
MILLENNIUM CHALLENGE CORPORATION
BURKINA FASO
Environmental and Social Assessment (ESA)
Aide mémoire
(Debriefing)

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**Final Environmental and Social Assessment (ESA) Site Review of the
Commune Building Component for 17 Pilot Communes in the
Rural Land Governance (RLG) Project¹**

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1.0. Introduction

Between August 18th and September 29th 2008, a joint MCC-MCA team conducted a comprehensive review of the initial ESA checklists that were used to determine whether any major social and environmental problems were likely to be associated with the commune (municipality) building component of the MCA Rural Land Governance (RLG) Project. This information was needed to complete preparations for execution of commune building construction and its related environmental planning measures and resettlement action plans (RAPs), which are scheduled to start in the first trimester (January-April) of 2009.

The purpose of this *aide mémoire* is to summarize results of the official debriefing on the mission, which was conducted at the MCA/Burkina Faso (MCA/BF) office on September

¹ This briefing paper is a summary of a larger MCC/MCA report (Della E. McMillan and Issa Zerbo, *Final ESA Review and Identification of Key Elements for Consideration in Resettlement Action Plans [RAP] of 17 Pilot Project Communes*, Environmental and Social Assessment [ESA] Rural Land Governance [RLG] Project Commune Building Component (Millennium Challenge Corporation and Millennium Challenge Account Burkina Faso, 2008). It is intended to provide MCC and MCA staff with a concise and user-friendly quick reference. The main report includes more detailed analyses for specific sites, as well as the completed checklists for each of the 17 pilot commune sites. Leah A.J. Cohen, a freelance editorial consultant based in Gainesville, Florida was responsible for the editing and production of this brief and the main report.

² MCC ESA consultant.

³ MCC national consultant contracted for the assessment.

29, 2008 and attended by four senior MCA/BF staff.⁴ At the meeting the consultants presented the background, methods, and conclusions of this final ESA review of commune building sites in the 17 RLG Project pilot communes, as well as major lessons learned and recommendations for future ESA missions. In addition to summarizing the main findings of the mission, this *aide mémoire* also includes the modifications suggested at the debriefing meeting. These modifications are also noted in the draft ESA report submitted to MCC and MCA.

- **Section two** of this *aide mémoire* provides background on the RLG Project in general and the commune building component in particular, as well as the MCA ESA guidance for environment, gender, and resettlement.
- **Section three** describes the methods for the specific objectives used during the 2008 ESA mission.
- **Section four** describes the major results of the two-stage ESA mission on the commune building component of the RLG Project in terms of ESA assessment of the sites, completing essential documentation, reclassification of sites in un-zoned (*non-lotis*) areas, identification of critical elements to consider in preparing resettlement action plans (RAPs), and special gender and environmental opportunities (and constraints) to consider in follow-up planning.
- **Section five** focuses on six recommendations for completing MCA's documentation of land tenure status for the 17 pilot communes and recommendations for future ESA missions on the 30 new communes for the RLG Project, tentatively scheduled to be added in year three of the Compact.
- **Section six** is the list of references cited.

2.0. Background

2.1. The Rural Land Governance (RLG) Project

The Rural Land Governance Project is organized into three main activities with various of sub-activities (Table 1).

- **Activity 1: Legal and Procedural Change and Communication.** This project activity will support the Burkina Faso government's effort to develop and implement improved rural land legislation and to develop, revise, and implement other legal and procedural frameworks.
- **Activity 2: Institutional Development and Capacity Building.** This project activity, in conjunction with the Legal and Procedural Change and Communication activity, will improve institutional capacity to deliver land services in rural areas.
- **Activity 3: Site-Specific Land Tenure Interventions.** This project activity will ensure that both the Legal and Procedural Change and Communication activity and the Institutional Development and Capacity Building activity yield their intended benefits across municipalities and in targeted agricultural development

⁴ The staff attending included Fidele Hien (MCA ESA director), Zongo Koudregma (MCA RLG Project coordinator), Dabire Remy (MCA AD Project coordinator), and Bacié Zilma François (deputy director MCA M&E Department).

- zones. This activity employs a cluster approach to project design, based around 15 clusters, each containing up to three to four municipalities (Box 1).

Table 1. Three Activity Groups and Sub-Activities Associated with the MCA Burkina Faso Rural Land Governance (RLG) Project

