

Burkina Faso: Mapping of Legal and Policy Arrangements for Disaster Risk Management, including Public Health Emergencies and International Disaster Assistance

The below information seeks to map the Disaster Risk Management (DRM) Legal and Policy Frameworks, including for Public Health Emergencies (PHEs) and international disaster assistance in Burkina Faso as provided in law, policy and agreements.

The questions below comprise of a combination of the questions from the IFRC’s:

- [Checklist on the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance;](#)
- the [Checklist on Law and Disaster Risk Reduction;](#)
- the [Checklist on Law and Disaster Preparedness and Response;](#)
- [Pilot Guidance on the role of Law in PHEs;](#) and
- ongoing research on the role of law in disaster recovery.

This document is the result of a desktop review of information publicly available. This document was prepared by Candela Navarro Casquete, under the supervision of Jeanique Serradinho and Stella Ngugi. This document is up to date as at March 2022.

Note: In general, it is difficult to locate Burkinabé laws and policies online, and therefore this mapping may be incomplete. While every effort was taken to ensure that the information contained herein is as accurate as possible, gaps or discrepancies may remain. IFRC Disaster Law would be grateful for any feedback or corrections relating to the contents of this document.

1. Institutional Roles and Responsibilities

DRM Specific Legislation

Is the approach of the relevant DRM law well-tailored to your country’s natural hazards risk profile and disaster risk governance capacity, and are principles and priorities that guide your country’s approach to preparedness and response; risk reduction and recovery set out?

Burkina Faso is exposed to multiple natural hazards and is particularly vulnerable to droughts, locust invasions, storms, and floods—often caused by drainage and dam system failures.¹ In order to face these challenges, the government has adopted numerous documents which set the framework for capacity building, disaster risk reduction and management (DRR/DRM), and emergency response in Burkina Faso.

Law n° 012/2014 (the DRM Law) of 2014 is the main legislative document for DRM in Burkina Faso, regulating the prevention and management of risks, humanitarian crises and disasters – whatever their nature, origin, and scale.² However, the management of biotechnological and nuclear safety risks is carried out in accordance with national legislation and international conventions binding Burkina Faso in the matter.³ In Burkina Faso, the declaration of a state of national disaster is made by the Prime Minister when the disaster affects several of the administrative regions and/or when, regardless of its geographical extent, it proves to be extremely serious.⁴ Therefore, the extreme seriousness of a disaster is assessed by the government. However, when the disaster affects an administrative region, the declaration of the state of local disaster is made by the governor.⁵ The declaration of a disaster triggers the use of national security stocks and the use of a specialised fund for the prevention and management of risks, humanitarian crises and disasters; the application of indemnification, compensation and financial assistance mechanisms and insurance systems for disasters, and requests for international assistance.⁶

The DRM Law aims to ensure the minimum functioning of public services, security and public order, the protection of persons, property and the environment as well as the information of the populations.⁷ More specifically, the DRM Law aims to:

- determine measures to prevent risks, humanitarian crises and disasters in order to avoid their occurrence or limit their effects;
- determine the minimum emergency relief, humanitarian assistance and recovery actions to be implemented in the event of a disaster;
- clarify the responsibilities between the State, local authorities and non-state actors as well as technical and financial partners;

[GFDRR Country Profile: Burkina Faso \(2016\)](#)

[Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters](#)

¹ GFDRR Country Profile: Burkina Faso (2016, page 1.

² Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters, article 1.

³ Law n° 012/2014, article 1.

⁴ Law n° 012/2014, article 35.

⁵ Law n° 012/2014, article 35.

⁶ Law n° 012/2014, article 35.

⁷ Law n° 012/2014, article 2.

- offer a coherent planning framework facilitating the coordination of actions for the prevention and management of risks, humanitarian crises and disasters;
- determine the coordination bodies as well as the tools and instruments for the prevention and management of risks, humanitarian crises and disasters;
- identify and reduce the most probable risks as well as their consequences;
- reduce intervention times and the number of loss of human lives;
- integrate the process of prevention, preparation and response to risks and disasters, whatever their nature, into national development policies, plans, programs and projects;
- determine the conditions and procedures for applying preventive information and evacuation measures in the event of an imminent risk of disasters and humanitarian crises;
- establish procedures and mechanisms for activating national institutions responsible for the prevention and management of risks, humanitarian crises and disasters;
- determine the conditions, methods and procedures for declaring the state of disasters and humanitarian crises;
- promote research for a better understanding of the risk phenomena of humanitarian crises and disasters;
- determine the indemnification, compensation and insurance mechanisms for victims of disasters and humanitarian crises;
- determine the behaviours constituting offenses on the occasion or during risks, humanitarian crises and disasters.⁸

Article 4 provides that the prevention and management of risks, humanitarian crises and disasters are based on integrated and comprehensive procedures providing for prevention, alert, preparation, response, emergency relief and recovery measures.⁹ These measures ensure the consistency of the action of all stakeholders throughout the national territory through organization, mechanisms and appropriate procedures, in particular to: preserve human lives; safeguard property, protect the facilities necessary for the defence and safeguard of the lives of populations, their property and the environment; maintain and strengthen national solidarity in the face of risks and disasters; developing resilience skills and reducing the vulnerabilities of populations; and ensuring the information and participation of the populations.¹⁰ Article 6 outlines the fundamental principles guiding humanitarian action in Burkina Faso, which include the following:

⁸ Law n° 012/2014, article 3.

⁹ Law n° 012/2014, article 4.

¹⁰ Law n° 012/2014, article 4.

- the principle of coordination, consisting of measures, means and interventions necessary to deal with a risk, a disaster or a humanitarian crisis implemented in a coordinated manner by the various actors in order to optimize their effectiveness and to achieve lasting results;
- the principle of equity, where the different categories of population likely to be affected by risks or disasters must be treated according to their legitimate needs within the framework of information and preventive evacuation operations, emergency relief, humanitarian assistance, displacement and resettlement and recovery;
- the principle of information and participation, establishing that the populations affected by a risk or a disaster are duly informed by the public authorities and participate effectively in the decision-making process that concerns them;
- the principle of good governance, promoting government efforts to create the conditions enabling citizens, through the appropriate mechanisms, processes and institutions, to express their interests, to exercise their rights, to assume their obligations and to settle any disputes;
- the gender principle which ensures the inclusion of the interests and contributions of women and vulnerable groups in society in the prevention and management of risks and disasters and, more particularly in the formulation of policy, the planning, prevention, organization of relief operations, capacity building and reconstruction;
- the principle of non-discrimination, promoting actions undertaken by the public authorities carried out without consideration of race, sex, religion, political affiliation or any other reason, implying impartiality and neutrality in the implementation of measures;
- the principle of non-politicisation, prohibiting actions to be used for political ends and only and exclusively taken to ensure the protection of populations;
- the precautionary principle, where the absence of scientific certainty should not delay the adoption of effective and proportionate measures aimed at preventing the risk of serious disasters;
- the principle of responsibility, where the responsible national authorities regularly report on their management to the beneficiaries and to the actors involved in the prevention and management of crises and disasters; and
- the principle of solidarity, according to which all members of the national community must contribute equitably to the efforts of prevention, preparation, organization of emergency relief and recovery in the event of risks or disasters.¹¹

Furthermore, the Government of Burkina Faso also adopted a National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020 (PNA). The general objective of the PNA is to achieve a substantial reduction in

¹¹ Law n° 012/2014, article 6.

disaster-related losses and risks in terms of human lives, damage to livelihoods and to people's health, and damage to the economic, physical, social, cultural, and environmental assets of people, businesses, and communities.¹² To achieve this goal, Burkina Faso plans to build capacity to implement actions grouped into four priorities, which closely resemble the priorities of the Sendai Framework:

- 1) Priority 1: understanding disaster risk;
- 2) Priority 2: strengthening governance and institutions to manage disaster risk;
- 3) Priority 3: investing in economic, social, cultural, and environmental resilience; and
- 4) Priority 4: strengthen disaster preparedness for effective response and to “build back better” during recovery, rehabilitation, and reconstruction.¹³

In 2007, the Government of Burkina Faso adopted the National Policy for Social Action (PNAS) through Decree n° 2007-480/PRES/PM/MASSN. In terms of DRM, the PNAS aims to promote a culture of national solidarity through its Strategic Axis 2.¹⁴ More specifically, this axis intends to strengthen existing solidarity mechanisms by improving the capacities of initiative and responsibility of grassroots communities as well as the creation of favourable conditions for prevention, disaster and humanitarian crisis risk management.¹⁵ Under this axis, some of the actions proposed to strengthen disaster prevention and management mechanisms include setting up an early warning system; strengthening the coordination mechanism; and the implementation of programs in favour of people who are victims of disasters or humanitarian crises.¹⁶

Also of relevance to this mapping is the National Policy for Social Protection (PNPS) 2013-2022, adopted in 2012 as a result of a long consultation process that involved representatives of the central and decentralized administration, local authorities, civil society, the private sector and technical and financial partners.¹⁷ In terms of DRM, one of the programmes proposed by the PNPS involves the improvement of governance to strengthen effective mechanisms and programs for the prevention, response and rehabilitation of disaster victims.¹⁸

[National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020](#)

[National Policy for Social Action 2007](#)

[National Policy of Social Protection 2013-2022](#)

¹² National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness (NAP) 2016-2020, page 7.

¹³ PNA 2016-2020, page 7.

¹⁴ National Policy for Social Action (PNAS) 2007, page 37.

¹⁵ PNAS 2007, page 37.

¹⁶ PNAS 2007, page 40-41.

¹⁷ National Policy for Social Protection (PNPS) 2013-2022, page 1.

¹⁸ PNPS 2013-2022, page 31.

<p>In addition, Burkina Faso is a member State of the Economic Community of West African States (ECOWAS). The ECOWAS Policy for Disaster Risk Reduction 2006 (the ECOWAS Policy for DRR), which aims to reduce vulnerability and build resilience of communities, provides in section 1.3, that one of its objectives is to provide an inter-governmental framework for collaboration and partnership for ECOWAS Member States in Disaster Risk Management.¹⁹ The Policy also calls to attention the need for sub-regional information sharing on disasters.²⁰ Furthermore, section 2.2.5 highlights the major challenge of enhancing the capacity for sub-regional emergency response and contingency planning.²¹ Under section 4.5 (Principles of the Policy), the importance of awareness of the need to utilize existing DRM capabilities, including ECOWAS supporting international capacities and efforts in disaster risk reduction and management and the promotion of partnerships between ECOWAS and the international community, are recognized.²²</p>	<p>ECOWAS Policy for Disaster Risk Reduction 2006</p>
<p>Are links to relevant sectoral legislation set out within the DRM Law?</p> <p>As stated above, the DRM Law provides in article 1 that biotechnological and nuclear safety is stipulated by the respective national legislation.²³ As per article 31, the realization of installations, construction work and activities in the public water domain is also governed by national legislation.²⁴</p>	
<p>Are links with relevant climate change law/policies and institutions established?</p> <p>Climate change and climate vulnerability is a cross-cutting issue included across various documents that comprise the DRM framework in Burkina Faso, including the PNA, the PNAS and the PNPS. However, it is especially addressed in the PNA under Priority 1, 2 and 3. Specific actions relating to climate change proposed under Priority 1 include clearly defining the roles and responsibilities of the institutions mandated for the identification, analysis, and regular monitoring of risks (including risks associated with climate variability and change), effective inter-institutional coordination;²⁵ and setting up the integrated information system/database on disaster risks, including climate change risks, using a virtual database to catalogue all risk assessments and risk information.²⁶ In terms of Priority 2, the PNA aims to, among other things, strengthen the synergy of actions between climate change adaptation (CCA) and disaster risk prevention and management in the policies and Strategies;²⁷ and to</p>	<p>National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020</p>

¹⁹ ECOWAS Policy for Disaster Risk Reduction 2006, section 1.3.

²⁰ ECOWAS Policy for DRR 2006, page 16.

²¹ ECOWAS Policy for DRR 2006, section 2.2.5.

²² ECOWAS Policy for DRR 2006, section 4.5.

²³ Law n° 012/2014, article 1.

²⁴ Law n° 012/2014, article 31.

²⁵ PNA 2016-2020, page 8.

²⁶ PNA 2016-2020, page 9.

²⁷ PNA 2016-2020, page 11.

<p>ensure good coordination between the institutions in charge of preparing for emergency response and those in charge of climate change.²⁸ Under Priority 3, some proposed actions involve strengthening the resilience of local communities through the integration of DRR actions, including risks associated with climate variability into ongoing community development programs;²⁹ setting up a university or postgraduate program (Master's level) on the theme of DRR and CCA in order to train new generations of political decision-makers, technical managers and researchers;³⁰ and introducing disaster risk elements, including risks associated with climate variability, into methodologies for environmental impact assessments (EIA).³¹</p>	
<p>What constitutes a “disaster” under the DRM Law?</p> <p>The DRM Law provides different definitions for different disasters. In general terms, a “disaster” is defined as the event of collective dimension, sudden or progressive, of natural or artificial origin, which occurs in a context of vulnerability and interrupts the normal functioning of community organizations and practices to the point of compromising their survival and which exceeds the capacities ordinary reactions of the latter.³² More specific definitions include that of “natural disaster”, defined as the serious interruption of the functioning of a community or society resulting from natural hazards and causing loss of human life, material, economic or environmental losses that the victims cannot overcome with their own resources alone.³³ On the other side, a man-made or technological disaster is the one resulting from causes other than natural disasters and which include in particular biological, biotechnological, industrial, nuclear disasters, transport disasters and those of terrorist origin.³⁴ Furthermore, there is a separate definition for a “humanitarian crisis”, which is seen as the situation in which the lives of a large number of people are threatened and requiring the implementation of extraordinary means, going beyond those of traditional humanitarian aid, to avoid a disaster or at least limit its consequences.³⁵ It consists of a sudden and violent manifestation which directly affects people through their health, diet, living conditions, economic situation or environment and which intervenes in a period of potentially conflicting tension or a situation of serious imbalance.³⁶ For instance, humanitarian crisis can be massive movements of people or groups of people who have been forced to flee or leave their homes or usual places of residence in order to avoid the effects of armed conflicts,</p>	

28 PNA 2016-2020, page 12.
29 PNA 2016-2020, page 14.
30 PNA 2016-2020, page 17-18.
31 PNA 2016-2020, page 19.
32 Law n° 012/2014, article 5.
33 Law n° 012/2014, article 5.
34 Law n° 012/2014, article 5.
35 Law n° 012/2014, article 5.
36 Law n° 012/2014, article 5.

<p>situations of generalized violence, violations of human rights and/or natural or man-made disasters, whether or not they have crossed a border.³⁷</p> <p>How does the definition sit with international standards?</p> <p>In terms of international standards drawn from the United Nations Office for Disaster Risk Reduction (UNDRR), “disaster” is defined as “a serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts”.³⁸ Therefore, the definition of “natural disaster” read with the definition of “man-made of technological disaster” provided in the Burkinabe DRM framework sits in line with international standards.</p> <p>Who is mandated on different types of hazards – tech/oil spills?</p> <p>Although the DRM Law includes different type of hazards by definition, it does not explicitly outline who is mandate on each type of hazard.</p> <p>Is there flexibility in the definition to allow to adapt changing circumstances / different hazards (ie technological/ oil spill)</p> <p>The definition of “hazard” provided above allows for adaptability to changing circumstances and different types of hazards as it includes natural phenomena but also human-made hazards.</p>	
Roles and responsibilities	
<p>Do your laws establish clear roles and responsibilities for all aspects of DRM from national to local level?</p> <p>The DRM Law establishes in chapter 2 the institutional framework and actors engaged in the prevention and management of disaster risks and humanitarian crises. The main actors identified include the State, local authorities, research institutions,</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>

³⁷ Law n° 012/2014, article 5.

