

**BURKINA FASO**

**WATER SUPPLY AND SANITATION PROGRAM**

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**PROGRAM FOR RESULTS (*PforR*)**

**ENVIRONMENTAL AND SOCIAL SYSTEM ASSESSMENT (ESSA)**

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Report prepared by



**Draft**

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## LIST OF ABBREVIATIONS AND ACRONYMS

AEP	Drinking Water Supply ( <i>Approvisionnement en Eau Potable</i> )
AFD	French Development Agency ( <i>Agence Française de Développement</i> )
AMBF	Association of Burkina Faso Municipalities ( <i>Association des Municipalités du Burkina Faso</i> )
AMOC	Roadmap in Support of the Decentralization of Water Supply and Sanitation Services ( <i>Assistance à la Maîtrise d'Ouvrage Communale</i> )
ATC	Municipal Technical Agent ( <i>Agent Technique Communal</i> )
BUNEE	National Office for Environmental Assessments ( <i>Bureau National des Evaluations Environnementales</i> )
CCFV	Commission of Village Land Conciliations ( <i>Commission de Conciliations Foncières Villageoises</i> )
CFV	Village Land Commission ( <i>Commission Foncière Villageoise</i> )
CVD	Village Land Commission ( <i>Comité Villageois de Développement</i> )
DGA	General Directorate of Sanitation ( <i>Direction Générale de l'Assainissement</i> )
DGFOMR	General Directorate of Land Tenure, Training and Organization of the Rural areas ( <i>Direction Générale du Foncier, de la Formation et de l'Organisation du Monde Rural</i> )
DGIH	General Directorate of Hydraulic Infrastructure ( <i>Direction Générale des Infrastructures hydrauliques</i> )
DGPC	General Directorate of Protection of Culture ( <i>Direction Générale de la Protection de la Culture</i> )
DGPE	General Directorate of Preservation of the Environment ( <i>Direction Générale de la Préservation de l'Environnement</i> )
DREA	Regional Directorate of Water and Sanitation ( <i>Direction Régionale de l'Eau et de l'Assainissement</i> )
DREEVCC	Regional Directorate of the Environment, Green Economy, and Climate Change ( <i>Direction Régionale de l'Environnement, de l'Economie Verte et du Changement Climatique</i> )
DTPEAAP	Technical Directorate of Cleanliness, Sanitation and Landscape Management ( <i>Direction Technique de la Propreté, de l'Eau, de l'Assainissement et des Aménagements Paysagers</i> )
DTUCFC	Technical Directorate of Urban Development, Construction, and Municipal Land Tenure ( <i>Direction Technique de l'Urbanisme, de la Construction et du Foncier Communal</i> )
IDA	International Development Association
ILO	International Labor Organization
LAQE.	Environment Quality Analysis Laboratory ( <i>Laboratoire d'Analyse de la Qualité de l'Environnement</i> )
MAAH	Ministry of Agriculture and Hydraulic Developments ( <i>Ministère de l'Agriculture et des Aménagements Hydrauliques</i> )
MATD	Ministry of Territorial Administration and Decentralization ( <i>Ministère de l'Administration du Territoire et de la Décentralisation</i> )

MEA	Ministry of Water and Sanitation ( <i>Ministère de l'Eau et de l'Assainissement</i> )
MEDD	Ministry of the Environment and Sustainable Development ( <i>Ministère de l'Environnement et du Développement durable</i> )
MEEVCC	Ministry of the Environment, Green Economy, and Climate Change ( <i>Ministère de l'Environnement, de l'Economie Verte et du Changement Climatique</i> )
MTGES	Technical Manual for Environmental and Social Management
NIES	Environmental and Social Impact Statement ( <i>Notice d'Impact Environnemental et Social</i> )
NGO	Non-governmental Organization
ONEA	National Office of Water and Sanitation ( <i>Office National de l'Eau et de l'Assainissement</i> )
RAP	Resettlement Action Plan
PCD-AEPA	Plan Communal de Développement -AEPA
PCU	Program Coordination Unit
PforR	Program for Results
PGES	Plan de Gestion Environnementale et Sociale
PN-AHA	Programme national des Aménagements hydrauliques
PNDD	National Sustainable Development Program ( <i>Politique nationale de Développement durable</i> )
PNDES	National Economic and Social Development Plan ( <i>Plan national de Développement économique et social</i> )
PNE	National Environmental Plan ( <i>Politique nationale d'Environnement</i> )
PNGE	Programme National de Gouvernance de l'Eau
PN-GIRE	Plan National de Gestion intégrée des Ressources en Eau
RAF	Agrarian and Land Reform ( <i>Réorganisation agraire et foncière</i> )
SFC	Municipal Land Service ( <i>Service foncier communal</i> )
SFR	Service of Rural Land ( <i>Service du Foncier Rural</i> )
SNIE	National Water Information System ( <i>Système National d'Information sur l'Eau</i> )
UCP	Unité de Coordination du Programme

## SUMMARY (ENGLISH)

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### **I. OBJECTIVE AND BACKGROUND**

1. This Environmental and Social Systems Assessment (ESSA) was undertaken by the World Bank as part of the preparation of the Program for Results (PforR) for the Water Supply, Sanitation, and Water Resource Information Program in Burkina Faso.
2. The Program supports the Government of Burkina Faso priorities for providing universal access to water supply services, sanitation services, and strengthening water resources management. Based on the objectives and actions proposed by the Government Sector Programs, the Program to be supported by this IDA operation will finance a subset of investments included in the National Drinking Water Supply Program (PN-AEP) and the National Wastewater and Excreta Sanitation Program (PN-AEUE) in selected geographical areas and the key actions of the National Integrated Water Resources Management Plan (PN-GIRE) and the National Water Governance Program (PNGE). However, the financing of the PforR will not involve the National Program of Hydraulic Developments (PN-AHA).

### **I. GENERAL PRESENTATION OF THE PROGRAM**

3. The PforR development objectives are to improve access to water supply and sanitation services in targeted areas and to improve information on water resources.

#### ***Result Area 1. Improved Access to water supply***

4. The Program will support the development of priority infrastructure to improve water supply and enhance its operational efficiency. Geographically, the PforR will cover urban areas including Ouagadougou and 12 additional secondary centers and rural areas of four selected regions.

#### ***Result Area 2. Improved access to sanitation***

5. The PforR will support sustainable access to sanitation services. In urban areas, the Program will support the construction of 85,000 household latrines and 350 public latrines with male/female compartments (in schools and markets), benefiting about 850,000 people. In rural areas, the Program will support the construction of 50,000 household latrines and 900 public latrines with male/female compartments (in schools, health centers, and markets), benefiting about 500,000 people

#### ***Result Area 3. Improved access to reliable information on water resources***

6. The Program aims at strengthening water resources management by upgrading, optimizing, and modernizing surface and groundwater resources observation networks for surface water and groundwater sources; strengthening water resources knowledge; and operationalizing the SNIEau). For knowledge and monitoring of surface water, the PforR will support the optimization and modernization of the existing hydrometric network of Burkina Faso, by acquiring and installing the equipment and software required, and by equipping and training the staff of the departments in charge of data collection.

7. The Program will support the operationalization of the already created SNIEau to make water-related data publicly available for users and policy-makers,.

### **Institutional Arrangement**

8. At the institutional level, the PforR will be implemented through two executive agencies: the Ministry of Water and Sanitation (MEA) and the National Office of Water and Sanitation (ONEA). The Program Coordinating Unit (PCU) of the MEA will have overall responsibility for coordinating the Program activities, M & E and reporting and management. Within ONEA, a Program Support Unit (PSU) will support the divisions responsible for the implementation of water and sanitation activities in urban areas.
9. In targeted areas supported by the Program, the total scale of the financing required to implement the Program for water and sanitation is estimated to be US\$350 million and for the WRM activities is estimated to be US\$50. Thus, the estimated cost of the Program over the five-year period is US\$400 million. The Program will be financed through GoBF financing of US\$100 million and IDA support of US\$300 million, which will be disbursed on the basis of verified results.

## **IV. MAIN ENVIRONMENTAL AND SOCIAL RISKS**

### **➤ Result Area 1 Activities**

#### ***In Urban Areas :***

- Construction of ground tanks, pumping stations and water-towers on two sites (East of the city, North of the city of Ouaga);
- Extension and densification works to supply priority development zones (installation of 725 km of distribution network, construction of 70,000 social connections and construction of 100 standpipes).

#### ***In Rural Areas :***

- Completion of 1,100 boreholes equipped with Human Motor Pumps (PMH), of which 700 ones in community places and 400 ones in health centers and schools;
- Construction of 90 drinking water supply systems;
- Rehabilitation of 60 Simplified Drinking Water Supply Systems (DWS).

### **➤ Result Area 2 Activities**

10. In both rural and urban areas, latrines are planned to be built, namely:
  - Completion of 135, 000 household latrines;
  - Equipment of 1,300 schools, health centers with adequate sanitation facilities (blocks of latrines with separate boys/ girls blocks with a cabin for disabled users in each block in the case of schools) and public places.

### **➤ Result Area 3 Activities**

11. The Program will support the strengthening of knowledge and of monitoring systems of surface and groundwater resources and support the operationalization of SNIEau.
12. These activities overall have positive impact as knowledge and water information acquisition contributes to improving decision-making processes. However, potential

excavation work may result in partial destruction of vegetation and in some instances result in loss of portions of land and disruption of socio-economic activities.

13. The Program has *low adverse environmental and social risks*. This is mainly due to the following aspects:

- Exclusion, by the very nature of a PforR, of any investment involving major environmental and social risks;
- Type and nature of the planned improvements and infrastructure;
- Absence, in accordance with the nature of development works and operations, of major cases of air or noise pollution or of significant degradation of the inhabited areas or of significant destruction or reduction of vegetation;
- Existence of various manageable and effective measures to mitigate potential risks and monitor impacts;
- Existence of institutions that are capable of managing most environmental and social aspects of the Program and of an appropriate institutional and legal framework.

#### **Positive Environmental Impacts**

14. The Program investments will have positive environmental impacts - both directly and indirectly, temporarily and permanently. Indeed, the Program will contribute, among other things, to:

- ▶ Reduce the frequency and incidence of waterborne diseases and improve hygiene and sanitation conditions;
- ▶ Build ONEA network capacity;
- ▶ Improve the management system of the DWS in four regions.

#### **Environmental Risks**

15. The main environmental risks associated to the Program are related to the following aspects:

- ▶ Destructuration of soil texture caused by deep excavations and trenching;
- ▶ Noise nuisance for neighboring populations and for construction site workers (related to the use of construction machinery);
- ▶ Accidents for workers and nearby residents associated to the circulation of construction machinery and possible non-compliance with the safety instructions;
- ▶ Accidents and safety problems, especially for the most vulnerable people (children, elderly people, women, disabled people) could be significant risks;
- ▶ Damage to objects of local cultural and religious heritage.

#### **Beneficial Social benefits**

16. The proposed activities by their very nature should bring advantages to the beneficiary populations. These advantages include, among others:

- ▶ Improvement of living, healthiness and hygiene conditions;
- ▶ Establishment of regular interactions between the population and those responsible for improvements;
- ▶ Socio-economic development of urban and rural areas;
- ▶ Fight against poverty and reduction of unemployment;
- ▶ Reduction of medical costs resulting from the treatment of diseases associated with

water pollution and lack of sanitation measures;

- ▶ Implementation of investments (e.g. latrines) that have been strategically identified and that address the needs of all social categories, including women and girls, people with disabilities;
- ▶ Reduction of the time usually spent by women for finding drinking water and increasing the time devoted to childcare and leisure;
- ▶ Citizen participation, through strengthened mechanisms for access to information, consultation of citizens, as well as grievance management and implementation of measures to establish the right of petition and monitoring satisfaction among water services users;
- ▶ Compensation of any losses in a fair and prior manner through the respect of the provisions of social safeguards;
- ▶ Establishment of regular interactions with the population and the people responsible for improvements.

### **Social Risks**

17. The construction phase will see the opening of construction sites for works and development, which will have negative social risks, insofar as they may:

- ▶ Require private land acquisition in part or totally and, consequently, possible expropriation for public utility reasons and involuntary resettlement of residential households or businesses;
- ▶ Generate temporary disruptions in craft and economic activities of individuals and households, causing loss of income (shortfalls);
- ▶ Generate temporary difficulties in access of residents to their homes, shops and other public establishments (schools, dispensaries, etc.);
- ▶ Cause accidents on or around construction sites;
- ▶ Require temporary deviations for car traffic or restricted pedestrian crossing, and generate disruption in activities;
- ▶ Contribute – because of the presence of foreign construction workers – to an increase of violence and possible sexual harassment of women and increased sexually transmitted diseases and HIV/AIDS.
- ▶ Generate conflicts and acts of sabotage linked to the non-use of local labor.

18. Moreover, given that these social risks will mainly occur during the works, the latter will be organized accordingly and alternative access routes will be put in place and the affected people will be duly informed. These points will be the object of specific clauses in the *Requirement specifications (Cahier des charges)* of firms and a regular follow-up will be provided by the regional operators and the Commune. Arrangements will also be made for the fair and prior compensation of the property that will be affected by the works. Taking into account the above and past experience, the foreseeable social risks of the work are considered moderate.



## OVERVIEW

19. The Program will have moderate environmental and social impacts. This is mainly due to the fact that the *Program, designed as a PforR*, excludes, as a matter of principle, any investment involving major environmental and social risks.
- ➔ Thus, in accordance with this policy, the Program *will automatically exclude any activity posing a potentially significant environmental and social risk and significant negative impacts*.
20. Therefore, any sub-project will be considered *non-eligible* as long as they involve the following:
- ▶ Construction or rehabilitation of works that would require social risks, i.e., a significant physical displacement of persons or the acquisition of large areas of private land or the demolition of a large number of single-family houses or else significant restricted access to economic and natural resources;
  - ▶ Construction or rehabilitation of structures that could create or exacerbate existing land-based social conflicts;
  - ▶ The realization of structures/works that could have an irreversible impact on physical/cultural resources of an archaeological or historical nature or places of worship;
  - ▶ The realization of works having a high and irreversible impact on any zone classified as a site of biological or ecological interest.
21. Various controllable and effective measures will help to mitigate the potential risks of eligible subprojects, and monitor their impact, during both the works phase and the operation of the works.

## V. EVALUATION OF THE NATIONAL ENVIRONMENTAL AND SOCIAL RISKS

### THE ENVIRONMENTAL SYSTEM

#### Political Framework

22. In Burkina Faso, environmental protection is one of the priority areas for policies having to contribute to achieving the goals of sustainable development. Among these policies, the most important ones are:
- ▶ The *National Economic and Social Development Plan (PNDES)* aims at reforming institutions and modernizing the administration, developing the human capital and boosting buoyant sectors for the economy and employment.
  - ▶ The *National Sustainable Development Policy (PNDD)* presents a vision for sustainable development by 2050.
  - ▶ The *National Environmental Policy (PNE)* marks the government will to create a frame of reference for taking environmental issues into account in development policies and strategies.
  - ▶ The overall goal of the *Water Policy and Strategies* is to contribute to sustainable development through appropriate solutions to water-related issues.
  - ▶ The purpose of the *National Sanitation Policy and Strategy* is to contribute to sustainable development by providing adequate solutions to water related problems,

in order to improve the living and housing conditions of the populations, to preserve their health and protect natural resources.

### **Legislative and Regulatory Framework**

23. The **Burkinabé Constitution**, promulgated on 11 June 1991, defines the basic rights and obligations of citizens, determines the form of state organization, and organizes the implementation of the universal republican principle of the separation of powers. The constitution of the IVth Republic contains many environmental references.

### **Environmental Code**

24. The Environmental Code, adopted through Law No.006-2013/AN of 02 April 2013, is devoted to the Strategic Environmental Assessment (SEA), the Study and the Notice of Impact on the Environment (EIE, NIE).

### **Water management**

25. *Law No. 002-2001 / an of 8 February 2001 on water management* and implementing legislation provides in Article 39 for the EIA / NIE prior to the issuance of the carrying out of installations, works, works likely to present dangers to the health and public safety, to reduce water resources, to modify substantially the level, the mode of flow or the regime of the waters.

### **Public health**

26. *Law No. 23/94 / ADP of 19 May 1994 on the Public Health Code* deals with health protection of the environment (air and water pollution).

27. *Law 2005-022 on Public Hygiene Code* governs public health in Burkina Faso, including hygiene on public roads and squares, hygiene of swimming pools and bathing areas, housing, foodstuffs, water, industrial and commercial facilities, schools, preschools and sanitary buildings, public buildings and the natural environment and the fight against noise.

### **Sustainable Development**

28. *Law No. 008-2014/AN of 8 April 2014 on the Orientation Law on Sustainable Development* aims to create a unified national reference framework to ensure the coherence of the interventions of the actors through legal, political, and institutional reforms.

### **Decentralization**

29. *Law No. 021-2006/AN of 14 November 2006, on the General Code of Territorial Communities* states that territorial authorities contribute to the administration of the territory, to economic, social, educational, health, cultural, and scientific development, as well as the improvement of the living environment.

### **Institutional Actors in charge of the environment**

- ▶ *The Ministry of the Environment, Green Economy, and Climate Change (MEEVCC)* provides the implementation and monitoring of the Government policy on the environment and sanitation of the living environment. The MEEVCC includes several directorates, among which: *the General Directorate for the Preservation of the Environment and the Directorate for the Prevention of Pollution and Environmental Risks.*

- ▶ *The National Office for Environmental Assessments (BUNEE)* is responsible for coordinating the implementation and monitoring of the national environmental assessments policy.
- ▶ *The Ministry of Water and Sanitation (MEA)*, whose mandate is the definition and implementation of the national policy on water and sanitation, wastewater and excreta.
- ▶ *The National Office for Water and Sanitation (ONEA)*, under the supervision of the Ministry of Water and Sanitation (MEA), aims to: (i) create, manage and protection of facilities for collecting, supplying, treating, and distributing drinking water for urban and industrial purposes; and (ii) create, promote and improve and manage collective, individual or autonomous sanitation facilities for the disposal of wastewater and excreta in urban and semi-urban areas.
- ▶ The environmental units, created by decree N ° 2008-125 / PRES / PM / MECV of March 7, 2008, constitute operational entities in the field of environment in the various ministerial departments, the administrative regions and the public and private companies.

## **SOCIAL ASPECTS MANAGEMENT SYSTEM**

### **National Legal Framework**

30. The legislatif and regulatory context relates to land legislation, public participation, land acquisition, resettlement and land restructuring mechanisms.
31. From the legal point of view, according to Law No. 034-2012/AN of 02 July 2012 on *Agrarian and Land Reform* (RAF) in Burkina Faso, there are three types of land ownership regimes in Burkina Faso: (i) *Legal State ownership regime*; (ii) *Local authority ownership regime*; and (iii) *Land tenure rights of individuals*.

### **Right to Property**

32. The Constitution of Burkina Faso guarantees the right to private property for all, its protection and expropriation. No one shall be deprived of their enjoyment except for reasons of public utility and on condition of just compensation determined in accordance with the law. This compensation is a prerequisite to the expropriation, except in case of emergency or force majeure.

### **Institutional Actors**

33. In terms of land management in Burkina Faso, management organizations or structures are defined by the RAF and Law No. 034-2009/AN on rural land tenure and priority implementation texts. These organizations are found at four levels: national, regional, municipality and village.
- ▶ *At the national level:* With reference to Law No. 034, a national body is set up for consultation, monitoring and evaluation of rural land policy and legislation bringing together all public, private and public sector, and civil society stakeholders. Currently this instance is not yet operational.
  - ▶ *At the regional level:* The competent deconcentrated technical services of the State are the ones in charge of providing support to the Rural Land Services (SFR) of local authorities as stipulated by Law No. 034 on rural land tenure.

- ▶ *At the municipality level:* the *Rural Land Service (SFR)* at the level of each rural municipality is responsible for all the activities of management and security of the land area of the municipality and activities of land tenure security of the rural land property of individuals on the municipal territory.
- ▶ *At the village level:* A Village Land Commission, created in each village and composed of customary and traditional village authorities in charge of land, is responsible for contributing to securing and managing the estate.

### ***Constitutional Appeal Bodies***

34. The Office of the ***Ombudsman of the Republic*** of Faso was established by Organic Law No. 22/94/ADP of 17 May 1994. The Ombudsman is an independent administrative authority, which receives no instruction from any political, administrative, legislative, or judicial authority, and which receives the grievances of the citizens relating to the working of State administrations, municipal authorities, public institutions and any other organization entrusted with a public service mission.

### **Conclusion**

- ▶ In the areas of environmental and social management, most Burkinabe institutions are in place and their mandate is clearly defined. The national environmental impact assessment system is based on a well-rounded process of diagnosis and assessment of the nature of impacts and preparation of appropriate environmental and social safeguards.
- ▶ However, the institutions have limited human resources with a strong need for capacity building. Moreover, they do not have enough financial resources to function in a suitable way.
- ▶ Administrative procedures are generally slow and do not allow for rapid and timely decision-making (see, for example, long delays in obtaining the Environmental Compliance Advice from project proponents).
- ▶ Public consultations only concern ESIA's in public inquiries, whereas these should extend to NIES.
- ▶ Public inquiries are often public information sessions and do not result in meaningful public consultations that promote stakeholder participation in decision-making.
- ▶ The complaints management system is not operational, especially in the context of interventions in rural areas.

## **VI. ADEQUACY OF APPLICABLE SYSTEMS**

35. The strengths, gaps, risks and opportunities of country systems are presented in the light of the Fundamental Principles applicable to the Program - as described in the Bank Policy and Directive on the Financing of Programs for Results (PforR).

➔ **Core Principle 1: Overall principle of environmental and social impact assessment and management.** This Principle is **applicable** to the Program. Indeed, the work funded under the Program could entail negative impacts at low to moderate risk. The ESES has been prepared and its recommendations will be integrated into the overall action plan of the program.

- ▶ **With regard to strengths:** Burkina Faso has adequate regulatory and legal frameworks to appropriately manage the environmental and social impacts of the Program and an institution in charge of environmental assessments (BUNEE).
- ▶ **With regard to weaknesses and gaps :** At the institutional level, coordination between the central and the regional levels is not adequate (for example, between the BUNEE and the regional directorates), the sharing of information is not efficient and this state of affairs does not facilitate monitoring of the implementation of project ESMPs. Institutions in charge of environmental and social management need human capacity building and do not have enough financial resources to function in a suitable way
- ▶ **With regard to actions and opportunities :** Organization of initiatives to raise awareness among all actors and stakeholders about the problems of environmental management, of impact. Initiated measures to strengthen more appropriately the capacities of central and local officials in environmental and social safeguard procedures.
- ▶ **With regard to risks:** Poor implementation of environmental and social management rules and procedures. Failure to enforce current environmental regulations in a timely manner.