Project Activities and Sub-Activities	Cross-References Original RLG Project Forms ⁵ (Fiches)
Activity 1: Legal and Procedural Change and Communication: Pass legislation, reform administrative procedures, and create sufficient understanding for implementation of land law and policy	
(i) Support the government’s finalization of the rural land law’s implementing regulations and revisions of the RAF legislation (<i>Reforme Agraire et Fonciere</i>) together with other legal reform support, including technical advisory services related to the rural land tenure law and support for participatory stakeholder processes and validation. (ii) Support finalization of communication and outreach tools to ensure awareness and practical applicability of the government’s policy and legal reforms, including, but not limited to, the implementation of a stakeholder communications strategy and the development of manuals for local-level application of new legal provisions and tools.	Form 1
Activity 2: Institutional Development and Capacity Building: Realign and improve public services in selected rural areas and put in place supporting public infrastructure	
(i) Improved land registration and mapping services, including institutional modernization analyses, training and capacity building, the purchase of equipment, imagery products, and surveying technology.	Forms 2 and 5
(ii) Decentralization of local land tenure services, including training and support for new local land services personnel and the construction and providing basic equipment for up to 47 municipal buildings to provide offices for decentralized municipal land services, while also serving as offices for other key local government functions.	Forms 2-6
(iii) Capacity building to mediate land conflicts including (a) capacity building within the justice sector through training for judges and associated personnel and practicing lawyers, (b) new land school curriculum modules focusing on land law and land conflict, (c) training of municipal officials, local village councilors, and local land services personnel on land conflict mediation, and (d) support for mobile land conflict tribunals.	Form 7
Activity 3: Site-Specific Land Tenure Interventions: Facilitate participatory land use management, registration of land rights, and resolution of conflicts	
(i) Participatory land use management planning in up to 47 rural municipalities, including training, mapping, operational costs, and necessary assistance by regional and provincial institutions	Form 8
(ii) Clarifying and securing rights in developed zones, including up to eight existing agricultural schemes subject to the phasing approach in the new MCC-funded irrigation scheme, and associated with approximately 14,500 parcels in Ganzourgou province.	Forms 9-10

The RLG Project will intervene in two phases.

- **Phase One--Implementation in Pilot Communes (17):** Phase one will target 17 commune governments (municipalities) with a complete package of technical assistance and infrastructure construction and also will include a set of up-front interventions that are not municipality-specific.

⁵ Refers to forms used during the pre-Compact (e.g., design) period.

- **Phase Two--Extension to Remaining Communes (30):** Phase two will include the balance of the Compact Term and will target 30 additional commune governments (municipalities) for technical assistance and infrastructure as well as expand investments associated with the other sub-activities.

Box 1. The “Cluster” Method of the RLG Project

Direct beneficiaries of the RLG Project include producers in up to 47 rural communes (municipalities) and up to eight agricultural development zones, which overlap geographically with the targeted communes. The up to 47 communes will be organized in 15 clusters of contiguous communes (each cluster with a pilot “lead” commune) with the expectation that outcomes and impacts achieved by the cluster communes may eventually spill over to other neighboring communes that are not targeted in this project.

In some respects the commune level activities are the most critical and visible components of the RLG project. Therefore, it is extremely important to limit this level of activity to a manageable quantity of specific sites. Achievement of a convincing demonstration and feasibility of the new land policy and law will be the most effective method of scaling up the benefits in the future – with or without the support of an internationally funded project. Activity 3 will therefore be based on a cluster approach: activities are organized on the basis of 15 commune clusters of 3-4 communes each on average, allocated across all 13 regions of the country.

2.2. MCC Social and Environmental Guidance

MCC expects a compact program to comply with host-country laws, regulations, and standards for assessing and managing environmental impacts, involuntary resettlement, and gender integration in the beneficiary country, as well as with MCC’s Environmental Guidelines (which were developed based on MCC’s environmental statement of principles). In its environmental statement of principles, MCC recognizes that the pursuit of sustainable economic growth and a healthy environment are necessarily related. Therefore, within its Environmental Guidelines, MCC has established a process for review of environmental and social impacts to ensure that projects undertaken as part of Millennium Challenge Corporation Compacts with any eligible countries are (i) environmentally sound, (ii) designed to operate in compliance with applicable regulatory requirements in the country, and (iii) not likely to cause significant environmental, health, or safety hazards (as required by legislation establishing MCC). This process is outlined by the MCC Environmental and Social Assessment (ESA) due diligence process.

MCC’s Environmental and Social Assessment (ESA) due diligence questions (and process) are designed to assess the extent to which proposed activities are in compliance with MCC’s Environmental Guidelines and to recommend mitigation strategies that will minimize environmental and social impacts. The full due diligence process includes 29 questions in six categories (Table 2).

MCC’s Environmental Guidelines are closely supported by a policy for involuntary human resettlement that may result from implementation of Compact projects and by a gender policy. The MCC policy on involuntary resettlement, based on the Operational Policy 4.12 (OP4.12) by the World Bank, requires a comprehensive review of all projects

Table 2. Millennium Challenge Corporation (MCC) Due Diligence Questions

Category	Number of Questions
A. Environmental Legal and Regulatory Structure (for the entire compact)	4
B. Environmental Screening (project by project)	4
C. Environmental and Social Impact Assessment (project by project)	6
D. Health and Safety (project by project)	3
E. Resettlement (project by project)	9
F. Gender and Underrepresented Groups	3
Total	29

to identify any potentially negative social or economic consequences that might result from involuntary land taking. Once a project is considered to have negative impacts, the agency executing the project prepares a resettlement plan or a resettlement policy framework that is required to cover a detailed description of the following (World Bank 2001: 3).

- Measures to ensure that displaced persons are: (i) informed about their options and rights pertaining to resettlement; (ii) consulted regarding, offered choices among, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributed directly to the project.
- The plan must also include a detailed description of assistance that will be provided to resettled households at existing or higher living standards and procedures that will be put in place to monitor execution of the resettlement plan, as well as its impact.

Burkina’s MCA office is currently in the process of developing a **resettlement policy framework (RPF)** (World Bank 2001: 6, Annex A): “to clarify resettlement principles, organizational arrangements, and design criteria to be applied to sub-projects to be prepared during project implementation.” Sub-project resettlement plans (also known as **resettlement action plans** or RAPs) consistent with the policy framework are subsequently submitted to the funding body (in this case, MCC rather than the World Bank) for approval after specific planning information becomes available. Both the resettlement policy framework and resettlement action plans must also identify any potential **gender** impacts, as well as mitigation measures to address these that are in line with the MCC gender policy.

