civic participation in that it will create opportunities for civil society to discuss and meet with local representatives. The commitment claims it will also provide opportunities for greater budgetary transparency through a monitoring and evaluation mechanism on the implementation of recommendations arising from these dialogues. It is not clear, however, to what extent this commitment will allow citizens to hold officials accountable for budget mismanagement.

As written, most of the activities are specific enough to be objectively verified. Activities can be verified by assessing whether an area for dialogue with the mayor was created; whether monitoring and evaluation committee(s) were established; and whether mobilization campaigns were conducted in the 20 communities.

If implemented as written, the commitment will contribute to solving the problem, but not to the full extent. Therefore, the potential impact of this commitment is graded as minor. The commitment does not detail discussion topics for the awareness tours, which makes it hard to know if the commitment is targeting the right issues. Therefore, it is unclear whether this commitment will train civil society members on the concepts of decentralization, budget management, and execution. Nor is it clear whether these tours will raise awareness on citizens' legal rights and responsibilities concerning budget participation.

The commitment does not support legal accountability mechanisms that civil society can use as a resource. Empowering citizens with tools to access justice and information regarding financial mismanagement, as noted in the *2016 Report on Transparency in Burkina Faso*¹⁴, remains key to encouraging financial accountability. The commitment makes no reference to ensuring that committee recommendations will be enforced. As written, the commitment remains unclear whether the training sessions for council members aim to enhance technical skills on budget

management, decentralization, and governance. The commitment provides no information on assessing the training sessions on transparency and accountability.

Next steps

- This commitment should be continued and be a priority.
- Provide intensive training for civil society members on the concepts of decentralization, encouraging participation, budget management, legal rights on access to information, and addressing authorities. This will guide members to encourage better accountability practices from local representatives.
- Train local representatives and candidates on budget management, from a technical and legal point of view, drawing on findings from CODESRIA, the World Bank, CIFOEB, and the Government. Better education reduces opportunities for conflict. Consider increasing the technical skills required for individuals running as representatives.
- Include activities requiring local representatives to engage civil society members on the development and discussion of the budget.
- Ensure that local representatives can access budget sources, and legal mechanisms are enforced to prevent corruption and reduce the influence of local politics on budget management.

¹ Law No. 055-2004 / AN on the General Code of local authorities in Burkina Faso, Droit Afrique, <http://www.droit-afrique.com/uploads/Burkina-Code-2004-collectivites-territoriales-MAJ-2018.pdf>.

² *Id.*

³ National Assembly (Burkina Faso), Law No. 008-2013 / AN Transparency Code in the management of public finances in Burkina Faso (Droit Afrique, 23 Apr. 2013), <http://www.droit-afrique.com/upload/doc/burkina/Burkina-Loi-2013-08-transparence-gestion-finances-publiques.pdf>.

⁴ *Report 2016 on the State of Budget Transparency in Burkina Faso* (World Bank, Centre on Budget Training, Information and Training (CIFOEB), Ministry of Economy, Finance, and Development (Burkina Faso, 2016).P. 38. <https://www.veenem.bf/document-importes/5946fdaaa6c96f40b5b0d23c83a2a630.pdf>

⁵ Augustin Loada and Samuel Guitenga, "The appropriation of budget governance at the level of rural communes in Burkina Faso" Research Report No. 4 (Council for the Development of Social Science Research in Africa, CODESRIA, 2011) 21, <https://www.codesria.org/spip.php?article1401&lang=fr>.

⁶ *Report 2016 on the State of Budget Transparency in Burkina Faso* at 38.

⁷ *Id.*

⁸ *Id.*

⁹ Loada and Samuel Guitenga at 18.

¹⁰ *Id.* at 23.

¹¹ "Welcome to AMR Burkina" (Rural World Association, 13 May 2008), <https://amrburkina.asso-web.com/actualite-1-bienvenue-sur-amr-burkina.html>.

¹² Amadou Wangré (AMR coordinator), interview by IRM researcher. 14 February 2019.

¹³ "Strengthening the capacities of the local administrations of the communes of Koudougou, Sigle, Soaw, Imasgo in the Boulkiemde on the citizen's accountability" (AMR, May 2018) 11.

¹⁴ *Report 2016 on the State of Budget Transparency in Burkina Faso* (World Bank, Centre on Budget Training, Information and Training (CIFOEB), Ministry of Economy, Finance, and Development (Burkina Faso, 2016).