➔ **Core Principle 2: Natural Habitats and Physical and Cultural Resources**

This principle is **not applicable** to the Program. Indeed, no program activity will take place within biodiversity protection areas. No investment will be eligible if it threatens fragile ecosystems. No investment will be eligible if it directly threatens the cultural and religious heritage of a region.

➔ **Core Principle 3: Public and Workers Safety**

This principle is **applicable**. Indeed, the work undertaken under the Program could have an impact on the safety of the public and construction site workers. Site workers may be exposed to work-related accidents/injuries, water pollution, air pollution, noise, vibration, solid waste, and toxic or hazardous materials on the site. The population in areas close to the sites could also be exposed to the same dangers.

- ▶ **With regard to strengths:** The legislative system of Burkina Faso includes provisions on safety on building sites. The safety of workers is ensured by the Labor Inspectorate. There are national policies and guidelines concerning the public and workers safety and health.
- ▶ **With regard to weaknesses and gaps:** The provisions on worker safety are not always included in civil works contracts. The insufficient number of screening officers does not allow for regular monitoring of the application of site provisions.
- ▶ **With regard to opportunities:** Presence at the local level of branches of the Labor Inspectorate

- ▶ *With regard to risks*: Inability to enforce the current environmental, social and security regulations in a timely manner. Non-involvement of Labor Inspectorate officials.

➔ **Core Principle 4: Land Acquisition**

This principle is **applicable**. Indeed, the works could involve temporary or permanent and physical or economic displacements of residential households or businesses and require the acquisition of private land and, consequently, expropriation for reasons of public utility and involuntary resettlement of residential households or businesses.

- ▶ *With regard to strengths*: The indemnities or compensation to the affected people are defined by the existing land regime in Burkina Faso
- ▶ *With regard to weaknesses and gaps*: National land acquisition procedures are unclear and incomplete as regard the Bank requirements. Informal occupants are not recognized by the Burkinabe law. Customary land ownership is recognized but must be confirmed before being compensated.
- ▶ *With regard to opportunities*: Provide a compensation system, including for informal occupants. Provide fair and prior compensation. Provide adequate follow-up of the affected people so that they recover at least the ex-ante project conditions and that they do not become poor anymore.
- ▶ *With regard to risks*: Lack of human resources and financial means at the level of national and local institutions in charge of enforcing laws and arrangements. Lack of coordination among the relevant institutional actors.

➔ **Core Principle 5: Social Considération: Indigenous Peoples and Vulnerable Groups**

This principle is **applicable** (with the exception that there are no indigenous peoples in Burkina Faso, as defined by the Bank's related policy).

- ▶ *With regard to strengths*: Surveys aim to inform the populations on the realization of the project and to collect their observations; information posters are posted for this purpose in public places.
- ▶ *With regard to weaknesses and gaps*: The Burkinabe legislation does not provide for specific measures for vulnerable groups. The local complaint management system is not operational
- ▶ *With regard to opportunities*: Define and implement a stakeholder engagement strategy as part of the outreach program, targeting in particular vulnerable groups. Specify any form of support to the most vulnerable groups. Ensure the functionality of the complaint management system
- ▶ *With regard to risks*: Lack of clarity and coherence regarding the mechanism for implementing public consultations and stakeholder engagement could alienate the poor and vulnerable groups.

➔ **Core Principle 6: Social Considerations – Social Conflict**

This principle is **not applicable**. Indeed, the program is not implemented in conflict areas.

## Conclusion

36. From the previous analysis of the legal and institutional framework for the environmental and social management in Burkina Faso, a number of conclusions can be drawn:

- ▶ Most institutions are in place and their mandate has been defined. However, their actions are not sufficiently coordinated and they lack human and financial resources.
- ▶ There is no efficient coordination between central level and regional level for environmental and social management.
- ▶ Administrative procedures are slow and do not allow for quick and timely decision-making.
- ▶ Public consultations conducted in the framework of public inquiries concern only ESIA's whereas these should also extend to NIES
- ▶ The complaints management system is not operational, especially under rural interventions.

37. It has to be recognized that these gaps will eventually to be bridged by appropriate reforms and arrangements. Together with the community of technical and financial partners, the World Bank is already playing and could play further an important role in supporting the needed improvements.

38. However, as of now, in keeping with this PforR, it is possible to seize the opportunity to improve certain technical and administrative aspects, to create a new dynamic, to specify and consolidate partnerships and synergies among stakeholders, and strengthen the institutional capacity of all stakeholders involved in environmental and social safeguards at the national, regional, communal and village levels.

**➔ *In light of the Burkina Faso environmental and social management systems previously analyzed, the proposed program is considered adequate for Program for Results (PforR) financing.***

## VII. ACTION PLAN FOR ENVIRONMENTAL AND SOCIAL MANAGEMENT

39. The Program will support specific measures to improve the conditions for the performance of the environmental and social management system in the implementation and monitoring of the Program activities. These measures are proposed as part of an Environmental and Social Management Action Plan (ESM/AP) - this Plan is part of the overall Program Action Plan as such. The ESM/AP identifies three components of recommendations, each with distinct and complementary activities.

➤ ***First component of the ESM/AP: Strengthening the Program's Environmental and Social Management System for Investment.*** This component includes the following elements:

- ▶ **Technical Manual.** Preparation of a *Technical Manual for Environmental and Social Management (MTGES)* of the Program investments for the Ministry of Water and Sanitation (MEA), particularly its National Office of Water and Sanitation (ONEA) and all technical services, as well as all stakeholders, who will be involved at

national, regional and local level in the implementation of the Program, so that environmental and social management procedures are duly understood, perfectly owned and followed. The Manual, which will particularly address the gaps identified in the national systems (see the six Core principles), will be an integral part of the Programme Operations Manual (Special Annex) and will include, among other things, land acquisition procedures and the grievance mechanism.

- ▶ **Interinstitutional Convention** between the Ministry of Water and Sanitation (MEA), National Office for Water and Sanitation (ONEA), on one hand, and the National Bureau of Environmental Assessments (BUNEE), on the other hand. The content of this agreement will establish the conditions for collaboration (awareness raising; information and training; rapid review and certification of sub-projects; environmental and social control and monitoring; etc.). This convention could be supplemented by collaboration protocols with other well-targeted institutions.
- **Second component of the ESM/AP: Capacity Building in Environmental and Social Management** of key actors and representatives of Program stakeholders. This component includes two distinct types of activities:
  - ▶ **PCU Human Resources for Environmental and Social Management.** Recruitment or appointment by MEA and ONEA of a social specialist and an environmental specialist within the PCU, who will be employed full-time throughout the implementation of the Program.
  - ▶ **Training at MTGES.** A training program will be developed for the implementation of the MTGES for all the different stakeholders involved in the implementation of the Program, in particular: the members of the environmental units of the MEA, ONEA, and of the other ministries involved, the members of the communal "Environment and local development" commissions and of the "Land and Land Development" commissions, of BUNEE, and of Regional Directorates for the Environment, Green Economy and Climate Change (DREEVCC) of social action, etc..
  - ▶ **Specialized Training in Monitoring and Control of GES mitigation and reporting measures:** This more in-depth training in monitoring and control and reporting preparation will be provided to representatives of all local, regional and national institutions (including contractors) involved in collecting, processing and analysing information regarding the implementation of mitigation measures.

40. All the costs for these elements of the ESM/AP will be included **in the overall budget of the Program**. Conversely, the cost of environmental and social mitigation measures will be incorporated **into the budgets of the investment sub-projects themselves**.



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The World Bank organized the public consultation with representatives of key stakeholders, civil society organizations and the private sector to present and discuss the draft ESSA.

Throughout the duration of the Program, the Burkinabe party will be responsible for organizing consultations on the specific activities (investment sub-projects) of the Program.

The final revised version of ESSA will be publicly disseminated through the MEA/ONEA website and also the World Bank external website.

Hard copies will be available at national and regional levels with the institutions involved.

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## RESUME (Français)

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### I. OBJECTIF ET CONTEXTE

1. Cette Évaluation des Systèmes Environnementaux et Sociaux (ESES) a été entreprise par la Banque mondiale dans le cadre de la préparation du Programme pour les Résultats (PPR) du secteur de l'Eau, l'Assainissement et la Gestion intégrée des Ressources en Eau au Burkina Faso.
2. Le Programme appuie les priorités du Gouvernement du Burkina Faso pour fournir un accès universel aux services d'approvisionnement en eau, aux services d'assainissement, et renforcer la gestion des ressources en eau. Sur la base des objectifs et des actions proposées par les Programmes sectoriels gouvernementaux, le Programme à soutenir par cette opération IDA financera un sous-ensemble d'investissements inclus dans le Programme national d'Approvisionnement en Eau Potable (PN-AEP) et le Programme national d'Assainissement des Eaux usées et Excrétas (PN-AEUE) dans des zones géographiques sélectionnées et les actions clés du Plan National de Gestion intégrée des Ressources en Eau (PN-GIRE) et du Programme National de Gouvernance de l'Eau (PNGE). Cependant le financement du PPR ne concernera pas le Programme national des Aménagements hydrauliques (PN-AHA).

### I. PRESENTATION GENERALE DU PROGRAMME

3. Les objectifs de développement du PPR sont d'améliorer l'accès aux services d'approvisionnement en eau et d'assainissement dans les zones ciblées et de renforcer l'information sur les ressources en eau.

#### *Domaine de Résultats 1. Accès amélioré à l'approvisionnement en eau*

4. Le Programme soutiendra le développement d'infrastructures prioritaires pour améliorer l'approvisionnement en eau et son efficacité opérationnelle. Sur le plan géographique, le PPR couvrira des zones urbaines, comprenant Ouagadougou et 12 centres secondaires et les zones rurales de quatre régions sélectionnées.

#### *Domaine de Résultats 2. Accès amélioré à l'assainissement*

5. Le PPR soutiendra l'accès durable aux services d'assainissement. Dans les zones urbaines, le PPR appuiera la construction de 85.000 latrines domestiques et 350 latrines publiques avec des sections distinctes pour hommes et femmes (dans des écoles et des marchés), pour bénéficier environ 850.000 personnes. Dans les zones rurales, le programme appuiera la construction de 50.000 latrines domestiques et 900 latrines publiques avec des sections distinctes pour hommes et femmes (dans des écoles, centres de santé et marchés), pour bénéficier environ 500.000 personnes.

### ***Domaine de Résultats 3. Accès amélioré à une information fiable en matière de ressources en eau***

6. Le programme vise à renforcer la gestion des ressources en eau en améliorant, optimisant et modernisant les réseaux d'observation des ressources en eaux de surface et souterraines pour les sources d'eau de surface et souterraines; renforcer les connaissances sur les ressources en eau; et opérationnaliser le SNIEau. Pour la connaissance et le suivi des eaux de surface, le PforR soutiendra l'optimisation et la modernisation du réseau hydrométrique existant au Burkina Faso, en acquérant et en installant les équipements et logiciels nécessaires, et en équipant et formant le personnel des services chargés de la collecte des données. Pour la connaissance et le suivi des eaux de surface, le PPR soutiendra l'optimisation et la modernisation du réseau hydrométrique existant au Burkina Faso, en acquérant et installant les équipements et logiciels nécessaires et en équipant et formant le personnel des départements chargés de la collecte de données.
7. Le Programme appuiera l'opérationnalisation du SNIE, qui a déjà été créé, pour rendre les données relatives à l'eau accessibles publiquement aux utilisateurs et aux décideurs.

#### **Dispositif institutionnel**

8. Au plan institutionnel, le PPR sera mis en œuvre à travers deux agences d'exécution : Ministère de l'Eau et de l'Assainissement (MEA) et l'Office national de l'Eau et de l'Assainissement (ONEA). L'Unité de Coordination du Programme (UCP) du MEA aura la responsabilité générale de la coordination des activités du Programme, du suivi-évaluation et reportage et de la gestion. Au sein de l'ONEA, une unité d'appui au Programme (UAP) appuiera les divisions chargées de la mise en œuvre des activités de l'eau et l'assainissement en milieu urbain.
9. Dans les zones ciblées par le Programme, l'ampleur totale du financement nécessaire pour mettre en œuvre le Programme pour l'eau et l'assainissement est estimée à 350 millions de dollars USA et les activités de gestion des ressources en eau sont estimées à 50 millions de dollars USA. Ainsi, le coût estimatif du programme sur la période de cinq ans est de 400 millions de dollars. Le programme sera financé par un financement du GoBF de 100 millions de dollars EU et un soutien de l'IDA de 300 millions de dollars EU, qui seront décaissés sur la base de résultats vérifiés

## **IV. PRINCIPALES INCIDENCES ENVIRONNEMENTALES ET SOCIALES**

### **➤ Activités du Domaine de Résultat 1**

#### ***En milieu urbain***

- La construction de réservoirs au sol, de stations de pompage et de châteaux sur deux sites (l'Est de la ville, Nord de la ville de Ouaga) ;
- Les travaux d'extension et de densification pour l'alimentation des zones de développement prioritaires (pose de 725 km de réseau de distribution, réalisation de 70 000 branchements sociaux et construction de 100 bornes fontaines).

#### ***En milieu rural***

- La réalisation de 1.100 forages équipés de Pompes à Motricité humaine (PMH) dont 700 dans les lieux communautaires et 400 dans centres de santé et établissements scolaires ;
- La réalisation de 90 systèmes d'adduction d'eau potable ;

- La réhabilitation de 60 Adductions d'Eau potables simplifiés (AEP).

➤ **Activités du Domaine de Résultat 2**

10. En milieu rural et en milieu urbain il est prévu la réalisation de latrines, à savoir :

- La réalisation de 135 000 latrines familiales;
- L'équipement de 1 300 écoles et centres de santé en ouvrages d'assainissement adéquats (blocs de latrines avec des blocs séparés garçons/filles avec une cabine pour handicapés dans chaque bloc dans le cas des écoles et lieux publics.

➤ **Activités du Domaine de Résultat 3**

11. Le Programme soutiendra le renforcement des connaissances et des systèmes de suivi des ressources en eau de surface et souterraines et l'opérationnalisation du Système national d'Information sur l'Eau (SNIEau).

12. Ces activités ont dans l'ensemble des impacts positifs dans la mesure où l'acquisition de connaissances et informations sur l'eau contribuent à l'amélioration des processus décisionnels. Toutefois, les travaux éventuels de fouilles pourraient engendrer une destruction partielle de la végétation et occasionner par endroits des pertes de portions de terrains et des perturbations d'activités socio-économiques.

13. Le Programme comportera *des risques environnementaux et sociaux adverses faibles*. Cela tient essentiellement aux aspects suivants :

- L'exclusion, en vertu de la nature même d'un PPR, de tout investissement comportant des risques environnementaux et sociaux majeurs;
- Le type et la nature des aménagements et des infrastructures prévus;
- L'absence, en vertu de la nature d'ouvrages et opérations d'aménagement, des cas majeurs de pollution atmosphérique ou sonore ou de dégradation significative de l'environnement habité ou de destruction ou réduction importante d'espaces verts ;
- L'existence de différentes mesures maîtrisables et efficaces, permettant d'atténuer les risques éventuels et assurer le suivi d'impact;
- L'existence d'institutions capables de gérer la plupart des aspects environnementaux et sociaux du Programme et d'un cadre institutionnel et juridique approprié.

**Retombées environnementales bénéfiques**

14. Les investissements du Programme auront des impacts environnementaux positifs - à la fois d'une manière directe et indirecte, temporaire et permanente. En effet, le Programme contribuera, entre autres choses, à :

- ▶ Réduire la fréquence et l'incidence des maladies hydriques et améliorer des conditions d'hygiène et de salubrité ;
- ▶ Renforcer les capacités du réseau de l'ONEA ;
- ▶ Renouveler le dispositif de gestion des AEP dans quatre régions ;

**Risques environnementaux**

15. Les principaux risques potentiels du Programme sont liés aux aspects suivants :

- ▶ Déstructuration de la texture du sol causée par des excavations en profondeur et le creusement de tranchées;
- ▶ Les engins de chantier et le matériel bruyant pouvant créer
- ▶ Nuisances sonores pour les populations riveraines et pour les ouvriers sur les chantiers (à cause de l'utilisation d'engins de chantier);
- ▶ Accidents pour les travailleurs et les populations riveraines à cause de la circulation des engins et l'éventuel non-respect des consignes de sécurité pouvant provoquer des ;
- ▶ Accidents et problèmes de sécurité surtout pour les personnes les plus vulnérables (enfants, personnes âgées, femmes, handicapés, etc.) pouvant constituer des risques non négligeables ;
- ▶ Dégâts à des objets du patrimoine culturel et religieux local.

### **Retombées sociales bénéfiques**

16. Les activités proposées devraient par leur nature même être avantageuses pour les populations bénéficiaires. Ces avantages incluent, entre autres :

- ▶ L'amélioration des conditions de vie, de salubrité et d'hygiène;
- ▶ L'instauration d'interactions régulières entre la population et les responsables des aménagements;
- ▶ Le développement socio-économique des zones urbaines et rurales ;
- ▶ La lutte contre la pauvreté et la réduction du chômage ;
- ▶ La réduction du montant des frais médicaux résultant du traitement des maladies associées à la pollution de l'eau et au manque de mesures d'assainissement;
- ▶ La mise en œuvre d'investissements (par ex. les latrines) qui ont été identifiés de manière stratégique et qui répondent aux besoins de toutes les catégories sociales, y compris les femmes et les jeunes filles ;
- ▶ La réduction du temps traditionnellement consacré par les femmes à la recherche de l'eau potable et l'augmentation du temps consacré aux soins des enfants et au loisir ;
- ▶ La participation citoyenne, à travers le renforcement des mécanismes d'accès à l'information, de consultation des citoyens, ainsi que de gestion des doléances et la mise en place de mesures visant à instaurer le droit de pétition et de suivi de la satisfaction des usagers des services de l'eau ;
- ▶ La compensation des éventuelles pertes de manière juste et préalable à travers le respect des dispositions de sauvegardes sociales ;
- ▶ L'instauration d'interactions régulières avec la population et les responsables des aménagements.

### **Risques sociaux**

17. La phase des travaux verra l'ouverture de chantiers de construction d'ouvrages et d'aménagement, qui pourraient avoir des risques sociaux négatifs, dans la mesure où cela, dans certains cas, peut :

- ▶ Nécessiter l'acquisition partielle ou totale de terrains privés et, par conséquent, l'expropriation éventuelle pour cause d'utilité publique et des réinstallations involontaires de ménages résidentiels ou d'entreprises ;
- ▶ Générer des perturbations temporaires d'activités artisanales et économiques des personnes et des ménages, causant des pertes des revenus (manque à gagner) ;

- ▶ Créer des difficultés temporaires d'accès des habitants à leurs logements, à leurs commerces et autres établissements publics (écoles, dispensaires, etc.) ;
- ▶ Provoquer des accidents sur les chantiers ou autour des chantiers;
- ▶ Nécessiter de déviations temporaires de la circulation de voitures ou des restrictions du passage des piétons et générer des perturbations dans les activités;
- ▶ Contribuer – à cause de la présence de travailleurs de chantier étrangers – à un accroissement de la violence et des actes éventuels d'harcèlement sexuel des femmes et l'accroissement de maladies sexuellement transmissibles et du VIH/SIDA ;
- ▶ Engendrer des conflits et des actes de sabotage liés à la non utilisation de la main d'œuvre locale.

18. Par ailleurs, compte tenu du fait que ces risques sociaux se manifesteront principalement pendant les travaux, ces derniers seront organisés en conséquence et des voies d'accès alternatives seront mises en place et les personnes affectées seront dûment informées. Ces points feront l'objet de clauses spécifiques des *Cahiers de Charges* des entreprises et un suivi régulier sera assuré par les opérateurs régionaux et la Commune. Des dispositions seront prises également pour la compensation juste et préalable des biens qui seront touchés par les travaux. Tenant compte de ce qui précède et de l'expérience passée, les risques sociaux prévisibles des travaux sont considérés modérés.

#### VUE D'ENSEMBLE

19. Le Programme comportera des impacts environnementaux et sociaux limités ou modérés. Cela tient essentiellement au fait que le *Programme, conçu comme un PPR*, exclut, par principe, tout investissement comportant des risques environnementaux et sociaux majeurs.

➔ Ainsi, en conformité avec cette politique, le Programme ***exclura d'office toute activité posant un risque environnemental et social potentiellement important et des impacts négatifs significatifs.***

20. Par conséquent, sera considéré ***comme non éligible*** tout sous-projet concernant :

- ▶ La construction ou la réhabilitation d'ouvrages qui comporterait des risques sociaux, à savoir un déplacement physique important de personnes ou d'acquisition de vastes surface de terres privées ou de démolition d'un grand nombre de maisons individuelles ou encore des restrictions d'accès significatives aux ressources économiques et naturelles;
- ▶ La construction ou la réhabilitation d'ouvrages qui pourraient engendrer ou exacerber des conflits sociaux de nature foncière existants ;
- ▶ La réalisation d'ouvrages/travaux qui pourraient avoir un impact irréversible sur des ressources culturelles physiques de nature archéologique ou historique ou des lieux de culte;
- ▶ La réalisation des travaux ayant un impact élevé et irréversible sur toute zone classée comme site d'intérêt biologique ou écologique.

21. Différentes mesures maîtrisables et efficaces permettront d'atténuer les risques éventuels des sous-projets éligibles, et assurer le suivi de leur impact, à la fois pendant la phase des travaux et lors du fonctionnement des ouvrages.

## V. EVALUATION DES SYSTEMES NATIONAUX

### LE SYSTEME ENVIRONNEMENTAL

#### Cadre politique

22. Au Burkina Faso, la protection de l'environnement constitue un des axes prioritaires des politiques devant contribuer à la réalisation des objectifs du développement durable. Parmi ces politiques, les plus importantes sont les suivantes :

- ▶ Le *Plan National de Développement Economique et Social (PNDES)*, vise à réformer les institutions et à moderniser l'administration, à développer le capital humain et à dynamiser les secteurs porteurs pour l'économie et l'emploi.
- ▶ La *Politique nationale de développement durable (PNDD)* présente une vision en matière de développement durable à l'horizon de 2050.
- ▶ La *Politique nationale d'Environnement (PNE)* marque la volonté du gouvernement de créer un cadre de référence pour la prise en compte des questions environnementales dans les politiques et stratégies de développement.
- ▶ La *Politique et stratégies en matière d'eau* a pour objectif général de contribuer au développement durable en par des solutions appropriées aux problèmes liés à l'eau.
- ▶ La *Politique et stratégie nationales en matière d'assainissement* a pour objectif de contribuer au développement durable en apportant des solutions appropriées aux problèmes liés à l'assainissement, afin d'améliorer les conditions de vie et d'habitat des populations, de préserver leur santé et de protéger les ressources naturelles.