2.3. Previous ESA Missions of the Commune Building Component for the MCA RLG Project (August 2007 and October-November 2007)

The current mission (i.e., 2008 ESA mission) builds on information that was gathered during two initial ESA missions of the commune building component under Activity 2 of the Rural Land Governance Project described below (Table 3). The initial mission (August 2007) pilot tested a simple checklist to review initial site selection for the commune buildings that are slated for construction under Activity 2 of the Rural Land Governance Project. Based on lessons learned from the initial mission, Quinn developed

a more detailed technical and ESA review checklist that was used to assess the proposed commune building sites during a second mission (October-November 2007).

3.0. Objectives and Methods of the 2008 ESA Mission (August 18-September 29, 2008)

There were four specific objectives of this ESA mission. A fifth objective, focused on gender, was added during the course of the mission.

- 1. Reassess (using Checklist 1) and Assess (using Checklist 2) all 17 Commune Building Sites:** Conduct a final review of the environmental and technical checklist (Checklist 1 in Annex 1) that was completed during the earlier ESA process and collect the additional information needed to document land tenure status of the sites on a new checklist (Checklist 2 in Annex 1).
- 2. Complete Essential Documentation:** Coordinate collection and documentation (hard copy and scanned) of all basic documentation on land status of the proposed commune building sites.
- 3. Assess Progress toward Reclassification of Sites in Un-Zoned (Non-Loti) Areas:** Document whether the communes that were proposing sites in un-zoned (*non-loti*) areas had executed the steps needed to reclassify the land for administrative purposes.
- 4. Identify Critical Elements for Consideration in the RAPs:** Identify broad categories of resettlement issues⁶ that are likely to emerge at the commune building sites and compensation options that comply with OP4.12, as well as Burkinabe law (to be reviewed by the RPF process, which is tentatively scheduled for discussion during the first trimester of 2009).
- 5. Identify Other Gender and Environmental Issues to Consider in the Environmental and Social Management Plans for the Proposed Commune Building Sites:** One of the major findings as the team conducted the mission was that it was necessary and helpful to include (and often impossible to ignore) consideration of gender and environmental issues that would normally come up in the technical planning and environmental and social ESA missions that are scheduled to start on the commune building component of the RLG Project during the first trimester of 2009.

Two sets of field visits were conducted to the 17 pilot communes that are referred to in this and the main report (McMillan and Zerbo 2008) as Stage I and Stage II (Table 3).

- During Stage I (August 18-September 7, 2008), MCC Consultant Issa Zerbo visited all 17 communes to review Checklist 1 and collect information needed for Checklist 2. Once the site visits were completed, during the second part of Stage I (September 2-7) Issa Zerbo and Della McMillan analyzed this information.

⁶ The original scope of work anticipated that the team would discuss an actual settlement policy for the project. During the initial meetings at MCA this activity was modified to focus on identifying the broad categories of resettlement issues that are likely to emerge at commune building sites and compensation options.

- During Stage II (September 8-29, 2008) MCC consultants (Della McMillan and Issa Zerbo) and MCA ESA director (Fidele Hien) visited seven of the 17 communes to:
 - Collect additional information the team needed to determine the final site selection,
 - Follow-up on whether communes that were proposing sites in un-zoned (*non-lotis*) areas had executed the steps needed to reclassify the land for administrative purposes, and
 - Collect information on the types of settlement issues that the RLG Project would need to consider in the five communes that are likely to need RAPs, as well as some of the issues that would need to be considered in the environmental and social management plans (ESMPs).

Table 3. Previous and Current ESA Missions for the Rural Land Governance Project, Commune Building Component

Date	Consultants/MCA Staff Involved	Communes Visited (n)	Output
August 2007	Alamoussa Chieck Traore Larry Quinn	---	Pilot testing of initial technical, environmental and social checklist in several communes
October-November 2007	Alamoussa Chieck Traore Larry Quinn Oliver Pierson	17	--Development of revised technical and environmental checklist and collection of data in 17 pilot communes --Identification of missing documentation by commune
August 18-September 7, 2008	Issa Zerbo	17*	Stage I: <i>August 18- September 1</i> : Site, documentation and checklist review
	Issa Zerbo Della McMillan	0	Stage I: <i>September 2-7</i> : Analysis
September 8-September 29, 2008	Fidele Hien Della McMillan Issa Zerbo	7*	Stage II: <i>September 8-29</i> : Additional site review and identification of key elements to consider in the RAPs and environmental and social management plans for the commune building component of the RLG Project

4.0. Results

4.1. Reassess (using Checklist 1) and Assess (using Checklist 2) all 17 Pilot Commune Building Sites

Since the initial ESA mission on the commune building component of this project, four (24%) of the 17 communes that were included in the original (2007) ESA of the commune building component of the RLG Project requested site changes prior to and during the 2008 mission (Kampti, Bama, Di, and Loumbila). As outlined under objective one, the team reviewed each of the newly proposed sites and compared them with the original site assessments using Checklists 1 and 2. Based on this review, which is summarized in a SWOT (Strength, Weakness, Opportunities, and Threats) analyses in Annex 2 of the main report (McMillan and Zerbo 2008), the team concluded that all four of the changes can be justified based on social, environmental (flooding), construction

costs (site fill of uneven areas), and/or security reasons. One major output of the mission was to complete the ESA review of these new sites.