V. General Recommendations

This section aims to inform development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country or entity; and 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Recommendations

Based on the input government and non-state actors provided, along with the IRM researcher's findings through open data sources and reports, key recommendations to improve the OGP process and action plan are described as follows:

Ensure that OGP decision-making and technical bodies in Burkina Faso build a website reporting on the OGP process. When conducting desk research and based on findings from a previous IRM researcher, there was no evidence of a document repository on the national OGP website with information on the national OGP process. It is therefore difficult to assess the OGP process (e.g., multistakeholder forum and action plan development). Therefore, the Ministry of Public Administration, The National Council, the Technical Committees, and Secretariat of Burkina Faso could work to ensure that one entity is responsible for creating the website and publishing all OGP-related information. This also ensures that the country does not act contrary to the OGP process. As of now, there is no evidence that the government collected and published OGP documents online, in accordance with IRM guidance.

Improve commitment design so that commitments' goals, activities and expected results are quantifiable, specific, relevant, consistent, and strategic, and that actions effectively address the sources of problems. The IRM staff researcher suggests that the Technical Committee and Technical Secretariat draft commitments in quantitative terms, so that progress and completion of commitment activities is easier to determine. OGP's IRM can provide technical assistance to the government on these topics, if necessary. Additionally, commitment activities are not targeting key background and context that prevent commitment success. The technical committee could request technical advice from an independent consulting firm to assess the match between proposed commitment activities and the sources of the problems each commitment seeks to resolve. The government could also meet this recommendation through agreements with CSOs, the private sector, and other stakeholders, before submitting a final design report to OGP.

In the same vein, items to ensure improvements on commitment design include:

- Focus on a narrower set of issues so that the country can build on efforts that already exist to bolster their efficacy and address major obstacles.
- Include commitments with clear relevance to OGP values, particularly those related to protection of civic space and participation, and bolster access to information.
- Make sure commitment topics do not overlap in order to avoid repetition and consolidate those with similar goals (e.g., Commitments I and I3).
- Provide a more detailed description of what the problem and status quo are, and how milestones will actually address problems. For instance, this plan frequently offers "awareness raising" activities, regardless of whether a lack of awareness is the problem. More detail will help understand what will actually be done and whether it is meaningful.
- Ensure that commitment structure (goal, milestones, results) is consistent so that the deliverables match the overall objectives.

Ensure that the executive and the legislative branches work together to approve key supplementary legislation, particularly Law No. 051-2015 / CNT granting right of access to public information and administrative documents. The IRM researcher suggests that the National Council coordinate with the Ministry of Public Administration and the National Assembly to speed up enacting this law. The government agencies could consult the legislative agenda to set a specific deadline to approve the law. As of now, the lack of this law's implementation prevents several commitments from achieving results.

Include monitoring and evaluation mechanisms to assess the workshops and campaigns proposed in commitment's activities. This is key to ensure that the strategies to raise awareness among the population are successful. The technical committee for monitoring and evaluating OGP implementation could include assessment mechanisms in the action plan for each commitment involving training and capacity-building. The technical committee could support agencies responsible for commitment implementation in identifying the appropriate financial mechanisms, timelines for assessing whether citizens and civil servants have grasped concepts, and techniques deemed essential for achieving expected results.

Discuss the potential of including a commitment that supports involving the public in approving a draft constitution via referendum. As described in the country context section, a new draft constitution is a significant event in the country's political environment. This event may have important consequences for open government, democracy, and transparency. However, the current action plan does not contain any commitment supporting the adoption of the new constitution, for instance, by guaranteeing a fair, transparent election in which citizens can freely participate and vote on the new draft constitution. In this regard, the government could consult with stakeholders from civil society and the private sector on how best to include a commitment ensuring participation and involvement in this process.

Ensure that government agencies, led by the National Council for the Modernization of Administration and Good Governance, consider budget limitations when developing the action plan and coordinate with implementing agencies to guarantee funds. The IRM researcher suggests that OGP decision-making and technical bodies, such as the National Council for the Modernization of Administration and Good Governance and the Steering Committee, design commitments in accordance with budgetary considerations. Coordination activities could involve the legislative branch to ensure that funds are legally appropriated. These bodies could balance ambition with feasibility when designing commitments to ensure their success. In the same vein, the IRM researcher suggests a budget feasibility assessment before designing each commitment (developed by either a government agency or an independent consulting firm), to avoid implementation problems due to insufficient funds.

Consider including a commitment that addresses transparency in the mining/extractive industries sector. Burkina Faso's decision-making and technical bodies should coordinate with civil society, the private sector, and the institutions responsible for the energy sector to propose commitments increasing transparency in the sector. The government could build on previous experiences with other international organizations such as the EITI to provide further guidance on how best to promote transparency in line with standards in this sector, given the importance of the extractives in the country's economy.