#### Cadre législatif et réglementaire

23. La *Constitution burkinabé*, promulguée le 11 juin 1991, définit les droits et obligations fondamentaux des citoyens, détermine la forme d'organisation de l'état, organise la mise en œuvre du principe républicain universel de la séparation des pouvoirs. La constitution de la IV<sup>e</sup> République contient de nombreuses références environnementales.

#### Code de l'environnement

24. Le Code de l'Environnement, adopté par la loi N°006-2013/AN du 02 avril 2013, est consacrée à l'Evaluation Environnementale Stratégique (EES), à l'Etude et à la Notice d'Impact sur l'Environnement (EIE, NIE).

#### Gestion de l'eau

25. La loi n ° 002-2001 du 8 février 2001 relative à la gestion et à la mise en œuvre de l'eau prévoit à l'article 39 pour l'EIE / NIE avant la réalisation des installations, travaux, travaux susceptibles de présenter des dangers pour la santé et la sécurité publique, pour réduire les ressources en eau, pour modifier sensiblement le niveau, le mode d'écoulement ou le régime des eaux.

## Santé publique

26. La loi n ° 23/94 / ADP du 19 mai 1994 portant code de la santé publique porte sur la protection de la santé de l'environnement (pollution de l'air et de l'eau).

27. La loi 2005-022 sur l'hygiène publique régit la santé publique au Burkina Faso, notamment l'hygiène des routes et des places publiques, l'hygiène des piscines et des zones de baignade, le logement, les denrées alimentaires, l'eau, les installations industrielles et commerciales, les écoles maternelles et les bâtiments sanitaires. , les bâtiments publics et l'environnement naturel et la lutte contre le bruit.

## Développement durable

28. *La loi N° 008-2014/AN du 08 avril 2014 portant loi d'orientation sur le développement durable* a pour but de créer un cadre national unifié de référence pour assurer la cohérence des interventions des acteurs à travers des réformes juridiques, politiques et institutionnelles.

## Décentralisation

29. A noter enfin que d'après *la loi n°021-2006/AN du 14 novembre 2006, portant code général des Collectivités Territoriales*, les collectivités territoriales concourent à l'administration du territoire, au développement économique, social, éducatif, sanitaire, culturel et scientifique ainsi qu'à l'amélioration du cadre de vie.

## Acteurs institutionnels chargés de l'environnement

- ▶ *Le Ministère de l'Environnement, de l'Economie Verte et du Changement Climatique (MEEVCC)* assure la mise en œuvre et le suivi de la politique du Gouvernement en matière d'environnement et d'assainissement du cadre de vie. Le MEEVCC inclut plusieurs directions, parmi lesquelles : la *Direction générale de la Préservation de l'Environnement* et la *Direction de la Prévention des Pollutions et des Risques Environnementaux*.
- ▶ *Le Bureau National des Evaluations Environnementales (BUNEE)* a pour missions la coordination de la mise en œuvre et du suivi de la politique nationale en matière d'évaluations environnementales.
- ▶ *Le Ministère de l'Eau et de l'Assainissement (MEA)*, dont le mandat est la définition et la mise en œuvre de la politique nationale en matière d'eau potable et d'assainissement.
- ▶ *L'Office national de l'Eau et de l'Assainissement (ONEA)*, placé sous la tutelle du Ministère de l'Eau et de l'Assainissement (MEA) a pour objet : (i) la création, la gestion et la protection des installations de captage, d'adduction, de traitement, et de distribution d'eau potable pour les besoins urbains et industriels; et (ii) la création, la promotion et l'amélioration ainsi que la gestion des installations d'assainissement collectifs, individuels ou autonomes pour l'évacuation des eaux usées et des excréta en milieu urbain et semi urbain.

## SYSTEME DE GESTION DES ASPECTS SOCIAUX

### Cadre légal national

30. Le contexte législatif et réglementaire a trait à la législation foncière, la participation du public, les mécanismes d'acquisition de terrain, de réinstallation et de restructuration foncière.



31. Du point de vue légal, selon la loi n° 034-2012/AN du 02 juillet 2012 portant **Réorganisation Agricole et Foncière** (RAF) au Burkina Faso, il y a trois types de régimes de propriété des terres au Burkina Faso : (i) *Régime légal de propriété de l'Etat* ; (ii) *Régime de propriété des collectivités territoriales* ; et (iii) *Patrimoine foncier des particuliers*.

### **Droit à la propriété**

32. La Constitution du Burkina Faso garantit à tous le droit à la propriété privée, à sa protection ainsi qu'à l'expropriation. Nul ne saurait être privé de sa jouissance si ce n'est pour cause d'utilité publique et sous la condition d'une juste indemnisation fixée conformément à la loi. Cette indemnisation doit être préalable à l'expropriation, sauf cas d'urgence ou de force majeure.

### **Acteurs institutionnels**

33. En matière de gestion des terres au Burkina Faso, les organisations ou structures de gestion sont définies par la RAF et la loi n°034-2009/AN portant régime foncier rural et textes prioritaires d'application. Ces organisations se situent à quatre niveaux : national, régional, communal et village.

- ▶ *Au niveau national* : En référence à la loi n°034, il est institué une instance nationale de concertation, de suivi et d'évaluation de la politique et de la législation foncière rurale réunissant l'ensemble des acteurs publics, privés et de la société civile. Actuellement cette instance n'est pas encore opérationnelle.
- ▶ *Au niveau régional* : Ce sont les services techniques déconcentrés compétents de l'Etat qui sont chargés d'apporter un appui aux Services Fonciers Ruraux (SFR) des collectivités territoriales tel que stipulé par la loi n°034 portant régime foncier rural.
- ▶ *Au niveau communal* : le *Service Foncier Rural (SFR)* au niveau de chaque commune rurale est chargé de l'ensemble des activités de gestion et de sécurisation du domaine foncier de la commune et des activités de sécurisation foncière du patrimoine foncier rural des particuliers sur le territoire communal.
- ▶ *Au niveau villageois* : Une Commission Foncière Villageoise, créée dans chaque village et composée des autorités coutumières et traditionnelles villageoises chargées du foncier, est chargée de contribuer à la sécurisation et la gestion du domaine.

### **Instances constitutionnelles de recours**

34. Le bureau du *Médiateur de la République* du Faso a été par la loi organique n°22/94/ADP du 17 mai 1994. Le médiateur est une autorité administrative indépendante, qui ne reçoit d'instruction d'aucune autorité politique, administrative, législative ou judiciaire, et qui reçoit les réclamations relatives au fonctionnement des Administrations de l'État, des collectivités territoriales, des établissements publics et de tout autre organisme investi d'une mission de service public.

### **Conclusion**

- ▶ Dans le domaine de la gestion environnementale et sociale, la plupart des institutions sont en place et leur mandat a été défini. Le système national d'évaluation de l'impact sur l'environnement est basé sur un processus bien défini de diagnostic et d'évaluation de la

nature des impacts et de préparation de sauvegardes environnementales et sociales appropriées.

- ▶ Cependant, les institutions ont des ressources humaines limitées avec un fort besoin de renforcement des capacités. De plus, ils n'ont pas assez de ressources financières pour fonctionner de manière appropriée.
- ▶ Les procédures administratives sont lentes et ne permettent pas des prises de décisions rapides et en temps opportun ;
- ▶ Les enquêtes publiques sont souvent des séances d'information du public et ne donnent pas lieu à de véritables consultations publiques ;
- ▶ Le système de gestion des plaintes n'est pas opérationnel, surtout dans le cadre d'interventions en milieu rural.

## VI. ADEQUATION DES SYSTEMES APPLICABLES

35. Les forces, les lacunes, les risques et les opportunités des systèmes nationaux sont présentés à la lumière des Principes clés applicables au Programme - tels qu'ils sont décrits dans la Politique et la Directive de la Banque pour le financement des Programmes pour les résultats (PPR).

➔ **Principe clé 1 : Principe général de l'évaluation et de la gestion de l'impact environnemental et social.** Ce Principe est **applicable** au Programme. En effet, les travaux financés dans le cadre du Programme pourraient entraîner des impacts négatifs à risque faible à modéré. L'ESES a été préparée et ses recommandations seront intégrées dans le plan d'action global du programme.

- ▶ **Au niveau des forces :** Le Burkina Faso dispose de cadres réglementaires et juridiques adéquats permettant de gérer d'une manière appropriée les impacts environnementaux et sociaux du Programme et d'une institution en charge des évaluations environnementales (BUNEE).
- ▶ **Au niveau des faiblesses et écarts :** Au niveau institutionnel, la coordination entre le niveau central et le niveau régional n'est pas adéquate (par exemple entre le BUNEE et les directions régionales), le partage de l'information n'est pas efficace et cet état de fait ne facilite pas le suivi de la mise en œuvre des PGES. Les institutions en charge de la gestion environnementale et sociale ne disposent pas des ressources humaines ni des moyens financiers appropriés.
- ▶ **Au niveau des actions et opportunités :** Organisation d'initiatives de sensibilisation de tous les acteurs et parties prenantes au sujet des problèmes de la gestion de l'environnement, de l'impact. Lancement de mesures pour renforcer d'une manière plus appropriée les capacités des responsables centraux et locaux en matière de procédures de sauvegarde environnementale et sociale.
- ▶ **Au niveau des risques:** Une mauvaise mise en œuvre des règles et procédures de gestion environnementale et sociale. L'incapacité de faire appliquer les règlements environnementaux actuels en temps opportun.

➔ **Principe clé 2 : Habitats naturels et Ressources physiques et culturelles**

Ce principe n'est **pas applicable** au Programme. En effet, aucune activité du Programme n'aura lieu au sein de zones de protection de la biodiversité. Aucun investissement ne

pourra être éligible s'il menace des écosystèmes fragiles. Aucun investissement ne pourra être éligible s'il menace directement le patrimoine culturel et religieux d'une région.

➔ **Principe clé 3 : Sécurité du public et des travailleurs**

Ce principe est **applicable**. En effet, les travaux entrepris dans le cadre du Programme pourraient avoir un impact sur la sécurité du public et des travailleurs des chantiers. Les travailleurs dans les chantiers pourraient être exposés à des accidents/blessures liées au travail, à la pollution de l'eau, à la pollution de l'air, aux nuisances sonores, aux vibrations aux déchets solides et aux matériaux toxiques ou dangereux sur le site. Les populations des zones proches des chantiers pourraient aussi être exposées aux mêmes dangers.

- ▶ **Au niveau des forces** : Le système législatif / réglementaire du Burkina Faso comprend des dispositions en matière de sécurité sur les chantiers. La sécurité des travailleurs est assurée par l'Inspection du Travail. Il existe des politiques et directives nationales concernant la sécurité et la santé du public et des travailleurs.
- ▶ **Au niveau des faiblesses et écarts**. Les dispositions de la sécurité des travailleurs ne sont pas toujours incluses dans les contrats de travaux de génie civil. Le nombre insuffisant d'agents de contrôle ne permet pas un contrôle régulier de l'application des dispositions sur les chantiers.
- ▶ **Au niveau des opportunités** : Information et formation au sujet des mesures de sécurité dans les chantiers. Présence au niveau local de démembrés de l'Inspection du Travail
- ▶ **Au niveau des risques** : L'incapacité de faire appliquer les règlements environnementaux, sociaux et sécuritaires actuels en temps opportun. La non-implication des responsables de l'Inspection du Travail

➔ **Principe clé 4 : Acquisition de terres**

Ce principe est **applicable**. En effet, les travaux pourraient impliquer des déplacements physiques ou économiques temporaires ou permanents de ménages résidentiels ou d'entreprises et nécessiter l'acquisition de terrains privés et, par conséquent, l'expropriation pour cause d'utilité publique et des réinstallations involontaires de ménages résidentiels ou d'entreprises.

- ▶ **Au niveau des forces** : Les indemnités ou compensation des personnes affectées sont prévues par le régime foncier existant au Burkina Faso
- ▶ **Au niveau des faiblesses et écarts** : Les procédures nationales d'acquisition de terres manquent de clarté et ne sont pas complètes. Les occupants informels ne sont pas reconnus par la loi burkinabè. Les propriétés coutumières des terres sont reconnues, mais doivent faire l'objet de confirmation avant être indemnisées.
- ▶ **Au niveau des opportunités** : Assurer un système d'indemnisation, y compris pour les occupants informels. Assurer une compensation juste et préalable. Assurer un suivi adéquat des personnes affectées afin qu'elles retrouvent les conditions ex-ante projet et qu'elles ne deviennent plus pauvres.
- ▶ **Au niveau des risques** : Manque de ressources humaines et de moyens financiers un niveau des institutions nationales et locales en charge de faire respecter les lois et les dispositifs. Manque de coordination entre les acteurs institutionnels concernés.

➔ **Principe clé 5 : Considération sociales : Peuples autochtones et Groupes vulnérables**

Ce principe est **applicable** (à l'exception du fait qu'il n'y a pas de Peuples autochtones au Burkina Faso, tel que définis par la politique de la Banque y relative).

- ▶ ***Au niveau des forces*** : Des enquêtes visent à informer les populations de la réalisation du projet et pour recueillir leurs observations ; des affiches d'information sont apposées à cet effet dans les places publiques.
- ▶ ***Au niveau des faiblesses et écarts*** : La législation burkinabé ne prévoit pas de mesures spécifiques pour les groupes vulnérables. Le système de gestion des plaintes au niveau local n'est pas opérationnel.
- ▶ ***Au niveau des opportunités*** : Définir et mettre en place une stratégie d'engagement des parties prenantes dans le cadre du programme de sensibilisation, ciblant en particulier les groupes vulnérables. Préciser toute forme d'appui aux groupes les plus vulnérables. S'assurer de la fonctionnalité du système de gestion des plaintes
- ▶ ***Au niveau des risques*** : Le manque de clarté et de cohérence concernant le mécanisme de mise en œuvre de consultations publiques et d'engagement des parties prenantes pourrait aliéner les groupes pauvres et vulnérables.

➔ ***Principe clé 6 : Considérations sociales – Conflit social***

Ce principe **n'est pas applicable**. En effet, le Programme n'est pas mis en œuvre dans des zones de conflit.

### **Conclusion**

36. De l'analyse précédente du cadre juridique et institutionnel de la gestion environnementale et sociale au Burkina Faso, un certain nombre de conclusions peuvent être tirées:

- ▶ La plupart des institutions sont en place et leur mandat a été défini. Cependant, leurs actions ne sont pas suffisamment coordonnées et elles manquent de ressources humaines et financières.
- ▶ Il n'y a pas de coordination efficace entre le niveau central et le niveau régional pour la gestion environnementale et sociale.
- ▶ Les procédures administratives sont lentes et ne permettent pas une prise de décision rapide et rapide.
- ▶ Les consultations publiques menées dans le cadre des enquêtes publiques ne concernent que les EIES alors que celles-ci devraient également s'étendre aux NIES
- ▶ Le système de gestion des plaintes n'est pas opérationnel, en particulier dans le cadre d'interventions rurales.

37. Force est de reconnaître que ces lacunes doivent être comblées par des réformes et des dispositifs appropriés. Ensemble avec la communauté des partenaires techniques et financiers, la Banque mondiale joue déjà et pourrait jouer davantage un rôle important pour appuyer les améliorations nécessaires.

38. Cependant, d'ores et déjà, dans le cadre de ce PPR, il est possible de saisir l'occasion pour améliorer certains aspects techniques et administratifs, créer une nouvelle dynamique, préciser et consolider les partenariats et les synergies entre les intervenants, et renforcer les capacités institutionnelles de toutes les parties prenantes intervenant en

matière de sauvegardes environnementale et sociale aux niveaux national, régional, communal et villageois.

➔ *A la lumière des systèmes de gestion environnementale et sociale du Burkina Faso analysés précédemment, le Programme proposé est considéré adéquat pour un financement d'un Programme pour les Résultats (PPR).*

## VII. PLAN D'ACTION EN MATIERE DE GESTION ENVIRONNEMENTALE ET SOCIALE

39. Le Programme soutiendra des mesures spécifiques pour améliorer les conditions concernant la performance du système de gestion environnementale et sociale dans la mise en œuvre et le suivi des activités du Programme. Ces mesures sont proposées dans le cadre d'un Plan d'action de gestion environnementale et sociale (PA/GES) - ce Plan faisant partie du Plan d'Action global du Programme en tant que tel. Le PA/GES identifie trois volets de recommandations, chaque volet comportant des activités distinctes et complémentaires.

➤ *Premier volet du PA/GES : Renforcement du système de gestion environnementale et sociale des investissements du Programme.* Ce volet comprend les éléments suivants :

▶ **Manuel technique.** Préparation d'un *Manuel Technique pour la Gestion environnementale et sociale (MTGES)* des investissements du Programme à l'intention du Ministère de l'Eau et de l'Assainissement (MEA) et de l'Office National de l'Eau et de l'Assainissement (ONEA) et de l'ensemble des services techniques, ainsi que de toutes les parties prenantes, qui seront impliquées aux niveaux national, régional et local dans la mise en œuvre du Programme, pour que les procédures de gestion environnementale et sociale soient dûment comprises, parfaitement appropriées et suivies. Le Manuel, qui traitera en particulier des lacunes identifiées dans les systèmes nationaux (voir les six Principes clés), fera partie intégrante du Manuel d'Opération du Programme (Annexe spéciale) et inclura, entre autres, les procédures d'acquisition des terres et la gestion des plaintes.

▶ **Convention interinstitutionnelle** entre le Ministère de l'Eau et de l'Assainissement (MEA), Office National de l'Eau et de l'Assainissement (ONEA), d'une part, et le Bureau National des Evaluations Environnementales (BUNEE), d'autre part. Le contenu de cette convention établira les conditions de collaboration (sensibilisation, information et formation ; examen et la certification rapide des sous-projets ; contrôle et suivi environnemental et social ; etc.). Cette convention pourrait être complétée par des protocoles de collaboration avec d'autres institutions bien ciblées.

➤ *Deuxième volet du PA/GES : Renforcement des capacités en matière de gestion environnementale et sociale* des principaux acteurs et représentants de parties prenantes du Programme. Ce volet inclut deux types d'activités distinctes :

- ▶ **Ressources humaines de l'UCP pour la Gestion Environnementale et Sociale.** Recrutement ou nomination de la part du MEA et ONEA d'un spécialiste social et d'un spécialiste environnemental au sein de l'UCP, qui seront employés à plein temps tout au long de la mise en œuvre du Programme.
- ▶ **Formation sur le MTGES.** Un programme de formation sera élaboré pour l'application du MTGES à l'intention de toutes les différentes parties prenantes impliquées dans la mise en œuvre du Programme, en particulier : les membres des cellules environnementales du MEA, ONEA et des autres ministères impliqués, les membres des commissions communales « Environnement et développement local » et des commissions « Aménagement du territoire et du Foncier », du BUNEE, et des Directions Régionales de l'Environnement, de l'Economie Verte et du Changement Climatique (DREEVCC), et de l'Action sociale, etc.
- ▶ **Formation spécialisée en matière de suivi et contrôle des mesures d'atténuation GES et de Rapportage :** Cette formation plus approfondie en matière de suivi et contrôle et de préparation des Rapports sera octroyée aux représentants de toutes les institutions locales, régionales et nationales (y compris les entreprises de travaux) impliquées dans la collecte, traitement et analyse des informations concernant la mise en œuvre des mesures d'atténuation.

40. Tous les coûts de ces éléments du Plan Action GES seront intégrés *dans le budget global du Programme*. Par contre, le coût des mesures d'atténuation de nature environnementale et sociale seront intégrés *aux budgets des sous-projets d'investissements eux-mêmes*.

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La Banque mondiale a organisé la consultation publique avec les représentants des principales parties prenantes, les organisations de la société civile et le secteur privé pour présenter et discuter la version préliminaire de l'ESES.

Par la suite, pendant toute la durée du Programme, c'est à la partie burkinabé que reviendra la responsabilité d'organiser les consultations sur les activités spécifiques (sous-projets d'investissement) du Programme.

La version révisée finale de l'ESES sera diffusé publiquement à travers les sites Internet du MEA et de l'ONEA et également le site internet externe de la Banque mondiale.

Des copies imprimées sur papier seront disponibles au niveau national et régional auprès des institutions concernées.

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## SECTION I. INTRODUCTION

### I.1 BACKGROUND

41. This Environmental and Social Systems Assessment (ESSA) was undertaken by the World Bank as part of the preparation of the Program for Results (PforR) for the Water, Sanitation and Integrated Water Resource Management Sector in Burkina Faso.
42. The Program supports the Government of Burkina Faso's priorities for providing universal access to water supply services, sanitation services, and strengthening water resources management. Based on the objectives and actions proposed by the Government Sector Programs, the Program to be supported by this IDA operation will finance a subset of investments included in the National Program for Drinking Water Supply (NP-DWS) and the National Sewage and Excreta Water Sanitation Program (PN-AEUE) in selected geographical areas and the key actions of the National Plan for Integrated Water Resources Management (PN-GIRE) and the National Water Governance Program (PNGE) ). However, the financing of the PforR will not involve the National Program of Hydraulic Developments (PN-AHA).

### I.2 ESSA GOALS AND APPROACH

43. ESSA reviews the program's environmental and social management systems to assess their compliance with the provisions of the Bank's PforR funding policy. The aim is to make sure that it does not involve significant environmental and social risks and that the systems put in place make it possible to identify and manage potential risks. In particular, the ESSA identifies and analyzes gaps that would exist between the national systems and the basic principles applying to the program, and recommends actions to improve the coherence of environmental and social management systems with the requirements of the Bank.
44. Unlike conventional investment programs or projects, the PforR supports a government program by underscoring the following objectives: (i) to finance the borrower specific program expenditures; (ii) to link the disbursement of funds directly to the achievement of specific results; (iii) to use and, where appropriate, strengthen the systems to make sure that the funds are used in an appropriate manner with adequate consideration of the environmental and social impact of the program; and (iv) to build institutional capacity allowing to achieve the expected results.
45. The World Bank's PforR funding policy outlines the basic principles of environmental and social management that must be respected in the ESSA. The coherence of the Program's systems is considered by the Program based on: (i) the systems defined by laws, regulations, procedures, etc. ("*the system as defined*"); and (ii) the ability of Program institutions to effectively implement the systems ("*the system as applied in practice*"). It identifies and analyzes the gaps between the national systems and the basic principles of the Program at the two levels indicated above. It should thus be emphasized that, by virtue of the nature of the programmatic interventions, ESSA focuses on the

system as such, by giving only guidance on the type, nature and characteristics of the activities implemented under the Program.

