

Millennium Challenge Corporation

Burkina Faso
Environmental and Social Assessment Due Diligence

Involuntary Resettlement Review (OP 4.12)
of the
Agriculture Development (AD) Project:
Diversified Agriculture Activity
and
Land Tenure Project



1st DRAFT: March 9, 2008

2nd DRAFT: April 25, 2008



**MILLENNIUM
CHALLENGE
CORPORATION**

REDUCING POVERTY THROUGH GROWTH



Consultant: Della E. McMillan

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List of Acronyms

AD	Agriculture Development (Project-MCA)
AMVS	<i>Autorité de Mise en Valeur de la Vallée du Sourou</i> (Sourou Valley Development Authority)
AVV	Volta Valley Authority
CVD	<i>Conseil Villageois de Développement</i> (Village Development Council)
CVGT	<i>Commission Villageoise de Gestion des Terroirs</i>
DPRA	<i>Direction Provinciale des Ressources Animales</i> (Provincial Office for Animal Resources)
DPRECV	<i>Direction Provinciale Environnementale et Cadre de Vie</i> (Provincial Office for the Environment and Quality of Life);
DPAHRH	<i>Direction Provinciale de l'agriculture, de l'hydraulique et des ressources halieutiques</i> (Provincial Office for Agriculture, Water Resource Development and Fisheries)
ESIA	Environmental and Social Impact Assessment
F	Female
FIDSF	<i>Fond pour l'indemnisation des déplacements liés à la sécurisation foncière</i>
IFC	International Finance Corporation
M	Male
MAHRH	<i>Ministère de l'agriculture, de l'hydraulique et des ressources halieutiques</i>
MCA	Millennium Compact Agreement
MCC	Millennium Challenge Corporation
NGO	Non-Governmental Organization
PADL	<i>Programme d'appui au développement local</i>
PAGEN	<i>Projet de Partenariat pour l'Amélioration de la Gestion des Ecosystemes Naturels</i> (Partnership for Improved Management of Natural Ecosystems)
PAP	Project Affected Person
PDISAB	<i>Projet de développement intégré du Sanguié et du Boulkiemdé</i>
PFR/G	<i>Plan Foncier Rural du Ganzourgou</i>
PGAIE	<i>Plan Gouvernemental d'Atténuation des Impacts Environnementaux</i>
PNGT2	<i>Programme national pour la Gestion de Terroir 2</i> (National Program for Community Based Land Management, Phase 2)
PSB	<i>Programme Sahel Burkinabè.</i>
RAF	<i>Réorganisation Agraire et Foncière</i>
RAP	Resettlement Action Plan
Reg	Registered
SFR	<i>Service Foncier Rural</i> (Rural Land Tenure Office)
SILEM	Sahel Integrated Lowland Ecosystem Management
UK	Unknown
UNDP	United Nations Development Programme

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1.0. Introduction

The Millennium Challenge Corporation (MCC) Environmental Guidelines require that compact-eligible countries review environmental and social impacts to ensure that MCC-funded projects are environmentally sound, designed to operate within applicable regulatory requirements, and (as required by the legislation establishing MCC) not likely to cause a significant environmental, health, or safety hazard (McMillan SOW January 2008). MCC’s Environment and Social Assessment (ESA) Due Diligence Questions 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 1.1).

The principal objective of the field mission reported upon in this document was to conduct further ESA (Environmental and Social Assessment) Due Diligence (focused on resettlement issues, including physical resettlement and loss of livelihood access) for two of the projects that the government of Burkina Faso is proposing as part of its Millennium Compact Agreement (MCA) with MCC. Specifically, this ESA Due Diligence mission assessed:

- The **Diversified Agriculture Activity (Activity 1.3)** of the MCA Agriculture Development (AD) Project, which was designed to complement the earlier ESA Due Diligence (focused on resettlement issues, including physical resettlement and loss of livelihood access) on AD Activity 1.1 (Water Management and Irrigation)¹ and AD Activity 1.2 (Rural Roads and other Infrastructure);² and
- The activities in all nine forms (or *fiches*) in the MCA **Land Tenure Project** that will intervene in 17 “pilot” communes (initially) and another 30 (out of 77 eligible³) communes by the end of the project.

Table 1.1. Millenium 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

¹ George Jay. 2007. *Réinstallation et Compensations: Conséquences du projet et recommandations*. Mission Roche Ingénieurs Conseils. Projet Hydro-Agricole. MCC/MCA, Sourou, Comoé. Burkina Faso.

² Gordon Appleby for Merchant Finance Ltd. 2007.

³ The total number of communes in which the project will intervene has been reduced from 77 to 47. Since no decision has been made about which 47 communes will be retained, the ESA review discusses all 77.

1.1. SOW Mission Objectives and Proposed Activities

The mission trip had the following specific objectives as defined by the Scope of Work (January 2008):

- Assess resettlement needs associated with the Diversified Agriculture Activity (Activity 1.3) of the AD Project and all activities of the Land Tenure Project;
- Collect information needed for the resettlement policy framework for the construction of 77 commune buildings;
- Obtain information about potential resettlement needs associated with the targeted land registration activity, such as relocation of people living illegally within classified forests;
- Determine the legal context in Burkina Faso regarding involuntary resettlement and what types of compensation have been used to date; and
- Advise MCC on potential design modifications of the AD Project or of the Land Tenure Project to minimize the negative impacts of resettlement (i.e., minimize resettlement costs/actions).

To address these questions, the Scope of Work outlined four broad categories of specific activities (Box 1.1). The initial mission (January 23-February 12, 2008) was organized in close coordination with MCC ESA team member Oliver Pierson, two other MCC ESA consultants,⁴ and MCC colleagues from the Land Tenure team. A second mission (March 12-March 23, 2008)⁵ focused on: (a) conducting the final ESA resettlement analysis of the Kouri Irrigation Scheme, which was proposed as an alternative site to the Dangoumana site that was covered by the earlier Due Diligence research and (b) collecting additional information on the legal history of resettlement in Burkina Faso.

1.2. Field Activities

The consultant collaborated with the deputy director of the MCA ESA unit (Alamoussa Cheick Traoré) and Issa Zerbo, consultant to MCA, to organize field visits that would complement the Ouagadougou-based interviews with MCA staff and other organizations, agencies, and stakeholders as needed to gain additional perspective on the issues. This included (Annex 5):

- Field visits to a representative sample of the sites proposed for hydro-agricultural development in the Sourou and Comoé basins, as well as
- Short field visits to three other communes (Lanfiera, Mogtedo, and Pama) slated for activities under the Land Tenure Project.

During the field visits, the consultant (and at least one member of the MCA ESA team) visited a representative sample of sites proposed for hydrological development and sites identified by key technical partners as potential sites for zoned pasture use and conducted

⁴ Allan Schroeder (conducting ESA on pesticide use) and Larry Quinn (conducting ESA on the market renovation component of the AD Project).

⁵ McMillan, Della, Issa Zerbo and Sidibé Belko. 2008. ESA-Involuntary Resettlement Review. MCA. AD Project. Kouri, Burkina Faso. Washington, DC: MCC. (DRAFT) (April 7).

Box 1.1. SOW Specific Activities

General

- Meet with MCA-Burkina Faso Core Team ESA counterparts to review Due Diligence actions to date and define remaining tasks to complete ESA Due Diligence of the Burkina Faso Compact.

Regional Agriculture Development Project

- Participate in meetings with the Government of Burkina Faso and MCA Burkina to review findings of the AD Project Due Diligence and work with the MCC/MCA team to use those findings to modify final design of the AD Project, particularly related to final placement of irrigation infrastructure.
- Travel to the field to determine potential resettlement issues associated with infrastructure, civil works, and other elements of the Diversified Agriculture Activity of the AD Project.
- Consult with relevant organizations, agencies, and stakeholders as needed to gain additional perspective on resettlement issues associated with the Diversified Agriculture Activity.

Land Tenure Project

- Obtain information about any resettlement needs associated with the targeted land registration activity and/or communal land use planning and management, such as relocation of people living illegally within classified forests.
- Based on assessment of municipal building construction process (of the commune buildings) and Activity 3 (i.e., Activity 1.3, Table 2.1) interventions, develop terms of reference for any post-signing, pre-EIF (Entry in Force, post-signing) resettlement planning needs that will be funded with CIF/Compact funds, such as the development of terms of reference for an official Resettlement Action Plan (RAP).
- Advise MCC on issues to consider and lessons learned on land allocation within irrigated perimeters and related involuntary resettlement issues.

Cross-Cutting: Regional Agriculture Development and Land Tenure Projects

- Identify any potential resettlement impacts (livelihood access and/or relocation) associated with land allocation criteria and land allocation procedures related to the irrigated perimeters to ensure compliance with World Bank OP 4.12 (see Box 1.2 for an explanation of these policies). While the procedures will not yet be fully designed by the time of the mission of the ESA consultant, the MCC/MCA agriculture and land teams are coordinating on this issue and the consultant should produce recommendations to MCC on appropriate design and implementation of land allocation.
- Determine the legal context in Burkina Faso regarding involuntary resettlement, procedures that have been used to date for compensation, and extent to which procedures were OP 4.12 compliant. Based on this analysis, make any necessary recommendations to MCC/MCA on scope and application of compensation procedures.

interviews with some of the major stakeholder groups. More than 200 people were consulted during the initial three week ESA resettlement exercise during group and individual interviews and case study field work (Annex 5); another 39 people, including various settlement experts associated with the national-level specialists on land tenure and resettlement were interviewed. The ESA consultant, Issa Zerbo (accountant and economist), accompanied the consultant on field trips to Banfora and the Sourou Valley.

Throughout the mission, the consultant worked closely with the MCA and MCC technical teams notably: Alain Compaoré and Hema Ardiouma from the AD Project, Zongo Kougdregma from the Land Tenure Project, Savadogo Adama from the rural

roads component of the AD Project,⁶ Alamoussa Cheick Traoré and Fidel Hien from the MCA Environmental and Social Assessment Unit, and Oliver Pierson (MCC deputy director for ESA, who was also project coordinator for the mission). Gordon Appleby (MCC consultant on resettlement) provided critical comments on the first draft and responded to many questions about MCC and World Bank resettlement policy.

1.3. Organization of the Report

The main report is organized in four sections.

- Sections two and three present the major review of the principal settlement issues raised by the Diversified Agriculture Activity of the AD Project (Activity 1.3) and all components of the Land Tenure Project, respectively, in relation to OP 4.12 and Burkinabè Law.
- Section four describes the summary responses to the two cross-cutting issues raised in the SOW concerning other resettlement issues and the wider legal context of involuntary resettlement in Burkina Faso and its relationship to Burkinabè law.
- The summary recommendations are presented in Annex 1.
- A summary response to the nine ESA questions on resettlement is presented in tabular form in Annexes 2 and 3.
- Annex 4 presents the key land use issues likely to affect settlement in the communes covered by the MCA Land Tenure Project.
- Annex 5 lists the stakeholders and sites visited as part of this ESA resettlement review.
- Annex 6 presents a list of references cited.



Della McMillan (resettlement review consultant) with the AMVS extension agent (Mr. Sidibé) interviewing the members of one of pastoralist groupements affiliated with the pastoralist groupement union in the Sourou Valley. Photo credit: D. McMillan, Burkina Faso, March 2008

⁶ Although the SOW did not include questions that focused on rural roads, the field interviews identified many areas where the rural roads component was expected to result in a large number of indirect resettlement impacts that were related to some of the sub-activities of the AD Diversified Agriculture Activity.

Box 1.2. Brief Overview of OP 4.12

An important element of the environmental guidelines is to address potential resettlement associated with MCC investments. MCC uses the World Bank's Operational Policy 4.12 (OP 4.12) on Involuntary Resettlement as its guide for addressing potential resettlement issues. The guidance provided in OP 4.12 was first developed by the World Bank in the late 1970s (with a recent revision in 2001) to avoid some of the highly negative impacts of the **economic rate of returns** of World Bank funded road, urban development, and agricultural projects on people who were involuntarily relocated by these projects.

Resettlement Action Plan (RAP): A complete resettlement plan is required by the World Bank for all projects unless the impacts are minor (affected people are not displaced and less than 10% of their productive assets are lost) or less than 200 people are relocated (World Bank, 2001: 8). The complete resettlement plan includes (but is not limited to) objectives of the project, the socioeconomic data, legal issues related to the specific project area, institutional framework, eligibility criteria for affected populations, the details of relocating individuals including site selection and housing, community participation, grievance procedures, and budget. In these two cases of minor or minimal impact an *Abbreviated Resettlement Action Plan* may be adopted.

Resettlement Policy Framework: This framework is required for World Bank-funded projects if sector investments may result in involuntary resettlement (World Bank 2001:8). Basically, it serves as the manual for sub-projects to follow when designing, submitting, and managing their resettlement plans. This framework should outline the relevant resettlement principles of the overarching project, the organizational arrangements or responsibilities, and accountability structure and includes an outline to guide sub-projects in design of their resettlement plans and how to obtain approval for these plans. This also includes an estimate of the total population anticipated for relocation and the breakdown of the population characteristics (e.g., vulnerability groups). The framework also touches on legal issues, grievance procedures, and participation mechanisms for displaced populations. Finally, it outlines the monitoring system for tracking the resettlement impacts.

Resettlement Process Framework: This framework is only required by the World Bank when the resettlement issues include restricted access to natural resources in legally designated parks and protected areas (when the affected population is not physically relocated) (World Bank 2001: 9). The same process framework is required for projects in which communities impose restrictions themselves, which still must be validated. When this type of access restriction occurs, the World Bank also requests a plan of action describing the measure to be undertaken to assist the affected population. The specific format of this plan of action is not outlined in the OP 4.12 and can be the natural resource management plan. The main objective of the process framework is to outline the process through which the affected populations will participate in designing project activities that affect their livelihood resources and compensation measures.

ESIA/EMP (Environmental and Social Impact Assessment/Environmental Management Plan): Other environmental, social, and economic impacts that are not directly linked to land acquisition must be identified and addressed through environmental assessments and other project reports and instruments (World Bank 2001: 2).

Source: World Bank. 2004. OP 4.12. Guidance.

2.0. Agriculture Development (AD) Project—Diversified Agriculture Activity

The MCA-funded Agriculture Development (AD) Project included four major project components in January 2008 (Table 2.1).

- *Activity 1.1 (Water Management and Irrigation) and Activity 1.2 (Rural Roads):* It was clear from the start that these first two activities would require a Resettlement Action Plan to address the direct impact of the sub-activities on resettlement. This was covered in the earlier ESA resettlement evaluations conducted by Roche (Activity 1.1) and Sterling (for Activity 1.2).
- *Activity 1.3 (Diversified Agriculture):* The ESA activities associated with this mission were designed to complement the earlier ESA missions for Activities 1.1 and 1.2 by focusing on any resettlement issues that would be associated with the project's sub-activities to support diversified agriculture (on-farm development, crop intensification and diversification, animal health practices, animal nutrition, strengthening producer organizations, value chain development, improving availability of appropriate inputs, animal health services, and marketing facilities and services—Table 2.1). Any resettlement mitigation measures that require a complete RAP for this activity can be added to project RAP that was already established as necessary for Activities 1.1 and 1.2.
- *Activity 1.4 (Finance Services):* This activity facilitates settler access to credit and savings institutions.

This chapter provides a brief overview of the chief resettlement issues—including physical or loss of livelihood access—that are associated with the sub-activities under Activity 1.3 (**Diversified Agriculture**). The principal involuntary resettlement activities associated with these sub-activities are related to (Table 2.1):

- Land acquisition for building construction related to the project's crop, livestock, and capacity building activities;
- The delineation of large communal pastures and livestock corridors; and
- The rehabilitation of selected markets.

2.1. Animal Nutrition (Communal Pasture and Livestock Corridors under AD Sub-Activity 1.3.1.3)

2.1.1. Settlement Issues

One of the chief resettlement issues associated with the Diversified Agriculture Activity (Activity 1.3) of the AD Project is the displacement associated with the creation of communal pastures and livestock corridors (under 1.3.1.3 in Table 2.1). These types of land use zoning are critical for two reasons. The first is to compensate pastoralists and herders for the direct loss of pasture caused by creation of irrigated perimeters (as part of Activity 1.1). The second is to protect pasture (as well as any village forest areas that may be set up through the same community-based land management function) from occupation by spontaneous settlers who move in on their own without project intervention.

Table 2.1. Summary of Direct and Indirect Impacts of AD Project Activities and Proposed Consideration of Impacts in RAP, ESIA, and EMP Project Instruments to Comply with OP 4.12

No.	Activities	Impacts Related to Involuntary Land Taking	Mitigation Measures/Instruments
1.1	<i>Water Management and Irrigation</i>	->Reinstallation of populations in the irrigated perimeter	RAP (Due Diligence conducted by Roche)
1.2	<i>Rural Roads and Other Infrastructure</i>	->Displacement of herders from pasture ->Increased pressure on fuelwood resources ->Increased pressure on pasture	RAP
1.3	<i>Diversified Agriculture</i>		
1.3.1	On-Farm Development		
1.3.1.1	Crop Intensification and Diversification	Land acquisition for building construction	Individual RAPs for land acquisition if land is not in areas zoned for government buildings
1.3.1.2	Animal Health Practices		
1.3.1.3	Animal Nutrition		
	-Communal Pasture	->Delineation of pasture and livestock corridors and displacement of household sites and fields from the delineated pasture areas (fields, temporary construction)	RAP
	-Crop Residue	None	No
	-Fodder Crops	None	No
1.3.1.4	Strengthen Producer Organizations	Land acquisition for building construction	Individual RAPs for land acquisition if land is not in areas zoned for government buildings
1.3.2	Value Chain Development		
1.3.2.1	Improving the Availability of Appropriate Inputs		
1.3.2.2	Animal Health Services		
1.3.2.3	Marketing Facilities and Services		
	-Improvements to District Markets	Income of traders reduced during renovation activities due to disruptions linked to construction	RAP
	-Market Information Service	None	None
1.4	<i>Finance Services</i>	None	None

Note: Light gray shading indicates project components not covered by this resettlement review.

2.1.2. MCA Policies in Relation to OP 4.12 and Burkinabè Law

The right to pasture, as well as water, is protected under Burkinabè law and the pastoral code (Annex 3; see also MAHRH 2007: 55-56). To date, however, the pastoralists' rights to water and pasture have not been rigorously enforced in Burkina Faso more than the rights of agriculturalists (MAHRH 2007: 18). To ensure proper delineation of the zones (in collaboration with the MCA Land Tenure Project), as well as compensation for any involuntary land loss related to the creation of these zones, MCC policies require a separate RAP for each pastoral zones to be created OR that the resettlement issues related to creation of the pasture areas be included in the RAP for the entire irrigation scheme.

There was general consensus from interviews with agricultural *groupements* and community leaders, that:

- Once the communal pasture is delineated, the project will find small numbers of fields in the areas slated for pasture development and some temporary (seasonal) field housing, but almost no permanent structures;
- Most households with fields in pastoral areas would be willing to accept compensation fields outside the area if these fields were in a reasonable, clearly-delineated and zoned area; registered with the mayor's office; and (possibly) cleared and even tractor plowed (during the first year);⁷ and
- In the absence of this type of compensation, it is highly unlikely that people farming in those areas will actually leave their fields even if their rights have been purged (see Box 2.1 for a case study of this issue that followed-up on land tenure security programming by PNGT2, *Programme National de Gestion des Terroirs, Phase 2*).

The consultant working with local extension staff estimated (roughly) that all three communes where the AD Project originally proposed⁸ to intervene still have relatively large areas of sparsely settled land that can be designated for large (approximately 1000 ha) pasture areas. In Banfora, development of large pasture areas still appears possible in six of the nine villages where hydro-agricultural development was originally planned and for a shared zone (regrouping Nekanklou, Tienkouna, and Sitiena) in three of the nine villages in the Banfora rural commune (Table 2.2) and in the Di and Sono communes of the Sourou Valley. This is a land use planning window that will **quickly** disappear once construction starts and large numbers of people move into the area seeking jobs and “new” land.

⁷The PNGT2 project estimated the cost of this type of compensation at 90,000 FCFA per hectare (60,000 FCFA/ha for land preparation plus the creation of two manure pits per ha).

⁸ The AD Project originally proposed to intervene in three communes: Banfora, Sono, and Di. Due to budget restrictions, the AD project's activities in Banfora are likely to be constrained.

2.2. Improvements to District Markets (under AD Sub-Activity 1.3.2.3)

2.2.1. Settlement Issues

There is little doubt that the market renovation activities proposed under the market improvement activities planned under the Diversified Agriculture (Activity 1.3) of the AD Project are unlikely to be disruptive. The same interviews highlighted various ways that MCA is attempting to minimize these disruptions and negative impacts, such as the current plans to conduct the renovations in sections or phases.

Box 2.1. Critical Importance of Compensating Agriculturalists and Pastoralists for Crops and Cultivation in Areas Zoned for Pasture by Community Based Land Management Programs

The creation and/or demarcation of livestock corridors and village-level pasture areas was also one of the first activities executed by the PNGT (community based land management) program in Banfora and in the PNGT pilot project for strengthening land tenure rights in the Pama region.

All but one of the 14 villages in the Pama Rural Commune (which is one of the 17 pilot communes in the MCA Land Tenure Project) participated in the *Projet Pilot Sécurisation Foncière* (Land Security) *Opération Pilote de sécurisation foncière* (Pilot Operation for Tenure Security PNGT2 OPSF program (Table 2.1). It is interesting to note that the top priorities for *sécurisation foncière* except in two cases (a *bouli* or man-made pond and a village hunting area or ZOVIC) were for the creation of a livestock corridor or a pasture area.