³⁸ UNDRR Terminology, [online glossary] Available in: <https://www.undrr.org/terminology>

<p>humanitarian institutions, the private sector, civil society organizations, community organizations, local communities, and technical and financial partners.³⁹ As per article 13, the State is responsible for:</p> <ul style="list-style-type: none"> • defining and implementing the national policy for the prevention and management of risks, humanitarian crises and disasters; • developing and applying legislation on the prevention and management of risks, humanitarian crises and disasters; • putting in place institutions, tools and mechanisms for the prevention and management of risks, humanitarian crises and disasters; • ensuring the overall coordination of prevention activities, emergency relief operations, humanitarian assistance and recovery; and • establishing a favorable environment for the participation of other actors.⁴⁰ <p>At the sub-national level, local authorities have the role of participating in the development and implementation of the national policy for the prevention and management of risks, humanitarian crises and disasters; participating in the development and implementation of plans for the prevention and management of risks, humanitarian crises and disasters; applying the legislation at the local level; and developing and applying, within the framework of national plans, local plans for the prevention and management of risks, humanitarian crises and disasters, particularly in terms of flood prevention and flood control.⁴¹</p>	
<p>Is there a national inter-ministerial/multi-sectoral committee established and does it meet frequently enough to be effective? How does this committee function in preparedness, response, DRR and recovery?</p> <p>In 2009, a National Council for Emergency Relief and Rehabilitation (CONASUR) was created through Decree n° 2009-601 under the Ministry of Social Affairs and National Security. The mission of CONASUR is to work for the prevention of disasters, to manage emergency relief and rehabilitation as a permanent structure with a social and humanitarian vocation.⁴² The CONASUR is the coordination and guidance body in the field of disaster prevention, emergency relief management and rehabilitation.⁴³ As such, it is responsible for:</p> <ul style="list-style-type: none"> • ensuring advocacy, mobilization and support for prevention and management of emergency relief and rehabilitation; 	<p>Decree n° 2009-601, creation, composition, attributions and functioning of the CONASUR</p>

³⁹ Law n° 012/2014, article 12.

⁴⁰ Law n° 012/2014, article 13.

⁴¹ Law n° 012/2014, article 14.

⁴² Decree n° 2009-601, creation, composition, attributions and functioning of the CONASUR, article 2.

⁴³ Decree n° 2009-601, article 10.

<ul style="list-style-type: none"> • ensuring the coordination of humanitarian actions; • adopting intervention plans and strategies; • ensuring the integration of disaster risks in development plans and programs; and • approving the programs of activities and the budgets to approve the annual reports of execution.⁴⁴ <p>The CONASUR meets once a year in ordinary session and whenever necessary in extraordinary session when convened by its President.⁴⁵ Technical and financial partners take part in the session as observers.⁴⁶ In addition to the national structure, the following branches were created through Decree n° 2009-601 at the sub-national level:</p> <ol style="list-style-type: none"> a) the Regional Council for Emergency Relief and Rehabilitation (CORESUR); b) the Provincial Council for Emergency Relief and Rehabilitation (COPROSUR); and c) the Departmental Council for Emergency Relief and Rehabilitation (CODESUR).⁴⁷ <p>These structures are presented in further detail below.</p>	
<p>Does the national committee include membership from key agencies outside government (humanitarian, development, private, scientific etc)?</p> <p>The CONASUR is chaired by the Minister responsible for Social Action, and it includes membership from line ministries as well as from key agencies outside government.⁴⁸ More specifically, it is composed by:</p> <ul style="list-style-type: none"> • one representative of the Ministry in charge of Foreign Affairs; • one representative of the Ministry in charge of Territorial Administration; • one representative of the National Fire Brigade; • one representative of the Ministry in charge of Social Action; • one representative of the Ministry in charge of Agriculture, Water and Fishery Resources; • one representative of the Ministry in charge of Animal Resources; 	<p>Decree n° 2009-601, creation, composition, attributions and functioning of the CONASUR</p>

⁴⁴ Decree n° 2009-601, article 10.

⁴⁵ Decree n° 2009-601, article 17.

⁴⁶ Decree n° 2009-601, article 17.

⁴⁷ Decree n° 2009-601, article 3.

⁴⁸ Decree n° 2009-601, article 6.

<ul style="list-style-type: none"> • one representative of the Ministry of Health; • one representative of the Ministry in charge of Defence; • one representative of the Ministry responsible for Security; • one representative of the Ministry in charge of Finance; • one representative of the Ministry in charge of Communication; • one representative of the Ministry responsible for the Promotion of Human Rights; • one representative of the ministry responsible for secondary and higher education and scientific research; • one representative of the Ministry in charge of the Environment; • one representative of the Ministry in charge of Basic Education; • one representative of the Ministry responsible for the Advancement of Women; • one representative of the Ministry in charge of Youth; • one representative of the Ministry in charge of Housing; • one representative of the Ministry in charge of Infrastructure; • one representative of the Ministry responsible for Transport; • one representative of the Ministry in charge of Information and Communication Technologies; • the Governors of Regions; • the Director General of Non-Governmental Organizations Monitoring (DGSONG); • the President of the Burkinabe Red Cross (CRB); and • the Permanent Secretary of Non-Governmental Organizations (SPONG).⁴⁹ 	
<p>Does the law establish linkages between scientific, meteorological and hydrological institutions and disaster management agencies and how does this link with local community early warning systems?</p> <p>As stated above, research institutions are identified among the key actors involved in DRM in Burkina Faso. More specifically, they provide strategic intelligence by gathering, processing and making available to the competent authorities the information necessary for the prevention of risks, humanitarian crises and disasters.⁵⁰</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>
<p>Has a national focal point agency for DRM with sufficient institutional authority to exercise effective leadership been assigned?</p>	

⁴⁹ Decree n° 2009-601, article 6.

⁵⁰ Law n° 012/2014, article 15.

<p>The national focal point agency for DRM in Burkina Faso appears to be the CONASUR. As stated above, it is responsible for resource mobilization, coordination of humanitarian action, advocacy and development of relevant plans and strategies as well as their execution.⁵¹</p> <p>However, there appears to be a distinction typified in the DRM Law, between emergency relief and humanitarian assistance operations. Article 39 provides that the organization and conduct of rescue, protection, first aid, evacuation and securing operations for persons and property as well as the fight against the origin of the disaster are placed under the responsibility of the Ministry in charge of civil protection.⁵² As per article 41, the organization and conduct of humanitarian assistance operations are placed under the responsibility of the Ministry in charge of social action⁵³ through CONASUR.</p>	<p>Decree n° 2009-601, creation, composition, attributions and functioning of the CONASUR</p> <p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>
<p>Apply the same questions above to subnational committees (inter-ministerial and cross sectorial committees, including membership outside government).</p> <p>As stated above, CONASUR has sub-national branches which were created for a strengthened local action. These are CORESUR, COPROSUR and CODESUR.⁵⁴ Just as CONASUR, the sub-national branches include representation from the regional, provincial and departmental offices of line ministries, as well as from the CRB and NGO associations.⁵⁵</p>	<p>Decree n° 2009-601, creation, composition, attributions and functioning of the CONASUR</p>
<p>How do such committees coordinate with other committees/processes, both in terms of horizontal coordination (across different committees at the same level), and vertical coordination (across committees at different levels of government)?</p> <p>Regarding the coordination among the national committee (CONASUR) and its sub-national committees (CORESUR, COPROSUR and CODESUR), Decree n° 2009-601 provides that in the event of disasters, the coordination functions as a classic vertical coordination mechanism. As such, CORESUR informs CONASUR, reporting on all its activities through written reports.⁵⁶ COPROSUR, in turn, informs simultaneously the CONASUR and the CORESUR, reporting as well on all its activities.⁵⁷ Lastly, CODESUR informs and reports to all of the above – i.e. the CONASUR, the CORESUR and the COPROSUR.⁵⁸</p>	<p>Decree n° 2009-601, creation, composition, attributions and functioning of the CONASUR</p>

⁵¹ Decree n° 2009-601, article 10.

⁵² Law n° 012/2014, article 39.

⁵³ Law n° 012/2014, article 41.

⁵⁴ Decree n° 2009-601, article 3.

⁵⁵ Decree n° 2009-601, articles 7,8 and 9.

⁵⁶ Decree n° 2009-601, article 11.

⁵⁷ Decree n° 2009-601, article 12.

⁵⁸ Decree n° 2009-601, article 13.

<p>Are national /subnational institutions consistently assigned clear responsibilities and authorities to carry out their mandate?</p> <p>Specific roles and responsibilities of the sub-national branches for DRM are outlined in chapter 3 of Decree n° 2009-601. Article 11 provides the responsibilities of CORESUR, which include:</p> <ul style="list-style-type: none"> • the coordination of interventions of the various humanitarian actors in the region; • the support to COPROSUR in carrying out their activities; • the organization, collection and analysis of data relating to all disasters that have occurred in the region; • implementation of measures and development of initiatives within the framework of DRR in the region; • the organization of meetings for consultation and follow-up of activities; • the participation in damage assessments during the occurrence of disasters.⁵⁹ <p>Furthermore, COPROSUR and CODESUR appear to be responsible for the same activities as CORESUR, but at the provincial and departmental levels respectively.⁶⁰</p>	<p>Decree n° 2009-601, creation, composition, attributions and functioning of the CONASUR</p>
<p>Are roles and responsibilities between civilian and military actors for disaster response clearly articulated in law/regulation/policy?</p> <p>Limited information could be located online relating to the specific responsibilities and coordination of civilian and military actors in disaster response. From the documents reviewed, laws and policies in Burkina do not appear to contain provisions on these specific actors. However, the PNA aims to strengthen the skills of national stakeholders in DRM through Priority 4, which includes understanding the civil-military aspect, project design, cluster management, and standards for estimating damage, losses and needs assessment.⁶¹ To this end, it is proposed to carry out thirteen training workshops per year.⁶²</p>	<p>National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020</p>
<p>Funding</p>	
<p>How does the law allocate funding distribution between risk reduction, preparedness and response?</p>	

⁵⁹ Decree n° 2009-601, article 11.
⁶⁰ Decree n° 2009-601, articles 12-13.
⁶¹ PNA 2016-2020, page 26.
⁶² PNA 2016-2020, page 26.

<p>In 2015, under the leadership of the Ministry of Social Action and National Solidarity, the Council of Ministers adopted Decree n° 2015/1332, which approved the Statutes of the National Solidarity Fund (FNS). Essentially, the FNS is a State fund, managed by the Ministry of Social Action and National Solidarity and the Ministry of Finances, and is dedicated for the care of people, vulnerable groups as well as victims of natural disasters and humanitarian crises.⁶³ As such, specific objectives of the FNS include the following:</p> <ul style="list-style-type: none"> • mobilizing and managing resources from national and international solidarity actions; • providing social assistance to disadvantaged, marginalized and distressed individuals and groups; • supporting emergency relief actions for victims of natural disasters and humanitarian crises; • providing financial and/or material support for the implementation of rehabilitation programs following natural disasters and humanitarian crises; and • providing financial and/or material support for the implementation of development projects and programs in favor of disadvantaged people and groups of populations and/or in difficulty.⁶⁴ <p>However, the allocation of funding between risk reduction, preparedness and response is not clear.</p>	<p>Decree n° 2015/1332, Statutes of the National Solidarity Fund</p>
<p>Does the legislation establish mechanisms to ensure that dedicated funding would be available in the event of a disaster?</p> <p>As stated above, the Statutes of the FNS define the functioning mechanism of the fund, to ensure, among other things, that funding is provided for during and after emergency relief operations.⁶⁵ There is also a National Fund for the Prevention and Management of Risks, Humanitarian Crises and Disasters, but limited information on this topic could be found.</p> <p>Are financial reserves and/or insurance coverage in place?</p> <p>The DRM Law contains provisions relating to financial insurance coverage in the event of disasters. More specifically, article 63 provides that the State promotes the establishment of an insurance scheme to finance damage caused by disasters, as well as an agricultural insurance scheme for the benefit of rural producers to cover risks and disasters affecting the agricultural sector.⁶⁶ To this end, the State shall support, within the framework of regional cooperation, any initiative intending to institute insurance to</p>	<p>Decree n° 2015/1332, Statutes of the National Solidarity Fund</p> <p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>

⁶³ Decree n° 2015/1332, Statutes of the National Solidarity Fund, article 9.

⁶⁴ Decree n° 2015/1332, article 10.

⁶⁵ Decree n° 2015/1332, article 10.

⁶⁶ Law n° 012/2014, article 63.

<p>cover the said damages.⁶⁷ It further states that agricultural insurance, for instance, should be implemented within the framework of a partnership between the State, professional agricultural organizations, insurance companies, banks and technical and financial partners.⁶⁸ However, pending the establishment of agricultural insurance mechanisms, the State actively supports any particular mechanism for community and/or mutual insurance.⁶⁹</p>	
<p>Does the law set mechanisms for funding for early action based on forecasts (not impact)?</p> <p>There is little information on funding for DRR and early action specifically and, from the documents reviewed, the law does not appear to establish specific mechanisms for such funding.</p>	<p>National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020</p>
<p>Are adequate resources for DRR allocated, through mechanisms such as development plans earmarking percentages in annual budgets; dedicated budget lines?</p> <p>The PNA provides specifications on the budget requirements for the good outcome in the implementation of each strategic priority. In addition, the PNA proposes to assess the current level of contribution from the national budget devoted to DRR activities in the various sectors, as well as through programs and projects funded by technical and financial partners or NGOs, in order to improve the financing mechanisms in the country and ensure the necessary funding for DRR.⁷⁰ However, from the documents reviewed, including the National Economic and Social Development Plan 2021-2025 (PNDES) which aims at contributing to human development by strengthening the resilience of the communities in the face of disasters, among other things, there do not appear to be clear budget lines specifically earmarked for DRR. On the other hand, the DRM framework provides the guidelines for adequate resource allocation, but it does not clearly stipulate whether this funding is part of the annual government budget.</p>	<p>National Economic and Social Development Plan 2021-2025</p>
<p>Are resources allocated to enable sub-national authorities and civil society/communities to fulfil their responsibilities?</p> <p>No provisions appear to be established in terms of fund allocation for sub-national authorities and civil society/communities.</p>	

⁶⁷ Law n° 012/2014, article 64.

⁶⁸ Law n° 012/2014, article 64.

⁶⁹ Law n° 012/2014, article 64.

⁷⁰ PNA 2016-2020, page 12.

<p>The DRM Law does provide in article 45 that when the public means prove to be insufficient with regard to the needs and the private goods cannot be obtained in another way under acceptable and rapid conditions, the competent administrative authorities may obtain, by way of requisition, from any natural or legal person, all or part of the goods and services required by the circumstances.⁷¹ The administrative authorities may resort to requisition only during the preventive measures and emergency relief phases, excluding the recovery, rehabilitation and reconstruction phase.</p>	
<p>Are funding mechanisms for recovery mandated?</p> <p>As stated above, part of the FNS is dedicated to support post-disaster rehabilitation and development programmes.⁷² However, from the documents reviewed, the extent to which funding mechanisms for disaster recovery are mandated remains unclear.</p>	<p>Decree n° 2015/1332, Statutes of the National Solidarity Fund</p>
<p>2. Disaster Risk Reduction</p>	
<p>Do your country's relevant sectoral laws include provisions to reduce existing risks and prevent the creation of new risks?</p> <p>Various sectoral laws and policies which contain provisions related to DRR have been found. These documents include mainly environmental management laws, urban planning and infrastructure laws, and national adaptation plans. Some sectoral laws will be presented in further detail below.</p>	
<p>Are there provisions related to DRR in the DRM Law?</p> <p>The DRM Law provides a definition for “disaster risk prevention”, stating that it is the set of regulatory measures or material systems implemented to avoid or limit the effects of risks or disasters at national or local level.⁷³ These include practical physical protection and engineering measures as well as legislative measures controlling land use and urban planning.⁷⁴ More specifically, chapter 3 of the DRM Law establishes the provisions for disaster risk prevention tools, instruments and measures.⁷⁵ These tools will be presented in further detail below.</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>
<p>Is there duplication or conflicting provisions between laws on DRR?</p>	

⁷² Decree n° 2015/1332, article 10.