46. The basic principles that must be respected in *the assessment of environmental and social systems* are as follows:

- ▶ Promoting environmental and social sustainability in program design;
- ▶ Avoiding, minimizing or mitigating or compensating negative impacts, and promoting informed decision-making about the environmental and social impacts of the program;
- ▶ Avoiding, minimizing or mitigating or compensating negative impacts on physical cultural resources resulting from the program;
- ▶ Protecting public and worker safety against the potential risks associated with: (i) the construction and/ or operation of facilities under the program; (ii) exposure to toxic chemicals, hazardous waste, air pollution and noise pollution under the program; and (iii) reconstruction or rehabilitation of infrastructure within the urban perimeter;
- ▶ Managing the potential acquisition of private land and the loss of access to economic goods and services in a manner that avoids or reduces physical and economic displacement, and helps affected people to improve, or at least restore, their livelihoods and standard of living;
- ▶ Taking account of cultural relevance and equitable access to the benefits of the program, by paying particular attention to the rights and interests and needs and concerns of all social categories, including vulnerable groups;
- ▶ Helping to prevent, reduce or even eradicate social conflicts.

47. Thus, the program's approach excludes any activity posing a potentially significant environmental and social risk and various negative, varied, irreversible and unprecedented negative impacts.

48. ESSA aims to identify the strengths and weaknesses of the environmental and social system applicable to the program with a view to identifying the actions needed to improve its performance. Specific measures to address identified weaknesses or gaps are also proposed as part of an Environmental and Social Management Action Plan, which is an integral part of the Program's Action Plan as such, with a view to improving current practices and procedures to make them more in line with the Bank's arrangements.

### **I.3 METHODOLOGY**

49. The preparation of ESSA and the development of measures to strengthen environmental and social management systems has benefited from various information and a process of consultation with institutional actors, especially:

- ▶ The review of available documents and data on national environmental and social procedures and the related political, institutional and regulatory frameworks, analysis of the environmental and social safeguards capacities of institutions involved in the Program; and World Bank documentation on PforRs and ESSAs (see Annex 9 for the list of documents consulted) ;
- ▶ Interviews and working meetings with representatives of state and non-state institutions involved in the Program and key stakeholders and field visits;



- ▶ Consultations with representatives of key stakeholders and civil society organizations to better explain ESSA expectations, identify environmental and social issues of the Program, assess technical assistance and capacity building needs (see Annex 10 for the record of these consultations).
- ▶ A National Public Consultation was held on March 27th, 2018, with the participation of representatives from all stakeholders, development partners, civil society organizations and the private sector. Comments from the workshop have been incorporated into the revised version of the ESSA (with a complete list of participants) see Annex 11.
- ▶ The ESSA report will be publicly disseminated in the country, through the website of the Ministry of Water and Sanitation (MEA), as well as on the World Bank's external website. Public comments will be solicited during the defined period.

## SECTION II. DESCRIPTION OF THE PROGRAM

### II.1 CONTEXT

50. Burkina Faso is one of the poorest countries in the world, with more than 40 per cent (or 7.7 million) of the population living below the poverty line in 2014, with about 90 per cent of the poor living in rural areas. Members of poor households remain almost totally excluded from several basic services and access to infrastructure. Per capita gross national income was US\$750 in 2014. The country was ranked 185 out of 188 countries on the 2015 Human Development Index.

### II.2 MAIN CHARACTERISTICS OF THE PROGRAM

51. The PforR's development objectives are to improve access to water and sanitation supply services in targeted areas and to strengthen water information.

#### *Result Area 1. Improved access to water supply*

52. The Program will support the development of priority infrastructure to improve water supply and enhance its operational efficiency. Geographically, the PforR will cover urban areas including Ouagadougou and 12 additional secondary centers and rural areas of four selected regions.

#### *Result Area 2. Improved access to sanitation*

53. The PforR will support sustainable access to sanitation services. In urban areas, the Program will support the construction of 85,000 household latrines and 350 public latrines with male/female compartments (in schools and markets), benefiting about 850,000 people. In rural areas, the Program will support the construction of 50,000 household latrines and 900 public latrines with male/female compartments (in schools, health centers, and markets), benefiting about 500,000 people

#### *Result Area 3. Improved access to reliable information on water resources*

54. The PforR will support sustainable access to sanitation services. In urban areas, the Program will support the construction of 85,000 household latrines and 350 public latrines with male/female compartments (in schools and markets), benefiting about 850,000 people. In rural areas, the Program will support the construction of 50,000 household latrines and 900 public latrines with male/female compartments (in schools, health centers, and markets), benefiting about 500,000 people

55. Regarding knowledge and monitoring of surface water, the PforR will support the optimization and modernization of the existing hydrometric network of Burkina Faso, by acquiring and installing the equipment and software required and by equipping and training the personnel of the departments responsible for data collection.

56. With regard to groundwater, the PforR will support the organization and updating of existing groundwater resources data and the rationalization of the piezometric network for better knowledge and monitoring of groundwater sources. In particular, the Program will support studies to estimate aquifer recharge and runoff, assess water withdrawals in the sector (industrial, agricultural, mining, and household consumption) to accurately

estimate exploitable reserves and a comprehensive study of the largest aquifer in the country. In addition, the Program will support the optimization of primary and secondary piezometric monitoring networks.

57. For the SNIE, the Program will support the operationalization of the SNIE that has already been established to make water-related data publicly available to users and decision makers, and improve its coherence and quality. This includes support to the development of the SNIE platform to be used for data dissemination; the drafting and adoption of a decree for the institutionalization of the SNIE; the establishment of data exchange protocols for the SNIE; and publicize the water data repository. Emphasis will be placed on improving the quality and access to water information and expanding public access beyond the data to the analytical results (trends, water balance, etc.).

### **Institutional Arrangement**

58. At the institutional level, the PforR will be implemented through two implementing agencies: the Ministry of Water and Sanitation (MEA) and the National Office of Water and Sanitation (ONEA). The Program Coordinating Unit (PCU) of the MEA will have overall responsibility for the coordination of Program, monitoring and evaluation and reporting and management activities. Within ONEA, a Program Support Unit (PSU) will support the divisions responsible for the implementation of water and sanitation activities in the urban environment

59. In targeted areas supported by the Program, the total scale of the financing required to implement the Program for water and sanitation is estimated to be US\$350 million and for the WRM activities is estimated to be US\$50. Thus, the estimated cost of the Program over the five-year period is US\$400 million. The Program will be financed through GoBF financing of US\$100 million and IDA support of US\$300 million, which will be disbursed on the basis of verified results.

## **II.3 ENVIRONMENTAL AND SOCIAL IMPACTS / RISKS OF THE PROGRAM**

60. *Overall Impact of the Program.* Les activités prévues dans le cadre du Programme porteront essentiellement sur les aspects suivants :

### **➤ Result Area 1 Activities**

#### ***In Urban Areas :***

- Construction of ground tanks, pumping stations and water towers on two (2) sites (East of the city, North of the city of Ouaga) ;
- Extension and densification works for the supply of priority development zones (installation of 725 km of distribution network, completion of 70,000 social connections and construction of 100 standpipes).<sup>1</sup>

#### ***In Rural Areas :***

- Completion of 1,100 boreholes equipped with Human Motor Pumps (PMH), of which 700 ones in community centers and 400 ones in health centers and schools;

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<sup>1</sup> A letter from the Minister in charge of the Environment dated 26 February 2018 authorized the realization of NIES on all drinking water supply projects in urban areas (see copy of this letter in Annex 8).

- Completion of 90 drinking water supply systems;
- Rehabilitation of 60 Simplified Drinking Water Supplies (DWS).

➤ **Result Area 2 Activities**

61. In rural and urban areas, latrines are planned, namely:

- Construction of 135,000 household latrines;
- Equipment of 1,340 schools and health centers with adequate sanitation facilities (latrine blocks with separate boys/girls blocks with a cabin disabled for disabled users in each block in the case of schools) and public places.

➤ **Result Area 3 Activities**

62. Activities will have positive impacts as they will contribute to the improvement of decision-making processes. However, potential excavation work may result in part in destruction of vegetation, and in some instances, result in loss of portions of land and disruption of socio-economic activities. These works are subject to simple environmental and social Requirements - in accordance with national arrangements (see Box in Section II).

63. **Positive impacts.** The Program activities will have major benefits for both the environment and the population (access to drinking water, less hardship in drinking water supply and time saving for women, reduction of water-borne diseases, improvement of living conditions, improvement of hygiene, fight against poverty, reduction of unemployment, etc.). These positive effects are numerous and should be maintained over the long term.

64. **Core Principles.** This ESSA was prepared in accordance with the six key principles outlined in paragraph 8 of the World Bank Policy on PforR Financing, with the objective of managing program risks and promoting sustainable development. These principles are:

- ▶ **Core Principle 1- Environment :** Promoting environmental and social sustainability in program design, avoiding, minimizing or mitigating undesirable impacts, promote information-based decision-making about the environmental and social impacts of the program
- ▶ **Core Principle 2- Natural Habitats and Cultural Resources:** Avoiding, minimizing or mitigating adverse impacts on natural habitats and cultural resources resulting from the program
- ▶ **Core Principle 3- Public and Workers Safety:** Protecting the safety of the public and workers from the potential risks associated with: (i) construction and/or works of infrastructure or other work depending on the program; (ii) exposure to toxic chemicals, hazardous wastes, noise, vibrations, and other hazardous materials dependent on the program; (iii) reconstruction or rehabilitation of infrastructure located in areas subject to natural hazards
- ▶ **Core Principle 4- Land Acquisition:** Managing land acquisition and loss of access to natural resources in a way that avoids or minimizes displacements, and assists affected people by promoting, or at least, by restoring their livelihoods and their living conditions.

- ▶ **Core Principle 5- Vulnerable Groups:** Paying particular attention to the cultural relevance of, equitable access to, program benefits, granting special attention to the rights and interests and needs and concerns of vulnerable groups. Vulnerable groups will include the elderly, women heads of family, and people living with disabilities.
- ▶ **Core Principle 6- Social Conflict:** Avoiding exacerbating social conflict, especially in fragile states, post-conflict areas, or disputed territorial areas.

### II.3.1 ENVIRONMENTAL RISKS OF THE PROGRAM

65. *The negative environmental and social impacts* of investments will generally be **limited, of low to medium magnitude, reversible and easily controllable and manageable**. The associated risks are considered **moderate**. They will be easy to identify in advance, to prevent and minimize and compensate with simple good practices and effective mitigation measures.
66. Environmental and social screening of the various sub-projects that will be subject to funding will make it possible to identify both the scale of the potential negative impacts and the required planning tools, as well as the control and monitoring systems required (by means of a simple and efficient screening system).<sup>2</sup>
67. The Program will have **limited adverse environmental and social impacts and risks**. This is mainly due to the following aspects:
- Exclusion, by the very nature of a PforR, of any investment involving major environmental risks (namely World Bank *Class A* projects) ;
  - The type and nature of the planned improvements and infrastructure (generally small, well located and over a relatively limited spatial extent, and involving reduced surface excavation works) ;
  - The very nature of the planned activities, based on the results of previous diagnostic studies, based on specific social, economic and environmental parameters;
  - The nature of works and development operations that should not generate major cases of air or noise pollution or significant degradation of the inhabited environment or significant destruction or reduction of green spaces;
  - The existence of various controllable and effective measures making it possible to mitigate potential risks and provide impact monitoring, during both the construction phase and the works' operation;
  - The existence of institutions capable of managing most of the environmental and social aspects of the Program;
  - The existence of an appropriate institutional and legal framework making it possible to effectively manage all aspects of the Program's Environmental and Social Management (ESM).

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<sup>2</sup> See Box in Section II.

### ***Positive Environmental Impact***

68. Without doubt, the Program's investments will have a positive environmental impact - both directly and indirectly, temporarily and permanently. Indeed, the Program will contribute, among other things, to:

- ▶ Significantly improve people's access to drinking water;
- ▶ Improve sanitation;
- ▶ Reduce the frequency and incidence of waterborne diseases;
- ▶ Improve hygiene and healthiness conditions;
- ▶ Build the ONEA network capacity;
- ▶ Reinforce the DWS system of centers already served by ONEA by increasing existing water storage capacities as well as in new centers;
- ▶ Improve the DWS management system in three regions;
- ▶ Support the implementation of the Roadmap for Assistance to the Municipal Project Ownership (AMOC) by strengthening the capacities of the 125 municipalities and setting up the Municipal Technical Agents;
- ▶ Improve the institutional capacities of the actors involved.

### **Negative Environmental Risks during the Preparation Phase**

69. During the preparation phase, the main risk consists in negligence in the preparation of tender documents for the environmental and social aspects and their low consideration in carrying out the technical studies and/or the preparation of unsatisfactory environmental and social studies. This risk may be aggravated if technical (sub)project design alternatives have not been rigorously considered and the information and public participation aspects are not taken into account in a culturally appropriate and socially acceptable manner.

70. On the other hand, the structural interventions envisaged under the Program should not raise particular risks in terms of public safety and worker safety. Protection against these risks will be provided in accordance with applicable national and international rules. Measures to mitigate these risks will mainly involve: (i) public and stakeholder consultation during site selection and preparation and validation of studies; (ii) quality control and the implementation of validation procedures for environmental and social studies and their dissemination; and (iii) site supervision by environmental and social experts.

71. The main mitigation measures recommended during this phase mainly consist in screening all the sub-projects, according to agreed parameters, as well as establishing an evaluation sheet of the impacts of activities prior to their completion and the inclusion in the *Scopes of Work* of calls for bid of a section on compliance with environmental and social clauses and site safety.

### **Environmental Risks during the Works**

72. The *phase of works* will see the opening of construction sites, which could generate solid waste (bags of cement and other types of packaging, residues of drinking water system materials, workers' household waste, etc.), include nuisances associated with vehicles and

machinery (dust, noise, emissions and accidental spills of hydrocarbons and used oils) or involve adverse effects (tree pulling, reduction of green spaces, etc.).

73. Despite the fact that they are not permanent (since they cease with the closure of the worksites), the effects of these impacts can nevertheless persist (in particular the effects of solid wastes and probable spills of used oils and machinery greases) if sites conduct and closure are not accompanied by environmental respect procedures. In particular:

- ▶ Destructuration of soil texture caused by deep excavations and trenching
- ▶ Noise nuisance for neighboring populations and for construction site workers related to the use of construction machinery
- ▶ High level of air pollution (related to dust emission) associated to the circulation of machines and vehicles;
- ▶ Accidents for workers and nearby residents associated to the circulation of construction machinery and possible non-compliance with the safety instructions;
- ▶ GHG emissions related to exhaust fumes of construction vehicles;
- ▶ Accidents and safety problems, especially for the most vulnerable people (children, elderly people, women, disabled people) could be significant risks;
- ▶ Disturbances in population daily activities during construction, rehabilitation or extension because of deviations in car traffic or restricted pedestrian access and housing access;
- ▶ Pollution of some drinking water sources and contamination of the groundwater during construction works;
- ▶ Tree and vegetation cutting or pulling;
- ▶ Inconvenience for the local population, and especially the most vulnerable people, because of the noise and the dust emission on the building sites;
- ▶ Accidents and safety problems especially for the most vulnerable people (children, elderly people, women).

74. The mitigation measures that accompany this work phase consist in the rigorous implementation of the measures proposed in the Environmental and Social Management Plans (ESMP) and in a regular monitoring of the application of the site guidelines as defined. In the Scopes of work of firms, the establishment of non-compliance cases and the identification of corrective measures as well as the follow-up of their implementation.

### **Negative Environmental Risks during the Operation Phase**

75. The adverse environmental impacts associated with this phase for structural investments could be due to inadequate design, lack of maintenance and upkeep, inadequate use of structures, deterioration of infrastructure or inadequate application of safety measures. They can cause a malfunction or a deterioration of the works and generate some negative impacts.

76. The mitigation measures recommended at this level are good works site management practices. They in general consist in putting in place emergency measures in case of accidental contamination.

77. The environmental monitoring system that will accompany the operation phase will have to make it possible to identify these malfunctions in real time in order to make the necessary corrections.

### **II.3.2 SOCIAL IMPACTS OF THE PROGRAM**

78. The negative social impacts of the Program - particularly those associated with private land acquisition - will be time-limited and restricted in space owing to the relatively low land needs in the various investments planned under the Program. Most PAPs will be temporarily affected by civil works. Some may have to move permanently. However, the number of PAPs will be very small due to the nature of the activities. Land acquisition needs are minimal. As the investment sites are not yet precisely defined, it is not possible to determine the number of PAPs at the current stage, although they will most likely be limited.

79. The sites for carrying out the DWS activities are located either in the field of ONEA, town halls or on off subdivision private land plots which are also subject to negotiation with the owners. With regard to administrative reserves, they can be resettled if they are occupied by third parties.

80. Indeed, it is unlikely that any form, even temporary, of involuntary resettlement of residential households or businesses proves necessary. However, at this stage, social hazards associated with private land acquisition cannot be ruled out. The PforR activities that will be implemented, will observe the laws applicable to expropriation, namely the law on agrarian and land reform, as well as the law on rural land tenure. Indeed, property rights are a fundamental right defined and guaranteed by the Constitution (Annex 3 presents the main national laws and procedures on expropriation and compensation).

#### ***Positive Social Impacts***

81. The proposed activities by their very nature should be advantageous to the beneficiary populations. These benefits among others include:

- ▶ Improvement of living conditions, healthiness and hygiene of populations;
- ▶ Socio-economic development of urban and rural areas;
- ▶ Fight against poverty and reduction of unemployment;
- ▶ Reduction of medical costs resulting from the treatment of diseases associated with water pollution and lack of sanitation measures;
- ▶ Implementation of investments (e.g. latrines) that have been strategically identified and that address the needs of all social categories, including the most vulnerable categories, especially women and girls;
- ▶ Reduced time usually spent by women in fetching drinking water and increased time devoted to childcare and leisure;
- ▶ Citizen participation, through the strengthening of mechanisms for access to information, consultation of citizens, as well as grievance management and implementation of measures to establish the right of petition and satisfaction monitoring of water services users;
- ▶ Compensation for any losses in a fair and prior manner;



- ▶ Establishment of regular interactions with the population and people in charge of the implementation of the activities of the Program.
82. With the promotion of private connections in households, the responsibility for the payment of drinking water by women is actually transferred to the head of household, which reduces the financial burden for the woman. The multiplication of private connections in households will also promote the preservation of water quality. The increase in the number of fire hydrants makes it possible to improve the service twice because the density of the users increases from 1,000 to 500 per fountain and consequently greatly reduces the waiting time for the water withdrawal. Thus, the level of service will reduce the financial burden and the water chore for the woman
83. In order to ensure the social benefits of the Program, a *Resettlement Action Plan* (RAP) must be prepared by each structural investment sub-project requiring any physical movement of persons, any land acquisition and/or loss of access to economic assets or workplaces (even for persons without official title deeds). The purpose of a RAP is to assess the social impacts associated with the temporary or permanent resettlement of individuals and to propose compensation for losses and support, in consultation with affected persons. Populations affected by resettlement will have to benefit fully from the allowances and support measures to which they are entitled before the start of works.<sup>3</sup>

### **Social Risks during the Preparation Phase**

84. In general, the most significant social hazards that are likely to be observed are related to temporary land acquisition or occupation. However, other smaller magnitude hazards may be related to disturbances caused by work such as access difficulties, traffic deviations, noise, vibrations, dust, etc. that could cause disruptions in the day-to-day activities of neighborhoods. Depending on the type, scope and extent of eligible work under the Program, the social hazards will be those that are typically related and limited to the construction phase, and which are generally site-specific. Nevertheless, if the ESMP or RAP are poorly designed and badly implemented, this could have negative impacts on public health and safety and create social tensions.<sup>4</sup>
85. *During the preparation phase*, the main social hazard is potentially associated with works that may require some land acquisition.
86. To avoid private land acquisitions or demolition of individual houses, the Program will always seek alternative solutions, without forcing land transfers.
87. Where private land acquisition or demolition of an individual house cannot be avoided, the acquisition procedures must favor the acquisition by mutual agreement, after consultation and informed and documented consent on the transfer and the amount of compensation, which must be remitted to the beneficial owner before any work is started.
88. In case physical displacement cannot be avoided, owing to the absence of technical and/or land related alternatives, the social impacts associated with the acquisition of land

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<sup>3</sup> See also Box, Section II.

<sup>4</sup> Annex 6 presents the procedure related to the preparation and implementation of RAPs.

will have to be duly identified, analyzed and mitigated. A specific screening process first and foremost will make it possible to exclude from the Program financing any subprojects with a major social impact (Category A activities requiring a thorough ESSA according to the Burkina Faso nomenclature), which would require the displacement of residential households or commercial activities and/or the involuntary acquisition of large areas of land, and subsequently, in the case of moderate impacts, the implementation of initiatives to inform affected persons and compensation measures, even before start of work

89. For any sub-project submitted for approval to the designated bodies, it will be important, upstream, that the PCU safeguard specialists systematically verify that the populations concerned have been *well informed and consulted*, especially when the proposed works require any form of temporary or permanent displacement of persons or land acquisition or restricted access to resources or infrastructure or economic goods or interruptions of public services as a result of the works.

➔ Public consultations will have to be conducted in the appropriate language (s) by the companies in charge of the works, take into account the time constraints and the availability of the persons consulted. If necessary, separate meetings for men and women in order to allow all participants to express themselves appropriately. It is also important to ensure that the most vulnerable populations are fully consulted in order to minimize the risks of elite capture of program benefits.

➔ A redress mechanism will have to be developed to handle complaint cases. The requirements to be met are (i) to allow non-literate persons, to be able to submit their complaints, (ii) not to be forced to move from their locality, (iii) to have the choice to refer to several instances and (iv) to expect an answer within a known time period. The complaints processing circuit and the response times will be adequately documented.

### **Social Risks during the Works**

90. The construction phase will see the opening of construction sites for structures and development, which will have negative social impacts, insofar as they can:

- ▶ Require obstructed temporary access to residential households or businesses (in the case of investments in reinforcement of existing structures) ;
- ▶ Require the private land acquisition in part or totally and, as a result, possible expropriation for public purposes and involuntary resettlement of residential households or businesses;
- ▶ Generate temporary disruptions in craft and economic activities of individuals and households, causing loss of income (shortfall) ;
- ▶ Create temporary difficulties for residents to access their homes, shops and other public establishments (schools, dispensaries, etc.) ;
- ▶ Lead to interruptions of drinking water and electricity services and temporary closure of public institutions (schools, dispensaries, hospitals) and community facilities (e.g., markets, slaughterhouses, etc.) ;

- ▶ Cause accidents and safety problems, especially for users without protection) ;
- ▶ Cause accidents on or around construction sites;
- ▶ Require temporary deviations to car traffic or restricted pedestrian crossing and generate disruptions in activities;
- ▶ Contribute - because of the presence of foreign construction workers - to increased violence and possible sexual harassment acts against women and increased sexually transmitted diseases and HIV/AIDS;
- ▶ Generate conflicts and acts of sabotage related to the misunderstanding of the inhabitants on the choice of the sites of implementation of the works ;
- ▶ Generate conflicts and acts of sabotage linked to the non-use of local labor;
- ▶ Damage objects of local cultural and religious heritage.