Once the pasture and corridor areas were identified by the CVGT (village land use committees), the project worked with community leaders to “purge” the pre-existing land rights and to get the people whose fields intruded on the pasture areas or corridors. No compensation was offered to the displaced households. During the January Due Diligence mission, a local enumerator from the region was asked to verify whether or not this consensus-based displacement had occurred two to three years after the initial community-based decision had occurred in four of the 14 villages: Bombontangou, Kompiengabiga, Tibadi, and Oupougdeni.

The results of the short case study, which was organized as part of the MCA Due Diligence for the Land Tenure Project in four of the 14 villages showed that, to-date, almost none of the families who had agreed (in writing, signed with their thumbprint) to relinquish their claims to land in areas zoned for pasture and livestock corridors two to three years prior had in fact moved. In each case, the affected villagers claimed the sticking point was the lack of compensatory fields since there was very little extra land.

Source: M. Ouédraogo. 2008. MCC Settlement ESA Case Study: Pama.

Table 2.2. Sample Components of Livelihood Systems Directly or Indirectly Affected by MCA Agriculture Development (AD) Project Activities in Banfora Commune and Local Institutional Capacity for Management in Villages Targeted by MCA for Hydro-Agricultural Development

Village	Local Organizational Capacity that can Feed into AD's Community-Based Land Management Activities		Villages with Community-Based Tourism IGAs	Villages with Protected Fauna	Villages where Women Cultivate Lowland Rice	Villages with Potential to Create Pastoral Zones	Villages where Fuelwood is a Problem & Communities are likely to support Community-Based Forestry	
	Experience CGVT (2003)	Groupements ⁹					Fuelwood Problems	Likely Interest in Village Forestry
Nkanklou	Yes	8 ag 1 herders (non-registered)			Yes	With Tienkouna & Sitiena	Yes	Yes
Tiekouna	Yes	10 ag 2 herders (non-registered)	Craft village		Yes	Currently possible	Yes	Yes
Sitiena	Yes	3 women's groups 4 men's groups 1 herders (non-registered)	Pottery and Weaving	X*	Yes	Created, but not delineated under CVJT	Yes	Yes
Tengrela	Yes	34 ag registered 5 ag (non-registered)	Weaving	X	Yes	Currently possible	Yes	Yes
Kossara	Yes Financed manure pits	1 gardening 1 irrigation 2 GPC 1 woman's group 0 herders			Yes	Currently possible	Yes	Yes
Sienena	TBD	11 ag all registered 3 herder (non-registered)			Yes	Currently possible	Yes	Yes
Marabama#	Yes Financed rural roads and delineation of pasture zone	1 woman's group 1 men's group 1 herder (non-registered)			Yes	Created but not delineated under CVGT	Yes	Yes
Diarabakoko	Yes	2 ag registered 4 herder			Yes	Currently possible	Yes	Yes
Niarebama	Yes	1 ag 1 herder registered			Yes	Currently possible	Yes	Yes

Source: Interview with four extension agents, Due Diligence.

**Dry season only; *Rainy Season only; IGA: Income generating activity; CVGT: *Comité Villageois pour la Gestion du Terroir* (Community based land management committee);

#The PADL project did not displace any women from the rice lowlands.

⁹ No additional information on the activities of these men's and women's groups was provided during the Due Diligence interviews.

Other factors that likely to minimize any short-term or longer term economic or physical displacement (for which compensation would be necessary) are:

- The strong systems of local governance in most of the markets slated for renovation (except in Toumousseni) through elected *groupement* and *bureaux* that administer specific sub-components (e.g., butcher stalls and livestock market places), as well as the principal market site;
- The strong local support for renovation by local people, especially women producer and trade groups who feel that the weak market infrastructure (e.g., unclean water, poor drainage, and inadequate latrines) has a negative impact on their health and living standards; and
- The strong cultural taboos against displacing markets from their traditional sites, but not against destroying market infrastructure.¹⁰

Based on past experiences with spontaneous and sponsored settlement in Burkina Faso¹¹ and interviews with MCA roads specialists and the mayors of Sono and Di (in the Sourou) and Banfora, it is possible to predict a number of ways that spontaneous immigration and construction are likely to affect market growth and settlement trends both during and after construction.

- *Construction:* Satellite market sites are likely to develop (which will complement existing market sites) in locations adjacent to the RAD-supported road construction near major villages and towns throughout Sourou.
- *Construction:* The initial growth in these markets is expected to be from workers associated with the roads construction component and hydro-agricultural projects; these new markets are also likely to be open daily rather than periodically (on a 5-7 day cycle), which is typical of the established village and town markets.
- *Execution:* While many of the road workers will come and go, a high percentage (over 30%) will probably request land, build, and look for jobs in the Sourou and Comoé regions near the perimeters and commune administrative centers.¹² At least some of the workers are expected to respond to the emerging demand for maintenance of the roads and irrigation infrastructure by creating businesses that are likely to be based in the existing commune centers and new markets that are likely to emerge along the roads.¹³ While this influx will help fuel the long-term development of the region, it is likely to create urban zone problems unless it is anticipated and incorporated into the land use zoning plan for the commune. The genius of the MCA activities is that this type of land use planning is already anticipated under the Land Tenure Project.
- *Execution:* While some of the markets are likely to devolve into small road-side concessions once construction (of the roads and irrigation infrastructure) stops,

¹⁰ In traditional state areas of Burkina Faso, it was the custom to destroy market infrastructure at the death of a chief to symbolize the critical importance of chiefs in protecting trade. The market was generally rebuilt, however, on the same market site.

¹¹ See McMillan, Nana and Savadogo 1993: 74-86.

¹² Even at Kompienga, where there was no hydro-agricultural development, an estimated 20 percent of the workers stayed in the area. The rate is expected to be much higher given the level of development of the roads and opportunities for getting irrigated parcels in Sourou and, to a lesser degree, in Comoé.

¹³ Some of Burkina's top national consulting firms were founded by workers associated with foreign road construction firms.

MCA should expect that some of them will become very large and may eventually take over as the principal market sites irrespective of whatever traditions surround the original market site. Some of the best evidence for this type of dynamic growth and gradual shift in market sites comes from longitudinal work on market sites in areas of active new land settlement in the 1970s and 1980s (notably Solenzo [1974-1988], Mogtedo [1968-2008] and Kompienga [1988-2008]).¹⁴

- *Execution:* While planners can predict some of the market site growth, they cannot predict it all as was vividly illustrated by the progressive abandonment of many market sites that were identified and developed by the Volta Valley Authority (AVV) in the Ganzourgou province, which includes several communes and pilot initiatives being supported by the MCA Land Tenure Project.¹⁵

Failure to execute some sort of land use registration (*lotissement*) to regulate the size and placement of new markets that emerge near roads—as they emerge—can create hazards for road construction crews, increase the environmental degradation associated with the roads (through haphazard road clearance for marketing and home sites), and increase social conflict between new immigrants and workers and the indigenous inhabitants who may resent the outsiders benefiting from this new commercial opportunity. The AVV's anticipation of and clear delineation of roadside market sites at Linoghin (Ganzourgou) helped facilitate social integration and rapid economic growth and diversification at this



*The small livestock market in Di—one of several markets slated for improvement under the AD Project. Many components of the Di market (like the small livestock market) are managed by elected *groupements* or *bureaux*.*

Photo credit: D. McMillan, Burkina Faso, March 2008.

site. Conversely, less than 40 miles away, the failure to ensure the types of zoning that would facilitate outside settlers' access to markets was a major factor that discouraged social integration and encouraged settler turnover and reinvestment after 15 years (McMillan 2005: 101-134).

Construction worker housing policies can be oriented in ways that help develop the basic health, road, and water infrastructure of new towns and markets as they were in Kompienga between 1986 and 1988.¹⁶ In the absence of coordination, the cash that MCA will spend to support worker housing and

¹⁴ Baseline fieldwork on market size and development was conducted as part of the World Bank-sponsored Onchocerciasis river basins studies between 1988 and 1990. Qualitative information on the size and placement of the major markets was collected for Mogtedo and Pama—two of the pilot communes in the land study—during this Due Diligence exercise.

¹⁵ See McMillan, Nana and Savadogo 1993: 74-86.

¹⁶ A short case study that examines the long-term impact of these policies, which included the construction enterprises subsidizing building materials for workers to build their own houses, was conducted during this Due Diligence exercise to shed light on worker perceptions about the strengths and weaknesses of these policies. This case study will be circulated as an annex to a later report.

services is likely to: (a) support the pre-existing regional centers such as Tougan (in the Sourou Valley) or Banfora (in the Comoé) and (b) bypass the unplanned, spontaneous development of the smaller commune administrative centers.

2.2.2. MCA Policies in Relation to OP 4.12 and Burkinabè Law

There is no formal law governing compensation in relation to market renovations. The MCC guidelines, however, require that a RAP be developed for each of the market renovations sites. This RAP is necessary to minimize the negative impact on traders' income and living standards.

Once MCA prepares a written resettlement policy framework, the process of developing a site-specific RAP—for each market renovation—will not be difficult. Considering the community-based social structure of the markets—which MCA wants to strengthen, rather than weaken—MCA needs to work with these social structures to plan renovations so that there is no loss of income and no need to compensate in monetary terms. If financial compensation is unavoidable, this decision and the method of payment should be agreed upon before the renovation starts.

Given the projected scale of market development associated with the MCA Roads Project, it is important for this project to collaborate with AD Project in preparation of the Environmental and Social Impact Assessment (ESIA) and Environmental Management Plan (EMP) in areas of the Sourou Valley likely to be affected by these roads. This collaboration is needed in order to:

- Anticipate the environmental and social impact of the new roads development, and
- Collaborate with local communes to identify various mitigation measures for minimizing the negative impacts and increasing the positive impacts of the associated market development.

2.3. Land Acquisition for Building Construction

2.3.1. Resettlement Issues

A number of AD Project sub-activities that support crop intensification and diversification, animal health services, and producer organization development may involve construction (Table 2.1).

2.3.2. MCA Policies in Relation to OP 4.12 and Burkinabè Law

Both Burkinabè law and MCC guidelines require compensation if this construction occurs in rural commune areas that are not zoned (*lotis*) for administrative buildings. A site-specific RAP will be required. Here again, however, the process of preparing the RAP is not likely to be all difficult once a global resettlement policy framework is developed for the project. It is likely that the project can simply strengthen the

environmental checklist and review process that is being developed for the communal buildings under the MCA Land Tenure Project.

2.4. Recommendations

Recommendation 1: Accelerate project collaboration with communes (through the Land Tenure Project) for developing land use plans as part of the Resettlement Action Plan.

Given the critical importance of land use planning for pasture delineation and demarcation:

- MCA should consider making community-based land use planning and the delineation of key sensitive areas, such as **pasture** and **village woodlots**,¹⁷ a central feature of the AD Project Resettlement Action Plans.
- MCC might also consider ways that projected collaboration with the Land Tenure Project (for land use planning) could be “forward funded” (i.e., funded ahead of other activities) so that they start early with the planning and environmental assessment process. While this type of preliminary land use planning and physical delineation of land existed in theory on many of the earlier rainfed and irrigated schemes—most notably those funded by the Volta Valley Authority (AVV)—it was rarely implemented on the ground until after the irrigation or rainfed settlement occurred. The delay often causes “downstream” conflicts and involuntary resettlement of spontaneous settlers that can hurt the economic rates of return on an otherwise well-planned project.¹⁸

One major factor that distinguishes the MCA projects from earlier irrigation projects (including PADL [*Programme d'appui au développement local*] in Banfora) is that almost all the projects in the Banfora region have had the experience of working with either the national PNGT or its successor project, PNGT2 (Tables 2.2 and 2.3).¹⁹

Although neither PNGT nor PNGT2 was active in neither Di nor Sono, they worked in several villages in the adjacent commune of Lanfiera. Most villages in both areas where the AD Project intervenes have elected CVDs (Village Development Councils) that grew out of the PNGT supported CVGT. Therefore, the concept is far from new and can facilitate a fast “uptake” of the concept as part of the initial planning for the irrigation infrastructure. The RAP process for the AD Project should pay careful attention to the PNGT2’s past and projected activities in the areas where it intervenes (see Annex 4 of this report).

¹⁷ When the initial mission was conducted, village woodlots were not being considered as part of the core village design. The need for village woodlots to offset the anticipated increase in demand for fuelwood was identified during various Due Diligence exercises.

¹⁸ See McMillan, Nana and Savadogo 1994 for an analysis of various examples of delayed zoning in the AVV at Rapadama, Linoghin, and Kompienga in the center and southeast of Burkina and Toumousseni and Solenzo on the west and southwest.

¹⁹ During the ESIA, MCA needs more information on the actual activities—as opposed to plans—of the PNGT program in every area where it intervenes since it was often far more active in some communes than others due to differential external support from donors. MCA needs to be careful to build on farmers existing understanding of various land use concepts started under PNGT.

Table 2.3. Local Institutional Capacity to Manage Settlement Impacts in Sourou Valley* Area Targeted by MCA for Hydro-Agricultural Development

Organization	Cooperative &/or CVD	Producer Groups	Irrigation Committees
AMVS—Irrigation	6 reg. Cooperatives (m) 5 reg. Cooperatives (m&f) 1 reg. Union of fisheries	1 reg. (20 members) 1 reg. & 1 non-reg (287 members)	16 (m) 1 (m&f) 16 (f)
DPAHRH/Sourou—Agriculture		184 reg. groups (m) 94 reg. groups (f)	4 reg.
DPRA—Livestock		12 reg. groups (m)	
DPRECV—Forestry and Hunting		2 reg. (m)—forestry 2 reg. (m)--hunting	
Rural Communes—Land Management Committees (CVD)	Di: 17 CVD Lanfiera: 12 CVD Kassoum: 7 CVD		

Source: *Service Appui-conseil aux coopératives de la DMV/AMVS Niassan. 29 Janvier 2008.*

Acronyms: **AMVS:** *Autorité de Mise en Valeur de la Vallée du Sourou* (Sourou Valley Development Authority); **CVD:** *Conseil Développement Villageois* (Village Development Council)

DPRA: *Direction Provinciale des Ressources Animales* (Provincial Office for Animal Resources)

DPRECV: *Direction Provinciale Environnementale et Cadre de Vie* (Provincial Office for the Environment and Quality of Life); **DPAHRH:** *Direction Provinciale de l’agriculture, de l’hydraulique et des ressources halieutiques* (Provincial Office for Agriculture, Water Resource Development and Fisheries); **reg.:** *Registered*; **m:** male; **f:** female.

*The official figures appear to include in some cases Lanfiera, which (outside of the market development component), has often not been considered part of the project intervention zone. This needs to be clarified during future missions.

Recommendation 2: Strengthen the Ministry of Livestock and local NGOs’ ongoing efforts to build the capacity of and gain official recognition for the numerous livestock groupements in the Banfora, Di, and Sono communes. If the herders’ participation in the land use zoning exercise described in Recommendation 1 above is passive, the herders are less likely to respect the new limits and recommendations for intensifying forage production; it is also likely to galvanize herder-agriculturalist conflict. To strengthen this participation, the AD Project needs to support ongoing efforts by the Ministry of Livestock and various NGOs²⁰ to build capacity of these groups through basic literacy, accounting, and group organization skills so that they participate fully in the planning process and ultimately, more directly in the political process that is necessary to sustain land use zoning and management plans and reduce crop-livestock conflicts (Box 2.2).

²⁰ The Catholic Church has an ongoing project (based in Koudougou) to promote basic literacy and women’s groups for pastoralists in Sourou Valley. In Banfora, the MCA/MCC team identified various ongoing literacy programs for herders that were jointly sponsored by the herder association (in Sourou Valley) and the herder federation (in Banfora) and national basic education ministry.

Box 2.2. Strong Organizational Structure, but Uneven Organizational Capacity and Political Representation of Livestock *Groupements* in AD Project Areas

During Due Diligence the MCC and MCA ESA team members collected information that suggested that the livestock herders in both areas are far more organized than many of the official government figures that document the number of registered *groupements* imply. This level of organization (through unions that group together *groupements* and larger regional based federations) made it easy to meet and discuss with individual herder groups, as well as the officers of the major livestock unions on very short notice. However, to-date a much higher percentage of the livestock *groupements* than agriculturalist *groupements* in Banfora do not yet have official legal status (Table 2.2). The vice president of one livestock union in the Sourou Valley reported that 15 of its member groups are registered (and, therefore, reflected in the official figures), but that another 5-10 are not (Table 2.3). Only three of the more than 60 members of the herder associations with whom mission members met during two large focus group sessions in Banfora belonged to CVDs (Village Development Councils) and not one of the livestock group leaders interviewed reported serving on a CVD.

Recommendation 3: Create a fund for compensating persons displaced through community-based land management activities (suggested title: Fond pour l'indemnisation des déplacements liés à la sécurisation foncière or FIDSF) in collaboration with the MCA-funded Land Tenure Project.

Recommendation 3.a: Physical creation of a budget line. In the absence of some sort of in-kind compensation—in the form of registered, improved²¹ land (not cash)—it is virtually impossible for the Village Development Councils (CVD) to get people to move out of the designated pastoralist areas. This is equally true for the AD Project and Land Tenure Project. Care must be taken, however, not to set a precedent for cash compensation. Based on discussions during Due Diligence, the concept of a community-based fund has been incorporated into the budget for the MCA Land Tenure Project. What is not clear yet is how this fund will be distinguished from the Land Fund (being used to purchase markers) and the recently created Permanent Fund for Collective Territorial Development (FPDCT),²² which exist in many of the pilot and extension communes.

Based on lessons learned under PNGT and other *sécurisation foncière* projects over the last 10 years, the government of Burkina Faso has recently completed a legal framework for a commune development fund. This fund creates a legal way for donors to transfer funds for specific activities (e.g., development of a well) to specific villages, as well as for entire communes. Several national-level specialists interviewed in the course of the mission recommended this fund as the mechanism for transferring funds for improving/developing compensatory land for households displaced by land use zoning. (see McMillan, Zerbo and Belko 2008b: 17).

Recommendation 3.b: Create a mechanism for ensuring that this fund is only used to compensate persons displaced by participatory land use management and that it is harmonized with other national efforts. This fund must be clearly distinguished from: (a)

²¹ Land improvements do not need to be major. Many community leaders suggested that even field clearance and initial plowing of a registered field would be sufficient.

²² *Ministre de l'Administration Territoriale et de la Décentralisation, 2007.*

the MCA Land Project's Land Fund, the purpose of which is to fund physical delineation process (e.g., markers and paint) and (b) the Village Development Funds that the PNGT (National Program for Community-Based Land Management) uses to fund development activities in villages that have agreed to the design of village land use plans. One output of the first meeting with the 17 pilot commune mayors in the MCA-funded Land Tenure Project should be to outline the criteria for dispersing funds, which is relevant to both the Land Tenure Project and the AD Project. Since the three communes targeted by the AD Project (Banfora, Di, and Sono) are all pilot communes in the MCA-funded Land Tenure Project, this would ensure a harmonized approach.

This (Recommendation 3) is a cross-cutting recommendation that pertains to the Land Tenure Project and the AD Project.

Recommendation 4: Strengthen the existing checklists developed during Due Diligence to better identify community social structures and gender differences in market issues and priorities.

Recommendation 4.a: Strengthen the checklist. An environmental checklist was developed during the initial MCC Due Diligence (Quinn 2008) of the market sites proposed for development under the AD Project. A number of questions should be added to the checklist that would help local proponents (and/or the consulting firms charged with finalizing the site plans for the renovations) describe the consultative process (involved in renovations), as well as the degree of displacement associated with renovation. This social checklist should include permanent, temporary, and seasonal use of the market site; an estimate of income losses during the proposed time period; and various alternatives to help minimize any negative economic impact. The MCA project management should then verify the statements in the field. If there are no claims, the sub-project (i.e. renovation) is approved. Otherwise, a RAP must be developed.²³

Recommendation 4.b: Anticipate gender biases in identifying issues and priorities. Given the critical role of women in agricultural product sales (notably fruit, vegetables, and rice) for realizing the full economic impact of MCC investments, all follow-on Environmental and Social Impact Assessments need to include a representative sample of women involved in market activities in the groups that are interviewed. In general, the women interviewed during



"In general, the women interviewed during the ESA exercise were some of the strongest proponents of strengthening market infrastructure. The income of female traders is also most likely to be affected by renovation-related displacements." Photo credit: D. McMillan, Burkina March 2008

²³ Personal communication, G. Appleby, March 16, 2008.

the ESA exercise were some of the strongest proponents of strengthening market infrastructure. They are also more likely than men to rank sanitation, drainage, and clean water as critical issues for consideration. The income of female traders is also most likely to be affected by renovation-related displacements.

Recommendation 5: Strengthen commune capacity (through training and technical assistance) to anticipate and manage settlement impacts of roads and irrigation infrastructure construction as part of the commune land use planning process. In the short-run, the influx of workers associated with the rural roads and irrigation infrastructure construction component of the AD Project will create an infusion of cash (for food, temporary housing, water, and consumer goods) in the local economies and local markets along the road.²⁴ To minimize the disruption caused to the road construction component of the AD Project and to increase chances that these markets will develop in ways that benefit the adjacent town or village, the land use planning process during the first year needs to include:

- Delineation of rural roads being constructed within the commune and
- Based on negotiations with the MCA roads staff:
 - Determination of which local commune centers (Sono and Di) in Sourou and areas near Banfora town are best suited for primary and secondary “*base vie*” (construction base camps) and which housing and/or construction areas can be used by temporary workers moving in as informal (i.e., non-sponsored) workers at the sites and
 - Some initial site planning (e.g., for water points and construction equipment) in the commune land chart and land use plan.

Box 2.3. Market Renovation as a Top Priority for Women *Groupements* Involved in Rice Sales (Di Market)

During Due Diligence, the team interviewed a women’s *groupements* who were some of the most successful whole sale marketers of the rice produced on the existing AMVS projects. From its base in Di, the *groupement* organized the transportation of rice to the Di market, as well as local, national, and international sales to Mali. During the interview the women—many of the wives of men who cultivated vegetable gardens in the *bas-fond* area that would be displaced by the AD Project hydro-agricultural development—said they were anxious to acquire registered parcels on the scheme. When asked to rank their priorities under the project—based on a list of activities the AD Project was likely to support—their first and second priorities were improved drainage for the market and better sanitation (latrines and clean drinking water).