⁷³ Law n° 012/2014, article 5.

⁷⁴ Law n° 012/2014, article 5.

⁷⁵ Law n° 012/2014, chapter 3.

In general, from the information accessible online, laws and policies in Burkina Faso appear to be aligned with each other in terms of DRR action. They reinforce (rather than contradict) each other's vision and strategic priorities for investment in DRR and its promotion and integration in sectoral laws and/or policies to build resilience.

Environment

Are natural hazards and climate change risks addressed in laws related to the environment?

Law n° 006-2013 establishes the Environment Code in Burkina Faso. Through this law, the government aims to protect living beings against harmful or inconvenient attacks and risks that hinder or jeopardize their existence due to the degradation of their environment, as well as to improve their living conditions.⁷⁶ Thus, the public authorities ensure:

- the sustainable management of natural resources;
- the continuous improvement of the living conditions of living beings;
- the prevention and satisfactory management of technological risks and disasters; and
- environmental restoration.⁷⁷

In terms of disaster risk prevention, the Environment Code provides that the government takes all necessary measures to prevent and effectively manage technological or natural disasters,⁷⁸ drawing up and implementing plans to ensure the fight against floods, droughts, famines, fires, violent winds, cold or excessive heat and dust.⁷⁹ The plan for the prevention of foreseeable natural risks defines the prevention, protection and safeguard measures which must be taken by the local authorities within the framework of their competences as well as those which may be the responsibility of individuals.⁸⁰ In addition, when a foreseeable natural risk seriously threatens human lives in a given territorial community or group of territorial communities, the State shall take and publish emergency measures for the protection and possibly evacuation of the populations and protection of assets exposed to risk.⁸¹ Some of the measures taken to ensure risk prevention in Burkina Faso include:

- a) the control of chemical products, pesticides and fertilizing materials;

[Law n° 006-2013, Environment Code](#)

⁷⁶ Law n° 006-2013, Environment Code, article 3.

⁷⁷ Law n° 006-2013, article 3.

⁷⁸ Law n° 006-2013, article 95.

⁷⁹ Law n° 006-2013, article 96.

⁸⁰ Law n° 006-2013, article 97.

⁸¹ Law n° 006-2013, article 98.

<p>b) the safety of public buildings, residential buildings, roads, bridges and major works sites; c) biosecurity; and d) nuclear safety and protection against ionizing radiation.⁸²</p> <p>Climate change is also a central element in the Environment Code. Article 17 establishes that the government seeks to preserve biological diversity and strengthen the base of natural resources by dealing with the harmful effects of climate change.⁸³ To this end, public authorities take, within the limits of their powers, all measures to combat desertification, ensure soil fertility, guarantee the quality of water, air and other natural resources.⁸⁴</p>	
<p>Is DRR a criterion included in EIA for planned development?</p> <p>In Burkina Faso, strategic environmental impact assessments (EIA) are legally required since 1997.⁸⁵ As per the Environment Code, an EIA is a prospective analysis for the purpose of identifying, evaluating and mitigating the effects of a project on the environment.⁸⁶</p> <p>In 2015, the Council of Ministers adopted Decree n° 2015/1187 establishing the conditions and procedures for carrying out and validating the strategic environmental assessment, the study, and the environmental and social impact notice. As such, this decree applies to policies, plans, projects, programs, works, developments, activities, or any other initiative likely to have significant impacts on the environment.⁸⁷ Article 6 provides that any environmental and social impact study indicates relevant information concerning, among other things, the following headings:</p> <ul style="list-style-type: none"> • a description and analysis of the initial state of the site's environment and its areas of influence, focusing in particular on the physical, biological and socio-economic environments; • an analysis of the environmental risks of the direct and indirect areas of influence of the project, including those of any neighbouring State concerned; 	<p>Decree n° 2015/1187</p>

⁸² Law n° 006-2013, article 100.

⁸³ Law n° 006-2013, article 17.

⁸⁴ Law n° 006-2013, article 19.

⁸⁵ EIA Countries: Burkina Faso [online] Available in: <https://www.eia.nl/en/countries/burkina+faso>

⁸⁶ Law n° 006-2013, article 4.

⁸⁷ Decree n° 2015/1187, article 2.

<ul style="list-style-type: none"> • the necessary measures planned or not by the promoter to eliminate, reduce and compensate for the harmful consequences of the project on the environment and the estimate of the corresponding expenses; • an environmental and social management plan including a program for the implementation of mitigation measures, compensation for negative impacts and enhancement measures for positive impacts; an environmental surveillance and monitoring program; and a capacity building program; and • methods of public participation.⁸⁸ <p>Decree n° 2015/1187 does not appear to contain specific provisions on DRR. However, the PNA promotes, through Priority 3, the integration of disaster risk elements, including risks associated with climate variability and change, into methodologies for EIA.⁸⁹</p>	<p>Law n° 017-2006, Urban Planning and Construction Code</p> <p>National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020</p>
<p>Are eco- systems approaches to DRR adopted?</p> <p>As stated above, the Environment Code establishes that the public authorities take, within the limits of their powers, all measures to combat desertification, ensure soil fertility, guarantee the quality of water, air, and other natural resources.⁹⁰ In addition, the government takes all the necessary measures to fight against the degradation and depletion of natural resources and, if necessary, ensures the restoration of renewable resources and takes care to prevent the risks and disadvantages that would result from the depletion of non-renewable resources.⁹¹</p>	<p>Law n° 006-2013, Environment Code</p>
<p>Natural Resource Management and Fire Control</p>	
<p>Are there provisions aimed at reducing the risk of water related hazards?</p> <p>The DRM Law establishes in chapter 2, section 3, specific prevention measures for floods. Some of the measures provided include regular updates of mappings of flood-prone zones by the State and the municipalities.⁹² Flood-prone areas are clearly indicated by the land use plans of the municipalities and brought to the attention of the population by any appropriate means.⁹³ Thus, the municipalities draw up and implement municipal safeguard plans which present the risks and disasters, in particular floods as well</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>

⁸⁸ Decree n° 2015/1187, article 6.

⁸⁹ PNA 2016-2020, page 19.

⁹⁰ Law n° 006-2013, article 19.

⁹¹ Law n° 006-2013, article 20.

⁹² Law n° 012/2014, article 28.

⁹³ Law n° 012/2014, article 28.

<p>as the extreme meteorological phenomena associated with them.⁹⁴ The realization of installations, structures, works and activities in the public water domain is governed by national legislation.⁹⁵ The administration in charge of water reserves the right to modify or remove on its own initiative any embankment, deposit of bulky materials, fences, plantations, constructions, or any other work likely to obstruct or restrict in a harmful way the flow of waters.⁹⁶ The Ministry in charge of water undertakes, with the participation, where appropriate, of the local authorities concerned, the construction and maintenance of works for the prevention and protection against flooding when these works are of the nature of public utility.⁹⁷ Furthermore, it is forbidden to build, to leave any obstacles whatsoever or to carry out any activity whatsoever, likely to degrade the protective works and interfere with the normal flow of water.⁹⁸ To this end, the State sets up, all along the rivers and around the hydraulic structures, flood warning systems to increase safety and reduce the impacts of possible floods.⁹⁹ The flood warning system is kept operational throughout the year.¹⁰⁰</p>	
<p>Is forest or urban fire prevention and management linked with DRM laws and institutions?</p> <p>The DRM framework does not appear to include any measures or links with fire management and prevention. The Forest Code contains provisions for fire prevention, but it does not appear to clearly link to DRM laws and institutions.</p>	<p>Law n° 003-2011, Forest Code</p>
<p>Land Use Planning and Urban Development and Building</p>	
<p>Is coordination with DRM institutions and mechanisms promoted?</p> <p>The PNA promotes the integration of DRR in land use planning, urban planning, and construction through Priority 3. It aims to ensure the application of design and construction standards covering all infrastructure to ensure that it can withstand natural disasters, as well as ensuring the planning and sustainable development of cities.¹⁰¹ The leading agency for these objectives is the Ministry of Urban Planning and Housing, which shall work in close collaboration with key partners including CONASUR and the Ministry of Environment and Fishery Resources.¹⁰²</p>	<p>National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020</p>

⁹⁴ Law n° 012/2014, article 30.
⁹⁵ Law n° 012/2014, article 31.
⁹⁶ Law n° 012/2014, article 31.
⁹⁷ Law n° 012/2014, article 32.
⁹⁸ Law n° 012/2014, article 32.
⁹⁹ Law n° 012/2014, article 33.
¹⁰⁰ Law n° 012/2014, article 33.
¹⁰¹ PNA 2016-2020, pages 21-22.
¹⁰² PNA 2016-2020, pages 21-22.

<p>Are building codes and land use planning regulations updated and priority given to tical infrastructure such as schools, hospitals and other public buildings?</p> <p>The Environment Code establishes in article 99 that infrastructures are built and maintained in conditions that preserve public health and safety.¹⁰³ Therefore, as per article 23, territorial development and urbanization policies take into account the needs of production, conservation of natural resources and natural risks.¹⁰⁴</p> <p>The Urban Planning and Construction Code sets out the basic guidelines for Town Planning and Housing policy. These guidelines do not appear to contain specific provisions on building codes for disaster-resistant buildings or prioritization to public infrastructure. Also, the documents reviewed do not appear to have been recently updated.</p>	<p>Law n° 006-2013, Environment Code</p> <p>Law n° 017-2006, Urban Planning and Construction Code</p>
<p>Are incentives / legal sanctions established, where appropriate, in cases of non-compliance leading to unsafe buildings or developments?</p> <p>The DRM Law provides in article 24 that dangerous, unhealthy, and inconvenient establishments whose activities entail significant risks for human health, public safety and the environment, draw up and implement, under the control of the competent authorities, internal operation plans intended for the management of incidents and accidents limited to their premises.¹⁰⁵ The local authorities draw up and implement special intervention plans intended to manage incidents and accidents in these establishments that have an impact on the neighbouring populations.¹⁰⁶</p> <p>In addition, Law n° 017-2006 establishes legal sanctions for cases of non-compliance with the urban code.</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p> <p>Law n° 017-2006, Urban Planning and Construction Code</p>
Climate Change	
<p>Are links between NAPs and other climate related processes made with DRM framework?</p> <p>In addition to what has been set out above in the question on links with relevant climate change laws, policies and institutions, there are also links with DRM made in the climate change framework. The National Climate Change Adaptation Plan 2015 (PNACC) is the main document which provides a framework for adaptation to the effects of climate change in different sectors, including</p>	<p>National Climate Change Adaptation Plan 2015</p>

¹⁰³ Law n° 006-2013, article 99.
¹⁰⁴ Law n° 006-2013, article 23.
¹⁰⁵ Law n° 012/2014, article 24.
¹⁰⁶ Law n° 012/2014, article 24.

<p>agriculture, animal production, environment and natural resources, energy, health, and housing and infrastructure.¹⁰⁷ The global objectives of the PNACC involve reducing vulnerability to the impacts of climate change by developing adaptation and resilience capacities; and facilitating the integration of CCA, in a coherent manner, into new or existing policies, programs or activities, into specific development planning processes and strategies within relevant sectors and to different levels.¹⁰⁸ In terms of DRM, the PNACC includes a long-term objective which aims at protecting people and property against extreme weather events and natural disasters.¹⁰⁹ Some of the short-, medium- and long-term measures proposed under this objective include the following:</p> <ul style="list-style-type: none"> • consideration of resilience in development projects and programs; • development of contingency plans at regional and local levels and support plans for vulnerable populations; • sustainable funding for the prevention and management of disasters and humanitarian crises through the development and implementation of an appropriate funding strategy; • capacity building for women through the dissemination of good practices for CCA; and • use of social safety nets for vulnerable populations.¹¹⁰ <p>The development process of the PNACC included the identification of available information and capacities, as well as an assessment of capacity needs.¹¹¹ To this end, the PNACC acknowledges the existence of a national structure in charge of the prevention and management of disasters and humanitarian crises called CONASUR with a permanent Secretariat.¹¹² In terms of capacity needs, the PNACC highlights the need for capacity building to better integrate the dimension of CCA in the development of disaster prevention, preparedness and response plans.¹¹³</p>	
<p>Are DRM national laws including elements relating to climate change adaptation?</p> <p>Although the DRM Law does not appear to include elements relating to CCA, the PNA intends to promote the strengthening of DRR funding through the revision of the various projects and programs funded by international cooperation partners in the areas of resilience and CCA, among other things.¹¹⁴</p>	<p>National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020</p>

¹⁰⁷ National Climate Change Adaptation Plan (PNACC) 2015, section 2.3.

¹⁰⁸ PNACC 2015, page 66.

¹⁰⁹ PNACC 2015, page 66.

¹¹⁰ PNACC 2015, page 16.

¹¹¹ PNACC 2015, page 29.

¹¹² PNACC 2015, page 29.

¹¹³ PNACC 2015, page 29.

¹¹⁴ PNA 2016-2020, pages 13.

<p>Are DRM national laws formally endowing high-level governmental authorities and/or territorial administrations with the duty to harmonize implementing activities and promote climate change adaptation-DRR coordination, policies and plans?</p> <p>As stated above, the DRM Law does not include elements related to CCA. However, the PNA lists specific actions relating to climate change, which include effective inter-institutional coordination¹¹⁵and strengthening the synergy of actions between climate change adaptation (CCA) and disaster risk prevention and management in the policies and Strategies.¹¹⁶</p> <p>The PNACC establishes the institutional arrangements for the implementation of the plan, which includes the following government agencies:</p> <ul style="list-style-type: none"> • the National Council for the Environment and Sustainable Development (CONEDD); • the Permanent Secretariat of the National Council for the Environment and Sustainable Development (SP/CONEDD); and • the Specialized Commissions (SC) of CONEDD.¹¹⁷ <p>With regard to the coordination and steering of the PNACC, CONEDD will have the specific missions of overseeing the implementation of the PNACC; examining and approving activity programs and draft budgets; examining and approving results reports, activity reports and financial reports; initiating or ordering any study related to CCA; and taking any initiative and making any suggestion likely to promote better consideration of CCA in development policies and strategies.¹¹⁸ Although some of the actions to be carried out under the framework of the PNACC include the reinforcement of DRR funding mechanisms, their does not appear to include a duty to harmonize implementing activities and promote CCA-DRR coordination, policies or plans.</p>	<p>National Climate Change Adaptation Plan 2015</p>
<p>Are DRM national laws favouring information-sharing between the two sectors and/or complementarity between financial instruments relating to any thematic issue with some relevance for DRM and climate adaptation?</p> <p>The DRM Law does not contain any provisions on CCA.</p>	

¹¹⁵ PNA 2016-2020, page 8.
¹¹⁶ PNA 2016-2020, page 11.
¹¹⁷ PNACC 2015, page 124.
¹¹⁸ PNACC 2015, page 124.