4.2. Complete Essential Documentation

During the time between the initial ESA (August 2007 and October–November 2007) of the commune building component of the project and the start of Stage I of the 2008 ESA mission (August 18, 2008) none of the 17 communes had completed the basic documentation package that MCA needed to authorize land tenure status of the proposed sites. Without this documentation, the next phase of planning and construction of the commune buildings cannot start. A second major output of the mission was to complete most of the essential documentation.

The critical constraint appears to be that no one within MCA was tasked with follow-up on the earlier recommendations of the ESA team. Once this documentation problem was identified during Stage I of the 2008 ESA mission the RLG Project and ESA team:

- Developed and distributed a letter to the mayors that clearly spelled out what documentation was missing and
- Tasked one individual on the team (Zerbo) with coordinating follow-up communication with the mayors.

As of September 29, 2008, almost all of the 17 communes had completed the documentation. The chief exceptions to this were the four rural communes where (for a variety of reasons that were easy to justify) the proposed building sites were outside the part of the communes that had been zoned (*lotis*). Even for these communes, the required documentation was submitted within a month of the 2008 ESA mission (Table 4).

4.3. Assess Progress toward Reclassification of Sites in Un-Zoned (*Non-lotis*) Areas

Four of the five communes that requested site changes have proposed sites that are outside the zoned (*lotis*) areas of the communes. All four of these communes (Kampti, Bama, Di, and Sono) are in rural communes where only a small part of the town is zoned (*loti*). The process is further complicated by the fact that many of the *lotissements* (zonings) were conducted on a strict budget that gave the survey teams little time to take into account issues such as drainage and flooding. Since very few of the rural communes have benefited from the types of primary and secondary urban development programs that have helped larger towns (e.g., Ouahigouyou, Kongoussi, and Pama), many of the site features, such as roads and drainage systems that are on the *lotissement* maps were never executed.

While the team felt that all four of the communes were justified in requesting the proposed site changes, the issue of documenting land tenure status of these areas requires special attention—during both the initial and post-ESA process (Table 4). To reclassify a *non-loti* area for administration requires a five step process that many mayors' offices are ill-prepared to handle. Many thought they only needed the *procès verbal de palabre* and initial site plan, which in most cases were prepared by agricultural extension agents using local equipment (see informal first step in Table 4). In each case the critical breakdown in

the necessary five step process occurred early on, at Step 2—which dictates production of a registered site map that cross references officially registered markers. Since the

Table 4. Progress toward Completion of Critical Background Documentation for Commune Building Sites in Un-Zoned (*Non-Lotis*) Areas of Kampti, Bama, Di, and Sono

Steps and Activities	Kampti	Bama	Di	Sono
Step 1: Site Chosen and Approved by the Local Community				
--Informal site plan (hand-drawn)	Yes	Yes	Yes	Yes
--Public hearing (PV) that states that customary land holders or land chiefs accept to donate their land for the commune building site	Sept 18, 2008	Sept 12, 2008	April 5, 2008 Sept 23, 2008 ⁷	Sept 5, 2008
--Municipal council decision (<i>Attestation Municipale</i>) confirming site choice	Sept 22, 2008	Sept 23, 2008	April 08, 2008 Sept. 24, 2008 ⁸	Sept 4, 2008
Step 2: Delineation and Marking by a Registered Surveyor				
--Delineation and marking	Sept 11, 2008	Sept 13, 2008	Sept 19, 2008	Sept 20, 2008
--Commune receives official map and (if the commune is zoned [<i>loti</i>]) a highlighted abstract of that particular portion of the <i>lotissement</i> plan that shows this area in relation to the zoned area	Sept 17, 2008	No	Sept 27, 2008	Sept 27, 2008
Step 3: Confirmation by Land Registration (Domanial) Office (Name=Location of office)				
--Inform provincial land registration (<i>service domanial</i>) office that area is delineated and marked	Sept 18, 2008	No	Sept 29, 2008	Sept 22, 2008
-- <i>Service domanial</i> conducts official PV to confirm land tenure change	Sept 18, 2008	No	Sept 23, 2008	Sept 22, 2008
Step 4: Registration of the Map and PV with the Provincial Mapping (Cadastral) Office (Name=Location of office)				
--Send the land registration office's PV and the registered surveyor's map to the provincial mapping (<i>service cadastral</i>) office	Sept 23, 2008	No	Oct 02, 2008	Oct 03, 2008
-- <i>Service cadastral</i> office returns the papers to the land registration (<i>service domanial</i>) office who returns them to the mayor	No	No	No	Nov 19, 2008
Step 5: Official Announcement of the Land Reclassification Decision (<i>une Arrêté d'occupation</i>): Once mayors receive the papers they prepare an official land occupation decision (<i>un arrêté d'occupation</i>) that is circulated to the different relevant services (e.g. <i>service cadastral</i> , <i>service domanial</i> and <i>administration territoriale</i>)				
	No	No	No	No

PV=*Procès verbal de palabre*

⁷ Same site as previous PV, but post measurement.

⁸ Same site as previous attestation, but post measurement.