²⁴Earlier studies at Kompienga and Mogtedo showed many cases where this income doubled and tripled women’s cash income (McMillan, Nana, and Savadogo 1993: 45-59).

Table 2.4. Major Rural Road Axes Funded by MCA AD Project and *Base Vie* (Base Camp) Sites Likely to Attract Market Development and Spontaneous Immigration to Surrounding Communes (February 2008)

Axe	Km of Road	Projected Location of Base Camp	Site Included in the MCA Land Tenure Project? (x=yes)	
			Pilot (17)	Total (77)
Sourou				
Axe 1 : Tougan-Kassime-Lanfiera-Yara	47	Tougan		
Axe 2 : Lanfiera-Di-Fronteire du Mali	44	Tougan		
Axe 3 : Toma-Gassan-Moara-Leri-Ouri-Boti	74	Gassan	X	X
Axe 4 : Kouri-Sono-Dangoumana	18	«	X	X
Axe 5 : Kouri-Siella-Dangoumana-Kouro-Kokogon-Dikongo-Sono	49	«	X	X
Axe 6 : Di-Korome-Torou-Kassoum	17	Di	X	X
Axe 7 : Di-Poura-Ouroko-Poro-Dono-Ninsari-Bouna	38	Di	X	X
Axe 8 : Koreme-Poura	4	Di	X	X
Axe 9 : Yako-Sara	90	Sara/Tougan		
Base Camp for Road Project (axe Dédougou -Nouna ; Nouna-Mali Frontier)		Dédougou and Sono		X
Comoé				
Axe 1 : Kiribina-Siyana-Kossara-CI Frontier	32	Banfora	X	X
Axe 2 : Nienka-Siemana	15	«	X	X
Axe 3 : Nienka-Diarabakoko	35	Diarabakoko		

Source: MCA, Senior Roads Specialist, Adama Savadogo, January 2008.

Acronyms: CI: Côte d'Ivoire.

Although some initial reflection has gone into planning the location of primary and secondary base camps (*base vies*) (Table 2.4) the MCA expert in charge of roads indicated that there is still some flexibility in determining their location and that the terms for how the base camps should be established (in order to have the maximum positive impact on the project area, spelled out in a *cahier de charges*) can be added to the contracts with individual construction enterprises.

Recommendation 6: Anticipate need to strengthen emerging markets and to track size and activity of area markets on a regular basis: It would be ideal if some of the money designated for market renovation could be reserved for later years in the project to reinforce new emerging markets and to avoid over investment in markets that may be surpassed (in size, activity, and regional importance). More active involvement of the mayors in tracking market activity and needs is also likely to help the mayors, communal councils, and *préfets* (who represent the state) to become more responsive to supporting the markets through routine maintenance and security precautions.

For this type of policy to work, projects need to track the size and activity of area markets on a regular basis. The same market surveys—when displayed for key indicators of participation (i.e., market taxes, number of stalls in particular categories, number of

trucks taking out products) provide one of the simplest methods demonstrating the wider economic impact of the AD Project's interventions. A similar method—working through local leaders—was used to track development of the market in Mogtedo,²⁵ which was largely fueled by the development of the AVV (Volta Valley Authority) rainfed irrigation schemes at Mogtedo, Mogtedo-Bombore, and Mankaraga (Table 2.5).

Table 2.5. Settlement and Development in Town of Mogtedo, 1960-Present.

Category	1960	1968	1975	1980	1985	1989	2007-8
Mogtedo Town							
HH (Total)		260					4200
Indigenous	60	60					320
Immigrant		200					3880
HH on zoned (<i>lotis</i>) plots							1400
HH on non-zoned (<i>lotis</i>) plots							2800
Inhabitants (total)	200	1,400	3,374	--	4,500	6,050	--
Commune (including rural areas)							
Inhabitants total							59,116
Indigenous							44,040
Immigrant							14,076
Stalls in central market	--	--	100	300	600-650	800	1400+
Businesses/ warehouses in separate buildings			5	14	--	75	488
Large buildings							229
Small buildings							240
Warehouses (<i>magasins</i>)							19
Mills	--	--	1			10	84#
<i>Etagistes</i> (semi-detached stores—temporary and permanent)						122	1200
Persons selling in boutiques & markets							
Market day, rainy season (August)						1,914	1000+*
Market day, dry season						4,000	1700+*
Non-market day						273	900*

Source: F. Kabore and J. Guigma, *Enquête Marche*, August 1990 in McMillan, Nana and Savadogo 1993 updated by J. Guigma as part of the MCA Land Tenure Project Due Diligence, January 2008.

*2008 figure based on the actual number of merchants that paid market taxes.

#Need to verify if this figure is for the commune or the town in checklist for Land Tenure Project.

²⁵ Mogtedo is one of the 17 pilot communes in the MCA Land Tenure Project.

3.0. MCA Land Tenure Project

The activities to be implemented under the proposed MCA Land Tenure Project are organized into ten project sub-components called forms or *fiches* (Table 3.1). These ten forms have been regrouped into three main activities (Table 3.1) that will intervene in the following two phases.

- *Pilot Communes (17)*: The initial phase (year one) will focus on 17 pilot communes.
- *Total Communes (47)*: After the first year the project will expand to 30 of the 77 communes being initially considered, for a total number of 47 by the end of the project.

This chapter provides a brief overview of the chief resettlement issues—including physical or loss of livelihood access—that are associated with all ten forms (or *fiches*). The principal involuntary resettlement activities associated with these sub-activities are related to (Table 2.1):

- Relocation of fields from sites designated for the construction of the new rural land tenure services (SFR) (Form 6);²⁶
- Relocation of people from areas that are delineated and registered as individual housing and cultivation sites or for collective pasture and fuelwood sites by the project in collaboration with the new rural land tenure services (Form 8); and
- The relocation that occurs because of more rigorous registration of and enforcement of rules in older irrigation and pastoralist schemes (Form 9).

²⁶ The ESA activities on this mission (for the Land Tenure Project) complemented a previous MCC ESA environmental Due Diligence mission that focused on the construction of the new commune-level land services (Form 6) (Quinn 2007).

Table 3.1. Direct and Indirect Impacts of the Land Tenure Project Activities and Proposed Consideration of these Impacts in Different Project Instruments to Comply with OP 4.12

Activity/Form	Impacts Related to Involuntary Land Taking	Mitigation Measures/Instruments
<i>Activity 1: Support to the Development and Dissemination of New Policy and Legislation</i>		
Form 1. Support to Development of Legislation, Produce Guides to Support Implementation of the New law, Disseminate New Legislation	None	None
<i>Activity 2: Support Institutional Development and Capacity Building</i>		
Form 2. Design a Training Plan	None	None
Form 3. De-concentration of Domain Services (only in provinces associated with selected communes)	None	None
Form 4. De-concentration of Cadastre and Topographic Services (in all regions)	None	None
Form 5. Develop Tools (GIS, topographic, and geodetic)	None	None
Form 6. Installation of SFR (<i>Service Foncier Rural</i>) in selected communes	-Limited displacement of HH who cultivate on sites designated for communal buildings (in and out of zoned administrative areas)	RAP
Form 7. Improve the Mechanisms for Conflict Mgt.	None	None
<i>Activity 3: Site Specific Interventions to Improve Land Tenure and Management</i>		
Form 8. Land Use Planning and Management in Selected Rural Communes	-Displacement of HHs who cultivate and/or who have constructed in areas zoned for other purposes	RAP: In-kind compensation of displaced HHs
Form 9. Secure Land Rights in and Around Selected New and Existing Agro-Pastoral Projects		
--2 new MCA projects (Sion, Di)	- Displacement of HHs who cultivate and/or who have constructed in non-irrigated areas zoned for collective purposes (pasture, fuelwood)	RAP: In-kind compensation of displaced HHs
--6 older irrigation projects (e.g., Vallée du Kou)	None (in theory)	ESIA/EMP: No compensation (no involuntary relocation planned)
--2 existing pastoral projects (Nouhao and Sondre Est)	-Displacement of project HHs from project areas zoned for pasture, as well as non-project HHs from the project area	RAP: In-kind compensation of displaced HHs
Form 10. Pilot Operation to Test New Legal Tools to Finalize the PFR/G Process in Ganzourgou	None	None

3.1. Activity 2: Institutional Capacity Building--Form 6 (Installation of SFR [Service Foncier Rural] in Selected Communes)

3.1.1. Settlement Issues

The activities under Form 6 are expected to contribute to the achievement of the broader project objective of building local institutional capacity by creating the municipal buildings that communes need to house their new SFR (*Service Foncier Rural* or Rural Land Tenure Office).

One major conclusion of the earlier ESA mission on the municipal building component, which reviewed the proposed settlement sites for all 17 pilot communes, was that there is unlikely to be any involuntary relocation from the areas designated for these buildings (Quinn 2007). To minimize resettlement costs, most communes have selected plots for the buildings that are (Quinn 2007):

- Either located in the small plots zoned for administrative buildings in zoned (*lotis*) villages; or
- In the case of non-zoned (*non-lotis*) villages, plots that are not occupied.

Although a few of the plots had crops planted on them, the areas planted are small and unlikely (because of their size and location) to constitute the principal source of income for a farm family.

3.1.2. MCA Policies in Relation to OP 4.12 and Burkinabè Law

Under Burkinabè law, all land belongs to the state and no land loss is compensated unless a person holds a formal title or has legal authorization (*lotissement*).²⁷ However, households (even those not holding formal titles) are entitled to compensation for improvements. This is not the case, however, if the proposed commune building site is an area that has been officially zoned (i.e., *lotis*) for administrative purposes. In this case the original rights to the land have already been purged and the person occupying the land is considered illegal. In contrast, if the proposed building site is located outside the area zoned for administrative land in a commune that has been zoned (*lotis*), or is in a commune that has not been zoned, the households being displaced have the right to compensation for improvements.²⁸

²⁷ “The legal position that all land belong to the state means that no land loss is compensated unless it is held under a formal *titre foncier*. Thus house plots in town and in villages, as well as agricultural fields, are excluded from compensation. Improvements on land, however, are compensated: Houses and other buildings, wells, compound fences, as well as standing crops (if taken before harvest) and economic trees are eligible for compensation. GOBF has no standard list of unit values for property valuation. Rather the *Commission d’évaluation* in each province establishes its own informal list of unit values. In doing so, the Commission follows the legal stipulation that compensation be calculated at current market, that is depreciated, values. The Commissions appear to establish the unit values on the basis of the members’ assessment of current market value, rather than on the basis of recent sales or construction costs.” (Sterling Merchant Finance Ltd. 2007: 167).

²⁸ Based on interviews in March 2007, some of the rights that “devolved” on to the CVDs for regulating land use may have created a loophole in the 1996 law, which entitles even people who occupy land in the non-zoned (*non-lotis*) communal plots to some compensation.

Just over 80 percent (14) of the 17²⁹ pilot communes and 63 percent (38) of the 60 other communes being proposed for the project have zoned (*lotis*) administrative centers (Annex 4). Since MCC resettlement policy (following OP 4.12) stipulates that all assets—land, structures, infrastructure, crops, and trees—will be compensated at new (i.e., without depreciation) replacement rates and that households classified as “illegal” will be compensated, as well as those having “legal” rights,³⁰ this distinction between *lotis* and *non-lotis* areas is not important (i.e., both categories of land rights will be compensated at the same level).

What is needed is a screening process to determine when the sub-project (i.e., communal building construction) needs a RAP.³¹ An initial environmental site census was conducted using a checklist developed during the ESA Due Diligence process (Quinn 2007). MCA could expand this initial checklist to include an initial list of information on site occupation and land rights. This social checklist could include a means of assessing any use—permanent, temporary, or seasonal and legal or illegal—and whether or not a RAP is required.³²

3.2. Activity 3: Site Specific Interventions to Improve Land Tenure and Management--Form 8 (Land Use Planning and Management in Selected Rural Communes)

3.2.1. Settlement Issues

The principal goal of the activities under Form 8 will be to facilitate:

- Communes developing commune-level land use plans and charts and
- Formal demarcation of “protected” land use categories, such as pasture, livestock corridors, village forests, borders with classified forests, and government and private wildlife areas, and (when applicable) registering land that has benefited from some sort of government-sponsored, rainfed, or irrigated land use improvements.

This type of community-based, land use zoning almost always identifies some households or a group of households that are either farming or living in one of the areas designated for a collective purpose, such as pasture or fuelwood. The implicit assumption is that these households will be asked to move out of these areas to an area zoned for agriculture or, in the rare case where they have constructed, to an area zoned for housing.

²⁹ Numbers need to be updated with MCA. Not all of the communes had responded by the end of the mission (see Annex 4).

³⁰ Sterling Merchant Finance Ltd. 2007: 167-171.

³¹ Personal communication, Gordon Appleby, March 16, 2008.

³² Once the commune administration completes the checklist, an MCA official and/or contractor could verify the accuracy of the checklist. If there are no claims or occupation, the sub-project would be approved. Otherwise, a RAP must be developed. While the extent of impact is a consideration for the extent of remedial measures, it does not affect whether a RAP is required (Personal communication, Gordon Appleby, March 16, 2008).

3.2.2. MCA Policies in Relation to OP 4.12 and Burkinabè Law

Currently Burkinabè law does not require any form of compensation to the individuals for this type of displacement. According to OP 4.12, any households displaced by this community based land management are entitled to compensation. This type of compensation is not just best practice; it is pragmatic. Recent experiences with the PNGT2 *Opération pilote de sécurisation foncière* (OPSF) (Pilot Operation for Tenure Security) show that in the absence of some form of compensation, there is little incentive for people to actually move. This was equally true in cases that benefited from the formal process of purging previous land use rights (including signed, written agreements) (the case of the PNGT2 OPSF sites in Pama, Box 2.1), as it was in the formal, non-participatory expulsions for classified forest areas in the pilot communes of Pama and Banfora communes. In other words, regardless of the promises, intent, or degree of popular participation in the process, without compensation residents do not move.

The key issue, therefore, is to develop a process for compensating the project affected persons (PAPs) for their loss. In general, neither the national nor local level leaders favor cash compensation. Far more likely to be successful (based on previous experiences under PNGT2 and other projects) is a system in which the households affected by the zoning are awarded compensatory land in another area that has been cleared and improved. PNGT2 estimates the cost of this type of compensatory land improvement (using local labor and equipment) at 90,000 FCFA per hectare (60,000 FCFA per ha for land plus the construction of two manure pits per ha) (personal communication, Dominique Zongo, March 2008).

3.3. Activity 3: Site Specific Interventions to Improve Land Tenure and Management--Form 9 (Secure Land Rights in and Around Selected New and Existing Agro-Pastoral Projects)

3.3.1. Settlement Issues

Since the mid-1960s, foreign donors and the Burkinabè state have invested heavily in the development of irrigated and non-irrigated agricultural development schemes. In addition, there was extensive investment by the state and foreign donors in the development of intensive, rainfed agriculture in the river basins covered by the 11-country Onchocerciasis Control Programme between 1974 and 1988 through the Volta Valley Authority (AVV). Other donor and state financed schemes created large pastoral zones that were reserved exclusively for herders.

A critical constraint to all of these programs was the lack of a clear land tenure system. Even when settlers were “given” formal land rights, there was no clear system for registering these land rights, adjudicating disputes, or selling the land. This lack of clear land tenure rights encouraged the more successful farmers to either abuse the land system—usually by extending their land claims into other peoples claims—or to reinvest outside the scheme as a bank against their unclear land tenure rights. The net result of

either strategy was usually a progressive degradation of the project infrastructure due to lack of reinvestment in basic maintenance.

The projected activities under Form 9 offer settlers associated with these projects a rare opportunity to regularize their existing land tenure rights in land registration components of three types of projects:

- The three (3) new MCA-funded projects in Sono, Di, and Banfora (covered by the AD Project);
- Six (6) of the country's oldest, largest, and most important irrigation projects including the *Vallée du Kou*; and
- Two (2) existing pastoral zones that are critically important to maintaining peaceful integration of agriculturalists and pastoralists in their respective communes (Nouhao and Sondre Est).

The genius of the design is that 66 percent (4 out of 6) of the older irrigation projects and 100 percent of the older pastoral projects that will be targeted for land registration activities under Form 9 are located in the 17 pilot communes (Table 3.2).³³ Therefore, these land registration efforts will feed directly into the activities envisioned under the eight other forms by focusing on eight high risk/high return older projects and the three new MCA projects.

If settlers are renting, the new system will clarify their rental rights *vis-à-vis* the original owners; if settlers have formal ownership rights to a registered parcel, their legal obligations for maintenance and respecting boundaries will be clarified. This relatively simple land intervention—which complies with the existing national laws and new democratic spirit of the country—should help the Burkina government capitalize on the substantial, pre-existing investment in basic infrastructure, staff development, and farmer training.

3.3.2. MCA policies in Relation to OP 4.12 and Burkinabè Law

All three types of projects (the new AD irrigation schemes, the established irrigation projects, and the established pastoral projects being considered by Form 9) will result in different types of population displacement that are viewed very differently by the MCC resettlement policies and Burkinabè law (Table 3.2; Annex 2).

3.3.2.1. MCA Irrigation Projects. Since the first type of displacement—that is associated with the creation of the three MCA-financed projects—is directly related to the MCA-funded activities, the actions needed to mitigate this impact must be incorporated into the Resettlement Action Plan (RAP) for the Agriculture Development Project. This type of compensation is not required by the 1997 Burkinabè law, which stated that all land with

³³ Currently the Bazon perimeter is the only one of the former irrigation areas that is not included in a pilot commune. Although the commune where Sondre Est is located (Binde) is not included, the commune could be covered as part of the commune of Guiba (personal communication, Koudregma Zongo, MCA, April 29, 2008).

Table 3.2. Settlement Issues Related to Activities Envisioned under Form 9 of the MCA Land Tenure Project.

Category of Project	Settlement Issue	Communes Proposed for the MCA Land Tenure Project		Anticipated Mitigating Measure
		17 Pilot	77 Proposed	
3 New MCA Irrigation Projects (Sono, Di, Banfora)	Creation of irrigation scheme and formal award of land rights to qualified persons	Sono, Di, Banfora		Included in RAP for Activity 1.1 of AD
6 Older Irrigation Projects (tentative list)*	Non-registered occupation and rentals of existing irrigation scheme	66%**	44%	-No compensation envisioned since displaced households will be offered compensatory land. -To be monitored via ESIA & EMP
2 Existing Pastoralist Projects***: --Nouhao --Sondre Est	Illegal cultivation of and perhaps construction on land to be formally designated for pasture and livestock corridors by both pastoralists and agriculturalists	100%	---	--In-kind compensation of persons displaced from land in an area zoned for pasture with a registered parcel in an area zoned for agricultural land use for those who qualify for membership in the project (i.e., meet the qualifications for enrollment and agree to respect the <i>cahier de charge</i>) --In-kind compensation with compensatory land for those not eligible for a registered parcel

*The older irrigation projects and their communes are : Vallée du Kou (Bama) ; Savili (Sabou) ; Banzon (Banzon) ; Comoé (Banfora) ; Lac Bam (Kongoussi).

**Banzon Perimeter is not located in a pilot commune. To insure that one of the communes that overlaps with the Sondre Est Pastoral scheme is included, MCA is recommending that the commune of Binde be substituted for the Guiba commune. Vallée du Sourou (Di, older project).

***The older pastoral projects and their communes are : Zone pastorale de la Nouhao (Ouargaye) ; Zone pastorale de Sondré Est (Bindé/Guiba).

state improvements became property of the state.³⁴ The new 2007 law (which was officially announced on October 4, 2007) gives greater recognition to individual land rights in government-sponsored schemes, as well as rural land rights in non-improved areas (Annex 2).³⁵ The 2007 law is not, however, explicit about what, if any,

³⁴ *Loi No. 014/96/ADP du 23 Mai 96 et Décret 97-054/PRES/PM/MEF du 06 Février 97, Article 5 and Articles 56,57,58 quoted in George Jay. Octobre 2007. Réinstallations et Compensations : Conséquences du Projet et Recommandations. Mission Roche Ingénieurs Conseils.*

³⁵ *Orientation 4, Axe 3, Décret No. 2007-610/PRES/PM/MAHRH.*

compensation should be given to rural people whose rights are displaced by land schemes.

3.3.2.2. Older Irrigation Projects. It is clear that the land registration efforts associated with the older irrigation projects will identify individuals who have either violated the boundaries of their allotted parcel and/or are occupying someone else's parcel illegally. Since the plan is to either regularize their illegal occupation (by clarifying their rights to the land) and/or to offer these individuals other sites, MCA does not anticipate that this will cause much involuntary displacement. MCA's offer of compensatory land is generous in light of the fact that under Burkinabè law these illegal occupants are not entitled to any compensation when dealing with land that has benefited from government investment. The new law emphasizes the importance of clarifying these land tenure rights (Annex 2).³⁶

3.3.2.3. Existing Pastoralist Projects. The context under Burkinabè Law and OP 4.12 are very different for the households displaced by the two existing pastoral projects. Each of these older pastoral schemes affects a vast area and, in contrast to the older irrigation schemes, are characterized by boundaries (both frontier and internal for different categories of land use) that were never clearly marked. The issue of clear delineation of the pastoral zones was listed as one of the top priorities in the new national land tenure policy (Box 3.1) and is the object of a specific "axe" in the 2007 land tenure law.³⁷

Box 3.1. Critical Importance of Securing Land Rights in and Around Existing Pastoralist Zones

"Within the broader category of developed land is the category of land referred to as "pastoral zones." These areas are spaces that the state has identified as having a pastoral vocation and that the state has "reserved" with the intent of making long-term development investments to promote livestock production. Today, out of approximately sixty potential pastoral zones, only 11 have been the object of development investments. These developed pastoral zones encounter numerous problems such as the invasive advance of agriculturalists (especially in the cotton zone) and the refusal of many of the herder beneficiaries to sedentarize inside the pastoral zone."