<p>The PNA includes a few activities relevant to information sharing, namely the enhancing effective inter-institutional coordination;¹¹⁹ setting up an integrated information system/database on disaster risks, including climate change risks, using a virtual database to catalogue all risk assessments and risk information,¹²⁰ strengthening the synergy of actions between climate change adaptation (CCA) and disaster risk prevention and management in the policies and Strategies;¹²¹ and ensuring good coordination between the institutions in charge of preparing for emergency response and those in charge of climate change.¹²²</p> <p>Although the PNA provides some guidelines for the development of dedicated funding mechanisms for DRM, financial instruments for CCA are not referenced.</p>	
<p>Are DRM national laws creating or tasking specific advisory bodies with climate change adaptation competence supporting the work of DRR national committees or authorities?</p> <p>The DRM Law does not create or task a specific body with CCA competence to support the work of DRR actors.</p>	
<p>Are sectoral laws and policies with relevance for DRR/M favouring institutional and cross-sectoral coordination with institutions, agencies and stakeholders responsible for climate change?</p> <p>Coordination between DRM and climate change actors is promoted in the PNA, but the details of this coordination is unclear and is not mirrored in the PNACC, which indicates that the CONEDD is the coordinating entity in terms of CCA in Burkina Faso but does not specifically promote coordination with DRM actors.</p>	
<p>Are law and policies with relevance for DRR/M built on available science and practice on both present and future climate risk trends and patterns (i.e. climate-smart)?</p> <p>Limited information could be located regarding the scientific and/or empirical basis of the documents reviewed.</p>	
<p>Are national DRR strategies and planning activities considering climate change adaptation perspectives, especially in terms of infrastructure and human settlements, and the development of a methodology to identify risks drivers which consider climate change patterns?</p>	

¹¹⁹ PNA 2016-2020, page 8.
¹²⁰ PNA 2016-2020, page 9.
¹²¹ PNA 2016-2020, page 11.
¹²² PNA 2016-2020, page 12.

<p>The PNA identifies climate change as a cross-cutting issue in DRR/DRM planning activities. Therefore, climate vulnerability is a central element included across the whole PNA. However, laws and policies do not appear to contain explicit provisions that establish a climate-informed methodology in terms of urban planning and construction.</p>	
Disaster Risk Assessments	
<p>Do your country's laws establish clear procedures and responsibilities for conducting risk assessments and ensuring that risk information is considered in development processes?</p> <p>Among the various tools and instruments for disaster risk prevention included in the DRM Law, it is provided that a national map of the zones at high technological, environmental, and social risk is drawn up, which makes it possible to geographically locate the dangers and to assess the potential risks incurred by populations, the environment and property.¹²³ Based on the national mapping of areas at high technological, environmental, and social risk, specific maps concerning the main risks and disasters are drawn up and updated.¹²⁴</p> <p>In addition, Priority 1 of the PNA is specifically focused on understanding disaster risks to better embed them into policies and practices for DRR/DRM in Burkina Faso.¹²⁵ Through this priority, the PNA aims to clearly define the roles and responsibilities of the institutions mandated for the identification, analysis and regular monitoring of risks (including risks associated with climate variability and change); and to develop a common methodology and working tools for risk assessment to facilitate the collection, analysis, interpretation, dissemination and standardized use of risk information.¹²⁶</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p> <p>National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020</p>
<p>Are regular hazard and vulnerability mapping and risk assessments required, including both disaster and climate risks and are these tasks clearly assigned to appropriate authorities?</p> <p>As stated above, the DRM Law establishes that mappings and assessments of the main risks are drawn up and updated. The PNA identifies the CONASUR as the leading agency in conducting risk and hazard assessments, working in close collaboration with local authorities, CONEDD, research institutes and universities, the Red Cross and other technical and financial partners.¹²⁷</p>	

¹²³ Law n° 012/2014, article 23.

¹²⁴ Law n° 012/2014, article 23.

¹²⁵ PNA 2016-2020, pages 8.

¹²⁶ PNA 2016-2020, pages 8.

¹²⁷ PNA 2016-2020, pages 8.

<p>Are at risk communities, civil society as well as private sector involved in the risk assessment process and informed of the outcomes?</p> <p>Limited information could be located online relating to the involvement of civil society and private sector actors in risk assessment processes. From the documents reviewed, laws and policies in Burkina Faso do not appear to contain provisions on risk assessments conducted by civil society/private sector.</p> <p>However, the PNA promotes the engagement of the general public, including the most vulnerable groups and communities, informing and sensitizing them on risk reduction, prevention and preparedness by producing communication and awareness tools (audio-visual and written) on DRR for the benefit of communities; and carrying out campaigns at all levels using the media and forum theatres.¹²⁸</p> <p>In addition, the PNA seeks to set up, under Priority 1, a central information system/database on risks (including climate change risks), damages and losses using a virtual database, to catalogue all risk assessments and risk information, and consolidating the database and online program/application for risk assessment into a National Risk Observatory for Burkina Faso.¹²⁹</p>	<p>National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020</p>
<p>Do laws/regulations require sex and age disaggregated data (SADD) to be collected to inform risk and needs assessment?</p> <p>Limited information could be located online relating to the collection of SADD. From the documents reviewed, laws and policies in Burkina Faso do not appear to contain provisions on the collection of SADD (or any other type of data) to inform risk and needs assessment processes.</p>	
<p>Is it mandatory to consider risk information in development planning, budgetary allocation and construction?</p> <p>As stated above, environmental risks and considerations must be taken into account in urban planning and construction. However, the documents reviewed do not appear to specify whether risk information is mandatory in budgetary allocation.</p>	
<p>3. Preparedness and Response</p>	

¹²⁸ PNA 2016-2020, pages 10.

¹²⁹ PNA 2016-2020, pages 9.

Early Warning Systems (EWS)	
Are responsibilities for all steps of the early warning process from assessing the hazard, to making decisions to issue warnings, to initiating early action, clearly assigned in law?	<p style="text-align: right;">Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>
<p>As stated above, the DRM Law establishes through chapter 3 a series of tools and instruments for disaster risk prevention. These include, among other things, an integrated national information system for the prevention of risks, humanitarian crises and disasters, in particular through early warning systems (EWS).¹³⁰ The mission of the EWS is to ensure strategic monitoring by gathering, processing and making available to the competent authorities the information necessary for the prevention of risks, humanitarian crises and disasters.¹³¹ The composition, organization and operation of the integrated national information system are determined by decree issued by the Council of Ministers.¹³²</p> <p>However, the specific responsibilities for all steps of the early warning process do not appear to be set out.</p>	
Are roles for technical ministries as well as communities, local authorities, scientific institutions, private media companies and civil society organizations in early warning systems set out?	<p style="text-align: right;">Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p> <p style="text-align: right;">National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020</p>
<p>The DRM Law states in article 25 that the preventive information of the populations for the purposes of risk prevention is organized by the minister in charge of territorial administration, the governors, the high commissioners, the prefects and the mayors.¹³³ Therefore, the competent national authorities proceed, as quickly as possible, through appropriate means, to the preventive information of the populations likely to be affected by an imminent disaster.¹³⁴ The pre-alert and/or alert notice is disseminated by the appropriate means with regard to the imminence of the disaster.¹³⁵ As per article 27, the integrated national information system for risk prevention ensures the management of pre-disaster alert and alert.¹³⁶ The pre-alert and the alert are addressed to the competent, central, decentralized or decentralized authorities who judge the advisability of carrying out preventive information of the populations by means of the dissemination of an alert notice.¹³⁷ The national structures for the prevention and management of risks, humanitarian crises and created disasters are kept informed of pre-alerts and alerts.¹³⁸</p>	

¹³⁰ Law n° 012/2014, article 22.

¹³¹ Law n° 012/2014, article 22.

¹³² Law n° 012/2014, article 22.

¹³³ Law n° 012/2014, article 25.

¹³⁴ Law n° 012/2014, article 25.

¹³⁵ Law n° 012/2014, article 25.

¹³⁶ Law n° 012/2014, article 27.

¹³⁷ Law n° 012/2014, article 27.

¹³⁸ Law n° 012/2014, article 27.

<p>In addition, the PNA includes under Priority 4 a framework for action to establish a centralized EWS. Some of the actions proposed include supporting the operation of the national multi-risk information and EWS by integrating the other sectoral EWS; harmonizing indicators in order to be able to integrate sectoral EWS; making hydrological and meteorological information accessible to target populations, through state media and information communication technologies (ICT); and promoting community knowledge through forums at the local level.¹³⁹ The lead agency for the implementation of these actions is the CONASUR, which works in close collaboration with sectoral leaders, universities, research centres, the Ministry in charge of communication, and NGOs.¹⁴⁰</p>	
<p>Are EWS established for the most frequent and serious hazards?</p> <p>As stated above, the DRM Law establishes in article 23 that a national map of the zones at high technological, environmental and social risk is drawn up, which makes it possible to geographically locate the dangers and to assess the risks. Potential risks incurred by populations, the environment and property.¹⁴¹ Based on the national mapping of areas at high technological, environmental, and social risk, specific maps concerning the main risks and disasters are drawn up and updated.¹⁴²</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>
<p>Information Sharing</p>	
<p>Are there procedures in place to facilitate the expeditious sharing of information about disasters, including emerging hazards that are likely to cause disasters, with communities, relief actors and assisting humanitarian organizations as appropriate?</p> <p>The provisions on information sharing have been set out above.</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>
<p>Contingency Planning</p>	
<p>Does the country's legislation set out a process and framework for contingency planning, and does such contingency planning have to address multiple hazards? Does the legislation require periodic updates of contingency plans, call for inclusiveness of public authorities and other civil society actors in contingency planning, or establish linkages between forecast information and climate services in contingency planning?</p>	

¹³⁹ PNA 2016-2020, page 26.

¹⁴⁰ PNA 2016-2020, page 26.

¹⁴¹ Law n° 012/2014, article 23.

¹⁴² Law n° 012/2014, article 23.

<p>Article 3 of the DRM Law specifically sets out that it aims to, among other things, offer a coherent planning framework facilitating the coordination of actions for the prevention and management of risks, humanitarian crises and disasters.¹⁴³ As per article 18, plans for the prevention and management of risks, humanitarian crises and disasters define the orientations and priority mechanisms, in the short-, medium- and long-term.¹⁴⁴ Such plans include:</p> <ul style="list-style-type: none"> • the national plan for the prevention and management of risks, humanitarian crises and disasters which constitutes the general framework for planning and coordinating measures aimed at ensuring the effectiveness of actions for the prevention and management of risks, humanitarian crises and disasters; • support plans for risks, humanitarian crises and specific disasters; • sector plans for risks, humanitarian crises and disasters; and • emergency organization plans.¹⁴⁵ <p>However, the law does not appear to legally require periodic updates of contingency plans, call for inclusiveness of public authorities and other civil society actors in contingency planning, or establish linkages between forecast information and climate services in contingency planning.</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>
<p>Does the country's legislation set out procedures and framework for evacuation?</p> <p>The DRM Law aims to determine the conditions and procedures for applying evacuation measures, among other things.¹⁴⁶ Article 27 states that, once the information communicated by the integrated national information system reasonably suggests a high risk of disaster likely to affect the safety of persons, property and the environment, the competent authorities proceed either to containment, or the preventive evacuation of populations to shelter them in places ensuring their safety.¹⁴⁷ Containment or preventive evacuation is implemented as part of risk prevention and management plans, humanitarian crises and disasters.¹⁴⁸ As per article 29, it is forbidden to settle in flood-prone areas as defined by the land use plans.¹⁴⁹ The municipal authorities take the</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>

¹⁴³ Law n° 012/2014, article 3.
¹⁴⁴ Law n° 012/2014, article 18.
¹⁴⁵ Law n° 012/2014, article 18.
¹⁴⁶ Law n° 012/2014, article 3.
¹⁴⁷ Law n° 012/2014, article 27.
¹⁴⁸ Law n° 012/2014, article 25.
¹⁴⁹ Law n° 012/2014, article 29.

necessary measures to carry out preventive evacuations and prevent the settlement or resettlement of populations in such areas.¹⁵⁰

In addition, the Environment Code provides that when a foreseeable natural risk seriously threatens human lives in a given territorial community or group of territorial communities, the State shall take and publish emergency measures for the protection and possibly evacuation of the populations and protection of assets exposed to risk.¹⁵¹

Does DM law require that disaster contingency plans set out comprehensive procedures for evacuation, assigning roles and responsibilities, and does it provide for the evacuation of livestock or domestic animals?

Aside from what has been stated above, laws do not appear to establish detailed procedures for evacuation.

Does it require that all endangered people be evacuated without discrimination, that the rights and dignity of evacuated persons be respected in situations of compulsory evacuation?

As stated above, the DRM Law is based on a number of fundamental principles guiding humanitarian action in Burkina Faso, including the principle of equity, and the principle of non-discrimination. The principle of equity is the principle according to which the different categories of population likely to be affected by risks, humanitarian crises or disasters must be treated according to their legitimate needs within the framework of information and preventive evacuation operations, emergency relief, humanitarian assistance, displacement and resettlement and recovery.¹⁵² Thus, the principle of equity entails the need to take into account as a priority the needs of the communities most exposed to risks as well as high-risk areas for the purpose of reducing vulnerabilities and mitigating risks.¹⁵³

On the other hand, the principle of non-discrimination provides that the measures and actions undertaken by the public authorities in the context of the prevention and management of risks and disasters are carried out without consideration of race, sex, religion, political affiliation or for any other reason – i.e., it implies impartiality in the implementation of risk and disaster prevention and management measures.¹⁵⁴

[Law n° 006-2013, Environment Code](#)

¹⁵⁰ Law n° 012/2014, article 29.

¹⁵¹ Law n° 006-2013, article 98.

¹⁵² Law n° 006-2013, article 6.

¹⁵³ Law n° 006-2013, article 98.

¹⁵⁴ Law n° 006-2013, article 98.

<p>Does the country's legislation establish requirements for trainings, drills and simulations for people likely to be involved in responding to disasters (e.g. frequency, scope, testing means), and does the law set clear standards and responsibilities for prior training for disaster rescue and relief personnel (including volunteers)?</p> <p>In Burkina Faso, trainings, drills, and simulations for relief personnel do not appear to be legally required. However, the PNA promotes, through Priority 1, the strengthening of the technical capacities of the various national structures (central and decentralized levels) in the field of collection, analysis, interpretation, dissemination, use of data and mappings through training sessions; the organization of DRR training for members of the national platform and ensuring their access to training opportunities at the regional level; and the organization of sensitization and training sessions on DRR for journalists.¹⁵⁵</p>	<p>National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020</p>
Legal Facilities (Preparedness and Response)	
<p><u>Treatment and care of the victims (including the dead):</u></p> <p>Does the law give special attention to procedures for handling large numbers of casualties after a disaster?</p> <p>From the documents reviewed, the law does not appear to provide specific procedures for handling large numbers of casualties after a disaster.</p> <p>Does the law forbid or at least discourage mass burials in such circumstances, does the law require authorities to make best efforts to identify the remains and notify next of kin, and does the law require authorities to take into account cultural and religious rights with respect to the disposal of human remains?</p> <p>Limited information could be located in the documents reviewed in terms of procedures for handling human remains.</p>	
<p><u>Volunteering:</u></p> <p>Does the law provide for a clear definition of the term "volunteer", including the scope of volunteering activities, restrictions regarding volunteering and a clear distinction from the status of employees? Is there specific DM legislation that applies to volunteers and voluntary organizations?</p> <p>The DRM Law does not contain any provisions relating to volunteers or voluntary organizations. Law n° 031-2007 provides the regulations governing national volunteer work in Burkina Faso. Article 3 defines "volunteering" as any unpaid activity, exercised freely, full-time, over a determined period and in a disinterested manner by any natural person for the benefit of a legal person under public or private law pursuing a mission of general interest or professional integration or for the social, economic, and</p>	<p>Law n° 031-2007, National volunteers</p>

¹⁵⁵ PNA 2016-2020, page 8.