Burkinabe government privatized these services, the *service cadastral* (mapping service) office has established standard fees for these services: 144,500 FCFA + 1,000 FCFA per km for areas within the province and 500,000 FCFA (all expenses) for areas outside the province. In the absence of some sort of personal, commune-level contact with a registered surveyor (*géomètre agrégé*), as was the case for Kampti and Bama, the rural communes were ill-equipped to pay the official cost. While short-term solutions, such as identifying an agricultural researcher with GIS training, were appealing (in theory) they did not solve the longer term problem because the resulting maps had to go in under the name of a registered surveyor (*géomètre agrégé*). The same short-term solution carries the risk that the delineation and measurements of the site could be challenged down the road. A third major output of the mission was to facilitate the communes facing this problem with completion of most of the documentation for this reclassification process.

4.4. Identify Critical Elements to Consider in Preparation of RAPs

Six communes (Kampti, Bama, Di, Ouarguaye, Loumbila, and Kongoussi) are likely to need resettlement action plans (RAPs) to compensate individuals for their land tenure rights, stores, crops, displaced livelihoods, or communities for the loss of leisure space (sports fields). Table 5 summarizes the critical elements that planners need to consider

Table 5. Key Elements to Consider in Preparation of RAPs for the 17 Pilot Commune Building Sites

Critical Elements for Consideration in RAPs	Communes Likely to Need RAPs					
	Kampti	Bama	Di	Ouarguaye	Loumbila	Kongoussi
Houses		Avoided by adjusting boundaries of sites				
Wells						
Land rights	X	X	X			
Renter's rights		X				
Crops on site		X		X	X	
Non-ag. manufacturing livelihoods on site (beer making)		X				
Commercial enterprises on site				X	X	
Un-zoned provisional ⁹ sites managed by mayor's office on either side of roads adjacent to commune building site				X		
Community social infrastructure						X (soccer field)

Source: RAP tables in McMillan and Zerbo (2008).

⁹ Merchants are given *provisoire* (provisional) access to these un-zoned (*non-lotis*) sites along the roads. Their status as provisional means that the mayor's office can reclaim the spots at any time.

when preparing the RAPs in the next phase of the project. A more detailed analysis of the RAP issues at each site is included in the main report for each of the seven sites (McMillan and Zerbo 2008). The main report also includes a photo essay that describes the critical elements of the RAPs. The information constitutes a “de facto” baseline for the next phase of project planning, which includes formulation of the actual RAPs.

4.5. Identify Other Gender and Environmental Issues to Consider in the Environmental and Social Management Plans for the Proposed Commune Building Sites

Construction of new commune buildings will likely create a host of other social and environmental constraints and opportunities. Many of these constraints and opportunities—like those related to gender—are likely to emerge at all 47 sites. Other constraints—especially those related to the anticipated increased pressure on local fuelwood supplies—are more specific to certain sites. Another output of this mission was to identify many of the issues that would need to be considered in follow-up planning.

4.5.1. Gender Opportunities at the 17 Pilot Commune Building Sites

Once construction starts in each of the communes, there will be a sharp increase in demand for catering services, food, water, and supplies in the areas immediately adjacent to commune building sites. In the short-term, the construction companies are likely to either contract with food services and/or provide per diem to workers to contract with or purchase food on their own. Once the buildings are completed, the demand will shift from construction workers to employees working in the commune buildings and hundreds of people that are likely to come to the mayors’ offices each week to register land and regulate other matters. There will also be a large number of MCA sponsored training sessions, as well as quarterly meetings by the municipal councils in each of the commune buildings’ 500-seat meeting rooms.¹⁰

Based on our observation of the areas surrounding the existing commune buildings built by other donors in the 17 pilot communes, the short-term impact of the MCA-sponsored commune building construction is likely to be an immediate increase in commercial development in the surrounding areas. This commercial development is likely to be associated with:

- The conversion of houses in areas zoned for residential purposes into commercial space,
- An immediate increase in rent for these commercial spaces and displacement of the persons currently using these spaces, and
- Mayors taking a more active interest in allotment and management of the provisional¹¹ commercial spots on the edge of roads around commune buildings for which merchants are expected to pay a standard rent.

¹⁰ Each councilor who attends the quarterly municipal council meetings is normally entitled to a per diem to enable them to purchase food and drink during the long sessions away from their home village.

¹¹ Merchants are given *provisoire* (provisional) access to these un-zoned (*non-lotis*) sites along the roads. Their status as “provisional” means that the mayor’s office can reclaim the spots at any time.

The same commercial growth (i.e., conversion of houses) is likely to displace female merchants that currently use these spaces in favor of male merchants that have greater access to capital and information on how to apply for and get the spaces. In Ouarguaye, for example, only one of the 10 merchants that rent the choice provisional spaces in front of the new mayor's office is a woman. In contrast, women dominate the street side commercial enterprises in the less choice sites away from the commune building site.

The fieldwork in the seven communes visited during Stage II of the 2008 ESA mission identified several options for strengthening women's participation in and benefit from this expected increase in commercial activities. The following options are compatible with the broader gender strategy outlined by MCA Burkina for all 47 communes (Table 6):

- Creating a green spaces adjacent to each of the commune building sites (depending on the conditions in each commune) that women's groups and/or a *groupement* can manage for catering and other services,
- Providing loans to help individual women and groups of women develop businesses through the conversion of home sites to commercial space, and
- Training and educating women to expand their understanding of their right to apply for and receive provisional commercial spaces along the street that are managed by the mayors' offices.