Source: *Ministère de l'agriculture, de l'hydraulique et des ressources halieutiques. 2007. Politique nationale de sécurisation foncière en milieu rural. Ouagadougou: MAHRH. Pg. 18. (non-official translation for this report).*

This lack of clearly marked boundaries in the two older schemes being targeted by these activities (Nouhao and Sondre-Est) means that the communes (and MCA-supported agencies who will be helping them delineate these areas) are likely to encounter a relatively large number of people who have either constructed and/or are farming in the zones designated for pasture (Box 3.1). While this occupation (as well as any other non-registered seasonal occupation) is considered illegal under Burkinabè law and the *cahiers de charge* of the schemes, it is eligible for compensation under OP 4.12. A more precise estimate of the extent of illegal occupation would be determined during the Environmental and Social Impact Assessment (ESIA) exercise and tracked by the Environmental Management Plan (EMP). Households will need to be compensated for

³⁶ *Orientation 4, Axe 3, Décret No. 2007-610/PRES/PM/MAHRH.*

³⁷ *Orientation 4, Axe 4, Décret No. 2007-610/PRES/PM/MAHRH.*

the land as well as any pasture rights. If households are registered members of the project, this compensatory land can be within the project area; if they are not, it will need to be outside the registered project area.³⁸

3.4. Special Concerns Related to the Land Tenure Project: People Living Illegally within Classified Forests

Based on existing data, the MCC/MCA team was concerned about high rates of illegal forest occupation that would require compensation and/or management as part of the land management plans envisioned under Form 8.

- This data included a well-documented acceleration of illegal immigration into the forest reserves that started in the late 1980s—particularly those in former onchocerciasis-infected areas such as the Comoé, Leraba, and Sourou River Basin.³⁹
- A second important source of data was the Burkinabè Forest Service's evidence for high rates of *anthropisation* (occupation by humans) of the national forests.⁴⁰ The forest service figures showed that some classified forests in the river basins (such as the Nakambe [ex-Volta blanche] and Nazinon [ex-Volta Rouge])⁴¹ were almost completely occupied while others (such as those in the Sourou and Comoé⁴² regions being impacted by the AD Project) were still relatively protected.

Based on this information, MCC requested that the present mission address the issue as part of the Due Diligence resettlement review. To supplement the existing information on the forest settlement issues, the consultant organized a small intensive case study of:

- The two villages in the Banfora Pilot Commune (Land Tenure Project) that overlap with classified forests and
- Four of the 14 villages in the Pama Pilot Commune (Land Tenure Project) that overlap with and/or are contiguous with forest areas.

3.4.1. Settlement Issues

A relatively high percentage of the pilot communes (five out of 17 or 29%) and the 77 communes that were originally proposed for the Land Tenure Project (17 out of 77 or

³⁸ PNGT2 estimates the cost of developing compensatory land using local labor outside project areas at 90,000 FCFA/ha. Another model is the PNGT2 compensation matrix (ERM 2003b:16-19), which offers a region-specific formula for compensating more specific investments (trees, etc.).

³⁹ See McMillan, Nana and Savadogo 1993: 95-105.

⁴⁰ *Ministère de l'environnement et du Cadre de Vie. 2007. Etat d'anthropisation des forêts classées du Burkina Faso. Ouagadougou : Ministère de l'environnement et du Cadre de Vie, Direction Générale de la conservation de la nature. Mars 2007.*

⁴¹ Data show that 66 percent and 36 percent are the rates of occupation, respectively.

⁴² The rate of settlement in the Sourou forest was still only six percent. Eleven of the 71 forests and game reserves in the *anthropisation* (occupation) study were in the eight Comoe communes that are scheduled for inclusion in the Land Tenure Project; no data were available on five of the 11 projects; the rates of occupation in the other six classified forests were three percent in Babolo, five percent in Boulon, 35 percent in Dida, four percent in Niangoloko, 20 percent in Toumousseni, and two percent in Yendere (*Ministère de l'environnement et du cadre de vie 2007*).

22%) either border or overlap with classified forests (Annex 4). Not all communes and villages within specific communes are affected equally (Table 3.3).

- Six of the eight communes in the Comoé region that are scheduled for inclusion in the Land Tenure Project border and/or overlap with classified forests.
- Not all Land Tenure Project communes are affected at the same level. For example, only two, or 13 percent, of the villages in the rural commune of Banfora border or overlap with forests, compared to 87 percent of the villages in the Niangoloko commune. In contrast, 100 percent of the villages in the rural Pama Pilot Commune (Land Tenure Project) border or overlap with forests.

The results of the village case studies and commune level interviews confirmed that a certain amount of forest settlement has occurred. However, this settlement does not appear to be a major threat when weighed against other issues, such as the current (and projected) levels of herder-agriculturalist conflict. The principal observations that are relevant to this project are as follows.

- Very few of the classified forests had people living within them who had constructed structures. Most occupation was for seasonal cultivation with the occasional construction of temporary rainy season housing.
- The degree of control and management by the forest service personnel and local knowledge of the rules and regulations about forest use was far greater than in the late 1980s. This seems to be the result of a series of forest policy reforms that were executed between 1985 and 1995, as well as a new wildlife policy that began implementation in 1996.
- A large number of international donors are working on the issue of more effective forest management. In the Comoé (site of the AD Project in the Banfora Commune and eight of the 77 communes originally proposed for the Land Tenure Project), there are two active, donor-funded forest management projects (one funded by Japan International Cooperation Agency [JICA]⁴³ and one funded by the World Bank) that build on five donor-funded projects that have operated in the region since the late 1980s.

⁴³ The JICA project (2007-2012) intervenes in a large number of the major forests for capacity building, community based delineation of forest boundaries, and the development of income generating activities that are based on renewable forest products (karite, wood, honey, forage, and livestock). The World Bank Project—PAGEN (*Projet de partenariat pour l'amélioration de la gestion des écosystèmes naturels* or Partnership for Improving the Management of Natural Ecosystems) (2002-2008) intervenes in capacity building, community-based boundary delineation, and income generating activities based on honey, forage, and livestock.

Table 3.3. Two Major Projects⁴⁴ that Intervened in Communes Slated for Inclusion in MCA Land Tenure Project and Villages and Towns in Commune that Border or Overlap Classified Forests

Commune	Name of Forests	Project JICA (2007-2012)	PAGEN (2002-2007) World Bank	# of villages &/or towns in the commune	% of villages &/or towns that border or overlap classified forests
Banfora	-Bounouna -Toumousseni	Yes	No	22 villages + 1 urban commune	2/23 ⁴⁵ (13%)
Mangodera	-Dida -Partial Reserve of the Comoé Leraba -Longoniegue	No	Yes	25	13/25 (52%)
Sideradougou	-Gouandougou -Kongouko	Yes	No	40	16/40 (40%)
Moussoudougou	-Source du Mouhoun	No	No	4	2/4 (50%)
Soubakkaniedouou	-Toumousseini	Yes	No	4	2/4 (50%)
Niangoloko	-Partial wildlife reserve of the Comoé -Leraba -Partial wildlife reserve of Boulon and Koflande -Classified Forest of Yenchere -Classified Forest of Niangoloko -Classified Forest of Babolo	No	Yes	14	12/14 (89%)
Douna	0	No	No	6	0/6
Wolonkolo	0	No	No	2	0/2

Source: Regional Office, Ministry of Environment, Banfora, January 2008.

3.4.2. MCA Policies in Relation to OP 4.12 and Burkinabè Law

Under Burkinabè law, the households expelled from classified forests are not entitled for compensation. In contrast, OP 4.12 covers people living in classified forests. However, the situation can be very complex. At one extreme, the population could have been there from time immemorial while the forest could have been declared during the colonial period without their knowledge or agreement. At the other extreme, the population could

⁴⁴ Other projects past and present are discussed in the Banfora Due Diligence case study. This report will be translated and presented in a later report.

⁴⁵ Includes the urban commune of Banfora as well as the rural commune.

have moved their recently (often with the permission of a local land chief). Since the boundaries of the forests are not marked, there is no clear or indisputable way to know who is inside and who is outside the boundaries.

One impact of the Land Tenure Project will be to better define the forest borders. However, it is clear that the project has no legal authority to expel people from the forests. First, the formal management of the forests is vested very clearly with the regional offices of the Ministry of Environment. This is an important contrast with the agro-pastoral zones that are managed by elected management committees. This raises real issues about who has the power to expel.

- While the project funds designated for compensating people displaced by community-based land management might suffice for a simple commune, they are insufficient to relocate large numbers of people from an entire forest that might embrace several communes. Given the legal status of the forest as a state reserve, it would be difficult for a locally-elected mayor to relocate and/or ask one group to leave and not ask others to leave just because one commune was included in the Land Tenure Project and one was not.
- Past experience with forced expulsions in the Pama region shows that even forced expulsions are virtually useless unless the people expelled are relocated in an adjacent area.⁴⁶

3.5. Special Concerns Related to the Land Tenure Project: Delineation of Pastures and Livestock Corridors

The mounting pressure on communal pasture and livestock corridors is a major—and usually the major—source of conflict in most of the communes scheduled for inclusion in the AD Project and Land Tenure Project. This was equally true in all of the communes where we conducted interviews (Di, Sono, and Lanfiera Communes in Sourou Valley; Banfora; and Mogtedo and Pama).

3.5.1. Settlement Issues

Although the map of Burkina Faso is littered with large, clearly-marked pastoral zones, very little has been done to demarcate these areas on the ground or equip them with the necessary infrastructure (i.e., water resource points, clinics, and schools) that the population would need to manage them appropriately. A similar problem exists with the extensive base of international, national, and local livestock corridors and paths.

3.5.2. MCA Policies in Relation to OP 4.12 and Burkinabè Law

One major strength of the current project is that it will provide communes with the means to correctly delineate⁴⁷ these areas and mark their boundaries. The herders' rights to the

⁴⁶ Elected officials in the Pama area cited several examples where the people who were asked to leave gradually re-colonized their old site in the classified forest area and/or never left.

⁴⁷ There were several recorded instances of incorrectly marked pastoral zones in the areas where the mission interviewed.

pastoral zones, as well as to clearly-marked and equipped corridors, are firmly protected by the most recent Agrarian and Land Tenure (RAF) laws and the pastoral codes. In contrast to the classified forests, which fall under the regional offices of the Ministry of Environment:

- The inhabitants of the pastoral zones are empowered (through a governing committee) to manage their zone (with assistance from the relevant state agencies) and
- Local communities are responsible for delineating and managing the pastures and livestock corridors in their *territoire* (territory).

The process of accurately demarcating pasture and livestock corridors almost always identifies individuals who are cultivating in these areas. Any households that suffer economic losses due to this process are entitled to compensation based on OP 4.12. Whenever possible this compensation should be in-kind rather than cash. As previously indicated, experience during this mission (see Box 2.1), as well as other studies, have shown that this type of community-based displacement has not been effective unless the displaced persons are compensated with land in an adjacent location.

3.6. Recommendations

Recommendation 1: Develop a process for reviewing settlement impacts of communal building sub-projects by strengthening the existing environmental ESA checklists for communal building sites. This process should include the following.

- Slight amendment of the existing commune building site checklist developed under site review (Quinn 2007; Pierson 2007) to include questions related to resettlement and the zoning status of the sites.
- A complete survey of the commune building sites that was not included in the first environmental ESA review (Quinn 2007; Pierson 2007) during the first year of the project to determine the actual scale of land occupation and to avoid spontaneous occupation of the sites by people hoping to benefit from compensation (RAP).
- Elaboration of draft norms for compensation for displacement.
- Meeting of mayors of the 17 pilot communes to discuss, amend, and eventually adopt a harmonized process for compensation and construction.
- Based on this consultative process, formulation of the abbreviated RAP per the OP 4.12 recommended outline.
- Submission of the abbreviated RAP for MCC review.
- Execution of the RAP in the 17 pilot communes.
- Meeting of all 47 mayors (or 2-3 regional meetings of mayors) to review lessons learned from the pilot phase and any revision of the process for compensation and construction.
- Extension of the model to all 47 communes.

Recommendation 2 (same as Recommendation # 3 for AD Project—Section 2): Create a fund for compensating persons displaced through community-based land tenure programs (suggested title: Fond pour l'indemnisation des déplacements liés à la

sécurisation foncière [FIDSF]). Several national level specialists interviewed in the course of the first and second mission recommended that MCA consider the new Permanent Fund for Collective Territorial Development (FPDCT) as a mechanism for managing these funds.⁴⁸

Recommendation 2.a (same as Recommendation # 3.a. for AD Project—Section 2): Physical creation of a budget line. In the absence of some sort of in-kind compensation—in the form of new land (not cash)—it is virtually impossible for the Village Development Council (CVD) to get people to move. Care must be taken not to set a precedent for cash compensation. Based on discussions during Due Diligence, the concept of a commune level fund that can be used to develop the land that is used to compensate the people displaced by community-based land management programs has been proposed for the Land Tenure Project.

Recommendation 2.b (same as Recommendation # 3.b for AD Project—Section 2): Create a mechanism for ensuring that this fund is only used to compensate persons displaced by participatory land use management and that it is harmonized with other national efforts. This fund must be clearly distinguished from: (a) the MCA Land Project's Land Fund, the purpose of which is to fund the delineation process and (b) the Village Development Funds that the PNGT (National Program for Community Based Land Management) uses to fund development activities in villages that have agreed to the design of village land use plans. One output of the first meeting with the 17 pilot commune mayors (post signing of the Compact) should be to outline the criteria for awarding compensation, if and when it is needed to execute effective zoning.

Recommendation 3: Clarify settlement issues in the eight non-AD project areas included under Form 9 of the Land Tenure Project. While the activities under Form 9 are laudable and indeed critical to the successful achievement of the activities outlined under Forms 1-8 for the 17 pilot and 30 extension communes, the settlement issues are complex and somewhat site-specific. Therefore, it is very important for MCA to conduct a series of reconnaissance missions to better ascertain the scale of settlement issues associated with these projects. This information should be presented and discussed in:

- The baseline ESIA for the project, as well as
- The first meeting with the mayor that is planned during the post-signing, pre-EIF period funded by CIF/Compact funds since the mayors will be the front line persons charged with regularizing the claims.

Recommendation 4: Work with key regional and national actors to develop a harmonized approach for regularizing land tenure issues in the eight older project schemes. During the first year (if not during the pre-planning period funded with CIF/Compact funds) some of the lessons learned from this applied research and discussion need to be incorporated into a mini-conference focused on the activities under

⁴⁸ *Ministre de l'Administration Territoriale et de la Décentralisation. 2007. Fonds Permanent pour le Développement des Collectivités Territoriales (FPDCT). Projet de Code de Financement (Version finale des consultants). Ouagadougou: Ministère de l'administration territoriale et de la décentralisation (26 Mai).*

Form 9. This mini-conference should include representatives of key actors (e.g., the Ministry of Livestock and Agriculture), as well as the mayors. The output of this conference should be a harmonized approach for dealing with settlement and land registration schemes and monitoring progress toward execution of the plan through local communes.

Recommendation 5: Ensure that all communes with schemes covered by Form 9 are included as pilot communes. Currently, only one of the projects covered by Form 9 (Sondre Est, Binde Commune) does not belong to one of the 17 pilot communes (Table 3.2). Given the critical importance of activities envisioned under Forms 1-8 in making Form 9 activities possible, this commune (Banzon) should be added to the list of pilot communes if at all possible and perhaps the commune of Binde (location for the Sondre Est pastoral project) could be substituted for Guiba.

Recommendation 6: Facilitate delineation of commune boundaries with classified forests and protected wildlife areas in collaboration with the appropriate regional representatives of the Ministry of Environment. Given the independent legal status of the classified forests (as property of the state, not the communes), the MCA land tenure project should focus its efforts on demarcating communal boundaries with classified forests and wildlife areas.

Recommendation 7: Facilitate delineation of pasture zones and livestock corridors in connection with the activities supported under Form 8.

Recommendation 8: Strengthen the capacity of the regional offices of the Ministry of Livestock to build capacity of herder organizations (groupements, associations, and federations). This support is needed in order for the participation of herder organizations in the community-based land use planning process to be informed and sustainable.

4.0. Cross-Cutting Questions in the Scope of Work (AD and Land Tenure Projects)

In addition to the project-specific ESA analyses, the consultant was asked to:

- Identify any potential resettlement impacts (livelihood access and/or relocation) associated with land allocation criteria and procedures related to the irrigated perimeters and
- Determine the legal context in Burkina Faso regarding involuntary resettlement, procedures that have been used to date for compensation; extent to which applications of procedures were OP 4.12 compliant; and based on this analysis, to make any necessary recommendations to MCC/MCA on the scope and application of compensation procedures.

4.1. Comparison of Burkinabè Laws with World Bank Resettlement Policy and International Norms⁴⁹

To date, Burkina Faso's national procedures concerning project impact assessments include no specific regulations concerning resettlement. However, there are a number of relevant laws and decrees related to land tenure, property rights, and expropriation in Burkina Faso (Table 4.1; Annexes 2 and 3) This current legal framework is embedded in the Land Tenure and Agrarian Reform Law (*Réorganisation Agraire et Foncière* or RAF)⁵⁰ that defines the conditions under which compensation is due. In the case of expropriation (see article 227 and the articles immediately following) compensation is required only for individuals (households) with land tenure certificates.⁵¹ The relevant related issue is that in rural areas the general population has no access to land tenure certificates, but hold rights based on traditional rules governing land access. What this means *de facto* is that in the case of an involuntary expropriation to implement a project, the government has no obligation to compensate displaced persons. This conflict between legal requirements of land tenure certificates and lack of access to such certificates by the rural populations (which affords them no rights to compensation) and the World Bank guideline that stipulates that it is impossible to expel any local population without compensation creates a difficult situation.

⁴⁹ This section draws heavily upon the analysis presented in a recent PNGT2 analysis of the comparison between Burkina's laws and OP 4.12 (PNGT2 2007). See also: MAHRH (*Ministère de l'agriculture, de l'hydraulique et des ressources halieutiques*), *Avant-Projet de Loi Relatif à La Foncière en Milieu Rural*, (Ouagadougou : MAHRH for PNGT2, Mars 2008) ; and Environmental Resources Management (ERM), *Legal and Regulatory Framework for Resettlement*, Resettlement Policy Framework: Community-Based Rural Development (Washington, DC: ERM, 2002) Chapter 6: 24-28.

⁵⁰ *Law No. 014/96/ADP du Mai 1996, Portant réorganisation agraire et foncière au Burkina Faso and the implementation decree No. 97-054/PRES/PM/MEF of 06 Février 1997 Portant conditions et modalités d'application de la loi sur la réorganisation agraire et foncière au Burkina Faso* (hereafter Loi No. 014/96/ADP). Burkina Faso. 1998. *Textes Portant Réorganisation Agraire et Foncière*. Novembre.

⁵¹ Article 141 defines these certificate holders as: « *Tout occupant d'une terre du domaine foncier national doit être détenteur de l'un des titres suivants: un arrêt d'affectation, un arrêt de mise à disposition, un permis d'occuper, un permis urbain d'habiter, un permis d'exploiter, un bail.* » (Burkina Faso 1998: 47).

Table 4.1. Laws and Decrees Relating to Land Tenure and Property Rights

Legislation	Description
Law No. 014/96/ADP, 23 May 1996	The law determines the fundamental principles for agrarian and land reorganization in Burkina Faso, development of the management of rural and urban land, such as systems of organization of water, forest, animals, fish, mineral ores from quarries and mines, as wells as the regulation of land rights.
Decree No. 97-054/PRES/PM/MED	Conditions for and application of Law No. 014/96/ADP.
Law No. 041/98/AN, August 1998	Regarding organization of territorial administration in Burkina Faso.
Law No. 0443/98/AN, 09 August 1998	Regarding programming the implementation of decentralization.
Decree No. 2007-610/PRES/PM/MAHRH concerning the adoption of the National Policy for Rural Land Tenure Security of October 4, 2007	Spells out new legal process and registration procedures for increasing rural land tenure security.

Sources: Environmental Resources Management (ERM). 2003.c. Resettlement Policy Framework: Community-Based Rural Development. Washington, DC: ERM. Pg. 25 and MAHRH. 2007. *Politique Nationale de Sécurisation Foncière*. Ouagadougou: MAHRH.

4.1.2. Examples of Procedures and Compliance with OP 4.12

Given the lack of any clear written text in Burkina Faso laws about what compensation levels should be, how they should be awarded, or how to organize resettlement, each project—usually under pressure from its donor—is required to improvise its own methods for managing resettlement compensation (PNGT2 2007).

One important activity of the World Bank funded PAGEN (*Projet de Partenariat pour l'Amélioration de la Gestion des Ecosystèmes Naturels*) project was to create livestock corridors between protected pasture areas in many areas where it intervened. When confronted with the issue of displacing the households who occupied these areas, PAGEN had to contend with: a lack of basic competence in resettlement compensation, how to calculate damages by displacement in a conflict-ridden context due to the lack of uncontested land boundaries (leading to repeated sales), the tendency to underestimate costs of resettlement, and a lack of any established method for supporting resettlement (PNGT2 2007). These difficulties have given rise to a number of current strategies to manage the issues that complicate involuntary resettlement (PNGT2 2007):

- The Ministry of Agriculture, for example, is in the process of creating/has created a fund to compensate populations displaced by construction of water retention structures and
- Most mining projects have adopted an informal procedure that includes giving land as compensation, hiring local people from the village, and calling in the Ministry of Agriculture (MAHRH) to assess the level of compensation for crops affected by the project.