<p>cultural development of a grassroots community or a collectivity.¹⁵⁶ There is a clear distinction between volunteers and employees, as article 24 establishes that the national volunteer contract is a written contract under private law, derogating from labour law.¹⁵⁷</p> <p>However, the law does not clearly outline the scope of volunteering activities.</p>	
<p>Cash programming: Are there legal facilities in place to facilitate cash programming in disaster preparedness and response operations, including the opening of bank accounts, monetary transfers, identify verification “know your customer” and other exigencies of financial service providers, and is there a legally defined procedure in place for loss of records or documentation?</p> <p>The DRM Law highlights in article 42 that humanitarian assistance is granted in kind or in cash to relieve the suffering of disaster victims and to mitigate the immediate negative effects of the disaster.¹⁵⁸ It is guided by the humanitarian imperatives of protecting life and health, alleviating suffering, and respecting the dignity of the human person.¹⁵⁹ However, limited information could be located online relating to cash programming. From the documents reviewed, laws and policies in Burkina Faso do not appear to contain special provisions on legal facilities or simplified procedures for cash programming in DRM.</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>
<p>Drones in disasters response operations: Is there legislation in place regarding the use of drones in disaster response operations, including registration, flight operations certificates, use of airspace, and insurance?</p> <p>The Civil Aviation Code defines a drone as a remotely piloted aircraft, an unmanned aircraft, piloted from a remote pilot station.¹⁶⁰ Article 231-3 establishes that no aircraft capable of flying without a pilot may fly over the territory of Burkina Faso without a pilot unless it receives a special authorization for this purpose.¹⁶¹ The competent administrative authority shall ensure that the flight of such an unmanned aircraft in regions open to civil aircraft is subject to controls which make it possible to avoid any danger to civil aircraft.¹⁶² The conditions of use of remotely piloted aircraft are set by regulation.¹⁶³ The Civil Aviation Code establishes legal</p>	<p>Law n° 013-2019, Civil Aviation Code</p>

¹⁵⁶ Law n° 031-2007, National Volunteers, article 3.

¹⁵⁷ Law n° 031-2007, article 24.

¹⁵⁸ Law n° 012/2014, article 42.

¹⁵⁹ Law n° 012/2014, article 42.

¹⁶⁰ Law n° 013-2019, Civil Aviation Code, article 210-1.

¹⁶¹ Law n° 013-2019, article 231-3.

¹⁶² Law n° 013-2019, article 231-3.

¹⁶³ Law n° 013-2019, article 231-3.

<p>sanctions for cases of unauthorized use of unmanned aircrafts.¹⁶⁴ However, it does not appear to specifically set out requirements or procedures for the use of drones in disaster settings.</p>	
<p>Are appropriate tax exemptions provided to relief providers (government and civil society)? Are tax exemptions available for preparedness actions (eg. prepositioning of stock)?</p> <p>Decree n° 2021-1352 establishes the Finances Law for 2022 in Burkina Faso, providing new additions and amendments to the General Tax Code. However, the Finances Law and the General Tax Code do not appear to contain provisions relating to special customs arrangements for international disaster assistance.</p> <p>The General Tax Code outlines the exemptions of the corporate tax, which include, among others, public establishments of the State or local authorities not having an industrial or commercial character; and associations or non-profit organizations subject to strict compliance with their purpose.¹⁶⁵ Non-profit organizations are also eligible for reimbursement of VAT credits.¹⁶⁶ To benefit from the VAT reimbursement, NGOs must submit a request on a form provided by the Administration. The request for reimbursement is addressed to the director general of taxes and must be accompanied by a bank account statement and filled with the applicant's tax department, which issues an acknowledgment of receipt.¹⁶⁷</p> <p>In terms of customs, the Customs Code provides that importation free of duties and taxes may be authorized for:</p> <ul style="list-style-type: none"> a) goods originating in the customs territory or nationalized by payment of duties, returned from abroad; b) consignments intended for Ambassadors, diplomatic and consular services and foreign members of certain official international bodies based in Burkina Faso; c) consignments intended for the Red Cross and other national solidarity works; and d) exceptional shipments devoid of any commercial nature.¹⁶⁸ 	<p>Decree n° 2021-1352, Finances Law 2022</p> <p>General Tax Code 2018</p> <p>Law n° 03/92/ADP, Customs Code</p>

¹⁶⁴ Law n° 013-2019, article 261-4.

¹⁶⁵ General Tax Code 2018, page 19.

¹⁶⁶ General Tax Code 2018, page 93.

¹⁶⁷ General Tax Code 2018, page 93.

¹⁶⁸ Law n° 03/92/ADP, Customs Code, article 160.

<p>Are there laws on data privacy that would apply to the gathering, storing and sharing of information (in relief distribution, restoring family links or cash programmes as examples)? If so, are exceptions provided, as appropriate, for tracing activities by RC National Societies in disaster settings?</p> <p>In Burkina Faso, Law n° 001-2021 is the most recent legislative document establishing the framework for personal data protection in the country. It provides procedures for handling personal data in different context and by different actors, as well as legal sanctions in case of non-compliance with the law. However, there do not appear to be any provisions or exemptions on the management of data privacy that would apply specifically in emergency/disaster settings. The Information Code, established through Law n° 56/93, also does not contain relevant provisions either on this point.</p>	<p>Law n° 001-2021, Data Protection</p> <p>Law n° 56/93, Information Code</p>
<p>Are there legal barriers in particular sectoral laws that may inhibit disaster rescue and relief personnel (including volunteers) in emergencies?</p> <p>Generally, sectoral laws in Burkina Faso do not appear to take into account disaster scenarios. This may result in disaster relief personnel facing some barriers in emergency response, or it may pose challenge in the coordination of relief.</p>	
<p>Are there provisions in the law to ensure that State-operated offices and services essential to the relief be provided are open /operate outside of normal business hours?</p> <p>From the documents reviewed, DRM laws in Burkina Faso do not appear to contain any provisions outlining the opening hours of state-operated offices and services essential to disaster response.</p>	
<p>Stakeholder Engagement [INCLUSION AND PARTICIPATION]</p>	<p>Check laws and regulations on: DRM/emergency response/civil defence ii. national Red Cross/Red Crescent Society iii. national Disaster Risk Reduction Platform iv. civil Society and NGOs v. local government vi. insurance vii. taxation viii. investment</p>
<p>Do your country's laws ensure the engagement of all relevant stakeholders including civil society, private sector, scientific institutions and communities in DRM decision making and activities?</p> <p>As stated above, the DRM Law establishes in chapter 2 the institutional framework and actors engaged in the prevention and management of disaster risks and humanitarian crises. The main actors identified include the State, local authorities, research</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>

<p>institutions, humanitarian institutions, the private sector, civil society organizations, community organizations of base, local communities, and technical and financial partners.¹⁶⁹</p> <p>In addition, Article 6 outlines the fundamental principles guiding humanitarian action in Burkina Faso, which include the following:</p> <ul style="list-style-type: none"> • the principle of information and participation, establishing that the populations affected by a risk or a disaster are duly informed by the public authorities and participate effectively in the decision-making process that concerns them; • the principle of good governance, promoting government efforts to create the conditions enabling citizens, through the appropriate mechanisms, processes and institutions, to express their interests, to exercise their rights, to assume their obligations and to settle any disputes; and • the principle of information and participation, establishing that the populations affected by a risk or a disaster are duly informed by the public authorities and participate effectively in the decision-making process that concerns them.¹⁷⁰ 	
<p>Is there representation (seat at table) of (a) Red Cross (b) civil society (c) private sector (d) communities (e) specialised agencies i.e. academic/ scientific etc in decision making institutions and processes required?</p> <p>CONASUR is composed by representatives from line ministries as well as other key actors. These include, the President of the Red Cross, the Director General of non-governmental organizations monitoring, and the Permanent Secretary of non-governmental organizations.¹⁷¹ CORESUR, COPROSUR and CODESUR also have representation from these key agencies.¹⁷²</p>	<p>Decree n° 2009-601, creation, composition, attributions and functioning of the CONASUR</p>
<p>Are specific roles and duties of (a) Red Cross (b) civil society (c) private sector (d) communities (e) specialised agencies academic/ scientific etc clearly assigned?</p> <p>As stated above, the DRM Law identifies a number of key actors involved in DRM, outlining some of their roles throughout chapter 2. Article 15 provides that research institutions provide strategic intelligence by gathering, processing and making available to the</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>

¹⁶⁹ Law n° 012/2014, article 12.

¹⁷⁰ Law n° 012/2014, article 6.

¹⁷¹ Decree n° 2009-601, article 6.

¹⁷² Decree n° 2009-601, articles 7-9.

<p>competent authorities the information necessary for the prevention of risks, humanitarian crises and disasters.¹⁷³ Humanitarian institutions provide humanitarian assistance to disaster-stricken populations through psychosocial, financial, material and technical support.¹⁷⁴ The private sector is called upon to finance the prevention and management of risks, humanitarian crises and disasters.¹⁷⁵ As per article 16, civil society organizations participate in informing, educating and raising public awareness in terms of the prevention and management of risks, humanitarian crises and disasters, making a technical, material and financial contribution to support prevention, relief and recovery measures.¹⁷⁶ Grassroots community organizations provide, at the local level, their assistance to the State and local authorities in the prevention and management of risks, humanitarian crises and disasters.¹⁷⁷ Local communities contribute to the prevention and management of risks, humanitarian crises and disasters through the use of traditional techniques and practices and local know-how in this area.¹⁷⁸ Lastly, technical and financial partners provide technical and material support to the actors and contribute to the financing of measures for the prevention and management of risks, humanitarian crises and disasters through bilateral and multilateral cooperation.¹⁷⁹</p>	
<p>Is the special role of Red Cross as auxiliary to its authorities in the humanitarian field formally acknowledged in DRM Legislation? Does it set out expectations about NS's activities?</p> <p>Aside from what has been set out above, the special role of the Red Cross as auxiliary to its authorities in the humanitarian field does not appear to be clearly set out in the DRM framework. The CRB is officially recognized by the Government as a voluntary, autonomous relief society, auxiliary to the public authorities and in particular to the military health services, in accordance with the provisions of the Geneva Conventions and as the only National Society able to exercise its activity throughout the national territory by Decree n° 262/PRES/IS-DI/SPP of July 9, 1962, amended by Decree n° 441/PRES/IS-DI of September 20, 1962.¹⁸⁰ Furthermore, it was recognized by the International Committee of the Red Cross by circular letter dated November 1, 1962. It has been a member of the International Federation of Red Cross and Red Crescent Societies since 1963.¹⁸¹ However, these documents could not be located for the purposes of this mapping.</p>	

¹⁷³ Law n° 012/2014, article 15.

¹⁷⁴ Law n° 012/2014, article 15.

¹⁷⁵ Law n° 012/2014, article 15.

¹⁷⁶ Law n° 012/2014, article 16.

¹⁷⁷ Law n° 012/2014, article 16.

¹⁷⁸ Law n° 012/2014, article 16.

¹⁷⁹ Law n° 012/2014, article 16.

¹⁸⁰ Burkinade Red Cross [website] Available in: https://croix-rouge.bf/index.php/croix_rouge_burkina/qui-sommes-nous

¹⁸¹ Burkinade Red Cross [website] Available in: https://croix-rouge.bf/index.php/croix_rouge_burkina/qui-sommes-nous

<p>Does the law provide for financial support and/or tax exemptions for Red Cross-National Society when acting in its auxiliary role to assist persons affected by disaster?</p> <p>As stated above, the Customs Code establishes that the import of consignments intended for the Red Cross and other national solidarity works may be authorized free of duties and taxes.¹⁸²</p>	<p>Law n° 03/92/ADP, Customs Code</p>
<p>Does the law guarantee the RC National Society the ability to act independently of the government and to take any distance necessary from it to guarantee its independence and neutrality?</p> <p>Limited information could be located online relating to the activities of the CBR.</p>	
<p>Is meaningful engagement of (a) women, (b) minorities, (c) people with disabilities (d) displaced/migrant groups and (e) older persons (f) indigenous groups (g) youth ensured?</p> <p>As stated above, Article 6 of the DRM Law outlines the fundamental principles guiding humanitarian action in Burkina Faso, which includes the gender principle which ensures the inclusion of the interests and contributions of women and vulnerable groups in society in the prevention and management of risks and disasters and, more particularly in the formulation of policy, the planning, prevention, organization of relief operations, capacity building and reconstruction; and the principle of non-discrimination, promoting actions undertaken by the public authorities carried out without consideration of race, sex, religion, political affiliation or any other reason, implying impartiality and neutrality in the implementation of measures.¹⁸³</p> <p>Limited information could be located online relating to the engagement of especially vulnerable groups in DRM activities. However, the PNA promotes, through Priority 3, the engagement of these specific groups (women, children, elderly, disabled, etc.) as agents of change for DRR. Some actions under this objective include organizing sensitization sessions on the role of socio-specific groups in DRR/DRM; awareness sessions on gender-based violence (GBV) in disaster situations in the most vulnerable areas; and constituting a DRR women leaders' group to convey messages on the role of women in DRR.¹⁸⁴</p>	<p>National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020</p>
<p>Is there minimum mandated proportional representation of (a) women, (b) minorities, (c) people with disabilities (d) displaced/migrant groups and (e) older persons ensured in DRM Decision Making (i.e. quotas) (f) indigenous groups?</p>	

¹⁸² Law n° 03/92/ADP, Customs Code, article 160.

¹⁸³ Law n° 012/2014, article 6.

¹⁸⁴ PNA 2016-2020, pages 22-23.

<p>As stated above, the law does not appear to set out clear guidelines mandating for engagement and representation of especially vulnerable groups in DRM activities and decision-making processes.</p>	
<p>Education/ Training and Awareness</p>	
<p>Is DRM training mandatory in the school curriculum?</p> <p>DRM training does not appear to be mandatory in school curricula in Burkina Faso. Nevertheless, as stated above, the PNA aims to promote education on DRR at all levels, including preschool, primary, post-primary, secondary, higher education and research by integrating DRR and CCA in school curricula, and setting up a university or postgraduate program (Master's level) on these in order to bring together new generations of political decision-makers, technical managers and researchers; and including sensitization programs on DRR at non-formal education level (adult education/literacy).¹⁸⁵</p>	<p>National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020</p>
<p>Is training for public officials and relevant professionals promoted for (i) DRR (iii) Response and Preparedness?</p> <p>As stated above, the PNA promotes, through Priority 1, the strengthening of the technical capacities of the various national structures (central and decentralized levels) in the field of collection, analysis, interpretation, dissemination, use of data and mappings through training sessions; the organization of DRR training for members of the national platform and ensuring their access to training opportunities at the regional level; and the organization of sensitization and training sessions on DRR for journalists.¹⁸⁶In addition, the PNA promotes capacity building in the health sector to face disasters of any kind. More specifically, it proposes to organize training sessions for health personnel at all levels for emergency preparedness and response; and to organize exercises for emergency preparedness and response for health care workers in local authorities and ensure multi-sectoral cooperation with other actors such as the Red Cross.¹⁸⁷</p>	<p>National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020</p>
<p>Are there specific provisions on promoting public awareness and understanding of rights, roles and responsibilities in (i) DRR (ii) preparedness and response?</p> <p>Public awareness is promoted through the DRM Law. More specifically, article 66 establishes that the national structures for the prevention and management of risks, humanitarian crises and disasters, in collaboration with local authorities, humanitarian institutions and civil society organizations, provide permanent education, information and raise public awareness in the prevention</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>

¹⁸⁵ PNA 2016-2020, pages 17-18.

¹⁸⁶ PNA 2016-2020, page 8.

¹⁸⁷ PNA 2016-2020, page 29.