91. In addition, given that these social hazards will mainly occur during the works, the latter will be organized accordingly and alternative access routes will be put in place and affected persons will be duly informed. These points will be the object of specific clauses of the *Scopes of Work* of firms and a regular follow-up will be provided by the regional operators and the Commune. Taking account of the above and the past experience, the foreseeable social hazards of the work are considered moderate and manageable, provided adequate measures are applied.

#### **Social Risks during the Operation Phase**

92. As with environmental effects, the social risks of the operation phase could be due to inadequate design, lack of awareness raising among the population, lack of maintenance and upkeep, or inappropriate use or infrastructure degradation or insufficient enforcement of safety measures.

93. The environmental and social monitoring system that will accompany the operation phase will have to make it possible to identify these malfunctions in real time in order to make the necessary corrections. Companies responsible for the works must be well informed of all their social obligations and provide regular monitoring.

#### ***Note about Child Labor***

➔ Child labor is prohibited in the Burkinabe Law since Order No. 539 / ITLS/HV of 29 July 1954 on child labor. This ban was renewed after independence in the various Labor Codes (of 1992, 1998, 2004, and 2008).

➔ Burkina Faso ratified ILO 182 Convention in 2001 (regarding, inter alia, works which, by their nature or the conditions in which it operates, are likely to affect child health, safety, or morality).

#### **II.4 OVERVIEW**

94. In light of the elements of the previous subsections, it can be emphasized that the Program will have moderate environmental and social impacts. This is mainly due to the fact that the *Program, designed as a PforR*, excludes, as a matter of principle, any investment involving major environmental and social risks.

➔ Thus, in accordance with this policy, the Program will *automatically exclude any activity posing potentially significant environmental and social risk and significant negative, irreversible, diverse, varied and unprecedented impacts*.

95. Therefore, any sub-project will be considered *non eligible* as it involves the following:

- ▶ Construction or rehabilitation of works that would require social risks, namely a significant physical displacement of persons or the acquisition of large areas of private land or the demolition of a large number of individual houses or else, restricted significant access to economic resources;
- ▶ Construction or rehabilitation of structures that could exacerbate existing land-based social conflicts;
- ▶ Construction or rehabilitation of structures that could exacerbate existing land-based social conflicts;
- ▶ Realization of structures/works that could have an irreversible impact on physical cultural resources of an archaeological or historical nature or places of worship;<sup>5</sup>
- ▶ Realization of works having a high and irreversible impact on any zone classified as a site of biological or ecological interest.

96. In Section IV, the strengths, weaknesses and gaps, actions and opportunities and risks of the national system are presented in the light of the Key Principles that are applicable to the Program, and as described in the Bank policy and the Directive for the financing of the Program for Results

97. Various controllable and effective measures will make it possible to mitigate the potential risks of eligible subprojects, and monitor their impact, during both the works phase and the operation of the structures. These measures correspond to those generally implemented in site monitoring and will be included in the Scopes of Work of the contracting firms and the monitoring of their application is carried out using tools (monitoring sheets).

98. Burkina Faso has both an appropriate legal arsenal to effectively manage all aspects of the environmental and social management of the Program and specialized agencies, capable of managing most environmental and social aspects of the Program.

99. Finally, it is opportune to recall that, under the Bank's policy for PforRs, any structures/works are also excluded when their estimated cost could be higher than certain specific amounts (high-value contracts) and that they would require a mandatory review by the *Operations Procurement Review Committee* (OPRC) of the World Bank.

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<sup>5</sup> In the event that excavation works identified archaeological or cultural properties, regulatory preventive measures would be taken, with the involvement of the Directorate General of Cultural Heritage (DPC) in accordance with the provisions contained in Articles 4, 5, 6 and 6. 7 of the UNESCO Convention on the Protection of the World Cultural and Natural Heritage – ratified by Burkina Faso in 1984).

### ***About Potential Social Conflicts***

100. The Program does not operate in a conflict-affected context. Nevertheless, its design, and in particular its component on improving citizen participation, precisely aims at enabling citizens (including women, young people and the most vulnerable populations) to have access to information, to be consulted, to have easy access to appropriate complaints mechanisms.
101. In addition, the Program aims to support in each Participating Municipality the establishment of *petition procedures and mechanisms* that citizens can use. In this sense, the Program should help to mitigate social tensions and promote greater social cohesion.

### **Environmental and Social Management Instruments**

102. All sub-projects to be funded by the Program will need to be reviewed using appropriate screening instruments (see Box 1 below). Environmental and social diagnoses will be conducted for each of the (sub)projects to determine the type of planning tool required based on the scale and significance of the environmental and social impacts.

#### **Box 1 : SCREENING OF SUB-PROJECTS AND ENVIRONMENTAL AND SOCIAL MANAGEMENT INSTRUMENTS**

In accordance with the environmental assessment procedures in Burkina Faso and the requirements of the World Bank's PforR funding policy, all sub-projects subject to Program funding will be subject to a screening or selection process, according to the following principles:

According to Burkinabe procedures (Decree No. 2015-1187) for works in the water sector:

- ▶ An Environmental and Social Prescription will be prepared for « Category C » work with insignificant impact;
- ▶ An *Environmental and Social Impact Notice* (NIES) will be prepared for « Category B » activities with a moderate impact, to obtain an *Environmental Compliance Notice* from the Minister in charge of the environment.
- ▶ An Environmental and Social Impact Assessment (ESIA) will be prepared for « Category A » activities with a significant environmental and social impact, to obtain an Environmental Compliance Advice from the Minister in charge of the environment.
- ▶ The impact study must be supplemented by a *public inquiry*, the purpose of which is to collect the opinions, the counter-proposals of the parties involved in relation to the EIA that is presented
- ▶ A resettlement action plan (RAP) will be prepared when the number of involuntary physical and/or economic displacements is more than 200 people
- ▶ A succinct resettlement plan will be prepared when the number of involuntary physical and/or economic displacements is between 50 and 199 people.
- ▶ When the number of physical and/or economic involuntary displacements is less than 50 people, the measures and modalities of resettlement are included in the report of the Environmental and Social Impact Statement

The *Contractual requirements* (Caher des charges) of the contractors and regional operators responsible for the execution of the works will imperatively contain all the technical devices and environmental and social mitigation measures planned, as well as a monitoring and control

system that meets the standards in force (including the safety of construction site workers and local people).

All environmental and social safeguard instruments prepared for subprojects will have to be subject to *appropriate public disclosure*.

Local beneficiaries will need to be informed of the commitments contained in these instruments and have access to a *complaints management mechanism* in the event of non-observance of these commitments.

## **II.5 PRIOR EXPERIENCES OF THE INSTITUTIONS INVOLVED IN THE PROGRAM**

103. ONEA already has proven experience in environmental and social safeguards, particularly in the implementation of the Urban Water Sector Project (PSEU) (P149556).

104. In the context of community investment projects, MEA has also assumed responsibilities for environmental and social safeguards.

105. In the context of another PforR - the Public Administration Modernization Program (PPA) (P132216) - the Ministry of the Public Service of Labor and Social Security and the ministries of Justice and education have acquired experience in environmental and social safeguards. This program is still being implemented in Burkina Faso, with the involvement of BUNEE.

106. All these experiences are assets for a good consideration of environmental and social safeguards in the implementation of this PforR.

## SECTION III. DESCRIPTION OF THE ENVIRONMENTAL AND SOCIAL SYSTEM

### III.1 ENVIRONMENTAL SYSTEM

#### Political Framework <sup>6</sup>

107. In Burkina Faso, environmental protection is one of the priority areas for policies having to contribute to achieving the sustainable development objectives. Among these policies, the most important ones are the following:
108. The *National Economic and Social Development Plan (PNDES)*, adopted by the Government on 20 July 2016, is built around three strategic axes and aims at reforming the institutions and modernizing the administration, developing the human capital and boosting buoyant sectors for economy and employment. It plans to use a participatory approach, a national economic and social development referential to make it possible to define and implement sectoral and regional priority actions over the 2016-2020 period. It builds on the "Burkina 2025" vision, the orientations of the Presidential Program and takes account of the Sustainable Development Goals (SDGs), as well as the new emerging areas. Through its Axis 2 "developing human capital", the specific objective OS 2.5 "to improve the living environment, access to water, sanitation and quality energy services" aims to ensure that everyone's access to a decent living environment, to quality water and sanitation is guaranteed.
109. The *National Sustainable Development Policy (PNDD)*, adopted in 2013, sets out a vision for sustainable development by 2050, in which "all sector strategies, all development plans and programs contribute to improving the populations level and quality of life, especially the poorest ones ". The protection of the environment, in addition to the preservation of natural resources, aims to provide a better living environment to the populations. Aiming at ensuring the environmental sustainability of any national initiative, the PNDD is part of promoting a healthy living environment through the sanitation of the natural environment.
110. The *National Environmental Policy (NEP)*, adopted in 2007, reflects the Government's will to create a reference framework for taking environmental issues into account in the development policies and strategies. Environmental concerns involve, on the one hand, the natural resources (including water resources) which are threatened by accelerated degradation under the combined effects of climatic and anthropogenic factors, and on the other hand, the living environment in which the problems arise in terms of pollution and various nuisances. With particular reference to domestic wastewater and excreta, it notes that in urban areas, existing management systems consist mainly of traditional latrines and catch basins, and that a part of the population still does not have infrastructure for sanitation. These facilities are sources of odor nuisances and proliferation of insects and pests.

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<sup>6</sup> See also Annex 1.

111. The overall objective of *The Water Policy and Strategy*, adopted by the Council of Ministers at its meeting on 1 July 1998, is to "contribute to sustainable development by providing appropriate solutions to water-related problems so that water does not become a limiting factor for socio-economic development." This policy covers all uses of water. The consideration of sanitation issues thus comes from the penultimate guidance on the preservation of a healthy environment. The policy and strategy document devotes its guidance No. 4 to the actual implementation of the sanitation strategy and resource protection measures.
112. The objective of the *National Sanitation Policy and Strategy*, adopted in July 2007, is to contribute to sustainable development by providing appropriate solutions to sanitation problems in order to improve the living and housing conditions of populations, to preserve their health and to protect natural resources.
113. Other related policies are linked with the water and sanitation sector. These include, in particular, the National Public Hygiene Policy, the National Gender Policy, the National Health Policy, and the National Social Protection Policy (2013-2022).

## **Legislative and Regulatory Framework <sup>7</sup>**

### **Constitution**

114. The Constitution of Burkina Faso defines the fundamental rights and obligations of citizens, determines the form of state organization, and organizes the implementation of the universal republican principle of the separation of powers. The constitution of the Fourth Republic promulgated on 11 June 1991 contains many environmental references. Thus its preamble affirms the Burkinabè people's awareness of "... the absolute necessity of protecting the environment ...". The constitution recognizes (Article 29) to Burkinabè citizens the right to a healthy environment, while indicating that "the protection, the defense and the promotion of the environment are a duty for all". Also, its Article 14 states that natural resources "belong to the population" and "must be used for the improvement of their living conditions". It starts from these provisions that many policies and strategies have developed for the protection of the environment.

### **Code of the Environment**

115. Adopted by Law N°006-2013/AN of 02 April 2013, the Code of the Environment is devoted to the Strategic Environmental Assessment (SEA), the Study and the Impact Notice on the Environment (EIE, NIE) in its Articles 25 to 34. According to Article 25 of this Law, the activities likely to have significant effects on the environment are subject to the prior opinion of the Minister of the Environment. The opinion is based on a Strategic Environmental Assessment (SEA), an Environmental Impact Assessment (EIA) or an Environmental Impact Statement (EIS).

### **Water management**

116. *Law No. 002-2001 / an of 8 February 2001 on water management* and implementing legislation provides in Article 39 for the EIA / NIE prior to the issuance of

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<sup>7</sup> See also Annex 2.



the carrying out of installations, works, works likely to present dangers to the health and public safety, to reduce water resources, to modify substantially the level, the mode of flow or the regime of the waters.

### **Public health**

117. *Law No. 23/94 / ADP of 19 May 1994 on the Public Health Code* deals with health protection of the environment (air and water pollution).

### **Public health**

118. *Law 2005-022 on Public Hygiene Code* governs public health in Burkina Faso, including hygiene on public roads and squares, hygiene of swimming pools and bathing areas, housing, foodstuffs, water, industrial and commercial facilities, schools, preschools and sanitary buildings, public buildings and the natural environment and the fight against noise.

### **Sustainable Development**

119. *Law No. 008-2014/AN of 08 April 2014 on the Sustainable Development Orientation Law* aims to create a unified national reference framework to ensure the coherence of actors' interventions through appropriate legal, political, and institutional reforms; to ensure economic efficiency, environmental sustainability and social equity in all development actions.

120. Several implementing decrees have been passed by the Government to strengthen its actuality. Annex 2 presents all these legal provisions, including the following aspects: the forest code, the public hygiene code, the public health code, the agrarian and land reform and the law relating to water management.

### **Decentralization**

121. *Law No. 021-2006/AN of 14 November 2006, on the General Code of Territorial Collectivities*, states that the territorial collectivities co-operate with the State in the administration of the territory, in economic, social, educational, health, cultural, and scientific development, as well as the protection, development of natural resources and the improvement of the living environment. In Section 3 of the Code (which deals with the environment and natural resources), Article 89 confers on the urban commune, among others, the following competences: (i) elaboration of municipal action plans for the environment; (ii) participation in the protection and management of groundwater and surface water resources; (iii) sanitation; and (iv) fight against insalubrity, pollution and nuisances.

### **Institutional Actors in charge of the Environment**

#### *Ministry of the Environment, Green Economy, and Climate Change (MEEVCC)*

122. The Ministry provides the implementation and monitoring of the Government's policy in terms of environment and sanitation.

- ▶ *In environmental matters*, it is responsible for: (i) the protection of the environment and the monitoring of international environmental conventions ratified by the country; (ii) the development and monitoring of environmental education programs; and (iii) the coordination of activities to combat desertification and other causes of environmental degradation.
- ▶ *In the area of sanitation of the living environment*, it is responsible for: (i) initiating, coordinating, regulating and monitoring actions related to cleansing the environment and improving the living in both rural and urban areas; (ii) developing a national policy for landscaping and beautification; (iii) developing regulatory texts in the fight against pollution and nuisances; (iv) supporting local government for public healthiness; (v) developing and controlling standards; and (vi) recycling and treating solid waste.

123. MEEVCC includes several directorates, amongst which the following:<sup>8</sup>

- ▶ The *General Directorate for the Preservation of the Environment (DGPE)*. According to Order No.2017-099/MEEVCC/SG/DGPE on the organization, powers and operation of the General Directorate for the Preservation of the Environment of 16 March 2017, the mission of the DGPE is to coordinate the implementation and the monitoring of the national policy in terms of improving the living environment, environmental education, fight against pollution and other nuisances and landscaping. It in addition has experience in raising awareness of environmental and health risks and impacts of human activities, monitoring the quality of water around mining, industrial, and artisanal sites, water analysis for the benefit of individuals, and of water analysis in cases of pollution.
- ▶ The *Directorate of Prevention of Pollutions and Environmental Risks (DPRE)* and the *Environmental Quality Analysis Laboratory (LAQE)* which, in their missions, provide support for the operationalization of BUNEE missions.

***Ministry of the Environment and Sustainable Development (MEDD) : National Office for Environmental Assessments (BUNEE)***

124. Article 2 of Order No. 2015-123 MERH/SG/ UNEE of 30 July 2015 specifies the tasks, organization and working of the National Office of Environmental Assessments (BUNEE). The mission of BUNEE is to coordinate the implementation and monitoring of the national environmental assessment policy. In this capacity, it is responsible for:

- ▶ Implementing national strategies in strategic environmental assessment, environmental impact assessment and environmental audit and environmental inspection;
- ▶ Promoting the practice of environmental assessments in collaboration with other structures of the Ministry;
- ▶ Validating environmental assessment reports;
- ▶ Issuing environmental requirements;
- ▶ Organizing the sessions of the Technical Committee on Environmental Assessments;
- ▶ organizing validation sessions for rehabilitation and closure plans for establishment or project sites;

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<sup>8</sup> Annex 4 presents the whole organizational chart of the MEEVCC.

- ▶ Conducting public inquiries regarding the validation of environmental impact assessment reports;
- ▶ Following-up and monitoring in environmental terms projects and programs that have been subject to an environmental assessment;
- ▶ Preparing draft compliant feasibility or environmental compliance advices for the signature of the Minister of the Environment;
- ▶ Analyzing plans for the disinterestedness and resettlement of populations affected by project or program implementation;
- ▶ Participating in the work of interministerial structures responsible for environmental issues;
- ▶ Organizing and conducting environmental inspections over the whole national territory;
- ▶ Collecting revenue from BUNEE provided services.<sup>9</sup>

125. *The Ministry of Water and Sanitation (MEA)*, the mandate of which is the definition and implementation of the national policy in terms of drinking water and sanitation.

126. The Ministry of Water and Sanitation (MEA) supervises the *National Office for Water and Sanitation (ONEA)*. The objects of the Office are: (i) establishing, managing and protecting drinking water collection, supply, treatment and distribution facilities for urban and industrial purposes; and (ii) creating, promoting and improving, as well as managing collective, individual or autonomous sanitation facilities for the disposal of wastewater and excreta in urban and semi-urban areas. The relations between the State and ONEA are governed by a three-year contract and scopes of work that set the conditions for creating, operating and protecting water and sanitation infrastructure under ONEA management.

## III.2 SOCIAL ASPECT MANAGEMENT SYSTEM

### III.2.1 National Legal Framework

127. The legal and regulatory context relates to land legislation (laws applicable to land tenure, land status), public participation, land acquisition, resettlement and land restructuring mechanisms. Other social aspects such as the social protection of the vulnerable ones, the management of the workers, the work of the under age people, the abuses on the communities living in the works execution zones will be considered.<sup>10</sup>

128. From the legal viewpoint, according to Law No. 034-2012/AN of 02 July 2012 on *Agrarian and Land Reform (RAF)* in Burkina Faso, there are three types of land ownership regimes in Burkina Faso:

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<sup>9</sup> To perform these missions, the BUNEE currently has a staff of 64 agents, 15 of whom are senior managers, i.e., a ratio of 23.43%. The following profiles make up the team of executives: social affairs administrators (1), medical biologist (1), lawyer (1), geology (1), environmental inspector (1) and certified teacher of senior and junior high schools (1). These executives are engaged in analyzing the ESIA / NIES reports, monitoring Environmental and Social Management Plans (ESMP) and conducting environmental inspections and possibly environmental audits in accordance with the regulations for the whole country.

<sup>10</sup> Annex 3 presents the main laws and procedures involving expropriations.

- *Legal State Ownership Regime.* The national land estate is a common heritage of the nation and the State, as guarantor of the general interest, organizes its management in accordance with the principles set out in Article 3 of the same law. The law thus confers to the State the ownership of all the lands of the National Land Area (DFN) with the exception of those ceded by the State.
- *Local Authority Ownership Regime.* Local authorities have their own land, consisting of the parts of the national land estate ceded as State property.<sup>11</sup> All lands located within the territorial limits of a territorial collectivity are of right the property of this territorial collectivity.
- *Land Tenure Rights of Individuals.* The right to private ownership of land is recognized by law. The RAF in its Article 30 stipulates that the land heritage of individuals shall consist of: all land and other immovable property belonging to them in full ownership; rights of enjoyment on the lands of the unallocated real estate private estate of the State and local authorities and on the land heritage of individuals; rural land holdings; and rural land use rights. Thus the surrendered or acquired lands cease to be the property of the State.

129. The customary land tenure system is the accepted and dominant form of enjoyment of land tenure rights in rural Burkina Faso. In general, rural populations do not in fact recognize state ownership of land. Even though land and resources, particularly in conservation sites, protected areas or public utility areas, have been declared State property, they remain subject to the customary land management regime on a daily basis. Generally in the villages, landowners, in particular the village chiefs or the land chiefs or the lineage chiefs are the ones who are in charge of the land management.

### **Right to property**

130. The Constitution of Burkina Faso guarantees to all the right to private property, its protection, as well as to expropriation. The right of property is guaranteed, but it cannot be exercised contrarily to social utility or in such a way as to prejudice the safety, freedom, existence or property of others. It can only be infringed in cases of public necessity established in the legal forms. No one shall be deprived of its enjoyment except for reasons of public utility and on the condition of just compensation determined in accordance with the law. This compensation must be prior to expropriation, except in case of emergency or force majeure».

131. Other laws provide that the national land property is the property of the State and therefore recognize the State's right of expropriation for reasons of public utility in the context of developments or achievements for the general interest in the different sectors of production.<sup>12</sup> The RAF is somewhat explicit about the conditions, measures and

<sup>11</sup> This is stipulated by the RAF and subsequently by Law No. 055-2004/AN of 21 December 2004 on General Code of Territorial Collectivities (CGCT) in Burkina Faso (and implementing texts) in its Article 80.

<sup>12</sup> See the following laws : La No. 034-2009/AN of 16 June 2009, La No. 034- 2002/AN of 14 November 2002, and Law No. 002-2001/AN 08 February 2001. These laws pose the principle of expropriation and compensation and refer to the RAF with regard to compensation measures.

modalities for evaluating compensation. According to the terms of the RAF, "the national land property is automatically owned by the State", and therefore the State may proceed with expropriations for public purposes.

132. The right of expropriation for the benefit of the State for public utility reasons provides for the repair of property and assets losses of the populations living in the area of a public utility zone. Compensation is the value for repairing losses. On the issue of compensation, the provisions of Articles 323 to 326 of the RAF define the methods of fixing compensations. Indeed, Article 319 states that "The compensation for expropriation is set either amicably or by the Judge. It is established in accordance with Article 323, taking account in each case of: (i) the status of the present value of the property, (ii) the gain or loss that results, for the party of such non-expropriated property, of the execution of the proposed work ". Also, it specifies that "the compensation of expropriation must include only the current and certain damage directly caused by the expropriation; it cannot extend to uncertain, eventual or indirect damage. Expropriation may give rise to in-kind compensation ". The above legal provisions are what regulates the legal mechanisms of expropriation for utility purposes in Burkina.