4.1.2.1. *Project Ziga (2002) and Resettlement Related to the Kompienga Dam (1987-88)*

A recent review of Burkina's resettlement policies identified the PGAIE (*Plan Gouvernemental d'Atténuation des Impacts Environnementaux*) Project that was charged with relocating the population displaced by creation of the Ziga Dam (a project designed to increase water supply for Ouagadougou) as an example of best practice both in terms of resettlement planning methods and results (PNGT2 2007). However, even the PGAIE Project was not without its problems due to major insufficiencies in the planning process that led to serious under budgeting for the total number of households involved, the notification process, social infrastructure planning, and compensation (Box 4.1).

Box 4.1. Resettlement Lessons Learned from the Ziga Dam Project

The dam provides potable water to Ouagadougou. Those who lost their homes were provided a house plot and indemnification for the lost structure. Unfortunately, the first census (1996) failed to establish a cut-off date, delineate the reservoir area, or inform the population of the official start-up of the project. As a consequence, when the project became effective in 2002, a second census and property inventory had to be conducted and the number of families affected increased to more than 300 households. The increase in affected households caused a budgetary shortfall, which was covered by reducing house sites to only 300 m² without any other compensation or assistance. People were given 30 to 40 days to move, whether or not their replacement homes were ready, which meant that most people either moved in with relatives or sold their house plot to petty merchants and received no compensation at all. While the project built roads to the resettlement site, other infrastructure was not put in place. Health centers, schools, potable water, and electricity were all lacking in the resettlement area at the time of the mid-project review.

In the rural areas, resettlement was handled better and the 487 relocated families all received better housing than they had before the project began. In addition, food aid (12 kg/person or about a three months supply) was provided to tide people over during the period of the move and to compensate for any lost crops. However, no asset inventory on individual properties was undertaken. Instead, auxiliary structures (e.g., chicken coops, compound fences, and granaries) were compensated with a fixed fee, 10000 FCFA (approximately US\$20.00), which did not cover the additional losses of most PAPs. Contrary to international policy, the project monitoring committee recommended that this additional compensation be used for community infrastructure. It is also worth mentioning that the loss of women's gardens in the upstream area caused further deprivation among affected people.

Under these conditions, many people moved permanently to Ouagadougou, went abroad, or opened new fields and built homes in classified forest areas. These spontaneous compensation measures, in the context of inadequate government compensation and assistance, were insufficient and many people were worse-off after the move than before.

Source: Sterling Merchant Finance LTD 2007: 159-160.

Another example of best practice is the resettlement associated with the Kompienga Dam project. In contrast to most of Burkina Faso's other dams, the Kompienga Dam included a Resettlement Action Plan, which was funded almost entirely by the Burkinabè state. All the villages in the basin area were given compensatory land in new villages above the flood zone. The people being resettled were encouraged to work with the government to

determine the exact sites of their new villages and where new infrastructure should be built. Each of the resettled villages received a strong network of social infrastructure (e.g., schools, clinics, and roads), as well as five years of intensive crop extension services. Very quickly the resettled villages re-established and then surpassed their pre-resettlement levels of production. The project's M&E data, as well as outside observations, suggest that the villagers living in resettlement villages were not only better-off than they were before resettlement, they lived in the most highly developed villages in the region. Today—20 years after the resettlement program—the village of Kompienga, which is one of the largest resettled villages, has a large livestock market and is one of the wealthiest villages in the Pama commune.

The main problem with the Kompienga resettlement program was that it was not accompanied by a regional land use management plan (McMillan, Nana, and Savadogo 1993: 17). Even before dam construction started, the mere prospect of dam and road construction attracted large numbers of spontaneous settlers into the area. Within five years some 75 percent of the dam area was deforested resulting in problems of soil fertility loss, erosion, and build up of silt (Sterling Merchant Finance Ltd. 2007: 150).

4.1.2.2. PNGT

A second type of resettlement is related to community-based land management. Since 1984, Burkina Faso has led West Africa in development of community-based land management. This approach (known as *Gestion du Terroir*) grew out of lessons learned from the Volta Valley Authority (AVV)—Burkina Faso's early attempt to organize settlement in the country's river basins covered by an international program to control river blindness (onchocerciasis). The PNGT pilot project (1986-1992), PNGT1 (1992-1998), and PNGT2, Phase 1 (2002-2007) and Phase 2 (2007-present) were funded by the World Bank (Coulibaly and Sawadogo 2002). As World Bank projects they were required to respect World Bank guidelines on resettlement. Although the guidelines had been in effect since the late 1970s, they primarily focused on the types of involuntary settlement associated with dams and urban areas. Only later was the issue of resettlement associated with community-based land management incorporated into the revised OP 4.12 guidelines.

One major conclusion of the social and environmental assessments of the new (i.e., PNGT2) project in 1998 (which included field visits to the villages covered under the original project) was that the new project needed to take into account the issue of compensating households displaced by community-based land use zoning (Annex 4). In the absence of this type of compensation, it was naive to expect that households would move and/or that communities or local authorities would force them to move. Despite the issue being raised during the appraisal, the project design did not include a method, a budget, or staff to deal with this topic (Table 4.2). Post-mid-term, the World Bank commissioned a team of researchers with extensive experience to assist the PNGT2 project with elaboration of a Land Settlement Policy Framework and an operations manual. The Resettlement Policy Framework document (May 2003, Table 4.2) included

an extensive analysis of the existing Burkinabè legislation in relationship to the World Bank OP 4.12. The Process Framework (Pp 16-19) outlined a system for determining compensation levels, as well as a process. All three documents were translated into French and disseminated to all the PNGT2 projects.

Even with this wide dissemination, a new environmental and social audit in September 2007 (Table 4.2) showed there was still very little concrete action in terms of actual displacement. Various pilot initiatives to promote *sécurisation du foncier* within the context of the existing PNGT2 project (as discussed in the previous report, McMillan 2007) were not very successful. In almost every case, the audit showed the real problem was not the lack of land, but the lack of any funds to develop land being used to compensate those being displaced. In October 2006, PNGT proposed a new environmental and social framework for the second phase of the project that incorporated these three major lessons learned under the old project (Table 4.2):

- The critical importance of a budget line (just talking about the need for compensation is not enough),⁵²
- The need for clear responsibility within the project administrative structure for the execution of resettlement and compensation policies, and
- The need to build PNGT2 staff capacity and hire permanent staff (not just consultants) within the organization to oversee this function.

The PNGT2 appraisal document that incorporated these lessons learned was issued in October 2007 (Table 4.2).

⁵² To avoid cash compensation, the PNGT2 project budgets for land use improvements, composts pits and sometimes even social infrastructure to increase households willingness to actually move to and farm in the new area.

Table 4.2. Evolution of PNGT Consideration of Resettlement and Compensation, 1998-Present

Date	Document	Lessons Learned
1992 – 1997	Results of First 5 Campaigns of PNGT (<i>Bilan des 5 premières campagnes du PNGT</i>)	Quantitative and qualitative analysis of PNGT Project (The first complete project)
July 1997	Impact Assessment of the PNGT (<i>Etude d'impacts du PNGT</i>)	Confirmed the impact of the PNGT participatory approach at the local level and its capacity to mobilize local population. This study did not, however, address questions of compensation or the need to take issue of land tenure security seriously.
June 1999	Initial Environmental Assessment of PNGT2 Project	This document paid very little attention to social issues or process or budget issues related to compensation.
2000-2001	Preparation of Project Document PNGT2 (start of funding 2002)	Although issue of resettlement and compensation was raised during appraisal, neither issue was incorporated into design. This can in large part be attributed to the fact that the environmental assessment done in June 1999 did not include any concrete recommendations or resources (human or financial) for resettlement. The document did include, however, a pilot program to analyze the issue of rural land tenure security as a basis for making concrete recommendations to the government for protected areas.
May 2003	<ul style="list-style-type: none"> • Environmental and Social Management Framework: Community Based Rural Development* • Resettlement Policy Framework: Community Based Rural Development** • Process Framework: Community-Based Rural Development*** 	These documents were prepared during initial preparation of the SILEM project in order to better introduce the WB requirements for environmental compliance and procedures that the project would have to adopt to be compliant. The same text addressed issues of compensation and appropriate methods for calculating rate of compensation in cases of involuntary displacement.
Sept 2007	Environmental and Social Audit	Showed that despite policy framework still very little compliance with displacement from community-based land use planning due to lack of funds for compensatory land development and staff.
October 2007	Environmental, Social, and Resettlement Assessment Mission	Proposed a new model to take into account lessons learned from older project.
October 2007	New PNGT2 Phase II Project starts (PNGT2, Phase II appraisal document)	New project includes staff with positions focused on environmental protection and social issues (including resettlement), as well as budgets to facilitate execution of these functions.

Source: Interviews with Dominique Zongo, director SILEM (Sahel Integrated Lowland Ecosystem Management Program) that is affiliated with PNGT2.

*Environmental Resources Management (ERM). 2003.a. ** Environmental Resources Management (ERM) 2003.b. *** Environmental Resources Management (ERM). 2003.c.

† These lessons include: (1) The critical importance of having a line item budget for compensating households displaced by community-based land use zoning; (2) The need to have someone in the project structure with direct responsibility for resettlement and compensation; and (3) The need to train staff in basic skills and guidance needed to design and execute resettlement programming.

A critical analysis of the ten years of experience offers many lessons learned for both the MCA AD Project and the Land Tenure Project (*Projet sécurisation du foncier*).

- *Policy Framework and Compensation Policies:* PNGT is a national program that has evolved over a 25-year period. MCA's policy framework can build on and capitalize on PNGT's extensive investment in the initial development and revision of its resettlement policy framework and operational manuals.
- *Village Development Fund:* Based on lessons learned under PNGT and other *sécurisation du foncier* projects over the last 10 years, the government of Burkina Faso has recently completed a legal framework for FPDCT commune development fund. This fund creates a legal way for donors to transfer funds for specific activities to specific villages (e.g., development of a well), as well as for entire communes (*Ministère de l'Administration Territoriale et de la Décentralisation* 2007).
- *PNGT Documentation:* Almost all the needs assessment surveys generated by Phase I and II of PNGT2, as well as the original PNGT project, include extensive information on land tenure and social organization that can be very useful to the MCA AD, Land Tenure, and Roads projects. Although the PNGT2 did not work in the Sono commune during the second phase, they worked extensively in the adjacent commune of Lanfiera, which includes several AMVS programs.⁵³ The documents generated by these PNGT2 activities are a major source of information for the next phase of Environmental and Social Assessments (and Environmental and Social Management Plans) and Resettlement Action Plans. To date, there has been very little analysis of these historic experiences in relation to the MCA projects. This is social capital that MCA and AMVS need to better exploit for specific regions and communes (rather than for the entire national program).



The Mayor of Lanfiera Commune in front of window of 1173 member (2008) groupement-run savings and credit institution (COOPEC—Coopérative d'épargne et du crédit) de Gouran in Lanfiera. Various activities like this were studied and/or received support under PNGT2 project activities in Lanfiera that can be useful models for the Sono Commune. Photo Credit: D. McMillan, Burkina Faso, March 2008.

4.1.3. Comparison of AMVS Resettlement Policies with World Bank Resettlement Policy and International Norms

Given the fact that two of the pilot communes in the MCA Land Tenure and the two irrigation schemes that are currently scheduled for development under the AD Project are in the Sourou Valley, the second mission reviewed the AMVS (the Sourou Valley Development Authority) policies of past and present (McMillan 2008b). Despite the fact

⁵³ Between 2003 and 2004 the PNGT2 Project supported four diagnostic studies of four different villages in the Lanfiera commune as part of the preparation of the communal development plan, which was completed in 2007.

that AMVS has never developed a program policy for the acquisition and compensation of project affected persons (PAPs), they have integrated the concept of compensation and economic and social rehabilitation into almost all of their older projects (Table 4.4).

These earlier compensation packages have included:

- Giving priority access to people displaced from the land as, well as to the traditional chiefs who have historically had final land allocation authority and
- Some assistance to help households re-establish their living standards (i.e., food assistance for six months, construction materials, and complementary investment in the development of drinking water points, health facilities, and schools). In most cases this assistance to settlers has typically consisted of giving each household head access to cement, 20 roofing tins, and a marked (but not zoned or officially registered) housing plot in a project village (i.e., a newly created village) that was also equipped with improved drinking water points, a health facility, and in many cases even a school. During the context of the times (the 1980s) when many Sourou Valley villages lacked this type of social infrastructure and improved housing, these were substantial improvements.

Given the lack of a cohesive resettlement policy and/or national policy for Burkina Faso, AMVS's policies on its earlier projects was somewhat progressive (Table 4.3).

Table 4.3. History of Major Irrigation Developments in Sourou Valley and their Resettlement and Social Policies, 1967-Present

Major Irrigation Developments in the Sourou Valley						Resettlement and Social Policies							
#	Name and # Ha of the Perimeter ⁵⁴	Construction Start Date	Development Start Date	Organization Responsible for Managing (Cooperative or Private Enterprise)	# HH	% of Displaced Indigenous HH given Farms (start of the project)*	% of Displaced Indigenous HH Still Occupying Farms (2008)*	Traditional Chiefs with Rights to Area given Priority Access to Project Land	Construction Assistance Given? ⁵⁵	Temp Housing Given to HH while they Build their Own Houses?	Temp Food Aid Given for 6 Months?	Temp Stocks of Essential Drugs Provided for 6 Months?	Health Centers, Water Points, and Schools Build in New Project Villages?
1	Niassan 50 ha	1985	1986	CAPIN	63	100%	100%	Yes	Yes	No	No	No	Yes
2	Niassan O. 70 ha	1988	1989	CAPSO	31	20%	10%	Yes	Yes	No	Yes	No	Yes
3	Niassan E. 70 ha	1988	1989	PRIVATE	82	n/a	n/a	n/a	0	0	0	0	0
4	Niassan 500 ha	1992	1993	CANI	272	4%	5%	No	Yes	Yes	Yes	Yes	Yes
5	Niassan 200 ha	1992	1993	PRIVATE	205	n/a							
7	Debe 475 ha	1995	1996	CAD	404	40%	20% ⁵⁶	Yes	Yes	Yes	Yes	No	Yes
	Debe 910 ha	1990:460	1992	SOAMAD	204	10%	UK	Yes	Yes	No	Yes	No	Yes
			1998	SOGCAM	250	100% from the zone and from older irrigated Settlements (notably Guidougou)							
	1995:450	1996	GPCD	20	30%	Don't	Yes	Yes	No	Yes	Yes	Yes	

⁵⁴ AMVS staff usually refer to different perimeters by a geographical referent such as number of ha (e.g., “The 50,” or “the West”—in the case of the second perimeter in this list). To facilitate clear identification of the site, this table uses the name of the closest town, as well as the number of ha and, if relevant, another geographical referent (east/west).

⁵⁵ Provision of roof tins (20), sacks of cement, and a marked (though not registered) housing site in a “new” project village.

⁵⁶ Note: the traditional land chiefs and indigenous inhabitants of the villages of Debe and Gouran received 200 ha of land as farms when the perimeter was first developed. Many of these indigenous inhabitants were forced to leave, however, because of their disrespect for the project’s rules and regulations.

Major Irrigation Developments in the Sourou Valley						Resettlement and Social Policies							
#	Name and # Ha of the Perimeter ⁵⁴	Construction Start Date	Development Start Date	Organization Responsible for Managing (Cooperative or Private Enterprise)	# HH	% of Displaced Indigenous HH given Farms (start of the project)*	% of Displaced Indigenous HH Still Occupying Farms (2008)*	Traditional Chiefs with Rights to Area given Priority Access to Project Land	Construction Assistance Given? ⁵⁵	Temp Housing Given to HH while they Build their Own Houses?	Temp Food Aid Given for 6 Months?	Temp Stocks of Essential Drugs Provided for 6 Months?	Health Centers, Water Points, and Schools Build in New Project Villages?
			1998	PRIVATE	115	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
8	Guidougou 300 ha	1967 : 150	1967	COMPROMA G	500	0% (former settlers from the Office du Niger in Mali)	Original settlers have completely assimilated (considered locals); many of their children have immigrated to other AMVS settlements	No	Yes	No	UK	UK	Yes
9		1983 : 150ha	1984	COMPROMA G	500		Children of settlers in older schemes	No	No	No	No	No	No
	Di 420 ha	1978 : 210 ha 1985 : 210 ha	1979 1986	SOCADI SOCADI	122 (for the 2)	45%	16%	Yes	Yes	No	Yes	No	Yes

Major Irrigation Developments in the Sourou Valley						Resettlement and Social Policies							
#	Name and # Ha of the Perimeter ⁵⁴	Construction Start Date	Development Start Date	Organization Responsible for Managing (Cooperative or Private Enterprise)	# HH	% of Displaced Indigenous HH given Farms (start of the project)*	% of Displaced Indigenous HH Still Occupying Farms (2008)*	Traditional Chiefs with Rights to Area given Priority Access to Project Land	Construction Assistance Given? ⁵⁵	Temp Housing Given to HH while they Build their Own Houses?	Temp Food Aid Given for 6 Months?	Temp Stocks of Essential Drugs Provided for 6 Months?	Health Centers, Water Points, and Schools Build in New Project Villages?
10	Gouran 540 ha	2005 :134	2005	Faso Kadi	261	100% from local villages ⁵⁷	100%	Yes	0	0	0	0	0
11		2005 :203	2005	OES Gouran	12	100% from local villages and/or children of settlers in older schemes such as Guidougou		n/a (agro-business)	0	0	0	0	0
12		2005 :206	2005	Sababouyoum	470			Yes	No (no new villages created)	No	No	No	No
13	Toma Illes 70 ha	2005	2005	CRTO	116	95%	95%	Yes	No	Housing for settlers repatriated from Cote d'Ivoire	No	No	
14	Sono 210 ha	1998	Never completed	Never completed	0								
Total :3818 ha					3127⁵⁸								

*=Rough estimate (no precise data) based on interviews.

Source: AMVS-Ouagadougou, Service Suivi-Evaluation, *Situation de Mise en valeur des périmètres aménagés de la vallée du Gourou en juin 2007* and historic analysis of AMVS projects based on personal interviews by Sidibe Belko, March 16-March 21, 2008.

Acronyms: UK=Unknown.

⁵⁷ Settlers were locally recruited from the villages of Lanfiera. Most of the non-indigenous settlers were recruited from the ranks of older settler households, especially from one of the oldest irrigation-based new settlements, Guidougou.

⁵⁸ Project records show that 3065 of the current registered household heads in these schemes are male and that 42 (1.3%) of the official registered households are women.

Table 4.4. Comparison of Burkina Faso, AMVS, and MCC (OP 4.12) Resettlement Policies

Principles and Policies*	National Policies*		OP 4.12 & MCC Policies*
	General	AMVS	
General Policies			
Land acquisitions (in general)	No explicit policies except for roads	No explicit policies	Compensation for land acquisition and economic rehabilitation of the persons affected by the project required
Minimisation of impact	No explicit policies that require this, but often applied based on rules and regulations of donor	No explicit policies that require this, but often applied on a case-by-case basis	Required policy principle
Vulnerable groups		No specific policies and no examples of any being applied	Additional assistance explicitly provided as required in each individual case
Gender			Particular assistance explicitly provided as required by each group
Land Acquisition Policies			
Land	No explicit policies that require this, but often applied based on rules and regulations of donor	In most cases displaced HHs have priority access to land in the scheme	All land is compensated in-kind or cash
Improvements to land	Must be compensated	No compensation	Must be compensated
Unit values for compensation	Valuation at current market (i.e., depreciated) rates; informal standards	Farm size linked to size of HH labor force	Valuation at current (i.e. undepreciated) market rates
Payment	Cash	Priority access to land (no cash)	Preferably in-kind, also cash, option of the PAP
Consideration of customary land rights	No explicit policy	-Consultation with traditional (e.g. primary) land authorities about opportunities for participation, but not about design -Priority access to project land given to traditional (e.g., primary) landholders	Consultation with traditional authorities having land rights obligatory prior to and during the initial negotiation and design
Policies toward rehabilitation of household living standards		Some assistance with housing, food assistance, and social infrastructure on a case-by-case basis (see Table 2.2)	Necessary to ensure that people restore their pre-project level of living to the extent impacted

Principles and Policies*	National Policies*		OP 4.12 & MCC Policies*
	General	AMVS	
Other Policies			
Participation	No explicit policies that require this, but often applied based on rules and regulations of donor		Full disclosure and consultation required throughout resettlement process
Negotiation			Negotiation by project authority on basis of full information (inventory and unit prices disclosed to PAPs)
Monitoring and evaluation		No HH level M&E data	Necessary to demonstrate that people restore their pre-project level of living to the extent impacted
Grievance procedures		No formal structure for grievances other than forced resignation from project	Informal grievance resolution procedures (village committee, local leaders, project) before resorting to administrative grievance system

*Source: Sterling Merchant Finance LTD. 2007. Pg. 156, Table 4.3 of this report (Research by Sidibe Belko) and Analysis PNGT2 (Table 4.2 of this report).