<p>and management of risks, humanitarian crises and disasters. To this end, they draw up and implement a plan for education, information, and public awareness.¹⁸⁸</p> <p>This is also promoted by the PNA through its Priority 1 - understanding disaster risk.</p> <p>In addition, Article 6 of the DRM Law includes the principle of information and participation, establishing that the populations affected by a risk or a disaster are duly informed by the public authorities and participate effectively in the decision-making process that concerns them; and the principle of solidarity, according to which all members of the national community must contribute equitably to the efforts of prevention, preparation, organization of emergency relief and recovery in the event of risks or disasters.¹⁸⁹</p>	
<p>Protection, Dignity and Safety</p>	
<p>Does the law clearly provide a right to humanitarian assistance based on clear and specific needs?</p>	
<p>The Constitution of Burkina Faso sets out the fundamental human rights to be respected in all circumstances. While a right to humanitarian assistance is not specifically provided, a number of related rights are set out. For example, article 2 sets out the right to life, security, and physical integrity,¹⁹⁰ while the right to health care is provided in terms of article 18, and more specifically the right to potable water and sanitation, health, protection of maternity and of infancy, assistance to the aged persons, to the persons living with a handicap.¹⁹¹</p> <p>In terms of assistance based on specific needs, the principle of equity, provided in the DRM Law, is the principle according to which the different categories of population likely to be affected by risks, humanitarian crises or disasters must be treated according to their legitimate needs in the context of information and preventive evacuation operations, emergency relief, humanitarian assistance, displacement and resettlement and recovery.¹⁹² The principle of equity entails the need to take into account as a priority the needs of the communities most exposed to risks as well as high-risk areas for the purpose of reducing vulnerabilities and mitigating risks.¹⁹³</p>	<p>Burkina Faso's Constitution of 1991 (Amended in 2015)</p> <p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>

¹⁸⁸ Law n° 012/2014, article 66.

¹⁸⁹ Law n° 012/2014, article 6.

¹⁹⁰ Burkina Faso's Constitution of 1991 (Amended in 2015), article 2.

¹⁹¹ Burkina Faso's Constitution of 1991 (Amended in 2015), article 18.

¹⁹² Law n° 012/2014, article 6.

¹⁹³ Law n° 012/2014, article 6.

<p>Does the DRM law explicitly forbid discrimination in preparation and relief efforts, both by government and other actors?</p> <p>Although the DRM Law does not explicitly forbid discrimination in humanitarian assistance, it includes the principle of non-discrimination under its framework. As stated above, this is the principle according to which the measures and actions undertaken by the public authorities in the context of the prevention and management of risks and disasters are carried out without consideration of race, sex, religion, political affiliation or for any other reason. It implies impartiality in the implementation of DRR/DRM measures.¹⁹⁴</p> <p>Discrimination founded on race, ethnicity, region, colour, sex, language, religion, caste, political opinions, wealth, and birth is also forbidden in Article 1 of the Constitution.¹⁹⁵</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p> <p>Burkina Faso's Constitution of 1991 (Amended in 2015)</p>
<p>Does the DRM law ensure that needs assessments and relief operations look for and address the potential for specific needs (a) women, (b) minorities, (c) people with disabilities (d) displaced/migrant groups and (e) older persons (f) indigenous groups (g) youth?</p> <p>Needs assessments for especially vulnerable groups do not appear to be legally required in Burkina Faso in terms of the DRM Law. However, the PNA promotes the strengthening of a post-disaster needs assessment (PDNA) methodology in more general terms, as well as the organization of annual trainings and workshops to train key actors in the field of collection, analysis, interpretation, dissemination, use of data and mapping.¹⁹⁶</p>	<p>National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020</p>
<p>Unaccompanied children: Are roles/responsibilities clear for ensuring the placement, shelter and aftercare of unaccompanied children in disaster settings?</p> <p>From the documents reviewed, DRM laws and policies in Burkina Faso do not appear to outline roles and responsibilities for ensuring adequate support and protection for unaccompanied children in disaster settings specifically.</p> <p>Does the DRM law, policy or planning set out specific measures to combat heightened risks of trafficking and child exploitation in post-disaster settings?</p>	<p>Burkina Faso's Constitution of 1991 (Amended in 2015)</p>

¹⁹⁴ Law n° 012/2014, article 6.

¹⁹⁵ Burkina Faso's Constitution of 1991 (Amended in 2015), article 1.

¹⁹⁶ PNA 2016-2020, page 8.

<p>The DRM framework does not appear to set out measures to combat child trafficking and exploitation in post-disaster settings. However, slavery, inhuman and cruel, degrading and humiliating treatments, physical or moral torture, services and mistreatments inflicted on children and all forms of the degradation of man are forbidden by the Constitution.¹⁹⁷ In addition, Law n° 029-2008 establishes the framework for the fight against human trafficking. Article 5 provides that criminal imprisonment of ten to twenty years is incurred when the offense committed involves that the victim is exposed to dangerous, arduous work or the worst forms of child labour.¹⁹⁸</p> <p>The Labour Code also prohibits child and adolescent labour in section 4. Article 153 provides that, under this Act, the worst forms of child labour include:</p> <ul style="list-style-type: none"> • all forms of slavery or similar practices, such as the sale and trafficking of children, debt bondage and serfdom as well as forced or compulsory labour, including the forced or compulsory recruitment of children for the purpose of their use in armed conflict; • the use, procuring or offering of a child for the purposes of prostitution, pornographic production or pornographic performances; • the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs, as defined by international conventions; and • work which, by its nature or the conditions in which it is carried out, is likely to harm the health, safety or morals of children.¹⁹⁹ <p>Are special protections included in laws about adoptions (particularly international adoptions) in the aftermath of major disasters?</p> <p>Limited information could be located online relating to adoptions. From the documents reviewed, laws and policies in Burkina Faso do not appear to contain provisions on adoptions in the aftermath of major disasters.</p>	<p>Law n° 029-2008, On the fight against human trafficking</p> <p>Law n° 028-2008, Labour Code</p>
<p>Sexual and Gender Based Violence:</p>	

¹⁹⁷ Burkina Faso’s Constitution of 1991 (Amended in 2015), article 2.
¹⁹⁸ Law n° 029-2008, On the fight against human trafficking, article 5.
¹⁹⁹ Law n° 028-2008, Labour Code, article 153.

Are there laws or policies that assign roles/ responsibilities to carry out (a) education, awareness-raising, (b) advocacy, and (c) prevention of gender discrimination and/or SGBV?

Law n° 061-2015 establishes the legal framework for prevention, repression, and repair of violence against women and girls and care of victims. This law applies to all forms of violence against women and girls, in particular physical, moral, psychological, sexual, economic, heritage and cultural violence.²⁰⁰ No tradition, culture or religion can be invoked to justify these forms of violence against women and girls or exculpate any perpetrator of this type of violence.²⁰¹ Furthermore, this law provides for special procedures, the creation of specific structures and the specialization of judges to take, if necessary, urgent measures of protection, both in criminal and civil matters.²⁰² Article 39 created special structures within each unit of the police and the national gendarmerie, endowing them with the duty of:

- receiving and listening to women and girls who are victims of GBV or threatened with violence;
- quickly examining the urgent measures required by the circumstances;
- convening and hearing the authors;
- going to the scene to make observations and, if necessary, to intervene to put an end to violence in the process of being committed;
- arresting the perpetrators if necessary.²⁰³

In addition, article 40 establishes a center within each municipality for the care and protection of women and girls who are victims of GBV.²⁰⁴ The State also sets up listening and local support units for women and girls exposed to violence.²⁰⁵

Does the legal framework (DRM framework and laws applicable “in normal time”) provide special measures to guard against and/or sanction sexual and gender violence and how does it apply in disaster circumstances?

Although the PNA promotes the provision of awareness campaigns on GBV in disaster settings in the most vulnerable areas, no specific information could be found on legal measures in place to combat GBV in disaster settings specifically.

[Law n° 061-2015, On prevention, repression and repair of GBV](#)

²⁰⁰ Law n° 061-2015, article 2.

²⁰¹ Law n° 061-2015, article 2.

²⁰² Law n° 061-2015, article 3.

²⁰³ Law n° 061-2015, article 39.

²⁰⁴ Law n° 061-2015, article 40.

²⁰⁵ Law n° 061-2015, article 46.

<p>How do “normal time laws and systems related to GBV” work in times of disasters, are there coordination mechanisms established with DRM system?</p> <p>As stated above, DRM-related legislation does not appear to contain any provisions relating to GBV, and therefore it is difficult to define the coordination mechanisms with the DRM framework.</p>	
<p>Security: Does the legal framework provide special measures to guard against looting? Are mechanisms in place to assure the safety and security of relief personnel?</p> <p>From the documents reviewed, laws and policies in Burkina Faso (including the Statutes of the Armed Forces) do not appear to contain specific provisions on the safety and security of relief personnel. However, the national police corps have a seat in the different bodies of CONASUR at all levels, which might contribute to better security measures undertaken in disaster relief operations. In addition, the Statutes of the National Police establish in article 87 that policemen have the obligation to serve with patriotism, loyalty and probity, the interests of the State and to bring help, assistance and protection to people who are in need.²⁰⁶</p>	<p>Law n° 019-2015, General Statutes of National Armed Forces Personnel</p> <p>Law n° 027-2018, Statutes of the National Police</p>
<p>Displacement: Are human mobility dimensions taken into consideration as part of DRM planning and DRM decision making (including both internal and cross-border displacement)? Does the law and/or policy mandate or facilitate practical measures to reduce the risk of disaster and climate related displacement, explicitly addressing the following points on disaster and climate related internal displacement?</p> <ul style="list-style-type: none"> • protecting communities against displacement; • preparing for unavoidable displacement; • responding to displacement; and • finding durable solutions. <p>The DRM Law contains a chapter dedicated to defining the measures and procedures to support displacement and resettlement of disaster-affected populations. More specifically, article 59 provides that the national structure for the prevention and management of risks, humanitarian crises and disasters, in collaboration with local authorities, provides legal assistance to</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>

²⁰⁶ Law n° 027-2018, Statutes of the National Police, article 87.

displaced persons in order to increase their capacity to ensure the legal follow-up of the implementation of the measures agreed upon by the parties.²⁰⁷

In terms of resettlement, article 54 establishes that the choice of the resettlement site of the affected population is made in consultation with the affected populations and takes place taking into account the availability of the means of existence of the populations.²⁰⁸ The populations indicate their preferences regarding the sites offered to them, which the State takes into account as far as possible.²⁰⁹ The populations of the host site are consulted, and their consent must be obtained before any resettlement decision, in order to facilitate the integration of the affected populations on the new site.²¹⁰

Furthermore, the local authorities draw up and implement, with the support of the State, a local development plan, in collaboration and for the benefit of the municipality on whose territory the affected populations are resettled in order to facilitate the reconstitution of their livelihoods.²¹¹ The local development plan is an integrated development plan at the local level which contains all the operational measures to be implemented, within a given timeframe, to meet the needs of the affected populations of the host municipality, by creating the conditions conducive to economic activities, with a view to improving their living conditions.²¹² To this end, the administrative authorities, in collaboration with the other actors, ensure the permanent follow-up and carry out the regular evaluation of the resettlement, regularly drawing up and publish a report on the resettlement of populations.²¹³

Are there legal guarantees for the provision of shelter in case of displacement due to disasters, or does it set out alternatives to using schools as shelter or other mechanisms for undertaking necessary relocations?

It is provided in the DRM law that, when the information communicated by the integrated national information system reasonably suggests a high risk of disaster likely to affect the safety of persons, property and the environment, the competent authorities proceed either to containment or to preventive evacuation of populations to shelter them in places ensuring their safety.²¹⁴ However, specific alternatives for emergency shelter do not appear to be outlined in the law.

²⁰⁷ Law n° 012/2014, article 59.

²⁰⁸ Law n° 012/2014, article 54.

²⁰⁹ Law n° 012/2014, article 54.

²¹⁰ Law n° 012/2014, article 54.

²¹¹ Law n° 012/2014, article 57.

²¹² Law n° 012/2014, article 57.

²¹³ Law n° 012/2014, article 58.

²¹⁴ Law n° 012/2014, article 26.

Is there a legally defined procedure in case of loss of records or documentation?

From the documents reviewed for the purposes of this research, the law does not appear to provide special procedure for support to displaced persons in case of loss of documentation.

Is there equity in the assistance provided to persons with and without land title, and are there procedures in place to take into account legal disputes with regard to land titles and property? Are there preparedness arrangements to reduce legal issues regarding housing, land and property irregularities and disputes?

With respect to DRR, the DRM Law establishes in article 29 that it is forbidden to settle in flood-prone areas as defined by the land use plans.²¹⁵ The municipal authorities are tasked with taking the necessary measures to carry out preventive evacuations and prevent the settlement or resettlement of populations in such areas.²¹⁶

Displaced persons who cannot provide proof of any land title on the land they occupied, benefit from resettlement assistance, the lump sum of which is determined by the administrative authorities.²¹⁷ Also, natural or legal persons regularly settled in flood-prone areas, and holders of land titles in such areas are subject to eviction (with the land being expropriated by the state), and may receive financial compensation corresponding to the value of the investments made on the land.²¹⁸

In addition, the resettlement of displaced persons takes place with respect for the dignity and human rights of the affected persons. No displacement or resettlement of populations can be started before the housing is actually built and the host site selected has the minimum basic infrastructure, including education, health, roads and drinking water.²¹⁹

Do gender-specific needs or considerations exist in DRM law, including gender-sensitive needs assessments, standards for planning and construction of post-disaster accommodation and other arrangements for displaced communities?

Article 6 of the DRM Law includes the gender principle which ensures the inclusion of the interests and contributions of women and vulnerable groups in society in the prevention and management of risks and disasters and, more particularly in the formulation of policy, the planning, prevention, organization of relief operations, capacity building and reconstruction.²²⁰ However, further details are not provided.

²¹⁵ Law n° 012/2014, article 29.

²¹⁶ Law n° 012/2014, article 29.

²¹⁷ Law n° 012/2014, article 53.

²¹⁸ Law n° 012/2014, article 29.

²¹⁹ Law n° 012/2014, article 55.

²²⁰ Law n° 012/2014, article 6.

International Assistance	Key Tools: IDRL Guidelines, Model Decree and IDRL Checklist. Check Laws and Regulations Related to DRM, Foreign Affairs, Customs, Taxation, Finance, Quarantines, Health, Technology, Food Security, RCRC Laws, registration for charities; security, Regional and global mechanisms.
<p>Does your country's legal framework include procedures related to international disaster assistance?</p> <p>The DRM Law has a dedicated chapter on international cooperation (chapter 10). It provides, in article 68, that the prevention and management of cross-border emergency situations take place in accordance with international law and in particular regional and sub-regional agreements.²²¹ Thus, Burkina Faso cooperates with neighbouring States and regional and sub-regional organizations in the prevention and management of risks, humanitarian crises and disasters of a cross-border nature.²²² In terms of article 69, the Prime Minister may, when the scale of the disaster so requires, and after the declaration of a state of disaster, address a request for assistance to the international community to support emergency relief, humanitarian assistance and recovery operations.²²³ International assistance is granted in accordance with international law.²²⁴ Lastly, article 70 establishes that the State defines the modalities relating to the facilitation and regulation of international relief and recovery assistance operations in the event of disasters or major humanitarian crises.²²⁵</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>
<p>Do relevant sectoral laws contain any provisions related to international disaster assistance?</p> <p>From the documents available for review, sectoral laws in Burkina Faso do not appear to contain provisions related to international disaster assistance.</p>	

²²¹ Law n° 012/2014, article 68.

²²² Law n° 012/2014, article 68.

²²³ Law n° 012/2014, article 69.

²²⁴ Law n° 012/2014, article 69.

²²⁵ Law n° 012/2014, article 70.