The actual activities in each commune will vary depending upon the availability of space and resources. Several of the sites visited during Stage II of this mission are likely to have vacant administrative reserves, non-allocated *lotis* (zoned) parcels or *non-lotis* (un-zoned) areas that will need little additional compensation or relatively straight-forward compensation that can be used to develop the green spaces. Several successful (e.g., Banfora's green space that is managed by a women's association) and less successful, but still operating (e.g., Kongoussi's green space that is managed by a private enterprise) models exist for this type of managed green space in Burkina. Most communes currently have or have had micro-enterprise programs that provide models (and perhaps in a few cases even mechanisms) for some supplementary MCA support that would link these activities to its wider RLG activities.

There is ample evidence that this type of small parallel investment in strengthening women's early participation in and benefit from the commune building component of the project could yield a huge potential rate of return to the RLG Project's activities.

- *Positive Impact on Poverty Alleviation:* The women most likely to participate actively as members of *groupements* that manage larger-scale catering services and/or as individuals are vulnerable women that do not have the capital to invest in higher yielding IGAs such as livestock. One key indicator of the success of this activity would be the number of women that use the income and training they receive from participation to develop their own small-scale businesses on the site or in another area.
- *Positive Impact on Women's Participation in and Benefits from the RLG Project:* Application of the green space catering service area model would create a concrete immediate benefit from the project that should increase women's

- willingness and ability to participate in other RLG activities (e.g., training and land registration) that will benefit them over the long run.
- *Positive Impact on Women’s Organizations and Democratic Processes:* By working through women’s groups to develop and manage the commercial site, the project could strengthen the capacity of *groupements* that work with vulnerable women, through which the project could also channel information about women’s rights and opportunities.
 - *Positive Impact on Environmental Management and Sanitation of the Commune Building Site:* Channeling food services to the green space would reduce the types of haphazard catering services that tend to develop around public buildings. It is also likely to increase sanitation and cleanliness in the adjacent areas in ways that can be sustained beyond the RLG Project.
 - *High Economic Return on the Original Investment and Prospects for Sustainability:* The economic return to women’s groups from the sale of cooked food to construction workers and municipal council members at their quarterly meetings should easily be equal to or surpass the cost of basic infrastructure and improvements to the site in just one year. The continued demand for food and services—from trainings, municipal council meetings, and employees—increases the likelihood of sustainability once the RLG Project ends. These spaces are also likely to create a sustainable forum for communication between the mayors’ offices and women’s groups that will supplement other national initiatives that are underway.

4.5.2. *Environmental Opportunities in the 17 Pilot Commune Building Sites*

Fuelwood: A number of the 17 pilot communes—especially those that have been more isolated, such as Sono, Di, Kampti, and Bama—are also likely to experience a fairly immediate spike in the price of fuelwood. The **principal** cause of this projected spike is **not** related to either the commune building component of the project or other types of RLG Project activities. In Kampti the most direct cause is likely to be the rapid development of gold mining in adjacent zones. In Bama the driving force will be the influx of workers to begin pre-construction activities related to the Samandeni Dam. In Sono it is likely to be a major increase in large land owners moving in to develop private sector irrigated farms. In Di the pressure is likely to come from the increased immigration associated with the forthcoming MCA-financed AD Project irrigation scheme in Di (Oue). In each of these cases, the ESA review identified a few low-cost interventions to mitigate these impacts, such as promoting more fuel efficient wood burning stoves or managed woodlots. While the ESMPs for the commune building sites can perhaps model “best practices” for tree planting and more fuel efficient stoves, the communes will need to develop more broad-based initiatives with other types of funding, such as the *Fonds Permanent pour le Développement des Collectivités Territoriales* (FPDCT). This fund creates a legal way for donors to transfer funds to specific villages for specific activities such as a village forestry projects, as well as to entire communes (see *Ministre de l’Administration Territoriale et de la Décentralisation 2007*; McMillan 2008: 42).

Table 6. Other Environmental and Social Issues to Consider in the Environmental and Social Management Plan for the Commune Building Component of the RLG Project

Critical Elements for Consideration in RAPs	10 Other Pilot Communes	Pilot Communes Likely to need RAPs						
		Kampti	Bama	Sono	Di	Ouarouaye	Loumbila	Kongoussi
Option for creating green space adjacent to commune building sites that women's groups and/or groupements can manage for catering and services								
--Space available in an adjacent un-zoned or zoned area	TBD ¹²	X	X	X	X			X
--Space available on proposed commune building site	TBD ¹³					X	X	
Option for strengthening women's participation in and benefit from future commercial developments around proposed commune building sites								
--Through loans to help individual women and groups develop businesses from home sites converted to commercial space	All	X	X	X	X	X	X	X
--Through training to help women understand their right to apply for and receive provisional ¹⁴ access to commercial spaces along street that are managed by mayors' offices	All	X	X	X	X	X	X	X
Sites likely to experience a major increase in demand for and price of fuel wood	TBD	X	X	X	X			
--Facilitate access to existing base of improved stove technology in restaurant services related to the mayors' offices	TBD	X	X	X	X	X	X	X
--Facilitate development of <i>groupement</i> -managed woodlots	TBD	X	X	X	X			
Sites where sections of the site is currently used as a public latrine								
--Public latrines built in areas outside commune building site to accommodate current uses of site	Most Sites TBD	X		X	X	X	X	X

Note: "X" means this is currently likely an issue for consideration.