133. In the context of this program, in the case of physical or economic displacement of persons, all categories of PAPs will have to be taken into account in the RAP. For PAPs holding appropriate land titles prior to the works, the procedure of expropriation for reasons of public utility in force in Burkina will have to be followed and the compensation will have to include the costs of obtaining land titles. Although national resettlement systems are flawed in relation to Bank policy, the chances of people being resettled as a result of the project are minimal. The program excludes activities that will cause the displacement of a large number of people.

### **Institutional Actors**

134. In terms of land management in Burkina Faso, the management organizations or structures are defined by the RAF and Law No. 034-2009/AN on rural land tenure and priority implementing texts. These organizations are at four levels: national, regional, communal and village.

- ▶ *At national level:* At national level: With reference to Law No. 034, a national body for consultation, monitoring and evaluation of rural land policy and legislation is set up bringing together all public, private and public sector, civil society stakeholders concerned with the rational, equitable, peaceful and sustainable management of land in rural areas, including representatives of customary authorities, local authorities, research institutions and centers of excellence. Currently this instance is not yet operational.
- ▶ *At regional level:* At the regional level: The competent deconcentrated technical services of the State are those which are in charge of providing support to the Rural Land Services (SFR) of local authorities as stipulated by Law No. 034 on rural land tenure.<sup>13</sup>

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<sup>13</sup> This support focuses on capacity building, technical assistance of the regions in the establishment of their regional land offices, management of their own land domain as well as in the development and the concerted and participative implementation of their regional land use planning scheme.

- ▶ *At municipal level:* the *Rural Land Service* (SFR) at the level of each rural municipality is responsible for all the activities of management and security of the land area of the municipality (including local areas of natural resources for common use ) and activities to secure land tenure of the rural property of individuals in the municipality. In conjunction with the village commissions, the SFR regularly holds the rural land registers (register of rural land holdings, register of rural land transactions, register of local land charters, register of rural land conciliations). There is also, at the communal level, a local land consultation body that each rural commune can create to examine all issues relating to land tenure security for local actors, local land management and governance, land equity issues and sustainable use of rural lands and make any proposals they deem appropriate. This body has an advisory role. All these land management structures at the municipal level, as provided for by Law No. 034 on rural land tenure, are not operational in all communes, since not all the implementing texts have yet been adopted.
- ▶ *At village level:* A Village Land Commission, created in each village and composed of customary and traditional village authorities in charge of land, is responsible for contributing to the security and management of land.

135. In addition to these land management structures, Law No. 034 defines intermediary institutions and services to support the management and securing of rural land (such as the competent deconcentrated technical services of the State, responsible for providing their support to rural land services in managing the land area of local authorities and securing the rural land assets of individuals).

### ***Constitutional Appeal Body***

136. The Office of the ***Ombudsman of the Republic*** of Faso was established by Organic Law No. 22/94/ADP of 17 May 1994. The Ombudsman is an independent administrative authority, which receives no instruction from any political, administrative, legislative, or judicial authority, and which receives the grievances of the citizens relating to the working of State administrations, municipal authorities, public institutions and any other organization entrusted with a public service mission.

## **SECTION IV. ASSESSMENT OF INSTITUTIONAL CAPACITY AND PERFORMANCE**

137. From the previous analysis of the legal and institutional framework for environmental and social management in Burkina Faso, a number of conclusions can be drawn:

- ▶ In the areas of environmental and social management, most Burkinabe institutions are in place and their mandate is clearly defined. The national environmental impact assessment system is based on a well-rounded process of diagnosis and assessment of the nature of impacts and preparation of appropriate environmental and social safeguards
- ▶ However, the institutions have limited human resources with a strong need for capacity building. Moreover, they do not have enough financial resources to function in a suitable way.
- ▶ Administrative procedures are generally slow and do not allow for rapid and timely decision-making (see, for example, long delays in obtaining the Environmental Compliance Advice from project proponents).
- ▶ Public consultations only concern ESIA's in public inquiries, whereas these should extend to NIES.
- ▶ Public inquiries are often public information sessions and do not result in meaningful public consultations that promote stakeholder participation in decision-making.
- ▶ The complaints management system is not operational, especially in the context of interventions in rural areas.

138. It has to be recognized that these gaps will eventually be bridged by appropriate reforms and arrangements. Together with the community of technical and financial partners, the World Bank is already playing and could play further an important role in supporting the needed improvements.

139. However, as of now, in keeping with this PforR, it is possible to seize the opportunity to improve certain technical and administrative aspects, to create a new dynamic, to specify and consolidate partnerships and synergies among stakeholders, and strengthen the institutional capacity of all stakeholders involved in environmental and social safeguards at the national, regional, communal and village levels.

140. The strengths, weaknesses and gaps, actions and opportunities and risks of national systems are presented in Table 4 below, in the light of the Key Principles that are applicable to the Program, as described in the World Bank Policy and the guideline for Financing Programs for Results.

**Table 1 : Core Principles**

<b><i>Core Principle 1: General Principle of Environmental and Social Assessment and Management</i></b>	
<p>Bank Policy for PforR Financing Environmental and social management procedures and processes are intended to (a) promote environmental and social sustainability in program design (b) avoid, minimize or mitigate undesirable impacts; and (c) promote decision-making on the environmental and social effects of the program</p>	<p>Bank's Guidelines for PforR Financing: The program procedures will:</p> <ul style="list-style-type: none"> <li>▶ Operate within an appropriate legal and regulatory framework to guide program-wide environmental and social assessment</li> <li>▶ Incorporate elements of good environmental and social assessment practice including (i) preliminary screening of potential effects ; (ii) consideration of the strategic and technical aspects involved, as well as potential cumulative and transboundary impacts.; (iii) identification of measures to mitigate undesirable environmental and social impacts that cannot be avoided or minimized; (iv) a clear articulation of institutional responsibilities and resources to support the implementation of plans; and (v) responsiveness and accountability through stakeholder consultation, periodic reporting of program information,</li> <li>▶ The establishment of a conflict management mechanism oriented towards: (i) conflict resolution, (ii) systematic recording of grievances through appropriate channels; (iii) periodic reporting of the grievance management situation - specifying the nature of the grievances resolved and the status of unresolved grievances and the reasons for the non-resolution.</li> </ul>
<p><b><i>Applicable :</i></b> The work funded under the Program could indeed have low to moderate negative impacts.</p> <p>The ESSA has been prepared and its recommendations will be incorporated into the overall action plan of the program.</p> <p>By following the principles presented in the ESSA, a NIES or an ESMP will be imperatively prepared for any individual investment project which, according to the initial diagnosis and the screening system put in place, would have a moderate impact.</p>	
<p><b><i>STRENGTHS</i></b></p> <ul style="list-style-type: none"> <li>▶ The country has adequate legislative and regulatory frameworks to appropriately manage the environmental and social impacts of the Program.</li> <li>▶ The country has an institution in charge of environmental assessments (BUNEE)</li> <li>▶ The national environmental impact assessment system is based on a well-rounded process of diagnosis and assessment of the nature of impacts and preparation of appropriate environmental and social safeguards</li> </ul> <p><b><i>WEAKNESSES AND GAPS</i></b></p> <ul style="list-style-type: none"> <li>▶ Environmental and social project management procedures follow a centralized logic – by concentrating responsibilities at the BUNEE level.</li> <li>▶ Despite the existence of the regulatory framework, the institutions in charge do not have the human resources or the financial means to enforce the laws.</li> <li>▶ Timelines for obtaining Environmental Compliance Advices from project proponents are relatively long.</li> </ul>	



***ACTIONS AND OPPORTUNITIES***

- ▶ Organization of awareness-raising initiatives of all actors and stakeholders about the problems of environmental management
- ▶ Launch of training initiatives aimed to strengthen more appropriately the capacities of central (especially BUNEE) and local officials in environmental and social safeguard procedures
- ▶ Opportunities for institutional actors to strengthen the dialogue with users and their social accountability as service providers
- ▶ The forthcoming decentralization reform of BUNEE
- ▶ The on-going development of a national compensation reference system for PAPs
- ▶ Individuals and communities who think they have been harmed as a result of the Program need to be informed about how to approach the existing National Recourse Mechanism or the World Bank Grievance Redress Service (GRS) - so that their complaints are reviewed promptly to address relevant concerns.

***RISKS***

- ▶ Poor implementation of environmental and social management rules and procedures.
- ▶ Failure to enforce current environmental regulations in a timely manner.

***Core Principle 2: Natural Habitats and Physical Cultural Resources***

The Bank's Policy for Financing PforRs: Environmental and Social Management Procedures and Processes are designed to avoid, minimize or reduce undesirable impacts on Natural Habitats and Cultural Resources resulting from the Program.

The Bank's guideline for funding PforRs as relevant to be supported by the program:

- ▶ include appropriate measures for the identification and preliminary screening of potentially important resources of biodiversity and cultural sites;
- ▶ support and promote the conservation, maintenance and rehabilitation of natural habitats;
- ▶ avoid the significant conversion or degradation of critical natural sites and if this is not technically feasible, include measures to mitigate the impacts of program activities;
- ▶ take into account the adverse impacts on physical cultural property and, if justified, take measures, adequate to avoid, minimize or mitigate such impacts.

***Non applicable*** : No program activity performed within biodiversity areas. No investment will be eligible if it threatens fragile ecosystems. No investment will be eligible if it directly threatens the cultural and religious heritage of a region.

***Core Principle 3: Public and Workers Safety***

The Bank's PforR financing policy: Environmental and social management procedures and processes are designed to ensure the safety of the public and workers against potential risks associated with: (a

Bank Guideline for Financing PforRs:

- ▶ promote the safety of the community, individuals and workers through proper design, securing operations for constructing and maintaining infrastructure and activities that may depend on such infrastructure, inspection or taking corrective measures, if necessary, of associated works;

<p>construction and / or management of facilities or other operational practices developed under the program;</p> <p>(b) exposure to chemical materials or hazardous waste; and</p> <p>(c) reconstruction or rehabilitation of infrastructure located in areas near hazardous natural areas</p>	<ul style="list-style-type: none"> <li>▶ promote the use of good practices in the production, management, storage, transport and disposal of hazardous materials from the construction or operations of the program;</li> <li>▶ promote the adoption of integrated pesticide management practices to manage or reduce disease vectors; provide training to workers involved in the production, supply, storage, transportation, use, and disposal of hazardous chemicals in accordance with international guidelines and conventions;</li> <li>▶ integrate measures to avoid, minimize or reduce community, individual or worker risks when program activities are located in hazardous natural areas such as floods, hurricanes, earthquakes, and other severe weather or climate events.</li> </ul>
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**Applicable.** The work undertaken under the Program could have an impact on the safety of the public and construction site workers. Worksite workers could be exposed to work-related injuries, water pollution, air pollution, solid waste, and toxic or hazardous materials on the site. People in areas near the sites could also be exposed to the same dangers.

**STRENGTHS**

- ▶ Burkina Faso's legal system includes safety provisions on construction sites. The safety of workers is ensured by the Labor Inspectorate.
- ▶ There are national policies and guidelines regarding the safety and health of the public and workers. These cover a range of key aspects, including the control of environmental pollution; labor law ; regulations on occupational health and safety; and standards for emissions and releases in the work environment.

**WEAKNESSES AND GAPS**

- ▶ Worker safety provisions are not always included in civil works contracts.
- ▶ The insufficient number of screening officers does not allow for regular monitoring of the application of site provisions
- ▶ The national EIA system does not include all aspects of public and workers safety.
- ▶ There is a general lack of awareness of public health and safety issues, particularly with regard to exposure to hazardous materials or safety aspects at work

**ACTIONS AND OPPORTUNITIES**

- ▶ Information and training on safety measures in construction sites.
- ▶ Role of the Labor Inspectorate at the local level.

**RISKS**

- ▶ Not entirely efficient enforcement of current environmental regulations.
- ▶ Non-involvement of Labor Inspectorate officials

**Core Principle 4: Land Acquisition**

<p>The Bank's PforR financing policy: Acquisition of land and loss of access to natural resources is managed to</p>	<p>The Bank's guideline for financing the PforR: if relevant to be borne by the Program:</p> <ul style="list-style-type: none"> <li>▶ avoid or minimize land acquisition and associated undesirable impacts;</li> </ul>
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<p>avoid or minimize displacements, and to make sure that the affected people are assisted in improving or, at least, rehabilitating their livelihoods and their living conditions</p>	<ul style="list-style-type: none"> <li>▶ identify and address the economic and social impacts caused by land acquisition or loss of access to natural resources, including the affected populations who may not have legal rights to the assets or resources that they use or occupy;</li> <li>▶ provide sufficient compensation to purchase replacement assets of equivalent value to those lost and to support any transition expenses paid before the acquisition of the land or the restriction of access;</li> <li>▶ take additional measures to improve or restore livelihoods if the acquisition of the land has caused the loss of income-generating opportunities (e.g. loss of crop production, or employment); and</li> <li>▶ restore or replace the public infrastructure or community services that would be affected.</li> </ul>
<p><b>Applicable.</b> The work could: (i) involve temporary physical displacements of residential households or businesses; (ii) require the acquisition of private land and, consequently, expropriation for public purposes and involuntary resettlement of residential households or businesses; and (iii) temporarily disrupt local craft and economic activities.</p> <p>By following the principles presented in the ESSA, a PAR will be imperatively prepared for any individual investment project which, according to the social assessment and the screening set up, would have a moderate social impact.</p>	
<p><b>STRENGTHS</b></p> <p>The indemnities or compensation of affected persons are set through the existing land tenure system in Burkina Faso .</p> <p>In terms of complaints and conflict management, the Burkinabe law recognizes the recourse to the competent courts in the event of refusal by the Compensation Commission.</p> <p><b>WEAKNESSES AND GAPS</b></p> <ul style="list-style-type: none"> <li>▶ The national land acquisition procedures are unclear.</li> <li>▶ The minimization of the movement of persons is not explicitly provided for by national legislation</li> <li>▶ The legislation on expropriation for public utility purposes in Burkina Faso does not specifically deal with certain matters, such as loss of income and livelihood, restriction of access to material goods, natural resources (economic resettlement).</li> <li>▶ Informal occupants are not recognized by the Burkinabe law</li> <li>▶ According to national procedures, in the event of disagreement, payment of the compensation to the affected persons is made after the decision of the court or after the decision of the court of cassation. But appeals are not suspensive of work.</li> <li>▶ Customary land ownership is recognized, but must be confirmed before being compensated and informal title deeds are not recognized by national legislation</li> <li>▶ There are no specific measures for assisting resettlement.</li> <li>▶ Monitoring/evaluation is not provided for by national law in the event of resettlement.</li> </ul> <p><b>ACTIONS AND OPPORTUNITIES</b></p> <ul style="list-style-type: none"> <li>▶ Provide a system of compensation in kind and/or in cash, as the case may be.</li> <li>▶ Make sure that informal occupants receive compensation and assistance for their resettlement as well as recovery of their economic situation.</li> <li>▶ Provide adequate follow-up of the affected people so that they recover the ex-ante project conditions and do not become poorer</li> </ul>	

<ul style="list-style-type: none"> <li>▶ Set up a relocation assistance system</li> <li>▶ Establish a genuine joint administration/civil society mechanism for handling and following up complaints</li> <li>▶ Provide for indicators for monitoring social compliance with national standards.</li> <li>▶ Exclude from the program investments that cause the displacement of a large number of people.</li> </ul> <p><b>RISKS</b></p> <ul style="list-style-type: none"> <li>▶ Non-observance of the existing legislation.</li> <li>▶ Lack of human resources and financial means at level of national and local institutions in charge of enforcing laws and arrangements.</li> <li>▶ Lack of coordination among the institutional actors involved - which results in a lack of clarity and complementarity in the actions and a low capitalization of lessons learned.</li> </ul>
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**Core Principle 5 : Social Considerations: Indigenous Peoples and Vulnerable Groups**

<p>Bank Policy for PforR Funding: Adequate attention to cultural relevance, and equitable access to program benefits, with special attention to the rights and interests of indigenous peoples and the needs and concerns of vulnerable groups.</p>	<p>The Bank's PforR Financing Guideline: if relevant to be covered by the Program:</p> <ul style="list-style-type: none"> <li>▶ engage in free, prior and informed consultation if indigenous peoples are potentially affected (positively or negatively) to determine whether the Program has a comprehensive community support component;</li> <li>▶ make sure that indigenous peoples can participate in defining the opportunities they can benefit from operating customary resources or endogenous knowledge</li> <li>▶ pay attention to groups that are vulnerable, in difficulties, or disadvantaged, including, if relevant, poor people, disabled, women and children, elderly people, or marginalized ethnic groups.</li> </ul> <p>If necessary, special measures will be taken to promote equitable access to the benefits of the program.</p>
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**Applicable** (with the exception of the fact that there are no indigenous peoples in Burkina Faso).

The program includes specific measures favoring vulnerable groups: the establishment of water price equity, its accessibility by the rural poor and the total subsidy for vulnerable people of sanitation infrastructure. The identification of vulnerable groups will be done by the community on reliable and consensual criteria.

<p><b>STRENGTHS</b></p> <ul style="list-style-type: none"> <li>▶ Surveys are aimed at informing the population about conducting the project and to gather their observations; information posters are posted for this purpose in public places. The law provides for the services of the Ombudsman of Faso in favor of vulnerable persons.</li> <li>▶ The social action services present in all project regions are willing to provide support to the program (identification of vulnerable people among others)</li> </ul> <p><b>WEAKNESSES AND GAPS</b></p> <ul style="list-style-type: none"> <li>▶ Burkinabe law does not provide for specific measures for vulnerable groups.</li> <li>▶ The complaint management system at local level is not operational.</li> </ul> <p><b>ACTIONS AND OPPORTUNITIES</b></p> <ul style="list-style-type: none"> <li>▶ Define and put in place a strong strategy for stakeholder engagement (awareness raising and consultation, information disclosure and grievance mechanism) as part of the outreach</li> </ul>
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program, targeting in particular vulnerable groups.

- ▶ Specify any form of support to the most vulnerable groups through appropriate compensation.
- ▶ Ensure the functionality of the complaint management system
- ▶ Ensure subsidies for sanitation infrastructure for the benefit of vulnerable people
- ▶ Respect the equity of water price and its accessibility by the poor in rural areas
- ▶ Inform and sensitize the beneficiary populations on the consideration of gender and vulnerable people in the program, as well as on the grievance management mechanism

**RISKS**

Lack of clarity and coherence regarding the mechanism for implementing public consultations and stakeholder engagement could alienate poor and vulnerable groups.

**Core Principle 6 : Social Considerations – Social Conflict**

The Bank's Policy for Financing the PforR: Avoid exacerbation of social conflict, especially in fragile states, in post-conflict areas or areas subject to territorial disputes

The Bank's Guideline for Financing PforR) pays particular attention to conflict risks including distributional equity and cultural sensitivities.

**Non applicable.** The Program is not implemented in a conflict zone.

## SECTION V. ENVIRONMENTAL AND SOCIAL MANAGEMENT ACTION PLAN

141. The Program will support specific measures to improve conditions for the performance of the environmental and social management system in the implementation and monitoring of Program activities. These measures are proposed as part of an Environmental and Social Management Action Plan (ESM/AP) - this Plan is part of the overall Program Action Plan as such. The ESM/AP identifies three components of recommendations, each with distinct and complementary activities

➤ ***First Component of the AP/ESM: Strengthening of the Program's environmental and social management system for investment.*** Ce volet comprend les éléments suivants :

- ▶ **Technical Manual.** Preparation of a *Technical Manual for Environmental and Social Management (MTGES) of investment* for the Ministry of Water and Sanitation (MEA) and its National Office for Water and Sanitation (ONEA) and all technical services, as well as all stakeholders, who will be involved at national, regional and local level in the implementation of the Program, so that environmental and social management procedures are duly understood, perfectly appropriate and followed. This Manual will be an integral part of the Program Operation Manual (Special Annex).

This Manual will be useful not only for the implementation of the Program, but also for the other projects of the Ministry of Water and Sanitation (MEA) and its National Office of Water and Sanitation (ONEA).

It will be in compliance with both national environmental and social assessment procedures and the World Bank's PforR funding policy. In particular, the Manual will present the procedures and tools for the preparation of an *Environmental and Social Management Plan (ESMP)* for structural sub-projects with moderate environmental risks and a *Resettlement Action Plan (RAP)*. for structural subprojects with moderate social risks.

The Manual will particularly address the gaps identified in the national systems (see above). In particular, the Manual will aim to define and set up the complaint and grievance management system at the local level - in parallel with the agreed procedures (including in relation to the services of the Ombudsman and the grievances submitted to the Grievance Settlement Service (GRS) of the World Bank).

- ▶ **Interinstitutional Convention** between the Ministry of Water and Sanitation (MEA), National Office for Water and Sanitation (ONEA), on one hand, and the National Bureau of Environmental Assessments (BUNEE), on the other hand. The content of this agreement will establish the conditions for collaboration (awareness raising, information and training, rapid review and certification of sub-projects, environmental and social control and monitoring, etc.). This convention could be completed with collaboration protocols with other well-targeted institutions

➤ **Second Component of the AP/ESM: Capacity building in terms of environmental and social management** for key actors and representatives of Program stakeholders. This component includes two distinct types of activities:

▶ **Human Resources of the PCU for Environmental and Social Management. Recruitment or appointment** by MEA and ONEA of a social specialist and an environmental specialist within the PCU, who will be employed full-time throughout the implementation of the Program and have:

- Basic training in environmental and/or social sciences;
- A minimum of years of experience in conducting environmental and social management of similar programs / projects.

These specialists, in close collaboration with all the stakeholders, will be responsible for ensuring: (i) the coordination and monitoring of the implementation of all the actions relating to the environmental and social management of the Program; (ii) the organization of all training, information and awareness raising initiatives on the environmental and social risks of the Program; (iii) the collection and centralization of all information relating to the monitoring of mitigation measures; (iv) the monitoring and evaluation of the implementation of mitigation measures and the integration of data at the information system level (in accordance with the principles described and presented in the MTGES); (v) the monitoring of the implementation and operation of the complaint management system; and (vi) the preparation of reports on the environmental and social aspects of the Program.

▶ **Training to MTGES.** A training program will be developed for the implementation of the MTGES for all the different stakeholders involved in the implementation of the Program, in particular: the members of the environmental units of the MEA, ONEA, and of the other ministries involved, members of the "Environment and local development" communal commissions, of the "Territorial and Land Development" commissions, BUNEE, and the Regional Directorates for the Environment, Green Economy and Climate Change (DREEVCC), of social action, etc.