Improve the leadership and multistakeholder process by ensuring that the country meets the minimum co-creation standards and by encouraging CSOs to organize and coordinate actions. In order for Burkina Faso to meet the minimum level of public influence according to OGP standards, the IRM strongly suggests that the multistakeholder forum meets at least once every three months and the government ensures a "reasoned response" (i.e., the government provides evidence on how it gave stakeholders feedback during the co-creation

process in order to avoid acting contrary to the OGP process). Ensuring that CSOs are organized and coordinated to improve development of the action plan and the co-creation process is key, in terms of financial support, greater understanding of the ‘theory of change’ concepts related to open governance, and engagement with OGP process and activities.

Table 5.1: Five Key Recommendations

1	Improve commitment design so that the goals, activities, and results are quantifiable, specific, relevant, consistent, and strategic, and that actions effectively address the source of problems.
2	Ensure that the executive and the legislative branches work together to approve key supplementary legislation, particularly Law No. 051-2015 / CNT granting right of access to public information and administrative documents.
3	Ensure that OGP decision-making and technical bodies in Burkina Faso build a website reporting on the OGP process.
4	Consider a commitment supporting the involvement of the public in approving a draft constitution via referendum.
5	Ensure that government agencies, led by the National Council for the Modernization of Administration and Good Governance, account for budget considerations when developing the action plan and coordinate with implementing agencies to guarantee availability of funds.

VI. Methodology and Sources

The IRM reports are written by researchers for each OGP-participating country or entity. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Burkina Faso's OGP repository (or online tracker), website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

Each IRM researcher carries out stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.¹

Interviews and stakeholder input

Due to difficulties with the IRM researcher based in Burkina Faso, the IRM researcher for Ivory Coast conducted interviews and provided all stakeholders input to IRM staff in Washington D.C. The IRM researcher in Washington D.C. prepared the report, based on the feedback from interviews and desk research sources. The IRM researcher for Ivory Coast selected the interviewees based on sources and contacts from the previous IRM researcher for Burkina Faso.

The IRM researcher for Burkina Faso also used the list of contacts of the Technical Committee members that government provided. The IRM researcher for Ivory Coast conducted nine interviews and met with eleven stakeholders. The IRM researcher followed up with one interviewee as indicated by IRM staff. In conducting the interviews, the IRM researcher had to manage time constraints, between 30 minutes and one hour to conduct interviews, and short notice for stakeholders to meet. The IRM researcher for Ivory Coast did not participate as an observer in OGP events in Burkina Faso.

Interview No 1. The interviewee desired to remain anonymous. In the interviewee's view, this would guarantee a neutral role in the light of both government and civil society members being part of the OGP process. The interviewee met with the IRM researcher for Ivory Coast on the 13 and 15 February 2019 for an in-person interview. The source provided background information on the OGP process, describing the government agency responsible for OGP implementation. The source described that the OGP process was designed apart from budgetary considerations and shared that the government left some CSO proposals out of the action plan due to financial reasons.

Interview No 2. Rural World Association (AMR). Mr. Wangré Amadou, AMR's coordinator, met with the IRM researcher for Ivory Coast on 14 February 2019 and held an in-person interview, plus email exchanges. Mr. Amadou provided answers to questions on Commitment 1 (Sign protocols of operations to perform in the 21 areas where competence shall be transferred to municipalities (11) and regions (10)) and Commitment 13 (Arranging areas for Community Dialogue and questioning on local budget management (EDIC)).

Interview No 3. Mr. Malick Lingani, President of the Beog Neere Association and member of the OGP Technical Committee, met with the IRM researcher for Ivory Coast on 14 February 2019 and held an in-person interview plus email exchanges. Mr. Lingani provided answers to questions on Commitment 4 (Systematize online registration of all the competitions of public administration for post-baccalaureate and at least 50% of baccalaureate level competitions), Commitment 5 (Setting up a registration and complaints handling mechanism within ministry departments), and Commitment 11 (Collect and publish data produced in Ministries and public institutions in open and accessible format by all). The IRM researcher for Ivory Coast was able to ask questions outside of the research plan.

Interview No.4. Mr. Zango Boniface, Mayor of the rural community of Laye, met with the IRM researcher for Ivory Coast on 14 February 2019 for an in-person interview. The Mayor answered questions on Commitment 4 (Systematize online registration of all the competitions of public administration for post-baccalaureate and at least 50% of baccalaureate level competitions), Commitment 12 (Improving access by public to information, as well as citizen involvement in State budget development and implementation), and Commitment 13 (Arranging areas for Community Dialogue and questioning on local budget management (EDIC)). The IRM researcher for Ivory Coast was able to ask questions outside of the research plan.