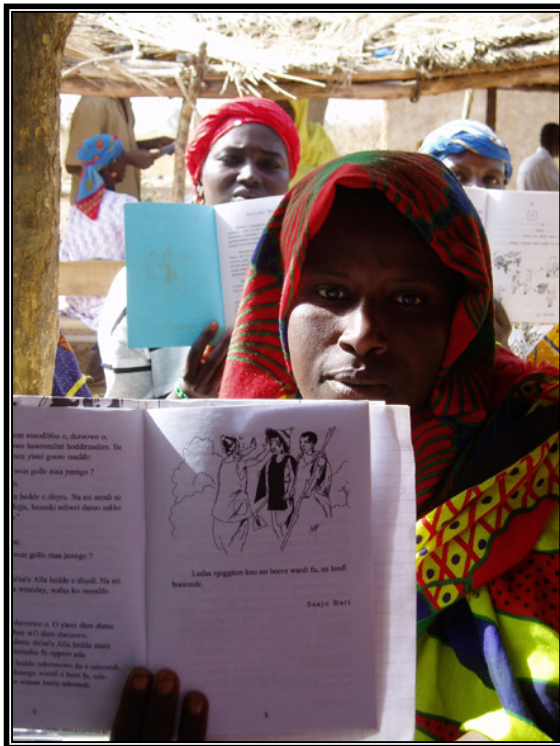
4.2. Cross-Cutting Settlement Issues (the AD and Land Tenure Projects)

4.2.1. Gender

There is a substantial body of literature in Burkina Faso and world wide that shows that both voluntary and involuntary resettlement can have a host of unintended negative consequences for women. To avoid this issue of differential gender impacts, the AD Project has emphasized the need for giving women displaced by irrigation development preferential access to new fields, as well as access to credit and training. MCA's emphasis on gender is laudable. Even more important (and rare) is the fact that they have hired staff to oversee the design, execution, and monitoring of these programs as mandated by OP 4.12.

To date the policy dialogue about gender at MCA has focused on guaranteeing women's access to land. Although this sounds good in theory, the actual implementation of a gender-sensitive land tenure and land allocation policy is difficult and it is insufficient in and of itself to promote gender equity.

- Giving women equal access to land is insufficient to improve their living standards and well being if their weak technical training and organizational capacity make it difficult for them to benefit from project policies.
- Conversely, a number of studies have shown that women's relative status, income, and health improved even when they lost their access to land because the same resettlement increased their access to non-farm income from trade and income generating activities (IGAs).



Women associated with one of the literacy programs sponsored by the Catholic Church in the Sourou Valley. Photo credit: D. McMillan, Burkina Faso, 2008.

Group interviews in both the Sourou Valley and Comoé confirm the point made by Kabré⁵⁹ that women are interested in acquiring registered land parcels in the AD Project and participating in land registration activities being supported by the Land Tenure Project. However, for women to participate in these activities they need help in strengthening their local community organizations. Despite rapid growth in the development of women's groups in the Banfora region over the last ten years, most meetings with male and female stakeholders were strictly segregated by sex. The most active discussions in which women were free to express their ideas and lobby for activities that interested them were in situations where they were members of a recognized *groupement* or association. These *groupements* were not created over night. Most evolved through a long process of on-the-job training to manage a particular type of income generating activity. One strength of Burkina Faso's development

has been the long history of legal texts that support development of and legal recognition of *groupements*, irrespective of sex and political affiliation, dating back to the 1960s under President Lamizana. Groups that build on this legal framework—through literacy training and activities—plant seeds on fertile ground and tend to flourish. One example is the *Association Munyu des femmes de la Comoé* (Munyu Women's Association) in Banfora, which has grown to over 10,000 members in three provinces with 116 correspondents working with over 200 villages in the Banfora region since 1992.⁶⁰

One major strength of the execution of the AD Project and the Land Tenure Project in the Comoé will be the strong base of well-trained field extension agents in that region (Table 4.5). The four agricultural extension agents charged with working in the project areas are women with a combined experience of over 100 years in Comoé (Table 4.5).⁶¹ This sort of well-established knowledge base among key female players is a benefit to the project and should be accessed and consulted whenever possible.

⁵⁹ MCA Gender Reports.

⁶⁰ The association is organized into subcommittees that work with particular groups of activities that they support including non-formal education, girls education, basic literacy, health, promoting women's rights, agriculture and agro-pastoral development, environmental issues, and communication (which includes a large radio station that broadcasts daily).

⁶¹ Unfortunately, we do not have comparable data on the number or experience of female extension or the field agents (male and female) involvement with women farmers for the Sourou Valley.

Table 4.5. Number and Work Load of Ministry of Agricultural and Ministry of Livestock Extension Agents in Villages Slated for Hydro-Agricultural Development by the AD Project

Name of Extension Agent	Sex	MCA Village Covered by Min. of Ag. Extension Agent (RAD Project)	Total Years of Service	Years of Service in Comoé	Years of Service in MCA Villages
Mme, Fayama Tiakoutie	F	Nekanklou, Tengrela, Tienkouna	28	28	8
Mme. Hebie/Somda Mari Emma, Animatrice	F	Sitiena, Diarabakoko, Niarebama	30	30	10
M.Kone Daouda	M	Kossara	35	12	2
Mme Zamba/Souratie Dambo	F	Sitiena, Marabana	32	32	3

4.2.2. Pastoralists

OP 4.12 requires that particular attention be paid “to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation” (World Bank 2001: 4). In contrast to many displaced persons, however, their right to pasture, livestock corridors, and water for their animals is well protected under Burkinabè law (see Annex 2 and 3).⁶² The problem is not the lack of legal recognition of their rights, but as described in the most recent revision of the Burkina Agrarian Reform law, the fact that these rights are not enforced or well-protected (Box 3.1 above).

Since the 1980s, a growing number of Fulani and non-Fulani herders have moved some of their permanent rainy season settlements to the Sourou and Comoé valleys. The river basins pasture and water areas are important year round, but especially in the dry season. Although the Roche Due Diligence on resettlement mentioned the importance of considering the pastoralist issue, there was very little concrete consideration of the special issues related to the pastoralists in the Due Diligence report. This can, in part, be attributed to the fact that the original AD Project proposal did not include a livestock sub-component and there was no livestock specialist on the Roche Due Diligence team.⁶³

⁶² **Decret No. 2007-610/Pres/PM/MAHRH:** (a) Requires that use rights of herders to pasture, water, and corridors be recognized (Orientation 1, Axe 1); (b) clarifies rights to pastoral spaces including livestock routes (*pistes de bétails*) (Orientation 4, Axe 5); (c) requires communes to undertake activities to develop pastoral zones (orientation 4, Axe 5); **RAF 1998: article 201:** For livestock paths and pasture. **RAF 2007(MAHRH 2007: 33-34).** Orientation 1, Axe 1 Orientation 4, Axe 5 (*mesures spécifiques relatives aux espaces pastoraux*). **RAF 1998. Sous-Section II: des terres Pastorales (Article 199-200). Pastorale Code.**

⁶³ Roche. 2007 (Draft). Hydro-Agricultural Projects. Interim Report.

4.2.3. Fuelwood

One indirect consequence of the AD Project's investments will be to accelerate the existing pressure on village fuelwood supplies in the Comoé and Sourou River Basins. This pressure will come from project-sponsored immigration, but even more so from the waves of spontaneous worker and spontaneous agricultural immigrants that are likely to accompany the construction crews. The issue of land use zoning for village forests and fuelwood development needs to be incorporated into the RAPs for each of the irrigated perimeters.

4.2.4. Relocation Support

OP 4.12 states that if the impacts of a project include physical relocation, the Resettlement Action Plan or Resettlement Policy Framework must include measures to assist the resettlement population with re-establishing their previous or a higher standard of living (Box 4.2).

There have been a wide range of settlement models for providing this type of relocation support (see Box 4.3 for three broad categories). Prior to and in conjunction with preparation of the Resettlement Action Plan for the AD Project, MCA needs to step back and realistically assess previous models for spontaneous, assisted, and sponsored settlement in Burkina Faso with a special focus on Sourou Valley and Comoé (see Box 4.3 for a brief overview of these settlement types). One seeming contradiction is that the successful re-establishment of a community is not directly related to the amount of government involvement in key functions such as housing, recruitment, and development of community organizational capacity. Indeed, past experiences in Burkina Faso have shown an almost inverse correlation between government involvement in these functions and long-term economic success.⁶⁴

One major strength of the AD Project design is that it offers MCA the opportunity to develop a settlement model that minimizes direct government involvement in determining recruitment and settlement. The approach is similar to the concept of assisted or directed spontaneous settlement described by Scudder and others (see Goering 1978; Scudder 1981, 1984, and 1985). The terms "directed" and "assisted" refer to the idea of:

- Minimal government involvement in providing basic services and infrastructure to settlers immigrating on their own initiative and
- Strengthening regional-level social, economic, and road services in ways that benefit the indigenous inhabitants, as well as outside immigrants.

⁶⁴ The classic descriptions of settlement types include Christodoulou 1965; Chambers 1969; Nelson 1973; Weitz, Pelley, and Applebaum 1978; Goering 1978; Scudder 1981, 1984, and 1985; Van Ray and Hilhorst 1981; and World Bank 1985. See McMillan, Painter, and Scudder 1992: 17-18 for a general overview of settlement types in the OCP river basins, which share many similarities with the river basins being targeted by the MCA AD Project.

Box 4.2. Excerpts from OP 4.12 Concerning Relocation Assistance

“Where necessary to achieve the objectives of the policy, the Resettlement [Action] Plan or Resettlement Policy Framework also include measures to ensure that displaced persons are:

- i. Offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living and
- ii. Provided with development assistance in addition to compensation measures described in paragraph 6 (a); and such as land preparation, credit facilities, training, or job opportunities.”

“If the impacts include physical relocation, the Resettlement [Action] Plan or Resettlement Policy Framework includes measures to ensure that the displaced persons are:

- i. Provided assistance (such as moving allowances) during relocation; and
- ii. Provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.

Where necessary to achieve the objectives of the policy, the Resettlement [Action] Plan or Resettlement Policy Framework also include measures to ensure that displaced persons are:

- i. Offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living;
- ii. Provided with development assistance in addition to compensation measures...such as land preparation, credit facilities, training, or job opportunities.”

Source: World Bank. OP 4.12. 2007. Pg. 3.

This is an approach that allows planners to build on the recognized strengths (entrepreneurial ability, cash resources, community ties, familiarity with the region, or good relationships with indigenous groups) of spontaneous settlement and to avoid some of the better-documented social, ecological, and economic problems of unassisted spontaneous settlement. It is a development concept that occupies a middle ground between the two extremes of new land settlement that is completely planned (such as the early AVV, *Vallée du Kou*, and most of the previous projects in the Sourou Valley in Burkina Faso) or completely spontaneous (such as the massive spontaneous settlement to the area around Pama, the Comoé, and Kompienga). Priority areas for intervention include:

- Agency assistance with site selection and land tenure rights, as well as the promotion of marketing, roads, and social services;
- The development of viable local organizations at district, settlement area, and village levels that can take an increasing responsibility for maintaining feeder roads and operating and maintaining potable water supplies;
- Upgrading existing market centers (rather than creating instant infrastructure from the start);
- High levels of involvement of the local population in initial soil surveys, mapping, and planning house sites for new settlers moving in; and
- Setting up clear registered land tenure rules and systems for registering land rights and adjudicating disputes.

Box 4.3. Broad Categories of Settlement Types

New lands settlement can be characterized according to the degree of intervention by government in assisting the settlement process.

In **sponsored settlement**, some governments, private sector entities, joint venture land development companies, or NGOs are involved in almost every phase of the development program, including surveying and preparing the land, transferring and installing settlers, and providing them with initial support; formulating and introducing specific production regimes and input packages; implementing such major technical innovations as irrigation, animal traction, and/or mechanized plowing; and providing infrastructural and service support.

In **assisted settlements**, one or more government agencies and/or NGOs provide some basic services and infrastructure for spontaneous settlers who move to the site on their own. One kind of assistance uses investments (e.g., in roads or water points) to attract settlers and guide them to pre-selected areas.

Spontaneous, unassisted settlement refers to immigration and settlement by families without the benefit of formal sponsorship, support, or guidance. Spontaneous settlement typically occurs in sparsely settled areas having little, if any, infrastructure or services or in sparsely settled areas adjacent to sponsored settlements.

Source: McMillan, Painter, and Scudder 1993.

4.2.5. Worker Housing and Access to Land

A fifth cross-cutting issue of the AD Project and rural road construction activities under the AD Project and the MCA Roads Project will be an inflow and outflow of workers during and after the various MCA-sponsored construction activities. The settlement impacts of the different types of workers that are anticipated to arrive are very different.

Formal Workers: The formal workers are those recruited and supported by the construction companies hired by MCA. To ensure quality work and a more regular time schedule, most enterprises negotiate housing, food, and water for their formal workers in advance. A brief review of the long-term impact of worker housing policies during the construction of the Kompienga Dam (1986-1988) shows some of the ways that project investment in worker housing can help develop basic infrastructure of dynamic regional services and market centers (Ouédraogo 2008).⁶⁵

Informal Workers: The informal workers will be attracted by day labor jobs (paid in cash) and the prospect of receiving food, goods, and services designed for the anticipated influx of formal workers and settlers. The informal workers typically live off the land, creating squatter settlements and clearing the remaining forest cover around major administrative centers. Past research in Burkina Faso and experience has shown that the ratio of informal to formal workers is usually well over three to one. Unless project's anticipate the influx of informal workers—and direct it—they can be quickly inundated.

These issues need to be addressed in the SA (Social Assessment) of the ESIA with appropriate remedial actions (Box 4.4). Although the issue of construction impacts is

⁶⁵ One of the Due Diligence case studies that will be translated and included in a future report.

addressed by OP 4.12 (resettlement issues), it doesn't layout the project cycle or deal with non-resettlement issue. A better guide would be the IFC social and environmental guidance.⁶⁶

Box 4.4. Common Social Impacts During and After Construction

During Construction (Impact of influx of laborers looking for work):

1. Rental housing market for workers and prospective workers (i.e., rent may be new concept, but rental price goes way up);
2. Housing shorting (because employees can outbid anyone else);
3. Anarchic construction as people put up sheds for rental and for businesses;
4. Unplanned (uncontrolled) business areas to cater to the new population, which includes bars and brothels, with all the associated problems;
5. Food prices increase in market (if isolated area with poor transport) because of increased population; and
6. Spot shortages (vegetables and eggs are commonly short; basic grains if merchants start hoarding in anticipation of price increases).

The remedial actions are effective zoning and policing (with fines), hiring laborers off-site only (not in villages abutting construction site), provide housing for formal workers, minimal dependence on local market for food purchases, and require subcontractors to abide by contractor's rules.

Once Construction at a Specific Site Ends:

1. Out-migration of some labor (but not everyone);
2. Loss of jobs;
3. Decline of economy; and
4. Increase in anti-social behavior (e.g., alcoholism, wife abuse, and child abuse).

The remedial actions are arrange for best employees to move to new construction sites; hire some of the contractor/sub-contractor staff as guards, policemen, and gardeners; and put vocational education programs in place.

Source: Personal communication, Gordon Appleby, April 21, 2008.

4.3. Cross-Cutting Recommendations (for the AD and Land Tenure Projects)

Cross-Cutting Recommendation 1: Continue MCA's existing support to government reflection on women's land tenure rights as is already mandated by the Land Tenure Project. Even though this is an existing focus of the project, it is important to re-emphasize its need as a complement to the four types of capacity building envisioned under Orientation 2 of the October 2007 Land Tenure Decree.⁶⁷

⁶⁶ IFC (International Finance Corporation). 2006. International Finance Corporation's Performance Standards on Social and Environmental Sustainability. Washington, DC: IFC.

⁶⁷ MAHRH 2007: 42. The decree emphasizes the importance of: (1) building capacity of local institutions for land tenure/land management; (2) involving local authorities in land tenure /land management; (3) clarifying local rules for rural land tenure/land management; and (4) anticipating the need for new methods and investments to support creation of legitimate village and inter-village land tenure/land management institutions (informal translation for this report).

Cross-Cutting Recommendation 2: Put greater emphasis on strengthening capacity of new and existing women's organizations in areas where both projects intervene in order to orchestrate women's informed participate in MCA programs.

Cross-Cutting Recommendation 3: Whenever possible, work through the pre-existing network of groupements, associations, literacy training, and crop and livestock extension services.

Cross-Cutting Recommendation 4: Consider the direct and indirect impact of all project activities on seasonal and permanent herder activities.

The chief recommendations (already outlined in the recommendations for the AD Project) for ensuring that settlement issues raised by displacement of pastoralists caused by the AD Project comply with World Bank OP 4.12 are:

- Strengthen the consultation process between the project and existing herder *groupements* and associations (AD Recommendation # 2);
- Ensure that this process compensates pastoralists for their loss of pasture and protects the remaining pasture areas by appropriate land use zoning and displacement of agriculturalists from these areas (AD Recommendation # 3); and
- Ensure that both of these recommendations, as well as the current AD Project recommendation for offering pastoralists the option of resettlement in the irrigated area or in a highland 10 ha mini-ranch, are incorporated into the Resettlement Action Plan for the irrigation development activities of the AD Project.

Cross-Cutting Recommendation 5: Support village delineation and management of community forests through the Land Tenure Project Activity 3 (Form 8) and the AD Project RAP in collaboration with the appropriate regional offices of the Ministry of Environment.

Recommendation 6: Accommodate new settlers by promoting "assisted spontaneous settlement" (i.e. site and services development of new sites within existing villages). The genius of the AD Project design is that most elements of the assisted settlement model are in place. This was no doubt influenced by the fact that several MCA leaders were trained and/or spent major parts of their career dealing with the later models of assisted and spontaneous settlement that were developed by the AVV. Since the AVV was not active in either Sourou or Comoé, this is an alien concept to both areas.

Both areas will require a period of intensive public awareness-building and consultation to understand the type of assisted settlement in existing villages that MCA is likely to promote. This is because almost all the earlier settlement schemes in the Sourou Valley⁶⁸

⁶⁸ Almost all the earlier settlement schemes in the Sourou Valley used a heavy, top-down model of government-sponsored settlement that included government constructed transition housing (*trame d'accueil*). The *trames d'accueil* (which were often motivated by donor attempts to be generous) created lots of downstream issues for the OMVS, project beneficiaries, and indigenous inhabitants that did not benefit from the services. Despite these problems—which were well documented almost from the start—each successive project continued to repeat the mistakes of its predecessor.

used very top down models of sponsored settlement. In contrast, almost all the outside settlement in the Comoé⁶⁹ was completely spontaneous, with almost no outside assistance or support to the people moving to the area. To facilitate better understanding of the model, MCA might consider organizing some exchange visits of Comoé and Sourou Valley village leaders to observe some of the older assisted settlement programs in Ganzourgou. Care must also be taken to ensure the maximum participation of the indigenous inhabitants in both areas in determining settlement sites and land use zoning to accommodate the influx of sponsored and non-sponsored (i.e., spontaneous) settlers that are likely. Innovative programs that offer incentives to indigenous inhabitants (e.g., wells, more rapid land use zoning, improvements in pasture zones, and sponsored training) should increase local people's willingness to delineate housing sites for outsiders and facilitate peaceful incorporation of immigrants with local people, which is necessary for sustainable long-term development.

Cross-Cutting Recommendation 7: Ask the private companies who contract with MCA to develop the basic irrigation and roads infrastructure to incorporate measures that will enhance the developmental impact of their investment in basic infrastructure (i.e. water points, schools, housing, health facilities) in the base camps.

Cross-Cutting Recommendation 8: Ask the mayors in the 47 communes that will eventually be included in the MCA Land Tenure Project to play an active role in determining the location of markets that are likely to spring up along roads. Although the markets serve workers, too many markets in uncontrolled locations can become a traffic hazard, as well as an impediment to construction.

Cross-Cutting Recommendation 9: Facilitate the communes that are included in the Land Tenure Project delineating special areas (on their communal land chart) that can be used for construction of informal worker housing in an attempt to minimize spontaneous occupation (and destruction) of the surrounding wooded areas.

⁶⁹ Outside immigration has for the most part been orchestrated through indigenous leaders charged with land management. There has been almost no sponsored settlement outside the sugar plantation worker recruitment (Roche 2007).