This training will aim to sensitize and inform a fairly broad audience on the content of the Program MTGES. This will include, in particular: (i) understanding of MTGES and its procedures and practices; and (ii) control of environmental and social management tools, namely: *Screening Form*, EIA, ESMP and Resettlement Action Plan (RAP), which will be prepared for individual sub-projects, according to the extent of their respective environmental and social risks, in accordance with the national arrangements and the World Bank's policy on PforR funding. It should be noted that these initiatives will support the establishment and operation of the *citizen engagement and complaint management system*.

▶ **Specialized training in monitoring and control of GES mitigation and reporting measures:** This more in-depth training in monitoring and control and reporting will be provided to representatives of all local, regional and national institutions

(including contractors) involved in the collection, processing and analysis of information regarding the implementation of mitigation measures. The Monitoring Sheets (contained in the MGTES), once completed by the contracting firms, will be verified and validated by the local and regional authorities, before being sent to the environmental and social protection specialists of the PCU, to be recorded at the level of integrated information and monitoring evaluation system. The monitoring reports will include, as a matter of priority, the monitoring of the implementation of the environmental and social mitigation measures for each of the approved and completed sub-projects.

142. Table 2 summarizes all the elements of the ESM Action Plan, an integral part of the overall Action Plan of the Program:

- ▶ All costs of these elements of the ESM Action Plan will be included *in the Program overall budget*
- ▶ Conversely, the cost of environmental and social remedies will be included *in the investment budgets of sub-projects themselves*.



**Table 2 : Environmental and Social Management Action Plan**

N°	Measures	Activities	Responsibility	Deadline	DLI or Loan Covenant
<b>1. STRENGTHENING THE ENVIRONMENTAL AND SOCIAL SYSTEMS OF THE PROGRAM</b>					
1.1	<b>Technical Manual for Environmental and Social Management (MTGES)</b>	Preparation and adoption of a MTGES	MEA/ONEA in collaboration with BUNEE	90 days after the entry into force of the Program	Loan Covenant
1.2	<b>MEA /ONEA - BUNEE Interinstitutional Agreement</b>	Preparation and enforcement of an MEA / ONEA and BUNEE interinstitutional cooperation agreement.  The content will define the conditions for collaboration for the rapid review and certification of program subproject reports	MEA/ONEA and BUNEE	90 days after the entry into force of the Program	
<b>2. CAPACITY BUILDING IN TERMS OF ENVIRONMENTAL AND SOCIAL MANAGEMENT</b>					
2.1	<b>Human Resources for Environmental and Social Management</b>	Recruitment and keeping of at least one social specialist and an environmental specialist within the PCU.	MEA/ONEA	Program entry into force	Loan Covenant

2.2	<b>Training to MTGES</b>	Development of the training program for the application of the MTGES for the various stakeholders involved in the implementation of the Program.	MEA/ONEA in collaboration with BUNEE	90 days after the entry into force of the Program	Loan Covenant
2.3	<b>Monitoring, Control and Reporting</b>	More specialized training in the monitoring and control of various environmental and social mitigation measures: for stakeholders at local, regional and national level	PCU	90 days after the entry into force of the Program	Loan Covenant

## CONCLUSION

143. The World Bank organized a public consultation with representatives of key stakeholders, civil society organizations and the private sector to present and discuss the draft ESSA (see Minutes in Annex 10).
144. Throughout the duration of the Program, the Burkinabé party will be responsible for organizing consultations on the specific activities (investment sub-projects) of the Program.
145. The final revised version of ESSA will be publicly disseminated through the World Bank external website and also on the MEA and ONEA websites.
146. Hard copies will be available at national and regional branches of the relevant institutions.

## **ANNEXES**

## Annex 1 : Main Legislative Arrangements

POLICY DOCUMENTS AND PLANNING DOCUMENTS	APPRAISAL
National Economic and Social Development Plan (PNDES)	
National Policy for Sustainable Development (PNDD)	
National Environmental Policy (PNE)	Create a reference framework for the consideration of environmental issues in development policies and strategies.
National Territory Development Policy adopted by Decree No. 2006-362/PRES/PM/MEDEV/MATD/MFB/MAHRH/MID/MECV of 20 July 2006	Three fundamental orientations: i) economic development; ii) social integration; iii) sustainable management of the natural environment
National Gender Policy (PNG) of Burkina Faso	Promote a participatory and equitable development of men and women in respect of their fundamental rights.
National Climate Change Adaptation Plan (PNA)	This law inter alia provides for : - preserving water resources and improving access to sanitation; - protecting people and property against extreme weather events and natural disasters - protecting and improving populations health.
National Rural Land Security Policy (PNSFMR)	Provide the effective mobilization and actual development of rural lands, water resources, forests, wildlife and fisheries resources.
National Water Policy	The main objective is to "contribute to the sustainable development of the country, by providing appropriate solutions to water-related problems, in an environment particularly affected by climate change and in observance of an integrated water resources management »
National Sanitation Policy and Strategy (July 2007)	The overarching objective of the policy is to contribute to sustainable development by providing appropriate solutions to sanitation-related problems in order to improve living and habitat conditions of populations, preserving their health and protecting natural resources.
National Public Hygiene Policy (PNHP) (Decree No. 2004-538/PRES/PM/MS/MFB/MATD)	The following main objectives: (i) to provide the indispensable conditions for survival; ii) to prevent diseases and intoxications; (iii) to keep an enabling climate for productivity of human activities; iv) guarantee comfort and pleasure of life.

## Annex 2 : Legislation and Regulations Relevant to the Program

### LAWS AND REGULATIONS

### APPRAISAL

The Constitution of Burkina Faso	According to the provisions of Article 15 of the Constitution, property rights are guaranteed for all and can only be infringed in cases of public necessity established in legal forms. No one shall be deprived of their enjoyment except for reasons of public utility and on the condition of just compensation determined in accordance with the law. This compensation must be prior to expropriation except in case of emergency or force majeure.
The 1804 Civil Code	The Code provides that " <i>No one may be compelled to surrender their property, except for reasons of public utility, and with just and prior compensation</i> ".
Law No. 008-2014/AN of 08 April 2014 on orientation on sustainable development in Burkina Faso	Guaranteeing economic efficiency, environmental sustainability and social equity in all development actions
Law 034-2012/AN of 02 July 2012 on Agrarian and Land Reform (RAF) in Burkina Faso	<p>Article 300 of this law provides that "Expropriation for public purposes is a form of involuntary transfer of actual real estate rights allowing the authorities, in the respect of the rights of the holders of real property rights, to mobilize the land resources for the needs of territory development operations, recognized as being of public utility"..</p> <p>Despite the adoption of Decree No. 2014-481 / PRES / PM / MATD / MEF / MHU of 3 June 2014 determining the terms and conditions of application of the RAF Law, there remains to date a legal vacuum because the specific question of compensation scales for those affected is not dealt with.</p>
Law 034-2009/AN of 16 June 2009 on Rural Land Regime	<p>It applies to rural land. The State as guarantor of the general interest organizes the actual legal recognition of legitimate local land rights on rural lands, ensures the guarantee of property rights and enjoyment regularly established on land (Article 4). Article 33, which deals with compensation arrangements in the case of expropriation for reasons of public utility, refers to a decree issued by the Council of Ministers. There is also a legal vacuum at this level because the said decree has not been taken to date.</p> <p>The law also provides the recognition and protection of customary land rights formalized through an administrative act called Certificate of Rural Land Ownership (APFR). Other relevant provisions fall within the framework of the grievance mechanism and take account of vulnerable groups, namely, the obligation to attempt conciliation in the case of rural land disputes before referral to the competent courts, the formulation of specific provisions on land for the benefit of women and young people.</p>
Law 055-2004/AN of 21 December 2004 on General Code of Territorial Collectivities, set of changes	The Code does not contain provisions directly dealing with the subject of compensation for reasons of public utility. However, the administrative bodies that are local authorities are involved in the process of expropriation for reasons of public utility.
Law 006-2013/AN of 2/04/2013 on Code of the Environment in Burkina Faso	<p>This law establishes in Article 25 the principle according to which the activities likely to have significant impacts on the environment are subjected to the preliminary opinion of the Minister in charge of the environment. The opinion is based on a Strategic Environmental Assessment (SEA), an Environmental Impact Assessment (EIA) or an Environmental Impact Statement (EIS).</p> <p>Several implementing decrees are relevant for the protection of the environment and the rights of individuals. They are:</p>

## LAWS AND REGULATIONS

## APPRAISAL

	<p>Decree No. 2008-125/PRES/PM/MECV of 7 March 2008 on the establishment, roles and responsibilities, organization and operation of environmental units in the various ministerial departments, administrative regions and public and private enterprises;</p> <p>Decree No.2015-1187/PRES-TRANS/ PM/ MERH/ MATD/ MME/ MS/ MARHASA/ MRA/ MICA/ MHU/ MIDT/ MCT of 22 October 2015, laying down the conditions and procedures for carrying out and validating the strategic environmental assessment, the study and the environmental and social impact statement</p> <p>Decree No.2015- 1203 /PRES-TRANS/PM/ MERH/MATD/MJDHPC on terms and conditions for organizing and conducting the environmental inspection</p> <p>Decree No.2001-185/PRES/PM/MEE of 07 May 2001, setting the pollutant discharge standard in the air, the water and the soils</p> <p>Decree No.2015-1205 establishing water discharge standards;</p> <p>Decrer No.98-322/PRES/PM/MEE/MIHU/MATS/MEF/MEM/MCC/MCIA of 28 July 1998 establishing dangerous, unhealthy and inconvenient establishment opening conditions</p> <p>Decree No.2006- 232 PRES/PM/MECV/MFB/MJ/MATD of 30 May 2006 defining the procedures and scales of transactions applicable to infringements of the Code of the environment in Burkina Faso</p>
Law No.23/94/ADP of 19 May 1994 on Public Health Code	It deals with the protection of the environment (air and water pollution)
Law No. 022-2005/AN on Public Healths in Burkina Faso	It deals with public health, including access to and protection of drinking water
Law 28-2008/AN of 13 May 2008 on Labor Code in Burkina Faso	It regulates working conditions through its relating provisions (Articles 149 and 153) to the prohibition of discrimination in employment and labor as well as the worst forms of child labor. Also, according to Article 36 of this same law, the employer is obliged on the site, "to comply with the hygiene and safety conditions to the standards provided by the regulations in force"
Law 017-2006/AN of 18 May 2006 on Code of Urban Development and Construction and its implementation Decrees	Respect of the provisions of the law through the Master Plans of Development and Urbanism (SDAU) and Plans of Land Use (POS) in the project intervention areas. According to Articles 84 and 85 of this law, in addition to the common law procedures that are amicable transfer, exchange, purchase, donations and legacies, the property in escheat, the modes of land acquisition in view of the developments provided for by this law are mainly expropriation for public purposes and the right of pre-emption.
Law 002-2001/AN of 06 /02/2001 on Law of Orientation relating to Water Management and its implementation texts	<p>The law provides for and refers to decrees, the determination of the terms of compensation of landowners and other owners of land rights who have suffered a direct, material and certain harm due to the classification of their land among the dependencies of the public domain of water as a result of a change in the limits of the latter, that such change results from the provisions of this Law or from an artificial or natural change in water course or regime.</p> <p>Relevant implementation decrees help to ensure the sustainable management of water resources:</p> <p>Decree No.2005-185/PRES/PM/MAHRH/MCE of 04 April 2005 determining the nomenclature of installations, structures, works, and activities subject to authorization or declaration (IOTA)</p> <p>Decree No.2004-581/PRES/PM/MAHRH/MFB of 15/12/2004 on definition and procedures of delimitation of the perimeters of protection of water intended for human consumption.</p> <p>Decree No.2005-188/PRES/PM/MAHRH/MCE of 04 April 2005 laying down conditions of enactment of the general rules and requirements applicable to installations, structures, works, and activities subject to authorization or</p>

## LAWS AND REGULATIONS

## APPRAISAL

	declaration (IOTA)
	Decree No.2005-515/PRES/PM/MAHRH of 06 October 2005 on the procedures for authorization and declaration of installations, structures, works, and activities (IOTA)
Law 0036-2011/AN of 05/04/2011 on forest Code in Burkina Faso	Joint Order No. 2009-073/MECV/MAHRH of 27 August 2009 regulating agricultural clearing in Burkina Faso Order 2004-019/MECV of 07 July 2004 determining the list of forest species benefiting from special protection measures
Law No. 012-2010/AN of 1st April 2010, on Protection and Promotion of Rights of Disabled Persons	Promote and ensure the full and equal enjoyment of all human rights and fundamental freedoms for people with disabilities and guarantee respect for their intrinsic dignity.

And also :

- ▶ Decree No. 2015-1187 /PRES-TRANS/PM/ MERH/MATD/MME/1VIS/MARHASA/MRA/ MICA/MHU/MIDT/MCT on the conditions and procedures for carrying out and validating the strategic environmental assessment, the study and the environmental and social impact statement. It is the text par excellence that frames the implementation of environmental assessments in Burkina (ESIA, NIES and CGES). It integrates the realization of the PARs in addition to ESIA and NIES, when necessary. This decree classifies activities into the following three categories: i) Category A: Activities subject to an ESIA with the completion of a public inquiry; (ii) Category B: Activities subject to a NIES; (iii) Category C: Activities that are submitted to neither NIES nor ESIA; iv) Environmental and Strategic Assessment (SEA) for policies, plans and programs or any other upstream initiative of policies, plans and programs that have a significant impact on the environment.
- ▶ Thus, for each category, the projects are classified taking account of the sectors of activities defined by Law No. 010/98 / AN of 21 April 1998, on modes of intervention of the State and distribution of competences between the State and development actors.

.Decree No. 2001-185/PRES/PM/MEE of 07 May 2001 in Burkina Faso, laying down standards for the discharge of pollutants into the air, water and soil, makes a number of provisions relating to releases that may be harmful to Burkina Faso's water and soil pollution. These provisions regulate and punish any offender in order to preserve the quality of the environment in Burkina Faso. In addition, this decree stipulates in its Articles 6, 10 and 11, respectively, the standards of fixed emissions discharges, the norms of discharge of waste water in surface water, the standards of discharge of sewage into the sewers. In its Articles 3 and 15, it specifies standards in Burkina Faso where, by its activity, a unit is required to produce substances or substances in the air, in groundwater or in drinking water, with or without conveyances in the ground or the basement.

Decree No.2001-1205/PRES-TRANS/PM/MERH/MEF/MARHASA/MS/MRA /MICA /MME/MIDT/MAD of 28 October 2015 laying down standards and conditions for the discharge of wastewater. This decree contains a number of provisions on releases that can cause pollution of air, water and soil in Burkina Faso. Article 2 of this decree sets standards for ambient air quality. Article 4 sets emission standards for motor vehicle emissions. The substances mentioned in Article 12 of the decree are prohibited from direct discharge into the receiving environment. Other decrees complete this legal arsenal:

- Decree NBo.2015- 1203 /PRES-TRANS/PM/ MERH/MATD/MJDHPC on how to organize and conduct the environmental inspection



Decree No. 2008-125/PRES/PM/MECV of 7 March 2008 on establishment, roles and responsibilities, organization and operating of environmental units in the various ministerial departments, administrative regions and public and private enterprises

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## **Annex 3 : Expropriations and Compensations in Burkina Faso**

### **a) The Main Laws**

In Burkina Faso, expropriation for public purposes is governed by the following laws:

- The Constitution of 2 June 1991, revised by Law No. 001-2002 / AN of 22 January 2002: being the supreme law, establishes the right to property and compensation in case of expropriation. It provides that: "the right of ownership is guaranteed. No one shall be deprived of their enjoyment except for reasons of public utility and under the condition of just compensation determined in accordance with the law ».
- Law No 034-2012 / AN of 02 July 2012 on the Agrarian and Land Reform in Burkina Faso and its implementing texts: lays down the general principles, the terms of the expropriation, the process of expropriation and compensation and complaint management mechanisms through Articles 300 to 312.
- Law No. 034-2009 / AN of 16 June 2009 on rural land tenure and its priority implementing texts: reaffirms the right of State ownership and expropriation to dispose of rural land for the purpose of public interest, and the guarantee of property and enjoyment rights regularly established on the land.
- Law No. 034-2002 / AN on orientation relating to pastoralism in Burkina Faso of 14 November 2002 and implementing legislation: provides that pastoralists have the right of access to pastoral resources and may be deprived of their right only for reason of public utility.
- Law No. 002-2001 / AN on the water management directive of 06 February 2001 and implementing legislation: the right to classify land in the public domain of water is recognized. And the damage suffered as a result of the expropriation must be compensated.

### **b) National Procedures for Expropriation and Compensation**

National procedures for expropriation and compensation are defined by the RAF through articles 300 to 331. They are as follows:

- The State notes or declares as of public utility the completion of a project of general interest;
- The expropriating authority makes a declaration of intent to carry out a public utility project with an indication of its object, purpose, direction, duration, benefits and cost. This declaration is disseminated for one month through the official channels of communication and by any appropriate means for the populations concerned by the project. In addition, the declaration mentions the forthcoming opening of a public utility investigation; it must be posted at the town hall and in any appropriate public place, in the form of a notice to the public, eight days before the beginning of the inquiry and throughout its duration;
- one month after the declaration of intent, the inquiry of public utility is opened under the conditions set by decree of the Council of Ministers or by order of the president of the council of territorial collectivity after deliberation of said council;
- during the investigation period, the inhabitants of the locality concerned may consult the expropriation file which will enable them, if any, to contest, either the principle of the operation, its financial importance or else the place of realization. Observations may be made on the investigation register or sent as a note to the president of the ad hoc inquiry committee;
- public utility is declared by decree taken in the Council of Ministers or by order of the president of the council of the territorial collectivity after deliberation of this council. The declaration of public

utility sets the period during which the expropriation must be carried out. This period cannot be more than three years;

- declaration of public utility can be the object of either amicable or contentious appeal;
- failing an amicable agreement, the expropriation is pronounced and the compensations are set by the judge of the expropriation of the place of situation of the building;
- the expropriating party may, by payment or deposit of the provisional compensation set by expropriation order, take possession of the immovable immediately after agreement of the expropriation judge;
- under the resolute condition of the payment of the final compensation within the period provided for in Article 321 above, the amicable cession or expropriation judgment extinguishes, on its date, all the real or personal rights relating to the immovable;
- At the end of the expropriation procedure, the taking of possession can only be made after payment to the beneficiaries or deposit for their benefit, of a provision representing the possible compensation of expropriation and corresponding to the estimate decided by the ad hoc committee;
- the amicable transfer of the property concerned is made by administrative act between the beneficiaries and the department in charge of the State or local authorities domain. If an agreement cannot be concluded, the expropriating party shall, within one month after taking possession, continue the expropriation procedure by summoning the parties to appear before the expropriation court. The expropriation judge shall, where appropriate, award a special compensation to the owners of the rights struck by the expropriation that justify a prejudice related to the speed of the proceedings.

It should be noted that this procedure remains theoretical. In practice, each experience of expropriation and compensation is conducted taking into account the standard steps of this procedure and adapting it to the context of intervention, since all the texts of applications and structures planned to lead the process are not operational.

#### **About valuation methods for affected property**

Assessment methods for affected land and assets depend on their characteristics.

With respect to land, three types have been identified in accordance with the legislation in this policy framework are: state-owned land; lands belonging to individuals; and lands held under customary rights. State-owned land is transferred for free (possibly with the exception of processing and registration fees). Property belonging to private persons should be acquired at their exchange value. The guiding principle is that anyone occupying land to be acquired by the program receives in exchange another land of equal size and quality.

#### **About calculating the compensation rate for the land**

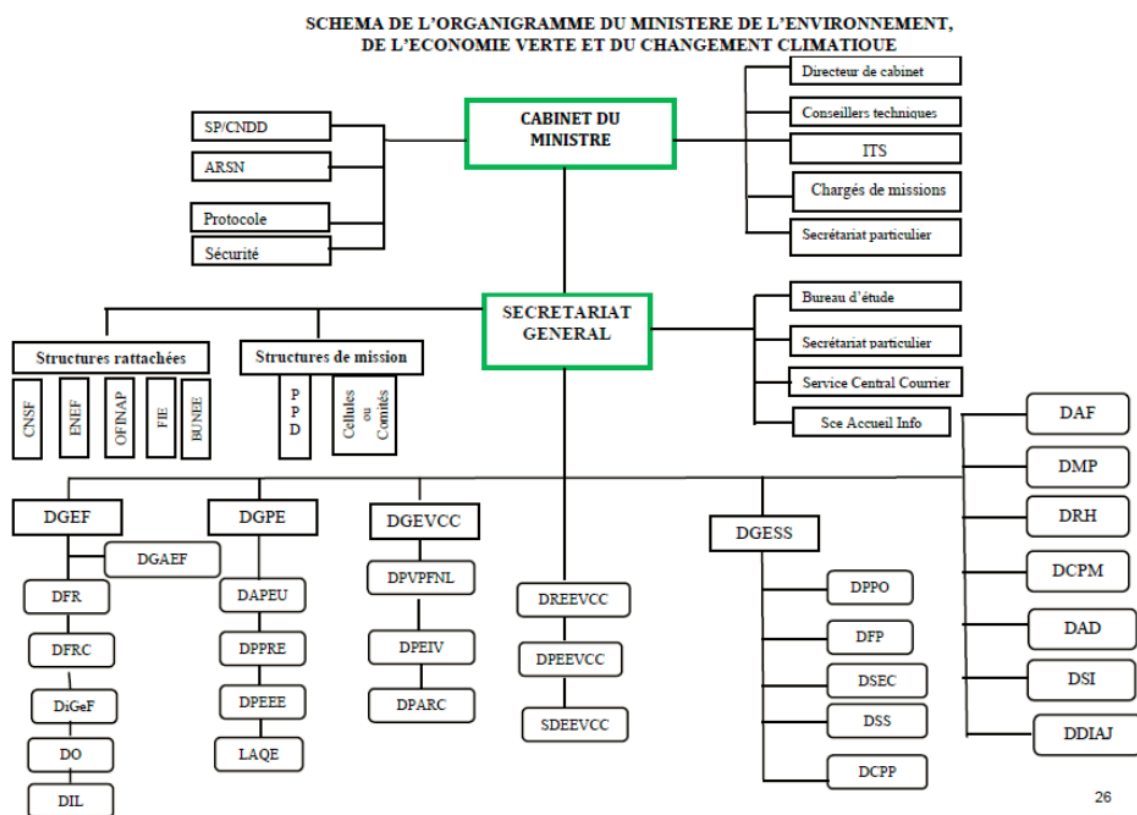
Compensation includes compensation for: loss of land; the loss of infrastructure and buildings; fruit trees and other trees; the work of the land; and the loss of the crop. The land compensation will cover the price of the labor market invested as well as the market price of the lost crop. The amount of harvest is estimated by weighting the area lost and planted by the average yield per hectare for the previous three seasons in the region. The unit cost used for land compensation must be discounted to reflect the values at the time the compensation is paid. All in all, the evaluation commission should find a calculation scale in relation to the economic and socio-cultural realities of the zone of the activity financed.