¹² Depends on availability of space.

¹³ Depends on availability of space.

¹⁴ Merchants are given *provisoire* (provisional) access to these un-zoned (*non-lotis*) sites along the roads. Their status as provisional means that the mayors' offices can reclaim the spots at any time.

Latrines: Almost all 17 of the vacant lots slated for development as commune building sites include forested/bush covered areas that are used as community latrines. This is especially true at the sites that are in zoned (*lotis*) areas where there are few other options. Construction of the commune buildings creates a need for community latrines that are outside the commune building sites in order to manage the negative impact this is likely to have on living conditions and sanitation near the sites.

5.0. Recommendations

Based on this analysis, the report makes one short-term recommendation (Recommendation 1) for completing the minimal amount of ESA documentation on the 17 pilot communes that is still outstanding and five longer term recommendations (Recommendations 2-6) for future ESA activities on the 30 new communes that are tentatively scheduled to be added in the third year of the Compact term.

Short-Term Recommendations (before January 2009) for Follow-up ESA on the 17 Pilot Commune Building Sites

Recommendation 1: Follow through with the Plan that the Team Developed and Used for Completing Documentation on the 17 Pilot Communes

Although most of the mayors had completed the basic documentation that MCA requires for their site by the end of this mission, many of them have not updated the official *domanial* and *cadastral* maps to show the new proposed sites. In contrast to the land registration, which requires that a site be measured, this is a relatively simple process. The only cost involved is reprinting the *lotissement* map. The process of updating the maps is itself a valuable learning process for the mayors and municipal councils and it ensures a clear official recognition of the proposed commune building site.

Sub-Recommendations

1.a. **Complete Documentation:** *Set deadlines for updating lotissement plans in the 17 pilot communes (which in most cases is the only background documentation still outstanding). Suggested deadlines are:*

- October 24, 2008 for the mayors to update the maps and
- November 1, 2008 for MCA to request supplementary information needed from the *cadastral* and *domanial* offices.

These deadlines would allow at least a month for managing any problems that might arise before the start of activities in during the first trimester of 2009.

1.b. **Assign Tasks:** *Strengthen documentation follow-up in the 17 pilot communes by clearly assigning responsibility for systematic follow-up visits or contact by an MCA consultant or staff member.*

Longer-Term Recommendations for Future ESA Activities at the 30 New Commune Building Sites to be Added in Phase Two of the RLG Project

Recommendation 2: Use and Continue to Improve Checklists and Tables to Guide Informed Site Selection and Identify Preliminary Gender and Environmental Opportunities¹⁵ and Constraints

Sub-Recommendations

- 2.a. **Consolidate ESA Checklists:** *Combine Checklist 1 and 2 into a single revised ESA checklist.*
- 2.b. **Include a Matrix in the Revised ESA Checklist to Track Communication:** *Include a matrix in the revised ESA checklist that will facilitate consultants and MCA staff noting who they talk with on successive visits.*
- 2.c. **Include a Matrix in the Revised ESA Checklist to Track Follow-Up Actions Needed:** *Include a matrix in the revised ESA checklist that will facilitate follow-up on critical issues and documentation requests.*
- 2.d. **Confirm Access to Lotissement Plans prior to Executing Revised ESA Checklist:** *Confirm that the lotissement plans (in zoned communes) or hand-drawn maps (in un-zoned areas) are available in each commune well in advance of the initial ESA visits using the revised ESA checklist in order to avoid any initial confusion about the tenure status of a proposed site.¹⁶*

Recommendation 3: Strengthen MCA Processes for Building Mayors' Understanding of the Commune Building Component of the RLG Project Prior to Site Selection

During the nine months between the initial ESA (August 2007 and October-November 2007) and the 2008 ESA mission (August-September 2008) there has been a steep learning curve for the mayors and municipal council leaders. Especially important was that the mayors have a better understanding of the building size, the RLG Project, MCA's environmental and social requirements, and the social resistance they are likely to encounter once the tax and land registration reforms that the buildings will facilitate are executed.¹⁷ It is not surprising that at this point some of the communes—especially those in the rural regions with only small *lotis* (zoned) areas—have proposed alternative sites that they think are better suited. MCA's flexibility in responding to this learning curve helped keep little problems (such as the lack of agreement between leaders over a site)

¹⁵ The need for strengthening the revised ESA checklist by adding a standard table that can help identify critical information for the **RAPs** and for enhancing **gender** impacts is addressed under recommendations number four and six below.

¹⁶ This information is especially critical to understanding the relative merits of sites in zoned versus un-zoned areas. This is likely to be more of an issue in the 30 new communes than in the 17 pilot communes since more of them are in rural communes without established *lotissements*.

¹⁷ In particular, the recent market riots in Gaoua, during which the local people stormed and destroyed the mayor's office over market taxes, have made them more conscious of security and wary of locations that are adjacent to large markets.

from becoming big problems that can block project execution in the short-term and over the longer term.