Annex 1. Summary Recommendations from Settlement Review ESA Mission (AD and Land Tenure Projects)

Recommendations	Resettlement Action Plans (RAP)			Environmental and Social Impact Assessment (ESIA)/Environmental Management Plan (EMP)			Critical Post-Signing, Pre-EIF Resettlement Planning Need
	AD	Land Tenure	Rural Roads	AD	Land Tenure	Rural Roads	
Agricultural Development (AD) Project—Diversified Agriculture (Activity 1.3)							
Recommendation 1: Accelerate Project Collaboration with Communes (through Land Tenure Project) for Developing Land Use Plans as part of Resettlement Action Plan	X		X				
Recommendation 2: Strengthen Ministry of Livestock and local NGO's ongoing efforts to build capacity and gain official recognition of the numerous livestock <i>groupements</i> in the Banfora,* Di, and Sono communes.	X						
Recommendation 3: Create a Fund for Compensating Persons Displaced through Community Based Land Tenure Programs (<i>Fond pour l'indemnisation des déplacements liés à la sécurisation foncière</i>) in collaboration with MCA-funded Land Tenure Project.	X						
Recommendation 3.a: <i>Physical creation of a budget line.</i>	X						
Recommendation 3.b: <i>Create a mechanism for ensuring that this fund is only used to compensate persons displaced by participatory land use management and that it is harmonized with other national efforts.</i>	X (focused on pasture and livestock corridors)						
Recommendation 4: Strengthen the existing checklists developed during Due Diligence to better identify community social structures and gender differences in market issues and priorities.				X			
<i>4.a: Strengthen the checklist</i>				X			
<i>4.b: Anticipate gender biases in identifying issues and priorities</i>				X			
Recommendation 5: Strengthen Commune Capacity to Anticipate and Manage Settlement Impacts of Road and Irrigation Infrastructure Construction as part of Commune Land Use Planning Process.	X			X		X	

Recommendations	Resettlement Action Plans (RAP)			Environmental and Social Impact Assessment (ESIA)/Environmental Management Plan (EMP)			Critical Post-Signing, Pre-EIF Resettlement Planning Need
	AD	Land Tenure	Rural Roads	AD	Land Tenure	Rural Roads	
Recommendation 6: Anticipate Need to Strengthen Emerging Markets and Track Size and Activity of Area Markets on a Regular Basis.				X			
Land Tenure Project (all 10 forms)							
Recommendation 1: Develop a Process for Reviewing Settlement Impacts of Communal Building Sub-Projects by Strengthening Existing Environmental ESA Checklists for Communal Building Sites					X		
Recommendation 2: (Same as AD) Create a Fund for Compensating Persons Displaced through Community-Based Land Tenure Programs (<i>Fond pour l'indemnisation des déplacements liés à la sécurisation foncière</i>) in Collaboration with MCA-Funded Land Tenure Project.	X				X		
Recommendation 2.a: (Same as AD) Physical creation of a budget line.					X		
Recommendation 2.b: (Same as AD) Create a mechanism for ensuring that this fund is only used to compensate persons displaced by participatory land use management and that it is harmonized with other national efforts.					X		
Recommendation 3: Clarify Settlement Issues in the Eight Non-AD Project Areas Included under Form 9 of Land Tenure Project.							X
Recommendation 4: Work with Key Regional and National Actors to Develop a Harmonized Approach for Regularizing Land Tenure Issues in 8 Older Schemes.							X
Recommendation 5: Ensure that all Communes with Schemes Covered by Form 9 are Included as Pilot Communes.					X		

Recommendations	Resettlement Action Plans (RAP)			Environmental and Social Impact Assessment (ESIA)/Environmental Management Plan (EMP)			Critical Post-Signing, Pre-EIF Resettlement Planning Need
	AD	Land Tenure	Rural Roads	AD	Land Tenure	Rural Roads	
Recommendation 6: Facilitate Delineation of Commune Boundaries with Classified Forests and Protected Wildlife Areas in Collaboration with Appropriate Regional Offices of Ministry of Environment.	X			X	X		
Recommendation 7: Facilitate Delineation of Pasture Zones and Livestock Corridors in Connection with Activities Supported under Form 8.				X	X		X
Recommendation 8: Strengthen Capacity of Regional Offices of Ministry of Livestock to Build Capacity of Herder Organizations (<i>groupements</i> , associations, <i>fédérations</i>).	X			X	X		
Cross-Cutting Questions in SOW (AD and Land Tenure Project)							
Cross-Cutting Recommendation 1: Continue MCA's Existing Support to Government Reflection on Women's Land Tenure Rights as is Already Mandated by Land Tenure Project.					X		
Cross-Cutting Recommendation 2: Put Greater Emphasis on Strengthening Capacity of New and Existing Women's Organizations in Areas where Both Projects Intervene in Order to Orchestrate Women's Informed Participation in MCA Programs.	X			X	X		
Cross-Cutting Recommendation 3: Whenever Possible, Work through Pre-Existing Network of <i>Groupements</i> , Associations, and Literacy Training, Crop and Livestock Extension Services to Build Women's Capacity.	X			X	X		
Cross-Cutting Recommendation 4: Consider Direct and Indirect Impact of all Project Activities on Seasonal and Permanent Herder Activities.	X	X	X	X	X	X	

Recommendations	Resettlement Action Plans (RAP)			Environmental and Social Impact Assessment (ESIA)/Environmental Management Plan (EMP)			Critical Post-Signing, Pre-EIF Resettlement Planning Need
	AD	Land Tenure	Rural Roads	AD	Land Tenure	Rural Roads	
Cross-Cutting Recommendation 5: Support Village Delineation and Management of Community Forests through the Land Tenure Project Form 8 Activities and the AD Project RAPs.				X	X		
Cross-Cutting Recommendation 6: Accommodate New Settlers by Promoting Assisted Spontaneous Settlement (i.e., site and services development of new sites within existing villages).	X		X	X		X	
Cross-Cutting Recommendation 7: Ask the Private Companies who Contract with MCA to develop the Basic Irrigation and Roads Infrastructure to Incorporate Measures that will Enhance the Developmental Impact of their Investment in Basic Infrastructure (i.e. water points, schools, housing, health facilities) in the base camps.						X	
Cross-Cutting Recommendation 8: Ask Mayors in the 47 Communes that will Eventually be Covered by the MCA Land Tenure Project to Play an Active role in Determining Location of Markets that are Likely to Spring up Along Roads.						X	
Cross-Cutting Recommendation 9: Facilitate Communes that are Included in Land Tenure Project Delineating Special Areas (on their communal land chart) that can be used for Construction of Informal Worker Housing in an Attempt to Minimize Spontaneous Occupation (and destruction) of Surrounding Wooded Areas.						X	

Annex 2. ESA Due Diligence Questions on Resettlement for MCA Land Tenure Project

MCC ESA Due Diligence Questions	Activity 2: Support Institutional Development and Capacity Building	Activity 3: Site Specific Interventions to Improve Land Tenure and Management	
	Form 6 Installation of SFR in Selected Communes (in 17 pilot communes & 30 other communes)	Form 8 Land Use Planning and Management in Selected Rural Communes	Form 9 Secure Land Rights in and Around Selected New and Existing Agro-Pastoral Projects: (a) New MCA-funded Irrigated Perimeters (b) Existing Irrigation Perimeters (c) Existing Pastoral Schemes
1. Does this project require any physical or economic resettlement including temporary relocation or loss of access due to construction activities, for example?	Limited permanent construction and cultivation on sites proposed for commune buildings based on the ESA review of 17 pilot communes. ⁷⁰	Some indirect displacement anticipated from community-based land management activities that project will strengthen through these activities.	By category (below):
(a) New MCA-Funded Irrigated Perimeters			Some displacement likely to result from the delineation of protected areas (pasture, livestock corridors, community forests) in connection with creation of two irrigated perimeters as part of MCA AD project. The resettlement associated with this will be managed as part of the AD Project Resettlement Action Plan (RAP).
(b) Existing Irrigation Perimeters			Some indirect displacement—to other sites within the same scheme—may result from regularizing earlier land registration attribution errors (initial and over time) through cooperatives or <i>groupements</i> that manage schemes (to be monitored as part of ESIA/EMP).
(c) Existing Pastoral Schemes			Extensive displacement of people from designated pasture and livestock corridor areas likely to result from clarifying and marking the original

⁷⁰ Unlikely to ever constitute principal source of income for household or individual.

MCC ESA Due Diligence Questions	Activity 2: Support Institutional Development and Capacity Building	Activity 3: Site Specific Interventions to Improve Land Tenure and Management	
	Form 6 Installation of SFR in Selected Communes (in 17 pilot communes & 30 other communes)	Form 8 Land Use Planning and Management in Selected Rural Communes	Form 9 Secure Land Rights in and Around Selected New and Existing Agro-Pastoral Projects: (a) New MCA-funded Irrigated Perimeters (b) Existing Irrigation Perimeters (c) Existing Pastoral Schemes
			boundaries of house and cultivation sites and protected pasture, livestock corridors, and forest areas in these older projects.
2.a. What are the country's related regulations and safeguard processes?	<p>Law #014/96/ADP, Articles 7, 8, & 38</p> <p><i>Urban Code, Titre IV, des modes d'acquisition foncière en vue d'aménagement et des réserves foncières. Section II : des Etapes de la restauration immobilière.</i></p> <p>Urban Code: Loti (zoned): -w/title: If someone is displaced from a lot for which she/he has a registered title they have the right to be compensated by an equivalent parcel plus for the cash value of the investments that she/he has made on the land. -w/o title: If the person does not have a registered title, they have no right to compensation if</p>	<p>For community based land management in general: RAF Orientation 1 (Axes 1-4) (MAHRH 2007: 32-41.</p> <p>For community based land management of protected Forest and Wildlife Areas: RAF 2007, Orientation 4, Axe 4.</p> <p>For community use of classified forests (in renewable ways) RAF 1998: Article 284.</p> <p>For livestock paths and pasture. RAF 1998: article 201.</p> <p>No compensation for displacement under Burkinabè law for displacement unless</p>	

⁷¹ Code de l'urbanisme, chapitre III.

⁷² This point (from interviews during Due Diligence) does not fit with text reviews conducted by Sterling Merchant Finance Ltd. (2007) and Roche (2007) and needs to be reviewed.

MCC ESA Due Diligence Questions	Activity 2: Support Institutional Development and Capacity Building	Activity 3: Site Specific Interventions to Improve Land Tenure and Management	
	Form 6 Installation of SFR in Selected Communes (in 17 pilot communes & 30 other communes)	Form 8 Land Use Planning and Management in Selected Rural Communes	Form 9 Secure Land Rights in and Around Selected New and Existing Agro-Pastoral Projects: (a) New MCA-funded Irrigated Perimeters (b) Existing Irrigation Perimeters (c) Existing Pastoral Schemes
	displaced from land in a zoned area since their occupation of the area is considered illegal. ⁷¹ Non-Lotis (non-zoned): If someone is displaced from a lot in an area that is NOT zoned, they should be compensated with an equivalent parcel plus for the cash value of the investments that she/he has made on the land. ⁷²	occupant holds a registered title.	
(a) New MCA-funded Irrigated Perimeters			RAF 2007 (MAHRH 2007: 43) Orientation 3: Axes 1-3.
(b) Existing Irrigation Perimeters			RAF 2007 (MAHRH 2007: 54). Orientation 3: Axes 1-3.
(c) Existing Pastoral Schemes			RAF 2007 (MAHRH 2007: 33-34). <i>Orientation 1, Axe 1 Orientation 4, Axe 5 (mesures spécifiques relatives aux espaces pastoraux).</i> Pastoral Code RAF 1998. ⁷³ <i>Sous-section II: des terres Pastorales (Article 199-200).</i>
2.b. Comparison of Burkinabè laws with WB resettlement policy and international norms.	OP 4.12 requires compensation to HHs with registered title, as well as illegal occupants (without registered title).	Although not required by Burkinabè law, most community based land management programs are charged (by	<u>Pastoralists</u> : Many Burkinabè laws are designed to protect pastoral populations' rights. OP 4.12 discusses the need to identify and assist vulnerable groups.

⁷³ *Textes Portant Réorganisation agraire et foncier. Loi No 014/96/ADP du 23 Mai 1996 and Décret 97-054/PRES/PM/MEF du 06 Février 97. Edition Novembre 1998.*

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		donors, including the World Bank) with negotiating compensatory land for people displaced by land use zoning. Previous projects have often lacked budget lines for developing compensatory land. This has resulted in many people refusing to move from areas zoned for other purposes.	<u>State Schemes</u> : Burkina laws do not require compensation from state land (i.e., land with state invested improvements); OP 4.12 requires compensation.
3. What is the scale of resettlement: No. of people or households affected and how many require actual physical relocation versus compensation for partial loss of land?	Minimal direct displacement --TBD if the 17 pilot communes had cultivation plots; ⁷⁴ and --TBD if the 17 pilot sites have any sort of construction on the proposed sites. -To minimize resettlement, most pilot communes have identified building sites in the town area zoned for administrative purposes or (for towns that are not yet zoned) in areas where there was no construction or cultivation.	Small amounts of displacement may be required by land use zoning to protect collective areas for pasture, livestock corridors and forestry. ⁷⁵ In contrast, the delineation of private cultivation or intensive livestock production areas is not likely to require displacement since the land will already be occupied by those submitting the claim for registration.	
(a) New MCA-Funded			Limited permanent or seasonal housing in areas

⁷⁴ Quinn, L. 2008. Annex A.

⁷⁵ PNGT2 estimates that on average 20 percent of collective area was occupied at the time of land use zoning.

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Irrigated Perimeters			likely to be selected for pastures near sites proposed for Kouri and Di irrigation schemes.
(b) Existing Irrigation Perimeters			Extensive attribution efforts, but policies emphasize regularization and in-kind compensation within the scheme so little physical displacement is envisioned.
(c) Existing Pastoral Schemes			Fairly extensive relocation of households cultivating and/or living in protected (i.e., pasture) areas is likely once project's originally pasture and homestead areas are clearly identified and delineated.
4. How has the consultation on relocation been managed?	Since Mars 2007, the MCA expert in rural development (Zongo), as well as other consultants engaged by MCA (I. Zerbo), have engaged in a highly participatory process of determining which communes would be included in the project. In the process, all mayors were informed of MCC policies for resettlement. ⁷⁶	Since these two forms were added later than the others (in June 2008), the consultative process is less advanced. To date, there has been little consultation, about the resettlement issues associated with other aspects of the project (i.e., land use zoning and registration of rainfed and irrigated areas).	
5. How are the processes for resettlement and/or	MCA is revising the initial environmental checklist that was	The proposed process for land use zoning and demarcation is	

⁷⁶ Both ESA consultants (Quinn and McMillan) were impressed by the 17 mayors of pilot communes (interviewed by Quinn) and the four mayors of pilot communes (interviewed by McMillan) by their understanding of MCC guidelines on resettlement and their determination to minimize involuntary land taking.

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compensation for public taking of land for public good land conducted?	used to review the commune building sites to include various social variables. This revised checklist will provide the basis for MCA to determine whether or not a site-specific RAP will be needed before the sub-project (i.e., building) is approved.	orchestrated by the CVD in specific villages with support from the mayor's office. If this committee decides to delineate a new or existing collective area (e.g., for village forestry, pasture, or livestock corridors), they are required to find compensatory land that is of equivalent or greater value than the land being taken from the displaced households. They are also required to compensate the displaced households for any housing or crop losses. MCA is in the process of determining the matrix that will be used to determine this compensation. ⁷⁷	
(a) New MCA-Funded Irrigated Perimeters			Under Burkinabè law, the state can requisition land for new irrigated perimeters. If a displaced person does not qualify for land in the new project (either because they do not meet the minimum labor requirement or they are unwilling to respect the rules and regulations of the scheme), they are

⁷⁷ A good model for this type of matrix is the one developed by PNGT2 (see ERM 2003b: 16-20).

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			<p>not entitled to another form of compensation.</p> <p>MCA is offering three “in-kind” options to displaced HHs: (a) priority access to a new irrigated farm the size of which is determined by their labor force; (b) priority access to a “highland,” non-irrigated farm (10ha) for intensive livestock production; and (c) (possibly in the case of vulnerable households not interested in either a or b) priority access to funding for a non-agricultural income generating activity.</p>
(b) Existing Irrigation Perimeters			<p>Burkinabè law does not require compensation if a person or HH is occupying a registered parcel on a state scheme illegally and/or not respecting the <i>cahier de charges</i>. In the past, however, the procedures for registering parcels were laborious and expensive. The MCA Land Tenure Project plans to regularize (i.e., officially delineate and register) the project beneficiaries’ permanent land claims, as well as the claims of people who are renting from people who may or may not have official land claims. This process will be conducted through the official administration and land attribution committees (when they exist). The project anticipates requiring anyone displaced to be reinstated in an equivalent or better plot on the same scheme.</p>

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(c) Existing Pastoral Schemes			Burkinabè law does not require compensation if a person or HH cultivating a registered parcel or installed in a registered pasture area illegally and/or not respecting the <i>cahier de charges</i> . The process for delineating and registering land claims will be conducted through the existing administrative structures and producer organizations. HHs that occupy land illegally and who do not qualify for the scheme (either because of labor shortages or their unwillingness to conform to the cahier de charges) must be offered compensatory non-project land of equivalent or higher value outside the scheme.
6. How is the valuation for compensation determined? Will it be in cash? How will it be	(a) MCA anticipates hiring a private consulting firm to manage the compensations after the entry in force of the Compact agreement	The revised project design includes a fund that can be used to develop compensatory land for HHs displaced by the project	<u>New MCA funded Irrigated Perimeters</u> : N/A <u>Existing Irrigation Perimeters</u> : The project administration working with the project attribution

⁷⁸ This compensation matrix describes the type of loss (loss of agricultural land, loss of residential buildings and structures, temporary loss of land, loss of business buildings and structures, loss of other assets, loss of non-productive fruit and shade trees, loss of access to resources, etc.), the compensation approach, the compensation mechanism, the proposed implementation of the compensation, and the process for monitoring and evaluation the execution and impact of the compensation.

⁷⁹ Several national-level specialists interviewed in the course of the second mission recommended that the newly created commune development fund could be a useful mechanism for transferring funds for improving/developing compensatory land for households displaced by land use zoning (*Ministere de l'Administration Teritoriale et de la Decentralisation 2007*).

⁸⁰ This price (using local equipment is for land clearance and first plowing (60,000 FCFA/ha) plus the creation of two manure pits per hectare for a total cost of 90,000 FCFA/ha.

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<p>delivered? Gender-disaggregated approach? If compensation is equivalent property, what is the status and process for obtaining land for the new property and formally recording rights to it?</p>	<p>to work with the mayors in the pilot communes on development and execution of compensation process.</p> <p>The project is in the process of determining a compensation matrix. There are two widely known compensation matrices: one developed by the Ministry of Environment and a second developed by PNGT2 (see ERM 2003b: 16-20).⁷⁸</p> <p>(b) Burkina’s urban code recommends a standard committee for overseeing this type of compensation.</p> <p>(c) To ensure that gender issues and the rights of vulnerable groups are considered, MCA is recommended (at a minimum) that a regional representative from the Ministry of Social Action be added to the compensation committee. Mayors will be encouraged to promote gender balance in</p>	<p>sponsored land registration activities.⁷⁹ The new PNGT2 project (Phase 2) budgets 90,000⁸⁰ FCFA/ha for the development of compensatory rainfed land and uses a standard matrix (ERM 2003c: 16-19) to calculate the costs of in-kind compensation to the displaced HHs.</p>	<p>committees (when they function) will determine HH eligibility for an alternative plot within the scheme if the land registration process requires them to relocate from the plot they currently occupy.</p> <p><u>Existing Pastoral Schemes:</u> The project administration working with the project attribution committees (when they function) will determine HH eligibility for an alternative plot within the scheme if the land registration process requires them to relocate from the plot they currently occupy. HHs that are deemed ineligible for project land, are entitled to compensatory land outside the project area. The cost of developing compensatory land will be paid for by the Land Project fund created for this purpose at an estimated price per hectare.</p>

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	recruitment for the committee. (d) <i>Crops</i> : Current plans are that compensation will be for the cash equivalent of two years of crop revenues at peak prices based on average yields per ha and retroactive price data for the zone (e) <i>Housing</i> : In the rare case that an actual physical relocation is required, the individual will be: (b.1) given an equivalent amount of <i>lotis</i> (registered) land; (b.2) given financial compensation for her/his investment in the housing (in cash).		
7. What is the [MCA] policy towards people who are illegally on the land (i.e., do not have the title or other valid right of occupancy or use)?	MCA policy is that all individuals—even those that illegally (i.e., those who do not have formal title) occupy administrative land in zoned areas—have the right to compensation for any negative economic impacts caused by the project sub-activities.		
(a) New MCA-funded Irrigated Perimeters			Any individual displaced has the right to compensation in the form of land in the scheme or (in the case of pastoralists) an intensive livestock farm in a highland (non-irrigated) area. It is possible that vulnerable households (who do not qualify and/or desire either type of farm) might

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			qualify for start-up capital to launch a non-agricultural income generating activity.
(b) Existing Irrigated Perimeters			Project policies call for finding compensatory land and/or regularizing the claims of individuals who occupy land without having the ultimate legal right to the land in these schemes.
(c) Existing Pastoral Schemes			Project policies call for working with local authorities to find compensatory land for individuals who are farming in land reserved for the scheme and/or who are not members of the pastoral schemes being delineated by the project.
8. Are there Resettlement Action Plans or equivalent?	MCA is in the process of revising the checklist that was developed during the initial environmental ESA. This revised checklist will provide MCA with a formal structure for reviewing the site to determine whether or not a site-specific RAP will be needed before the sub-project (i.e., building) is approved for construction. The process of preparing site-specific RAPs will be easier because the project is developing and will already have in place a Resettlement Policy Framework (currently under	Based on the MCA Resettlement Policy Framework (currently under development) and the precedent set by the national PNGT2 program, all households that suffer from a negative economic impact because of community-based land use zoning to protect collective areas are entitled to in-kind compensation of equivalent or better land (ERM 2003 a,b,c).	

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	development by MCA).		
(a) New MCA-Funded Irrigated Perimeters			Given the critical role this community-based registration plays in execution of the scheme these activities will be incorporated into the AD RAP.
(b) Existing Irrigation Perimeters			A revised version of the environmental and social checklist being developed for the communal buildings component of the project will be developed for existing irrigation perimeters and pastoral schemes. This checklist will provide a basis for MCA to determine whether or not a RAP is needed.
(c) Existing Pastoral Schemes			
9. Who in the government has overall responsibility for management of resettlement/relocation issues and managing the relocation and resettlement process?	Direct responsibility for execution of the resettlement/relocation process is vested in elected mayors ⁸¹ and the committee mandated under the Ministry of the Economy and Development (MEDEV) code for Communal development planning. (MEDEV n.d.: 24-32). ⁸² National oversight for resettlement and relocation issues is vested in	The Village Development Councils (CVD) (RAF 1998: articles 138-140) with specialized sub-committees (for livestock, forestry, etc.) with support from the elected mayors of the communes. <i>Loi No. 055-2004/AN, collectivités territoriales</i> , Article 18, Paragraph 1 (urban commune), Paragraph 2 (rural	

⁸¹ Source Urban Code,(Code de l'Urbanisme et de la Construction au Burkina Faso) Sections IV and V.

⁸² Ministère de l'économie et du développement (MEDEV). N.d. Comment Elaborer un Plan Communal de Développement (PCD). Guide Méthodologique de Planification Locale. Réalisé par la DGAT/DLR avec l'appui technique et financier du PNGT2/PACGL.

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	<p>several groups including: the Ministry of Social Action (for vulnerable groups) and the Territorial Administration.</p> <p><i>Loi No. 055-2004/AN, collectivités territoriales</i>, Article 18, Paragraph 1 (urban commune), Paragraph 2 (rural commune).</p> <p>Article 86, 88, 89 (land management and authority to attribute land rights)</p> <p>Articles 255-286 functions of mayor and mayor's <i>adjoint</i>.</p>	<p>commune).</p> <p>Article 86, 88, 89 (land management and authority to attribute land rights)</p> <p>Articles 255-286 functions of mayor and mayor's <i>adjoint</i>.</p>	
(a) New MCA–Funded Irrigated Perimeters			AMVS (for the new Di and Kouri Irrigation Schemes)
(b) Existing Irrigation Perimeters			The project administration and land attribution committees (when they function). Under the new democratic structures in Burkina, the local producer groups are likely to play a much greater role than in the past.
(c) Existing Pastoral Schemes			<p><i>Sondre Est</i> : TBD.</p> <p><i>Nouhao: Commission d'attribution. Ministère des Ressources Animales 2001 : 11, Article 11 Cahier de charges.</i></p>

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			Under the new democratic structures in Burkina, the local producer groups are also likely to play a much greater role in managing relocation than in the past.