#### **About the compensation of buildings and infrastructures**

The compensation covers the replacement of buildings and infrastructure and includes achievements such as huts, houses, latrines, fences, henhouses, sheepfolds, granaries in banco, cemented or not, pigsty. All lost infrastructure will be reconstructed on replacement lands acquired, indicated or granted.

## Annex 4 : Organizational Chart of the Ministry of the Environment, Green Economy, and Climate Change

(Source : <http://www.environnement.gov.bf>)



## Annex 5 : Examples of main potential hazards associated to the Program

*Table A: Urban and Rural DWS Associated Impacts and Hazards*

Activities	Environmental Hazard	Social Hazard
<p><b>In Urban Areas</b></p> <p>Production capacity building</p> <p>Storage capacity building and water tower building</p> <p>Capacity building, and completion of social connections and standpipes</p> <p>Completion of drillings in new centers</p>	<p>Loss of vegetation</p> <p>Loss of fauna and microfauna Soil pollution by accidental hydrocarbon spill</p> <p>Dust lift</p> <p>Noise</p> <p>Soil pollution by rejected site waste at sites</p> <p>Deep soil destruction;</p> <p>Risk of water contamination</p> <p>Indirect impacts on natural habitats or protected areas (remnants of the city's greenbelt, either through encroachment or indirectly by opening past non-existent access to natural habitats (e.g. pipe laying, access road construction).</p> <p>Emissions of dust and exhaust fumes</p> <p>Pollution of soils by discharge of materials (scrap, plastics, etc.) and waste oils from vehicles and construction machinery</p> <p>Risks of soil erosion.</p> <p>Tree felling and vegetation destruction</p> <p>Destruction of wildlife and microfauna habitat –</p> <p>Cuts in roads, road shoulders, crossing structures, stone-walled embankments, gully outlets, gutters, medians, riffles, cycle tracks, old treated water gravity pipes, tracks, etc.</p>	<p>Risk of land and income source losses</p> <p>Risk of physical or economic displacement of populations</p> <p>Risk of conflict linked not only to the lack of transparency in the recruitment of the local workforce but also to the inequalities noted in the process of compensation of PAPs, failing scales</p> <p>Risk of conflicts related to non-ownership of the grievance mechanism by PAPs</p> <p>Traffic disruptions and collision risks between the population and construction vehicles.</p> <p>Disturbance of field and commercial activities,</p> <p>Risk of degraded remains buried in the ground</p>
<p><b>In Rural Areas</b></p> <p>Construction and rehabilitation of water supply systems in some</p>	<p>Occupational accident risks</p> <p>Noise</p>	<p>Economic and/or physical displacement of populations</p> <p>Possible loss of fields and land,</p>

<p>rural areas</p> <p>Construction of Drills equipped with manual pumps</p>	<p>Dust and gas emissions</p> <p>Destruction of plant species</p> <p>Destruction of fauna and microfauna</p>	<p>Triggered latent conflicts,</p> <p>Increasing rivalries among villages, sectors, neighborhoods,</p> <p>Disturbances of field work during a given period;</p> <p>Change in water supply modes,</p> <p>Behavioral change</p> <p>Risks of sexual abuse and harassment of women and transmission of viral diseases (STIs, HIV/AIDS), because of the arrival of foreign workers.</p>
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**Table B: Urban and Rural Areas Sanitation Associated Risks**

<b>Activities</b>	<b>Environmental Impacts and Risks</b>	<b>Social Risks</b>
<p>Construction of household latrines and community latrines in market places, health centers and schools</p>	<p>Risks of polluted water table;</p> <p>Risk of polluted surface water and soil;</p> <p>Risks of tree destruction</p>	<p>Risks of occurrence of diseases related to the wild dumping of sewage sludge and poor maintenance of structures; various nuisances (visual, olfactory ...);</p> <p>Non-observance of regulatory texts by management structures,</p> <p>Risk of proliferation of contagious and infectious diseases</p> <p>Risk of odor nuisance</p> <p>Risk of low gender sensitivity</p> <p>Risk of vandalism</p> <p>Risk of incivism</p>

## Annex 6 : Simplified Socio-environmental Screening Form

This screening form has been designed to assist in the initial selection of program sub-projects to be carried out in the field. This fact sheet is completed by MEA / ONAE (environmental and social) backup specialists, with the support of external technical assistance.

Environmental and Social Selection Form	
1	Name of the locality where the project will be carried out
2	Name of contact person
4	Name of Approving Authority
Date: _____ Signatures: _____	

### PART A

#### Brief Description of Sub-projet

The proposed subproject (area, approximate area of total area to occupy, land status) and consistency of work (Construction and operation, resources, materials, *personnel*, etc.)

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### Part B

#### Brief Description of the Environmental Status and Identification of Environmental Impact or Risks

##### 1. The Natural Environment

(a) Describe the soil type, topography, vegetation of the subproject execution site and surrounding vegetation.

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(b) Estimate and indicate the vegetation that could be released-

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(c) Are there environmentally sensitive areas or species at risk of extinction?-----

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##### 2. Ecology of Rivers and Lakes

Is there a possibility that, owing to the implementation of the subproject, the ecology of rivers or lakes will be negatively affected?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, Comments :

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##### 3. Protected Areas

Is the sub-project site located within or adjacent to any protected areas designated by the Government (national park, national reserve, world heritage site, sacred site, etc.)?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, Comments :

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If the execution and commissioning of the activity takes place outside a protected area (or in its vicinity), is it likely to negatively affect the ecology of the protected area (e. g. interference? migration routes for mammals or birds)?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, Comments :

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**4. Geology and Soils**

Are there areas of possible geological instability or soil (predisposition to erosion, landslides, subsidence)?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, Comments :

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**5. Landscape/ Aesthetics**

Is there a possibility that the works negatively affect the aesthetic aspect of the local landscape? (cutting of trees, reduction of green spaces, etc.)

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, Comments :

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**6. Historical, Archaeological or Cultural Heritage Site.**

Based on available sources, consultations with local authorities, local knowledge and / or observations, could the sub-project alter historical, archaeological or cultural heritage sites, or should there be excavations nearby?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, Comments :

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**7. Air Pollution during Sub-project Execution or Implementation ?**

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, Comments :

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**8. Noise Pollution during Sub-project Execution or Implementation**

Will the noise level during the implementation of the project concerned exceed the acceptable noise limits?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, Comments :

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**9. Solid or Liquid Waste**

Will the activity concerned generate solid or liquid waste?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, Comments :

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does the sub-project have a plan for their pickup and evacuation?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, Comments

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**10. Will the sub-project entail risks for human health, safety during and/or after implementation?**

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, Comments :

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**11. Will the sub-project generate changes in the distribution/displacement of persons and/or animals in the area?**

Yes \_\_\_\_\_ No \_\_\_\_\_



If yes, Comments :

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**12. Does the sub-project require large quantities of building materials (e.g. gravel, stone, water, firewood)?**

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, Comments :

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**13. Does the sub-project use polluting products, with resin and potentially toxic or dangerous solvents (for asthmatics, for example), asbestos and lead?**

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, Comments :

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### **Part C**

#### **Brief Description of the Social Environment and Identification of Social Impacts**

##### **1. Land Acquisition**

Will the sub-project result in the denial or restriction of access to land or other economic resources? Yes \_\_\_\_\_

No \_\_\_\_\_

If yes, Comments :

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Si Non, Observations-----

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**2. Loss of Land:** Will the proposed sub-project cause permanent or temporary loss of land?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, Comments : -----

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Si Non, Observations-----

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**3. Loss of Infrastructure** (housing, related structures, socio-community structures (football pitch, wells, etc.):

Will the sub-project cause permanent or temporary loss of infrastructure? Oui\_\_\_ Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, Comments : -----

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Si Non, Observations-----

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**4. Loss of Income:** Will the sub-project cause permanent or temporary loss of income (economic activities, livelihoods, mode of production, ...) ?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, Comments : -----

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Si Non, Observations-----

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**5. Loss of Crops or Fruit Trees :** Will the sub-project cause the temporary or permanent loss of crops, utilitarian trees (fruit trees, shade trees, ornamental trees, etc.) ? Oui\_\_\_ Non\_\_\_\_\_

- If yes, Comments : -----  
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If No, Comments-----  
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**6. Public Consultation**

Are stakeholder consultation and participation sought?

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, Comments : -----  
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If no, Comments -----  
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**Part D**  
**Safeguard Instruments**

For all « Yes » responses, the appropriate safeguarding instruments must be prepared.

**Part E**  
**Recommendations**

- **Environment**

**Required Environmental Instrument:**

- No safeguard instrument
- Environmental impact statement
- Simplified environmental and social impact study

- **Social**

**Required Social Instrument**

- No social work to be done
- PAR

**Sheet filled out by:**

- **Name :** \_\_\_\_\_
- **Forename :** \_\_\_\_\_
- **Address :** \_\_\_\_\_
- **Signature :** \_\_\_\_\_

*Done in .....on ...../...../201.....*

**Compliance Certification from the Program Environmental Safeguard Specialist**

**On ...../...../201.....**

**Compliance Certification from the Program Social Safeguard Specialist**

**On ...../...../201.....**

**Compliance Certification ABE**

**On ...../...../201.....**

## **Annex 7 : Environmental and Social Management Plan and Resettlement Action Plan**

### **1. Environmental and Social Management Plan (ESMP)**

An *Environmental and Social Management Plan* (ESMP) is a document that allows each sub-project proponent with significant environmental and/or social effects to integrate environmental and social dimensions into the design, planning, management and implementation process of activities.

An ESMP establishes procedures and measures relevant to the mitigation of their environmental and social impacts on the basis of the procedures and mechanisms defined in the *Technical Manual*.

An ESMP includes, in particular, the following aspects:

- Establishment of a complete sub-project sheet
- Preparation of control/environmental and social review forms
- Establishment of work supervision mechanisms
- Documentation of public consultations conducted for ESMP
- Mise en place d'un système simple et efficace de gestion des requêtes et plaintes
- Establishment and monitoring of the implementation and assessment of all planned mitigation and compensation measures
- Definition of the environmental and social reporting system
- Public disclosure of the ESMP for each of selected sub-projects
- Etc.

### **2. Resettlement Action Plan**

A *Resettlement Action Plan* (RAP) is a document that allows any proponent of sub-project requiring physical displacement of people, loss of property and assets, land acquisition, and/or loss of access to natural resources or economic assets, to assess the social impacts associated with the temporary or permanent resettlement of people and to propose a specific plan for compensation for losses and support for the restoration of livelihoods, based on the procedures and mechanisms defined in the *Technical Manual*, in particular with regard to the following:

- Definition and implementation of procedures applicable to involuntary resettlement
- Documentation of public consultations conducted for RAP
- Establishment of a simple and effective request and complaint management system
- Establishment of a system for monitoring possible land acquisition procedures
- Establishment and monitoring of the implementation and assessment of all planned compensation and livelihood restoration measures.

## Annex 8 : Letter from the Minister in charge of the Environment relating to the Reclassification of DWS Systems in Urban Areas

MINISTÈRE DE L'ENVIRONNEMENT,  
DE L'ÉCONOMIE VERTE  
ET DU CHANGEMENT CLIMATIQUE  
-----  
CABINET



BURKINA FASO  
Unité - Progrès - Justice

Ouagadougou, le 26 FEV 2018

N° MEEVCC/CAB

2018-096

VL : 2018-047/MEA/SG

Le Ministre

▲  
Monsieur le Ministre de l'Eau et  
de l'Assainissement

OUAGADOUGOU

**Objet :** Evaluations environnementales relative à la formulation  
d'un cadre d'appui au secteur de l'Eau et de l'Assainissement

Suite à votre correspondance en date du 31 janvier 2018, j'ai instruit mes services techniques de faire une analyse approfondie de l'ensemble de vos projets d'Adduction d'Eau Potable et de l'Assainissement collectifs afin de me faire des propositions techniques.

Il ressort de cette analyse que certains projets d'Adduction d'Eau Potable, selon la réglementation nationale en vigueur sont classés en Catégorie A et d'autres en Catégorie B.

Aussi, bien que certains projets soient classés en A, le niveau des impacts environnementaux et sociaux seraient modérés.

Ainsi, je viens par la présente marquer mon accord à titre exceptionnel pour la réalisation sur l'ensemble des projets Adduction d'Eau Potable des Notices d'Impact Environnementaux et Sociaux. Cependant, mes services définiront les clauses environnementales spécifiques et il vous reviendra de prendre des engagements pour la bonne exécution desdits projets.



**Batio BASSIERE**  
Officier de l'Ordre National

## **Annex 9 : List of Main Documents Consulted**

World Bank: Aide-memoire of the Mission for preparing the Program supporting the sector of water, sanitation, and water resources management and Mission supporting the Implementation of the water sectoral Project in urban areas (PSEU) from 28 November to 21 December 2017

MEA: National Wastewater and Excreta Sanitation Program 2016-2030, PN-AEUE, Program Document (DGAEUE ONEA Draft version)

MEA: National Drinking Water Supply Program 2030: Strategic Environmental Assessment, Final Version (October 2015)

MEA: National Wastewater and Excreta Sanitation Program 2016-2030, PN-AEUE: Strategic Environmental Assessment & Environmental and Social Management Framework (April 2016)

MEA: National Drinking Water Supply Program by 2030, Final Version (October 2015)

MEA: National Program for the Integrated Management of Water Resources by 2030

MEA: Governance Program for the Water and Sanitation Sector

MEA: Different implementation texts of the law of orientation relating to water

Organizational Charts of institutions and Ministries (MEA, ONEA, MINEFID, MAAH, Min Health, LNSP, BUNEE)

## **Annex 10 : Public Consultations**

The first consultations with stakeholders and beneficiaries of the Program took place from 4 to 17 January 2018 in Ouagadougou and Bobo-Dioulasso with meetings by groups of actors

In total, about thirty structures participated in the consultations.

These consultations made it possible to make a presentation of the activities of the Program and to explain the approach of the Evaluation of the Environmental and Social Management System of Burkina Faso. On this occasion, preliminary information was collected on the processes for managing environmental and social safeguards aspects in the different structures. Based on the interview guides, input on the environmental and social impacts of the Program, mitigation and enhancement measures, as well as existing grievance management mechanisms were solicited from each structure.

The comments and inputs received from the stakeholders consulted were used to analyze the environmental and social impacts and risks related to the execution of PforR activities.

The second stage of consultation brought together the representatives of the two (2) implementing entities of the Program (MEA and ONEA) on 22 January 2018 at the World Bank premises in Ouagadougou. It allowed for a presentation of the preliminary results and to identify perspectives. It was also an opportunity to gather information on the operating mode of the environmental unit of ONEA (Directorate General) which supports the activities of the regional directorates of ONEA and provides supervision. With respect to the new MEA environmental unit that had just been created on 12 January 2018, it was agreed to focus on strengthening it with human resources competent on environmental and social safeguards so that it can work efficiently.

Discussions also focused on the classification of certain Program activities such as AEP in urban centers into category "A" (significant negative impacts) without additional details being provided. The main recommendation resulting from this consultation was to approach the Ministry of the Environment through the BUNEE in order to shed light on the inaccuracies found in national environmental regulations, notably the category of AEP activities.

A third consultation took place on 05 February 2018 by videoconference (VC) at the World Bank to share the results of consultations between BUNEE and ONEA on the classification of AEP systems in urban centers. Based on the technical sheets provided by ONEA and describing the consistency of the work for the AEP, clarifications were provided by the BUNEE on the possibility of classifying the AEP systems in urban areas into category "B", thus eligible for PforR. The materialization of these results was made by taking a final decision at the level of the Minister in charge of the environment (see Annex)

Following the consultations, a feedback meeting was held on 20 February 2018 by VC at the World Bank. It brought together the implementing entities of the Program (ONEA and MEA). During the exchanges, it was established that there was a need to refocus the proposed action plan on priority actions that could be supported by the Program. ONEA also confirmed DR-ONEA Bobo as the current administrative entity of the two (2) environmentalists assigned to it.

## List of Institutions which participated in first consultations

Ministries	Structures consulted
Ministry of Water and Sanitation	DGRE, SP-GIRE, DGA, DGEP, DGESE, ONEA
Ministry of Agriculture and Hydraulic Developments	DGFOMR
Ministry of the Environment, Green Economy, and Climate Change	BUNEE, DGPE, DREVCC, DGESE, DAJ, National Water Analysis Laboratory
Ministry of Economy, Finance, and Development	DGB, Working Group Compensation Baseline, DGCOOP, DGI
Ministry of Territorial Administration and Decentralization	DGCT, AMBF, Burkina Regions Association, Townhalls of targeted Regions
Ministry of Justice, Human Rights, and Civic Promotion	DAJAV
Ministry of Woman, National Solidarity and Family	DGPF, DGPG, Anvironmental Unit
Ministry of Culture, Arts, and Tourism	DGPC
Ministry of Health (National Health Laboratory)	DGS
Ministry of Urban Development and Housing	General Directorate If Urban development, Land Development and Topography
Institutions of Bobo	ONEA bobo, DREA Bobo, Bobo Townhall, DREVCC-HB
Associations/NGO	Ouagadougou City Emptiers Association

## **Annex 11 : Account of the National Public Consultation**

### **Introduction**

The national public consultation on the ESSA of the Water Supply and Sanitation Program was held at the World Bank office in Ouagadougou Burkina Faso on March 27<sup>th</sup>, 2018, with the participation of 30 persons representing different state and non-state institutions, including ministerial departments, national non-governmental organizations, civil society, and the private sector (see complete list of participants below).

In their introductory remarks, Mr. Seydou Traoré (co-TTL of the Program) and Mr. Hamado Ouedraogo briefly presented the Program, in general, and the ESSA, in particular. They highlighted the importance of the national public consultation as it presented the opportunity to share the draft ESSA with all the stakeholders and collect their remarks and suggestions before finalizing it.

Mr. Abdoulaye Gadiere, Sr. Environmental Specialist, presented the ESSA document, its main findings and results, and key recommendations for a comprehensive Action Plan for environmental and social safeguards. Mrs. Gertrude Coulibaly-Zombre, Sr. Social Development Specialist, stressed the fact that the ESSA is based on preliminary in-depth assessments, whose results will be incorporated into the Program Action Plan and the Program Operation Manual, and will inform the partnership agreement to be signed by the Program and the BUNEE and the different safeguard instruments to be prepared during implementation.

### **General comments and remarks**

A number of specific remarks and suggestions were made about the ESSA, as presented below with the responses provided by the World Bank safeguards specialists.

- The General Director of BUNEE highlighted the fact that the MEEVCC letter concerning the preparation of the NIES of the different sub-projects is not aimed at reclassifying sub-projects, but rather at providing an exceptional authorization on the basis of a range of the technical measures of the planned activities. One reason is that the scope of the activities are not in line with the issues of the decree n°2015-1187 concerning the conditions and procedures of the preparation and validation of the environmental strategic evaluation, of the environmental and social study and of the Environmental and Social Impact Statement (NIES).
  - During implementation, BUNEE and ONEA will cooperate in order to identify the required safeguard instruments and related measures
- The representative of the Ministry of Justice pointed out at the risks of alternative interpretations of some legal texts.
  - There will not be contradictory interpretations of the decree n°2015-1187 . The issue is that the decree gives inadequate descriptions of the nature of some specific



activities (such as those related to Water Supply Infrastructure in urban areas). A revision of the decree seems necessary.

- Some health and sanitation-related legal texts should be presented in the main text and not only in the annexes (the law of orientation on the water, on protective perimeters, for example). The impact of latrines on groundwater should be stressed. Annex 2 should include legal texts related to public health and sanitation.
  - The Environmental and Social Impact Statements will take care of protective perimeters (the ESSA is not supposed to identify all the potential impacts).
  - The risk of contaminating groundwater is low (the soil has a self-purifying potential). Besides, there are specific criteria for drilling boreholes. Adequate control measures will ensure water quality during operation.

### Specific questions

- **Safeguard instruments.** Question concerning the differences between ESMFs and RAPs of previous ME projects and the ESSA/PforR.

*Answer:* The ESSA, prepared by the World Bank, is about the general environmental and social framework for PforRs. Other safeguard instruments, prepared by the national counterpart, will address the environmental and social impacts of specific investment sub-projects.

- **RAPs.** Question about the opportunity of preparing RAPs when only a few persons are likely to be affected by sub-projects (in line with the national decree n°11-87/2015).

*Answer:* The screening process of the different sub-projects will be part of a pragmatic, realistic and pro-active interpretation of the decree. However, it is commonly admitted that the decree should be revised.

- **About the Budget.** A question concerned the breakdown between grant and loan of the 300 million dollar budget.

*Answer:* The budget is about an IDA grant of US\$50 million and US\$250 credit from the IDA Scaling-up Facility.

- **About the involvement of regional directorates of Health in the preparation and implementation of the PforR**

*Answer:* At the preparation stage, the General Directorate of Health and the National Laboratory for Public Health (LNSP) were consulted. The MEA will continue consultations with these institutions and other actors during implementation (the technical Manual will be more specific in this regard). While the General Directorate identifies health risks, the Regional directorates will define the criteria for selecting sub-project sites. The LNSP will provide expertise in health risk assessment.

- **About the role of the Mediateur du Faso (Ombudsman)**

*Answer.* The Ombudsman will have an important role in the amicable settlement of some issues, before the involvement of the justice.

➤ **About additional elements of the Program Action Plan.**

*Answer.* The technical Manual will more directly address a range of specific issues and will identify the different actors involved in implementing different activities

- The GD/BUNEE informed the audience that an accreditation process of firms and individual consultants for ESIAAs / NIEs and RAPs is underway at the MEEVCC level.
  - The World Bank asked to be associated with the definition of the accreditation criteria.

At the end, participants suggested some inputs to specific paragraphs of the ESSA. This will be done during the forthcoming revision of the document.

A special annex of the ESSA will present the minutes of the public Consultation.

### **Conclusion**

The participants unanimously felt that the process of preparing the PforR is a very useful exercise and a challenge for the national counterpart. Some gaps and weaknesses of the national systems were identified and will be filled during implementation.

### **List of participants of the public Consultation**



# GROUPE DE LA BANQUE MONDIALE

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Atelier de restitution/Rapport ESGES pour le PforR Eau Burkina

Ouagadougou, le

27/3/2018

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