<p>Do your country's laws and regulations set out a focal point for coordinating international assistance?</p> <p>Although the law does not explicitly mention the coordination of international disaster assistance, CONASUR is responsible for the coordination of humanitarian action and interventions of different actors through its sub-national bodies (CORESUR, COPROSUR and CODESUR) more generally.²²⁶</p>	<p>Decree n° 2009-601, creation, composition, attributions and functioning of the CONASUR</p>
<p>Are there adequate and efficient procedures in place to ensure coordination of international and domestic efforts at national and subnational levels and across all government agencies? Who is responsible for developing and implementing the rules and procedures related to international assistance?</p> <p>As stated above, article 70 of the DRM Law establishes that the State defines the modalities relating to the facilitation and regulation of international relief and recovery assistance operations in the event of disasters or major humanitarian crises.²²⁷ However, further details are not provided.</p>	
<p>Do your country's laws/ regulations outline a process for requesting/ welcoming offers of international disaster assistance and for terminating international assistance?</p> <p>As per article 69 of the DRM Law, the Prime Minister may, when the scale of the disaster so requires, and after the declaration of a state of disaster, address a request for assistance to the international community.²²⁸ The purpose of the request for international assistance may be to support emergency relief, humanitarian assistance and recovery operations.²²⁹ International assistance is granted in accordance with international law.²³⁰</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>
<p>Do your country's laws and regulations provide for necessary legal facilities to be provided for international assisting actors?</p>	
<p>(i) Landing rights and general customs arrangements</p>	

²²⁶ Decree n° 2009-601, articles 11-13.

²²⁷ Law n° 012/2014, article 70.

²²⁸ Law n° 012/2014, article 69.

²²⁹ Law n° 012/2014, article 69.

²³⁰ Law n° 012/2014, article 69.

<p>Burkina Faso is a State party to the Chicago Convention, which includes, in Annex 9, provisions and recommended practices for the facilitation of international emergency assistance.²³¹ The Civil Aviation Code is the national legislation for implementation of the provisions adopted through the Chicago Convention. However, the Civil Aviation Code does not appear to contain provisions relating to landing rights and customs arrangements for international assisting actors.</p>	
<p>(ii) customs arrangements for specialised goods and equipment</p> <p>Decree n° 2021-1352 establishes the Finances Law for 2022 in Burkina Faso, providing new additions and amendments to the General Tax Code. However, the Finances Law and the General Tax Code do not appear to contain provisions relating to special customs arrangements for international disaster assistance.</p> <p>On the other hand, the Customs Code provides that importation free of duties and taxes may be authorized for:</p> <ol style="list-style-type: none"> a) goods originating in the customs territory or nationalized by payment of duties, returned from abroad; b) consignments intended for Ambassadors, diplomatic and consular services and foreign members of certain official international bodies based in Burkina Faso; c) consignments intended for the Red Cross and other national solidarity works; and d) exceptional shipments devoid of any commercial nature.²³² <p>In terms of sub-regional agreements, Burkina Faso is a member of the West African Economic and Monetary Union (UEMOA). Regulation 09/2008/CN/UEMOA establishes simplified procedures for customs clearance. Article 2 states that Member States may grant simplified customs procedures relating to certain goods for reasons related to conservation requirements, urgency or any other duly justified reason.²³³ Although this regulation does not specify which goods or equipment could be subject to these provisions, it could potentially include international relief goods and equipment of urgent nature. Article 3 provides the requirements for simplified customs procedures, stating that the simplified declaration does not include all the information required by the regulations in force; however, it must contain, where applicable, the following information:</p> <ul style="list-style-type: none"> • name or company name of the importer; • full address of the importer; 	<p>Decree n° 2021-1352, Finances Law 2022</p> <p>General Tax Code 2018</p> <p>Law n° 03/92/ADP, Customs Code</p> <p>Regulation 09/2008/CN/UEMOA, Simplified procedures for customs clearance</p>

²³¹ Chicago Convention on International Civil Aviation 1944, Annex 9.

²³² Law n° 03/92/ADP, Customs Code, article 160.

²³³ Regulation n° 09/2008/CN/UEMOA, Simplified procedures for customs clearance, article 2.

<ul style="list-style-type: none"> • number of the fiscal identifier; • total number in figures and letters of the articles covered by the declaration; • total number of packages in a shipment; • description of goods; • name and code of country of origin; • name and code of country of origin; • identification of the means of transport; • mentions of the attached documents; • gross and net weight of the goods; • customs value of the goods in figures and letters; • rate and amount to be collected for import duties; • rate and amount to be collected for import duties; and name, address, company name, approval number of declarants, date and signature.²³⁴ 	
<p>(iii) immigration</p> <p>The law does not appear to contain provisions relating to the expedited entry of international assistance personnel in Burkina Faso. However, limited documentation relating to immigration could be located online.</p>	
<p>(iv) Registration of international assisting actors</p> <p>The DRM Law does not include provisions on the registration of international assisting actors. Law n° 064-2015, relating to the freedom of association, establishes that any foreign association wishing to carry out its activities in Burkina Faso is subject to the prior authorization of the Minister responsible for public freedoms. It is required to appoint a representative and a deputy, at least one of whom is of Burkinabe nationality.²³⁵ The request for authorization addressed to the Minister in charge of public freedoms includes:</p> <ul style="list-style-type: none"> • a stamped request; 	<p>Law n° 64-2015, Freedom of Association</p>

²³⁴ Regulation n° 09/2008/CN/UEMOA, article 3.

²³⁵ Law n° 064-2015, Freedom of Association, article 24.

<ul style="list-style-type: none"> • a copy of the official act of existence of the association, in triplicate, authenticated in the country of origin; • a copy of the statutes of the association in three legalized copies; • a list of the main leaders of the association in the country of the headquarters with their complete addresses in triplicate; • a deed of appointment of the representative and his deputy signed by the principal in three legalized copies; • an extract from the minutes of the general meeting of the authority or body that decided on the intervention of the association in Burkina Faso in three authenticated copies; • a photocopy of the identity document of the representative and his deputy in triplicate certified true to the original; and • a program of activities envisaged in Burkina Faso and the corresponding budget in triplicate.²³⁶ <p>This law also does not include special provisions or procedures in disaster settings.</p>	
<p>(v) Recognition of professional qualification of foreign personnel</p> <p>Directive 06/CM/UEMOA seeks to facilitate free movement as well as the establishment for the exercise of the profession of doctors in the Member States by a doctor who is a national of the West African Economic and Monetary Union (the Union) already registered with the National Order of Doctors of one of the Member States.²³⁷ Although no direct mention of international relief personnel is made, article 5 provides that any doctor who is a national of the Union regularly registered with the National Order of Doctors of a member country of UEMOA may freely exercise his profession, as a self-employed or salaried person, in any other member country of the Union, under the following conditions:</p> <ul style="list-style-type: none"> • they hold a doctorate degree in medicine and in addition, for the specialist, one or more diplomas or certificates of specialties recognized by the African and Malagasy Council for Higher Education (CAMES); • they are in possession of a letter of introduction from the President of the National Council of the Order of Physicians of the country of origin or provenance; • they are registered with the National Council of the Order of Physicians of the host country.²³⁸ <p>However, there do not appear to be any procedures in national legislation that simplify the recognition of doctors from non-Union member states, nor for any other foreign professional qualifications, such as those of nurses, engineers, or architects in the domestic laws of Burkina Faso.</p>	<p>Directive 06/CM/UEMOA</p>

²³⁶ Law n° 064-2015, Freedom of Association, article 25.

²³⁷ Directive n° 06/CM/UEMOA, article 2.

²³⁸ Directive n° 06/CM/UEMOA, article 5.

<p>(vi) Tax and currency exchange for disaster relief activities</p> <p>There do not appear to be specific provisions relating to tax and currency exchange for international assisting actors in Burkina Faso. The general provisions relating to taxation have been set out above.</p>	<p>General Tax Code 2018</p>
<p>(vii) Freedom of movement of international assisting actors during a disaster response</p> <p>There does not appear to be any provisions that facilitate the free movement and access of international assisting actors to disaster-affected populations.</p>	
<p>(viii) Safety and Security of international assisting actors</p> <p>The law does not explicitly provide for the safety and security of international assisting actors.</p>	
<p>(ix) Additional facilities for international disaster relief</p> <p>There do not appear to be additional facilities related to international disaster relief operations in Burkinabe law.</p>	
<p>Please include other applicable information relating to legal facilities here.</p> <p><u>Legal facilities under international law</u></p> <p>Burkina Faso subscribes to the monist approach to international law, according to which international agreements automatically become part of domestic law as soon as they are ratified and published in the official national gazette.²³⁹</p> <p>There are several international agreements of relevance to international disaster assistance. Most relevant to this study are those instruments that expedite and facilitate the provision of international humanitarian assistance. The Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations (Tampere Convention) provides legal facilities for the importation of telecommunications equipment and resources during emergencies, specifically requiring state</p>	

²³⁹ See the Constitution of Burkina Faso 1991 (amended in 2015), article 151.

parties to reduce or remove regulatory barriers to the use of telecommunication resources for disaster relief.²⁴⁰ With regards to transport, of most relevance is Annexe 9 of the Chicago Convention on Civil Aviation (Chicago Convention) which provides procedural guidance for with respect to aircraft containing humanitarian assistance in response to disasters. Further, the Convention on the Facilitation of International Maritime Traffic mandates parties to facilitate the entry and exit of vessels engaged in natural disaster relief work and facilitate the entry of persons and cargo related to natural disaster relief work.²⁴¹

In terms of customs, the International Convention on the Simplification and Harmonisation of Customs Procedures (Kyoto Convention),²⁴² which was adopted in 1973 and revised in 1999, and the Convention on Temporary Admission (Istanbul Convention),²⁴³ simplify and harmonise customs clearance procedures for the importation of goods. Specifically, Annexe B3 of the Kyoto Convention recommends as practice that states exempt goods, including “foodstuffs, medicaments, clothing and blankets sent as gifts to an approved charitable or philanthropic organisation for distribution free of charge to needy persons by the organisation or under its control”.²⁴⁴ Annexe J5 provides guidelines to expedite the clearance of relief consignments intended to assist those affected by disasters. Annexe B2 to the Istanbul Convention regulates the importation of professional and communication equipment for practitioners of various disciplines in support to relief efforts. The measures and exemptions for temporary admission of goods for humanitarian purposes in response to natural disasters and other catastrophes are stipulated in Annexe B9. In addition, Annexe C of the Istanbul Convention allows for the temporary admission of means of transport used by a foreign entity and Annexe D allows for temporary admission of animals, including those involved in rescue operations.

It is also relevant to note treaties related to privileges and immunities law. The doctrine of privileges and immunities is not directly linked to disasters.²⁴⁵ However, it is essential for those entities involved in disaster response to which it applies, as it addresses many of the access and operations related issues identified as problematic in field operations, as it typically allows the holder of privileges and immunities to easily enter, exit and operate in a foreign country with minimum interference from domestic authorities.²⁴⁶ Much of the customary law in the area of privileges and immunities has been codified in the Vienna Convention on Diplomatic Relations²⁴⁷ and the Vienna Convention on Consular Relations.²⁴⁸ However, personal diplomatic and consular privileges

²⁴⁰ See article 9 of the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, June 18, 1998, UN depositary notification C.N.608.1998.TREATIES-8 of Dec. 4 1998 (entered into force Jan. 8, 2005) (Tampere Convention).

²⁴¹ See article 5.11 and 5.12 of Annexe 1 of the Convention on the Facilitation of International Maritime Traffic, 9 April 1965, 591 U.N.T.S. 265.

²⁴² Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures of 18 May 1973, 26 June 1999.

²⁴³ Convention on Temporary Admission, 26 June 1990.

²⁴⁴ Annexe B.3 to the Kyoto Convention, recommendation 7.

²⁴⁵ 2007 IDRL Study, page 39.

²⁴⁶ 2007 IDRL Study, page 39.

²⁴⁷ Vienna Convention on Diplomatic Relations, April 18, 1961, 500 U.N.T.S. 95.

²⁴⁸ Vienna Convention on Consular Relations, April 24, 1963, 596 U.N.T.S. 261.

and immunities generally do not extend outside the scope of mission staff and their families, and therefore civil protection, military and other disaster responders generally do not benefit from them.²⁴⁹ Intergovernmental organisations have also traditionally been granted privileges and immunities to enable them to carry out their functions without undue interference, but in general NGOs do not benefit from privileges and immunities under international law.²⁵⁰ It was not possible to determine which organizations have been granted privileges and immunities in Burkina Faso.

In addition, the Framework Convention on Civil Defence Assistance provides a legal framework to reduce obstacles for effective international cooperation between states in disaster settings. It is also worth mentioning the Convention on the Safety of UN and Associated Personnel (UN Safety Convention) and the Optional Protocol thereto, which imposes an obligation on a state hosting a UN operation to protect UN personnel and property to prevent or reduce any impunity for those who attack UN or associated personnel or property.²⁵¹

In terms of human rights treaties, the Convention on the Rights of Persons with Disabilities references disaster assistance the most directly. State parties are required to take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including humanitarian emergencies and natural disasters.²⁵² In addition, there are several global human rights treaties, such as the International Covenant on Civil and Political Rights²⁵³ and the International Covenant on Economic, Social and Cultural Rights²⁵⁴ that set out rights closely linked to disaster relief and recovery assistance. These include the rights to life, food and water, housing, clothing, health, livelihood, and freedom from discrimination.²⁵⁵

There are also instruments which regulate the management of specific types of disasters or emergencies. For example, the International Health Regulations (the IHR)²⁵⁶ regulate health emergencies with potential transboundary effects, defining the rights and responsibilities for state parties in handling outbreaks and providing public health measures for international traffic and travel. Another example is the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, which sets out rules for the initiation, coordination, and operation of international assistance operations in case of nuclear or radiological events as well as for legal facilities to be granted for the effective administration of assistance.²⁵⁷ A third example is the International

²⁴⁹ 2007 IDRL Study, page 40.

²⁵⁰ 2007 IDRL Study, page 40.

²⁵¹ UN Safety Convention, articles 7 and 11.

²⁵² See article 11 of the Convention on the Rights of Persons with Disabilities.

²⁵³ International Covenant on Civil and Political Rights, 16 December 1966, 999 U.N.T.S. 171.

²⁵⁴ International Covenant on Economic Social and Cultural Rights, 16 December 1966, 999 U.N.T.S. 3.

²⁵⁵ 2007 IDRL Study, page 34.

²⁵⁶ World Health Assembly, Revision of the International Health Regulations, Doc. No. WHA58.3 (23 May 2005).

²⁵⁷ Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency Sept. 26, 1986, 1439 U.N.T.S. 275, articles 1, 2, 3, 4, 7, 8, 9, 10, and 11.

Convention on Oil Pollution Preparedness, Response and Cooperation²⁵⁸ and its Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances²⁵⁹ which require state parties to cooperate and provide advisory services, technical support, and equipment when necessary and within their capabilities and resources, to respond to an oil pollution incident, as well as to take the legal or administrative measures necessary to facilitate the arrival and utilisation of vessels and the expeditious movement of personnel, cargoes, materials and equipment.²⁶⁰

In terms of regional instruments, article 23 of the African Charter on the Rights and Welfare of the Child²⁶¹ (ACRWC) provides that states shall take all appropriate measures to ensure that refugee children as well as children who have been internally displaced, including by disasters, receive appropriate humanitarian assistance. In addition, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), provides in article 5(7) that state parties are obligated to facilitate the coordination of international relief and allow rapid and unimpeded passage of humanitarian relief to internally displaced persons. Further, states shall enable and facilitate the role of local and international organisations and humanitarian agencies, as well as other relevant actors, to provide protection and assistance to IDPs.

The tables below examine which of the above-mentioned agreements Burkina Faso is a state party to:

Convention	State party
Tampere Convention²⁶²	No
Chicago Convention²⁶³	Yes
Convention on the Facilitation of International Maritime Traffic²⁶⁴	No
Annexe B.3 to the Kyoto Convention²⁶⁵	Yes
Annexe J-5 to the Kyoto Convention²⁶⁶	Yes

²⁵⁸ International Convention on Oil Pollution Preparedness, Response and Cooperation, 30 November 1990, 30 I.L.M. 733 (1990).

²⁵⁹ Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 15 March 2000.

²⁶⁰ See article 7 on the Convention on Oil Pollution Preparedness, Response and Cooperation and article 5 of the Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances.

²⁶¹ African Charter on the Rights and Welfare of the Child, 11 July 1990, OAU Doc. CAB/LEG/24.9/49 (1990).