Sources:

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Annex 3. ESA Due Diligence Questions on Resettlement for the AD Project

MCC ESA Due Diligence Question	1.1. Water Mgt.& Irrigation	1.2. Rural Roads & Other Infrastructure		1.3. Diversified Agriculture	
			1.2.4. Livestock Corridors on Scheme	Activity No. 1.3.1.3. Communal Pastures	Activity No. 1.3.2.3. Improvements to District Markets
1. Does this project require any physical or economic resettlement, including temporary relocation or loss of access due to construction activities for example?	(a) Displacement of fields including women's rice fields ⁸³ (b) Displacement of rainy season pasture.	N/A ⁸⁴	Two types of involuntary land taking are likely to occur as a result of these activities. (a) The displacement caused by the livestock corridors that are an integral part of the scheme design cannot be dissociated from the displacement caused by the creation of the irrigated	Small amounts of displacement may be required by land use zoning to protect collective areas for pasture.	Minor dislocation and negative economic impact due to renovations.

⁸³ See Roche for estimates (Jay 2007).

⁸⁴ Non-applicable. No longer an issue since MCC is only funding the studies needed to develop rural roads eventually and not the actual roads.

MCC ESA Due Diligence Question	1.1. Water Mgt.& Irrigation	1.2. Rural Roads & Other Infrastructure		1.3. Diversified Agriculture	
			1.2.4. Livestock Corridors on Scheme	Activity No. 1.3.1.3. Communal Pastures	Activity No. 1.3.2.3. Improvements to District Markets
			perimeters. (b) Small amounts of displacement may be required by land use zoning to protect livestock corridors that connect to the corridors in the scheme and pastures (Activity 1.3.1.3).		
2. a. What are the country's related regulations and safeguard processes?	Law No.014/06/ADP of 23/5/96 and its application decree 97-054/PRES/PM/MEF of 06/02/97	Law No. 014/96/ADP of May 1996 ⁸⁵ Law No. 014/96/ADP of 6 February 1997 Decree No. 2000-268 concerning the definition and	Pastoral Code Decree No. 2007-610/Pres/PM/MAHRH: (a) Requires that use rights of	Urban Code, Section II, Articles 124-148 allows the urban	

⁸⁵ See Sterling Merchant Finance Ltd. 2007. Final Report. Part I-Due Diligence of Burkina Faso Roads Proposals. Pg:152.

⁸⁶ See Sterling Merchant Finance Ltd. 2007: 153

⁸⁷ « Les droits à protéger au même titre concernent aussi, l'accès des aux ressources naturelles dites pastorales, c'est-à-dire celles utilisées aux fins d'exercice des activités pastorales. ...il s'agit surtout de la reconnaissance et de l'organisation d'un droit d'accès partage a une même ressource par différentes catégories d'utilisateurs (agriculteurs, éleveurs, pêcheurs, exploitants forestières. La garantie des droits d'exploitation au profit des pasteurs inclut la préservation de la mobilité des animaux à des fins de transhumance. » Pg. 33.

MCC ESA Due Diligence Question	1.1. Water Mgt.& Irrigation	1.2. Rural Roads & Other Infrastructure		1.3. Diversified Agriculture	
			1.2.4. Livestock Corridors on Scheme	Activity No. 1.3.1.3. Communal Pastures	Activity No. 1.3.2.3. Improvements to District Markets
	<p>(a) Suppresses private land ownership on state developed lands;</p> <p>(b) Defines use rights;</p> <p>(c) Allows state to expropriate property for the public good (Article 7); and</p> <p>(e) Enables the state to expropriate private land (Article 70) without compensation.</p> <p>Decree No. 2007-610/Pres/PM/MAHRH</p> <p>(a) Protects individual and land rights, but also collective rights to certain improved areas of general interests (notably developed <i>bas-fonds</i>] (Orientation 1, axe 1 & 3) and</p> <p>(b) Gives special priority to smallholders and women in according land rights in irrigated perimeters (Orientation 1, Axe 1).</p> <p>No mention of</p>	<p>regulation of road networks in Burkina Faso.⁸⁶</p>	<p>herders to pasture, water, and corridors be recognized⁸⁷ (Orientation 1, Axe 1);</p> <p>(b) Clarifies rights to pastoral spaces including livestock routes (<i>pistes de bétails</i>) (Orientation 4, Axe 5);</p> <p>(c) Requires communes to undertake activities to develop pastoral zones (Orientation 4, Axe 5).</p>	<p>commune commission to expropriate buildings and land for urban renovations for public purposes with pre-fixed compensation.</p> <p>Urban Code, Titre IV, Articles 84-90</p> <p>Enables the state to expropriate land (and construction) for public land (no mention of compensation; limited option to contest action, Article 90).</p> <p>Law No. 055-2004/AN (Territorial collectivity code),</p>	

MCC ESA Due Diligence Question	1.1. Water Mgt.& Irrigation	1.2. Rural Roads & Other Infrastructure		1.3. Diversified Agriculture	
			1.2.4. Livestock Corridors on Scheme	Activity No. 1.3.1.3. Communal Pastures	Activity No. 1.3.2.3. Improvements to District Markets
	compensation for displacement.				<p>Article 29: defines the settlement space in a rural commune as including zoned areas for housing, commerce, manufacturing, crafts, and public services.</p> <p>Article 104 & 105 define the role of the commune in the creation, development, and management of markets, slaughterhouses and fairs.</p>
2.b. Comparison of Burkinabè laws with WB resettlement policy and international norms	MCC policy requires that in the case where national legislation and MCC policy provide different levels of coverage, the higher of	N/A	Many Burkinabè laws are designed to protect pastoral populations' rights. OP 4.12 discusses the need to identify and assist vulnerable groups such as pastoralists.		There is no explicit discussion of any special compensation in the case of

MCC ESA Due Diligence Question	1.1. Water Mgt.& Irrigation	1.2. Rural Roads & Other Infrastructure		1.3. Diversified Agriculture		
			1.2.4. Livestock Corridors on Scheme	Activity No. 1.3.1.3. Communal Pastures	Activity No. 1.3.2.3. Improvements to District Markets	
	the two standards will prevail because the lower standard is thus automatically met. Given the lack of any explicit process for compensating persons directly displaced by the “involuntary taking of land” associated with irrigation development, OP 4.12 standards will be applied. ⁸⁸			The process of creating communal pastures is likely to displace a limited number of households who have created fields and/or temporary housing in some of the designated areas. While there is no provision for compensating this type of displacement under Burkinabè law, OP 4.12 requires this negative impact to be compensated.	market renovation under Burkinabè law. OP 4.12, however, requires compensation if project supported activities have a negative impact on livelihoods.	
3. What is the scale of resettlement: No. of people or households affected and how many require actual physical relocation versus compensation for partial loss of land?	Di (see Jay 2007) Kouri: Although there is no permanent construction in the area slated for the irrigation scheme, 209 ⁸⁹ HHs cultivate part of their fields (about 1/3 of their	N/A		Same as 1.1	The application of MCC environmental guidelines will require some relocation of permanent	Once a resettlement policy framework is in place, the project will conduct an internal review to determine if

⁸⁸ See Sterling 2007: 157.

⁸⁹ 191 households plus 18 households classified as extremely vulnerable (see McMillan, Zerbo and Belko 2008, Table 2.6).

⁹⁰ An estimated 122 households were identified as cultivating at least one rainfed field in this area. Another 10 herder households occupy temporary houses and use the area for pasture from December through May (See Table 2.6 in McMillan, Zerbo and Belko. 2008).

⁹¹ Based on past experiences with zoning protected pasture, the PNGT2 estimates that on average 20 percent of the area zoned for communal pasture will be occupied by fields before the effective delineation and marking of the pasture.

MCC ESA Due Diligence Question	1.1. Water Mgt.& Irrigation	1.2. Rural Roads & Other Infrastructure		1.3. Diversified Agriculture	
			1.2.4. Livestock Corridors on Scheme	Activity No. 1.3.1.3. Communal Pastures	Activity No. 1.3.2.3. Improvements to District Markets
	field area). The MCC environmental guidelines may also require other types of environmental planning that necessitate involuntary relocation from the riverbank (<i>berge</i>) between the Sourou River and the scheme. ⁹⁰			and seasonal homesteads from the <i>berge</i> (river bank) between the Sourou and the irrigation scheme at Kouri. Limited displacement of cultivation plots (estimated at 20% ⁹¹ of the area) caused by creation of protected pasture areas at both Di and Kouri.	a RAP is needed before particular renovations are approved.
4. How has the consultation on relocation been managed?	Although the mayors were informed about the general boundaries of the proposed scheme, the full consultation process has not started.	N/A	To date, almost no discussion with pastoralists or herder	Consultation to date has focused on the irrigation component of the project	Intense consultative process with mayors, community and market leaders

MCC ESA Due Diligence Question	1.1. Water Mgt.& Irrigation	1.2. Rural Roads & Other Infrastructure		1.3. Diversified Agriculture	
			1.2.4. Livestock Corridors on Scheme	Activity No. 1.3.1.3. Communal Pastures	Activity No. 1.3.2.3. Improvements to District Markets
	This delay is justified in light of the fact that the proposed irrigation sites have changed several times.		groups in either Banfora or Sourou Valley.	with limited focus on the project's consequences for pasture, livestock corridors, or forestry.	in all 17 pilot communes. ⁹²
5. How are the processes for resettlement and/or compensation for public taking of land for public good land conducted?	The proposed process for land use zoning and demarcation of the irrigated perimeter will be orchestrated through AMVS and the elected mayors, councilors and CVD in the villages most directly affected by the project.	N/A	The proposed process for land use zoning and demarcation of the irrigated perimeter will be orchestrated through AMVS and the elected mayors, councilors and CVD in the villages most directly affected by the project.	Through mayors and relevant committee structures as defined by the urban code.	
6. How is the valuation for compensation determined? Will it be in cash? How will it be delivered? Gender-disaggregated approach? If compensation is equivalent property,	MCA anticipates setting up a "standard" process that will establish a basis for compensation based on standard prices that is updated regularly. There are two models for this type of compensation matrix: one managed by the Ministry of Environment that establishes national price norms and one recently developed by the PNGT2 for use in its projects that adjusts compensation levels to regional differences (see ERM 2003c: 16-19).		Same as 1.1.	In-kind compensation of registered parcel in an area outside the area zoned for pasture recommended (no cash). CVD (ex	No compensation anticipated due to limited scale of renovation and projected losses due to construction.

⁹² See Quinn 2008.

MCC ESA Due Diligence Question	1.1. Water Mgt.& Irrigation	1.2. Rural Roads & Other Infrastructure		1.3. Diversified Agriculture	
			1.2.4. Livestock Corridors on Scheme	Activity No. 1.3.1.3. Communal Pastures	Activity No. 1.3.2.3. Improvements to District Markets
what is the status and process for obtaining land for the new property and formally recording rights to it?				CVJT) to work with agency coordinating project to identify and improve land area being given to compensate displacement.	
7. What is the [MCA] policy towards people who are illegally on the land (i.e., do not have the title or other valid right of occupancy or use)?	All individuals that suffer a negative economic impact because of project activities have the right to compensation for their economic loss (e.g., crop and livestock production, construction) at equivalent or higher values.				
8. Are there Resettlement Action Plans or equivalent?	MCA is in the process of developing a resettlement policy framework that will provide the background for the development of specific RAPs for each irrigation project.	N/A.	Same as 1.1.	MCA is in the process of developing a resettlement policy framework that will provide the background for the development of specific RAPs for	MCA is in the process of developing: (a) a resettlement framework; and (b) a revised environmental and social review checklist that will provide the basis for MCA to determine

MCC ESA Due Diligence Question	1.1. Water Mgt.& Irrigation	1.2. Rural Roads & Other Infrastructure		1.3. Diversified Agriculture	
			1.2.4. Livestock Corridors on Scheme	Activity No. 1.3.1.3. Communal Pastures	Activity No. 1.3.2.3. Improvements to District Markets
				each irrigation project. These RAPs will include a plan for compensating HH displaced by the development of communal pastures.	whether or not a RAP will be needed before a sub-project is approved.
9. Who in the government has overall responsibility for management of resettlement/relocation issues and managing the relocation and resettlement process?	AMVS in the Sourou Ministry of Agriculture in the Comoé	N/A	AMVS working with the Ministry of Livestock, as well as the elected mayors and council members.	AMVS working with the Ministry of Livestock.	AMVS working with the elected mayors and council members.

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Annex 4. Key Land Use Issues Likely to Affect Settlement in the Communes Covered by the MCA Land Tenure Project (x=yes)

Region	Province Administrative	Rural Communes Included in the MCA Project (** = one of the 17 pilot communes)	Large Commercial Agriculture Enterprises (Private)	Pastoral Zone (with National Legal Recognition)	Relationship to National Classified Forests & Wildlife Reserves		Administrative Centers		Relationship to MCA-Sponsored Roads Investments (3/5/08)		
					Borders or Overlaps	Names	Lotis	Non-lotis	Transected	Potential Base Camp	Likely Major Market Impact
Boucle du Mouhoun	Sourou	Dj**					X		X	X	X
		Kassoum					X		X	0	X
		Lanfiera						X		X	
		Tougan						X		X	
		Douroula				X	F. Sourou		X		
		Gassan				X	F. Sourou	X		X	X
	Kossi	Sono**			X (ZP Barani)		---		X		
		Bourasso				X	TBD		X		
		Nouna				X	TBD	X		X	X
		Barani			X (ZP Barani)		---		X		
		Djibasso							X	X	
Bonborokui		X					X		X		
Cascades	Comoé	Mangadara	X			X	Dida, Longoniegue		X	X	X
		Sideradougou	X			X	Gouandougou, Kongouko		X		
		Banfora**	X			X	Bounouna, Toumousseini	X		X	X
		Moussodougou	X			X			X		
		Soubakaniedougou	X			X			X		
		Niangoloko	X			X	Babolo, Yendere, Niangoloko, Diefoula, Boulon,	X		X	X
	Leraba	Douna	X						X	X	
		Wolonkoto	X						X		
	KOMPIENGA	Pama**	X								
						X	-RPT Singou -RPT PAMA -Prives	X			
	TAPOA	Diapaga	X				Parc W	X			
		Tansaraga					Parc W	X			
	BOULKIEMDE	Kokologho						X			
		Poa							X		
Sourgou								X			
Sabou**								X			
Thyou								X			
Koudougou							X		X		

Region	Province Administrative	Rural Communes Included in the MCA Project (** = one of the 17 pilot communes)	Large Commercial Agriculture Enterprises (Private)	Pastoral Zone (with National Legal Recognition)	Relationship to National Classified Forests & Wildlife Reserves		Administrative Centers		Relationship to MCA-Sponsored Roads Investments (3/5/08)			
					Borders or Overlaps	Names	Lotis	Non-lotis	Transected	Potential Base Camp	Likely Major Market Impact	
	Sanguie	Reo					X		X			
		Didyr					X		X			
	Ziro	Bougnounou	X			X	Parc Kabore Tambi	X				
		Cassou	X			X	Parc Kabore Tambi	X				
		Sapouy	X			X	Parc Kabore Tambi	X				
		Bakata	X			X	Parc Kabore Tambi	X				
	Sissili	To	X					X		X		
		Leo**	X			X	Sissili Ranch de gibier de Nazinga	X		X	X	
		Bihea	X			X	Sissili		X			
		Boura						X				
	Centre Nord	Bam	Zimtenga						X			
			Rollo						X			
			Bourzanga							X		
Kongoussi**			X					X				
Centre Sud	Zoundweogo	Guiba**						X				
		Gogo						X				
		Gomboussougou							X			
		Binde								X		
		Bere							X			
Centre Est	Koumpelogo	Nobere						X				
		Ouargaye**						X				
		Dourtenga								X		
	Lalgaye								X			
Boulgou	Bittou				X	Ouilingore	X					
Haut Bassins	Houet	Bama**	X					X				
		Karangasso/Sembla	X					X				
		Padema	X					X				
		Dande	X					X				
		Toussiana	X					X		X		
	Kenedougou	Bazon	X					X				
		Samoroguan	X						X			
		Kourignon	X						X	X		

Region	Province Administrative	Rural Communes Included in the MCA Project (** = one of the 17 pilot communes)	Large Commercial Agriculture Enterprises (Private)	Pastoral Zone (with National Legal Recognition)	Relationship to National Classified Forests & Wildlife Reserves		Administrative Centers		Relationship to MCA-Sponsored Roads Investments (3/5/08)		
					Borders or Overlaps	Names	Lotis	Non-lotis	Transected	Potential Base Camp	Likely Major Market Impact
Nord	Yatenga	Zagore					X				
		Tagaye					X				
		Ouahigouya**					X				
Centre	Kadiogo	Koubri					X				
		Saaba					X				
		Komsilga						X			
		Pabre						X			
	Oubritenga	Loumbila**		X (ZPSahel)				X			
Sahel	Soum	Djibo**					X				
		Poebemangao						X			
		Baraboule							X		
Sud Ouest	Poni	Kampti**						X			
		Digoue			X	Koulbi			X		
Plateau Central	Gangrougou	Zam**			X	Wayen	X				
		Mogtedo**					X				
		Boudri**						X			

Source: MCA March 8, 2008. Data collected by Issa Zerbo (Consultant) and Fidele Hien (Director ESA, MCA).

Annex 5. Sites/Stakeholder Groups and Technical Partners Visited During ESA Resettlement Due Diligence (January 23-February 12 and March 12-March 23)

Sites/Stakeholder Groups/Technical Partners Visited	Sourou		Comoé		Pama Commune	Mogtedo Commune
	Di & Sono	Lanfiera	Banfora (RAD Villages & Banfora Urban Commune)	Other Communes in Land Project		
Sites						
Sites proposed for hydrological areas	X		X			
Sites with potential for pasture development	X		X			
Sites slated for market development	X					
Villages adjacent to protected forest or hunting preserves						
Stakeholder Groups						
Bureau/ <i>groupements</i> involved in management of communal markets and/or market components	X					
Mayors	2	1	1		2 ⁹³	1
Counsel members	X					X
Chiefs/Elders		X	X		X	
Village level CVD/CVGT members	X		X		X	
Livestock producer <i>groupement</i> members	X		X	X	X	
Community-based forest and hunting mgt <i>groupements</i>			X		X	
Agricultural producer <i>groupements</i> members	X		X		X	
Members of women's livestock, agricultural & forest mgt groups and unions	X		X	X	X	
Field and Technical Staff with Principal Technical Partners						
Other relevant dev. programs (PNGT, SILEM, etc.)	X		X		X	
Min of Ag	X		X		X	
Min of Livestock Resources	X		X	X	X	
Min of Environment	X		X	X	X	

⁹³ The Deputy Mayor of Pama and the Mayor of Kompienga (although Kompienga is not one of the 77 communes being considered by the Land Tenure Project it shares many land use issues with the adjacent commune of Pama, which is on of the 17 proposed pilot communes).

March 12-March 23, 2008

Number of Persons	First and Last Name	Village	Profession
General Assembly Meeting in Sono (March 19, 2008)			
1	Konaté Drissa	Sono	Earth Chief
2	Konaté Souleymane	Sono	
3	Konaté Yacouba	Sono	
4	Zouon Boureima	Sono	Quartier Chief
5	Zouon Drissa	Sono	President CVD
6	Barro Lassina		
7	Konaté Seydou	Sono	Member CVD
8	Konaté Bonamari	Sono	Member CVD
9	Sanogo Yacouba	Kouri	President of CVD
10	Koéta Boureima	Kouri	Councillor
11	Seremé Boureima	Soro	Representative of the Chief
12	Démé Moumouni	Soro	CVD Member
13	Zouon Modou	Sono	Groupement President
14	Zouon Boulaye	Sono	Imam
15	Zouon Boureima	Sono	Quartier Chief
16	Zouon Yaya	Sono	President of COGES
17	Zouon Abdoulaye	Sono	Treasurer of COGES
18	Ouoba Daniel	Ouaga	Technical Director, AMVS (Ouaga)
19	Ilboudo Roland		Director of Development AMVS (Ouaga)
20	Sidibé Belko	AMVS	Retired Encadreur, AMVS
21	Zerbo Issa	MCA	Consultant
22	Della McMillan	MCC	Consultant
23	Abdoulaye Dao	Sono	Maor de Sono
Other people interviewed (who did not attend the general assembly)			
24	Adama Sanogo,	Lanfiera	Mayor of Lanfiera
25	Zongo Dominique,	Ouaga	Director, SILEM/PNGT2 Program
26	Zongo Issaka	Ouaga	Head, M&E Department, AMVS (Ouaga)
28	Barry Mohmet	Nissan	Head, Agro-pastoral production
29	KI Christophe	Nissan	Director, Support Services to Cooperatives, AMVS (Nissan)
30	Moussa Ouedraogo	Ouaga	National Coordinator, Decentralization and Citizen Support Project (UNDP)
31	LY Boreima	Ouaga	Planning and Local Development Expert, Decentralization and Citizen Support Project (UNDP)
32	Fidele Hien,	Ouaga	Director, ESA, MCA
33	John Buursink		Consultant, ESA, Environment, MCC
34-40	Group meeting : Earth Chief and six Notables	Sono	
41	Sanakara Dieudonne	Sono	Prefet
42	Djerma Idrissa	Sono	Head Nurse, CSPS Sono

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