Sub-Recommendations

- 3.a. **Organize National RLG Project Mayors Meeting as Planned:** *Strengthen the mayors' (in the new 30 communes) understanding of the RLG Project and the commune building component of the project by continuing the type of capacity building that started with the national meeting that took place in Ouagadougou in October 2008.*
- 3.b. **Organize Follow-up Meetings Using Cluster Method (Box 1):** *Use the project's cluster method to organize follow-up meetings that link the mayors in specific regions and provide a forum in these meetings for them to share with each other their own understanding of the project and specific questions.*¹⁸

Recommendation 4: Strengthen MCA Processes for Ensuring that OP4.12 Guides Follow-up Planning for the Commune Building Component of the RLG Project without Biasing Site Selection

MCC's social, environmental, and resettlement policies are important. However, care must be taken to NOT overemphasize them when conducting the initial ESA on the commune building sites during the next phase of the project. The commune building sites are small (most being 1.0 to 1.5 ha, with a few notable exceptions) and the resettlement issues are fairly minor. Too much emphasis on the OP4.12 or environmental guidance in the initial ESA visits can have the unintended consequence of biasing the site selection process. This process should emphasize:

- The most critical location and social factors (including land tenure and projected economic impacts of the development) likely to affect locals' appreciation of and benefit from the commune buildings and associated RLG services as well as
- The technical feasibility (e.g., size of parcel, accessibility for the local population, and potential impact on poverty alleviation) of building at the sites.

Sub-Recommendations

- 4.a. **Minimize OP4.12 Discussions with Mayors Early-On:** *Minimize discussion of the MCA resettlement, gender, and environmental policies during the initial ESA and site selection discussions with the mayors in order to avoid the risk that factors like resettlement might bias the choice of a site which is otherwise well adapted to the task.*

¹⁸ The same regional networking should help mayors share the costs of certain types of technical support they may need, such as surveyors. Two good examples of this type of pooling of information (which expedited the surveying process) and costs were (1) the way this mission facilitated Di and Sono (in the Tougan region) sharing the cost of a Ouagadougou-based registered surveyor and (2) Kampti and Bama (in the Bobo region) sharing the cost of a surveyor based in Bobo-Dioulasso.

- 4.b. **Include RAP Table in the Revised ESA Checklist:** *Include a simple RAP table/matrix, similar to the one used in this exercise,¹⁹ in the revised ESA checklist.*

Recommendation 5: Strengthen Commune-Level and MCA Processes for Documenting Land Tenure Status of Proposed Building Sites during Future ESA Activities

The communes often have trouble knowing what types of land tenure information MCA needs in order to move forward on the detailed site plans and social and environmental assessments. This is not surprising given that previous projects have often conducted this type of paperwork on behalf of the communes or simply not processed the necessary paperwork to clarify the sites' land tenure status.

Sub-Recommendations

- 5.a. **Assist Mayors in Documenting Land Tenure:** *Help mayors access the technical assistance they may need from registered surveyors or the domanial or cadastral offices in order to verify and/or clarify the land tenure status of the commune building sites.*
- 5.b. **Track Follow-Up Needed to Clarify Land Tenure:** *Track commune follow-up on actions needed to clarify land tenure status of all commune building sites and feed this information into a master matrix that is managed by the ESA director and project coordinator.*

Recommendation 6: Strengthen MCA Processes for Identifying New Emerging Opportunities and Constraints (especially those related to **gender) likely to be Associated with Commune Buildings during Future ESA Activities**

While there is no expectation that the initial ESA contacts will develop a complete list of recommendations for environmental and gender planning, the contacts can collect some of the basic information that MCA planners need to develop these programs for the specific sites. To minimize the number of questionnaires, MCA might consider integrating these questions into the RAP tables as we did in the current (2008) ESA mission.²⁰ This information can then help orient the more comprehensive technical, environmental, and social review that typically occurs the year after the first ESA, as well as broader strategy planning in critical cross-cutting areas for MCA/BF, such as gender planning.

¹⁹ The matrix used during the 2008 ESA mission asked for information on key factors, the person or group affected, possible mitigation measures, the estimated cost of these mitigation measures, the anticipated impact and any risks that the project might need to anticipate. This type of structured data collection can help better orient site visits as consultants and staff “walk the *bornes* (markers).” These forms would also provide a standard checklist format that could be compared between seasons and between years (if the commune building construction efforts are delayed for any reason). MCA should anticipate that these discussions will evolve as ESA staff become more familiar with the site and seasonal (i.e., rainy season versus dry season) land use patterns at the sites that the initial ESA suggests are likely to need RAPs.

²⁰ See Table 9 in main report (McMillan and Zerbo 2008) for Bama that lists the key factors to consider, the person or group affected, possible mitigation measures, estimated costs, projected impact and risks for broad categories of resettlement issues as well as for critical gender and [to a lesser extent] environmental issues. The same form was used for the other sites.

Sub-Recommendations

- 6.a. ***Integrate Gender Issues into the RAP Table in the Revised ESA Checklist:*** *Integrate gender assessment issues into the RAP assessment form being proposed for the revised ESA checklist (see sub-recommendation 4b above).*
- 6.b. ***Add Leading Questions on Gender to the Revised ESA Checklist:*** *Consider supplementing this combined “ESA/Gender/Environment” checklist with a form that provides several leading questions²¹ that can help ESA consultants and MCA staff better identify potential gender issues.*

6.0. References Cited in Text

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²¹ The leading questions might direct interviewers to explore what if any impact the development of the commune building might have on women's access to the provisional commercial spaces that the mayor's manage along the sides of the surrounding roads, what if any options exist for green space development and management by women's groups, and the current patterns of involvement of women in local government and women's groups.