²⁶² Information obtained from the UN Treaty Collection (UNTC) available at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXV-4&chapter=25.

²⁶³ Information obtained from ICAO available at <https://www.icao.int/publications/Pages/doc7300.aspx>.

²⁶⁴ Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280129d04>.

²⁶⁵ Information obtained from the World Customs Organization (WCO) available at http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments.

²⁶⁶ Information obtained from the WCO available at http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments.

Annexe B9 to the Istanbul Convention²⁶⁷	No		
Annexe D to the Istanbul Convention²⁶⁸	No		
Vienna Convention on Diplomatic Relations²⁶⁹	Yes		
Vienna Convention on Consular Relations²⁷⁰	Yes		
Framework Convention on Civil Defence Assistance²⁷¹	No		
UN Safety Convention and Optional Protocol²⁷²	Signed and ratified the Convention, but not the Optional Protocol		
Convention on the Rights of Persons with Disabilities²⁷³	Yes		
IHR²⁷⁴	Yes		
Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency²⁷⁵	Yes		
International Convention on Oil Pollution Preparedness, Response and Cooperation²⁷⁶	No		
ACRWC²⁷⁷	Yes		
International Covenant on Civil and Political Rights²⁷⁸	Yes		
International Covenant on Economic, Social and Cultural Rights²⁷⁹	Yes		

²⁶⁷ Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

²⁶⁸ Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

²⁶⁹ Information obtained from https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=III-3&chapter=3&clang=en.

²⁷⁰ Information obtained from the UNTC https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=III-6&chapter=3.

²⁷¹ Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280086ecb&clang=en>.

²⁷² Information obtained from the UNTC available at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-8&chapter=18 and https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-8-a&chapter=18&clang=en.

²⁷³ Information obtained from the UNTC available at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-15&chapter=4.

²⁷⁴ Information obtained from World Health Organisation available at https://www.who.int/ihr/legal_issues/states_parties/en/.

²⁷⁵ Information obtained from the International Atomic Energy Agency available at <https://www.iaea.org/topics/nuclear-safety-conventions/convention-assistance-case-nuclear-accident-or-radiological-emergency#:~:text=The%20Convention%20on%20Assistance%20in,in%20the%20event%20of%20nuclear.>

²⁷⁶ Information obtained from the UNTC <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800aada6>.

²⁷⁷ Information obtained from the AU available at <https://au.int/en/treaties/african-charter-rights-and-welfare-child>.

²⁷⁸ Information obtained from the UNTC available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-4&chapter=4&clang=en.

²⁷⁹ Information obtained from the UNTC available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-3&chapter=4.

Kampala Convention ²⁸⁰	Yes		
Do your country's laws and regulations set out quality standards for international assisting actors?			Although the DRM Law is based on a set of fundamental principles guiding humanitarian action in Burkina Faso, it does not appear to set out quality standards specifically for international assisting actors.
Do your country's laws and regulations set out eligibility requirements for international assisting actors to receive legal facilities?			There do not appear to be laws and regulations explicitly setting out eligibility requirements for international assisting actors to receive legal facilities in Burkina Faso based on their competence or experience.
Do your country's laws and regulations establish a specialised unit for expediting the entry of international disaster assistance?			There do not appear to be provisions that establish a specialized unit for expediting the entry of international disaster assistance in Burkina Faso.
Do your country's laws and regulations provide adequate transparency safeguards and accountability mechanisms governing international disaster assistance?			Current laws for DRM in Burkina Faso do not appear to set out specific procedures or guard against the misappropriation of disaster relief funds, although the normal criminal laws of Burkina Faso, relating to fraud and corruption, would apply in such instances. Provisions in general terms on fraud and corruption are included in further detail below.
Do your country's laws and regulations outline rules and procedures for international disaster assistance sent from, or transiting through your country?			

²⁸⁰ Information obtained from the AU available at <https://au.int/sites/default/files/treaties/36846-sl-afrikan%20union%20convention%20for%20the%20protection%20and%20assistance%20of%20internally%20displaced%20persons%20in%20africa%20%28kampala%20convention%29.pdf>.

The law does not outline special procedures for international disaster assistance sent from and transiting through Burkina Faso.	General Tax Code 2018
4. Recovery	
<p>Are there clear institutional mandates that specify the role of each agency, and clarify the responsibilities of the various stakeholders, in the recovery?</p> <p>The DRM Law defines “recovery” as the overall process of supporting disaster-affected communities in their efforts to rebuild physical infrastructure and restore social, emotional, economic and physical well-being.²⁸¹ Recovery includes, on the one hand, rehabilitation, which consists in restoring the essential functions of society, lasting from a few weeks to a few months, and, on the other hand, reconstruction, which consists in total recovery of the pre-disaster state, lasting from a few months to a few years.²⁸² Thus, recovery, which includes rehabilitation and reconstruction, aims to establish normal living conditions for the population, making it possible, beyond the establishment of previous living conditions, to improve the living conditions of the affected people.²⁸³</p> <p>The conduct of recovery, rehabilitation and reconstruction operations is placed under the responsibility of the ministry in charge of social action.²⁸⁴ When the scale of the recovery, rehabilitation and reconstruction so requires, the local authorities draw up and implement, in consultation with the central authorities, a local development plan intended to restore, in the medium and long term, the means existence of the affected people.²⁸⁵ In addition, civil society organizations make a technical, material and financial contribution to support recovery measures.²⁸⁶</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p>
Is early involvement of line ministries provided for?	

281 Law n° 012/2014, article 5.
282 Law n° 012/2014, article 5.
283 Law n° 012/2014, article 44.
284 Law n° 012/2014, article 43.
285 Law n° 012/2014, article 44.
286 Law n° 012/2014, article 16.

<p>Aside from what has been stated above, limited information could be located online relating to the engagement of various stakeholders in the recovery phase, including that of relevant ministries. From the documents reviewed, laws and policies in Burkina Faso do not appear to contain provisions on early involvement of line ministries.</p>	
<p>Are authorities and mandates for recovery from local to national clear?</p> <p>Following what has been stated above, mandates for recovery, from the local to the national level, do not appear to be clearly outlined either in the DRM-related laws reviewed for the purpose of this mapping.</p>	
<p>Is community participation mandated in recovery decision making?</p> <p>Community engagement does not appear to be explicitly mandated in recovery decision making as per the documents reviewed.</p>	
<p>5. Liability and Accountability</p>	
<p>Are there public reporting or parliamentary oversight mechanisms for government agencies tasked with DRM, DRR, Response and Recovery established and is such information made publicly available, and is there a role for the judiciary in enhancing accountability for DRM?</p> <p>The DRM Law provides in article 71 that offenses committed in violation of the provisions of this law are noted by the judicial police officers, in accordance with the provisions of the code of criminal procedure.²⁸⁷ Thus, the judicial police officers may, in the event of flagrante delicto and under the conditions provided for by the code of criminal procedure, arrest the perpetrators of the offenses and bring them before the competent courts.²⁸⁸</p> <p>The Permanent Secretariat of CONASUR is composed by three technical structures. Of relevance to this point is the Department of Studies, Planning and Control, which is the body responsible for monitoring, evaluating and controlling intervention aimed at mitigating the effects of natural calamities and other disasters.²⁸⁹</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p> <p>Decree n° 2009-601, creation, composition, attributions and functioning of the CONASUR</p> <p>Decree n° 2015/1332, Statutes of the National Solidarity Fund</p>

²⁸⁷ Law n° 012/2014, article 71.

²⁸⁸ Law n° 012/2014, article 71.

²⁸⁹ Decree n° 2009-601, article 22.

<p>The FNS also has a structure responsible for internal audit, reporting to the Board of Directors.²⁹⁰ The FNS is subject to control and inspection by the various State control bodies empowered for this purpose, in particular: the Higher State Control Authority; the General Inspectorate of Finance; the Inspection General of the Treasury; the supervision structure of the national funds of the financial guardianship, the Technical Inspection of the services of the ministry in charge of social action.²⁹¹ To this end, the Court of Auditors ensures the jurisdictional control of the accounts of the FNS.²⁹²</p> <p>Apart from this, there do not appear to be parliamentary oversight mechanisms in place for government agencies, where the judiciary has a key role in the enhancement of accountability in DRM activities.</p>	
<p>Are there legal and/or administrative sanctions (as appropriate) established for public officials, individuals and businesses for a gross failure to fulfil their duties on (i) DRR (ii) preparedness and response and (iii) Recovery?</p> <p>Chapter 11, section 2 of the DRM Law is dedicated to defining the legal sanctions to be imposed in cases of non-compliance with the provisions governing DRR/DRM in Burkina Faso. These sanctions are aligned with the provisions established by the Criminal Code, and include, among other things, the denial or obstruction of assistance to persons in need, actions of looting or vandalism carried out in disaster settings, and fraudulent registration of disaster victims.²⁹³</p> <p>The Criminal Code stipulates in article 352 the penalties applying to anyone who voluntarily refrains from bringing to a person in danger the assistance that, without risk for him or for the third party, he could lend him either by his personal action, or by causing relief.²⁹⁴</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p> <p>Criminal Code 1996</p>
<p>Are rights relevant to DRM established, including the right to disaster information, and enforcement mechanisms provided?</p> <p>From the documents reviewed, laws in Burkina Faso do not appear to clearly establish rights relevant to DRM.</p>	
<p>Are there incentives for compliance with laws and regulations for DRM (i) DRR and (ii) Response and Preparedness, and Recovery?</p>	

²⁹⁰ Decree n° 2015/1332, article 57.

²⁹¹ Decree n° 2015/1332, article 59.

²⁹² Decree n° 2015/1332, article 60.

²⁹³ Law n° 012/2014, chapter 11, section 2.

²⁹⁴ Criminal Code 1996, article 352.

<p>There do not appear to be any incentives for compliance with laws and regulations for DRM and recovery included in the documents available for review.</p>	
<p>Does the law provide liability protections to disaster rescue and relief personnel (including volunteers), governments, National Societies and civil society organisations?</p> <p>There do not appear to be any clear procedures in domestic law for ensuring liability protections for volunteers, the CRB and other civil society organizations.</p>	
<p>Are mechanisms in place to prevent unlawful diversion, misappropriation, or fraud concerning disaster relief operations?</p> <p>The DRM Law establishes in article 48 that the public authorities invested with the prerogatives of requisition assume the responsibility of the owner or the holder with regard to the requisitioned goods.²⁹⁵ When the equipment provided by a natural or legal person within the framework of a requisition is damaged, destroyed or lost, the State pays the owner, in compensation, fair compensation within a reasonable time.²⁹⁶ In the event of a disagreement between the parties, the latter have recourse to the services of an expert.²⁹⁷ As per article 76, , a holder of property intended for disaster victims, whouses or conceals such goods, will be punished for embezzlement of public property or illicit enrichment. If the holder is an agent of the State or a person authorized for this purpose, the penalty imposed will be doubled.²⁹⁸</p> <p>Furthermore, as stated above, the DRM Law identifies fraudulent registrations of disaster victims in order to benefit from humanitarian assistance as a criminal act subject to legal sanctions.²⁹⁹ The penal sanctions incurred are without prejudice to the establishment and payment of damages in the event of damage caused to persons and property.³⁰⁰</p> <p>The Criminal Code contains provisions on fraud and corruption in more general terms. More specifically, article 487 provides that in Burkina Faso, the penalty is imprisonment for five to ten years, if the breach of trust has been committed by a person appealing to the public in order to obtain, either for his own account, or as director, administrator or manager of a company or a commercial or industrial enterprise, the remittance of funds or securities by way of deposit, mandate or pledge.³⁰¹ As per article 85, other</p>	<p>Law n° 012/2014, relating to the prevention and management of risks, humanitarian crises and disasters</p> <p>Criminal Code 1996</p>

²⁹⁵ Law n° 012/2014, article 48.
²⁹⁶ Law n° 012/2014, article 48.
²⁹⁷ Law n° 012/2014, article 48.
²⁹⁸ Law n° 012/2014, article 76.
²⁹⁹ Law n° 012/2014, article 77.
³⁰⁰ Law n° 012/2014, article 79.
³⁰¹ Criminal Code 1996, article 487.

offenses identified and subject to punishment are theft, fraud, breach of trust, abuse of blank check, embezzlement of public funds or seized objects, extortion, trickery, corruption, misappropriation, offenses relating to checks and offenses relating to society.³⁰²

6. Public Health Emergencies

What are the main laws, policies and plans which govern preparedness and response to public health emergencies?

The provisions relating to the preparedness and response to public health emergencies (PHEs) in Burkina Faso appear to be typified in the Public Health Code, established by Law n° 23/94/ADP. These include prevention measures against epidemics in chapter V. The action of the national health system is exercised according to the following guidelines:

- the harmonious development of the public sector and the private sector;
- health planning that fits into the overall process of national socio-economic development;
- the multisectoral and interdisciplinary approach in the execution of health programs;
- the mobilization of human, material and financial resources intended to support health programs;
- the integration of preventive, curative and rehabilitation care activities;
- the decentralization and hierarchization of health services; and
- self-responsibility of the community and individuals and their participation in the organization, planning, execution and evaluation of health programs.³⁰³

The National Health Development Plan 2011-2020 (PNDS) provides a framework for strengthening the national health care system. One of the strategic objectives aims specifically at strengthening the health system response to emergencies and disasters by:

- strengthening preparedness and response to health emergencies;
- setting up a disaster health management system; and
- strengthening intra-sectoral coordination and inter-sectoral collaboration in disaster management.³⁰⁴

[Law n° 23/94/ADP, Public Health Code](#)

[National Health Development Plan 2011-2020](#)

³⁰² Criminal Code 1996, article 85.

³⁰³ Law n° 23-94/ADP, Public Health Code, article 5.

³⁰⁴ National Health Development Plan (PNDS) 2011-2020, page 29.

<p>Which government and non-government actors do laws, policies and plans identify as responsible for responding to public health emergencies? Please list each relevant actor and describe their roles and responsibilities.</p> <p>The Public Health Code establishes in article 6 that the protection and promotion of the health of the population as well as the provision of care are the responsibility of the State.³⁰⁵ The Code does not identify other actors involved in the provision of health care services or in the response to PHEs.</p> <p>The PNDS identifies the Ministry of Health as the leading agency for the implementation of the guidelines provided in the PNDS.</p>	<p>Law n° 23/94/ADP, Public Health Code</p> <p>National Health Development Plan 2011-2020</p>
<p>Is there a coordination mechanism for the actors that are involved in responding to public health emergencies and, if so, which actors are included in the coordination mechanism? Who has overall command and control for the response?</p> <p>The PNA promotes through Priority 4 the strengthening of effective coordination for preparedness and response to emergencies in Burkina Faso. More specifically, it proposes to review existing plans (national multi-risk plan; epidemics, ORSEC plans, etc.) by establishing links between them;³⁰⁶ to develop Sector Plans/Frameworks for Recovery from diseases and epidemics, among other things,³⁰⁷ and to train local health care workers on emergency preparedness, including emerging diseases with epidemic potential.³⁰⁸</p> <p>However, there do not appear to be coordination mechanisms in place for the actors involved in responding to PHEs.</p>	<p>National Action Plan for Capacity Building for Risk Reduction and Emergency Response Preparedness 2016-2020</p>
<p>Are public health emergencies governed by the same legal and institutional framework as other types of disasters (e.g. floods, storms)? (That is, are they regulated by the same laws and managed by the same actors?) If public health emergencies are governed by a separate, specialised legal and institutional framework, are there any linkages between that framework and the framework for other types of disasters?</p> <p>There do not appear to be clear links between the DRM and the PHE institutional frameworks, aside from what has been set out above.</p>	

³⁰⁵ Law n° 23-94/ADP, article 6.
³⁰⁶ PNA 2016-2020, page 25.
³⁰⁷ PNA 2016-2020, page 28.
³⁰⁸ PNA 2016-2020, page 29.