Interview No.5. Maître Halidou Ouedraogo, President of the Agreement on the Civil Society Organizations to Oversee Local Elections (CODEL), met with the IRM researcher for Ivory Coast on 14 February 2019 and held an in-person interview plus email exchanges. Mr. Ouedraogo answered questions about Commitment 2 (respect time limit required for issuing legal acts, in accordance with order No. 2014-022/MJ/CAB of June 25, 2014), Commitment 3 (Improve the access of vulnerable persons to "Fonds d'assistance judiciaire" [legal aid fund]), Commitment 6 (operationalizing specialized judicial areas in the punishment of economic and financial crimes), and Commitment 7 (setting up citizen committees to control racket in public administration. Mr. Ouedraogo provided further responses in writing on commitments: 4, 5, 6, 7, 8, 9 and 12.

Interview No.6. Mr. Chrysogono Zougmoré, President of Burkina Faso Movement for Human and Peoples' Rights (MDHBP), met with the IRM researcher for Ivory Coast on 14 February 2019 and held an in-person interview, plus email exchanges. Mr. Zougmoré answered questions on Commitment 2 (respect time limit required for issuing legal acts, in accordance with order No. 2014-022/MJ/CAB of June 25, 2014), Commitment 3 (Improve the access of vulnerable persons to "Fonds d'assistance judiciaire" [legal aid fund]), Commitment 6 (operationalizing specialized judicial areas in the punishment of economic and financial crimes), and Commitment 7 (setting up citizen committees to control racket in public administration). The interviewee shared answers from the National Network on the Fight Against Corruption (REN-LAC) related to these commitments.

Interview No.7. Permanent Secretariat of Modernization of Management and Good Governance (SP-MABG). Three members of the Secretariat—Mr. Dingara Jacques Sosthène (President), Mr. Barry Sidi (Reporter), and Mrs. Pelagie Kabre (SP-MABG member)—met with the IRM researcher for Ivory Coast on 15 February 2019 and held an in-person

interview plus email exchanges. Mr. Sidi compiled responses from government representatives and he shared them in a document to the IRM researcher. These documents answered questions on all commitments except Commitments 12 and 13. Mr. Sosthène provided the IRM researcher with an overview of the OGP process in the country and the conditions enabling the country to be admitted to OGP. He and Mr. Sidi explained the institutional framework of the OGP process, how government and other stakeholders collaborated, and the OGP socialization campaigns conducted in the country.

Interview No.8. Mr. Tinto Idriss, Coordinator of the Open Burkina Project, met with the IRM researcher for Ivory Coast on 15 February 2019 and held an in-person interview, plus email exchanges. Mr. Idriss answered questions on all commitments, except for Commitments 3, 6, and 8. As for Commitment 11, the IRM researcher notes that some CSO members questioned the Project Coordinator's claim about there being no problems for data reusability.

Interview No.9. Mrs. Agnès Kabore, representative of the Center for Democratic Governance, met with the IRM researcher for Ivory Coast on 15 February 2019 for an in-person interview. The representative answered questions on all commitments except Commitments 6 and 9. The representative provided information on the potential impact for 10 commitments.

Another interview was scheduled with a representative from the African Network of Journalists for Integrity and Independence (RAJIT) but the meeting was cancelled due to scheduling conflicts.

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

¹ IRM Procedures Manual, V.3: <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

Annex I. Overview of Burkina Faso's performance throughout action plan development

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Multistakeholder Forum	
1a. Forum established: There is a forum to oversee the OGP process.	Green
1b. Regularity: The forum meets at least every quarter, in person or remotely.	Yellow
1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership and governance structure.	Yellow
1d. Mandate public: Information on the forum's remit, membership and governance structure is available on the OGP website/page.	Red
2a. Multi-stakeholder: The forum includes both governmental and non-government representatives.	Green
2b. Parity: The forum includes an even balance of governmental and non-governmental representatives.	Yellow
2c. Transparent selection: Non-governmental members of the forum are selected through a fair and transparent process.	Red
2d. High-level government representation: The forum includes high-level representatives with decision making authority from government.	Green
3d. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum.	Red
3e. Remote participation: There are opportunities for remote participation in at least some meetings and events.	Green
3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders.	Red

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Action Plan Development	
4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	Red
4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.	Red
4c. Awareness-raising: The forum conducts outreach and awareness raising activities with relevant stakeholders to inform them of the OGP process.	Green
4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity.	Yellow
4e. Reasoned response: The multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.	Red
5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g., links to databases, evidence of meetings, publications).	Red

Editorial note: If a country “meets” the six standards in bold, IRM will recognize the country’s process as a Starred Process.