



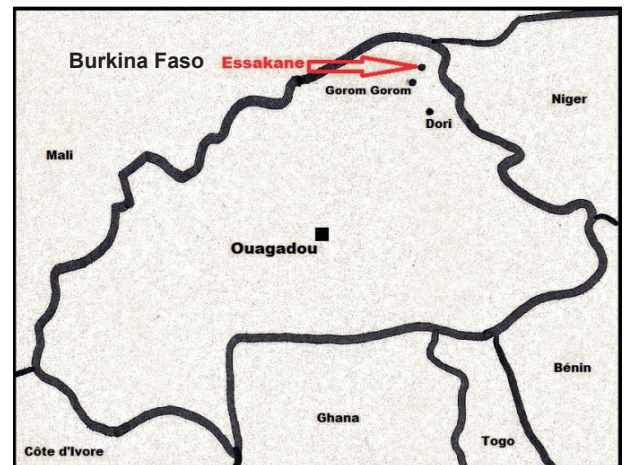
## Gold Mining in Burkina Faso

### ESSAKANE

- LOCATION:** Essakane, in the district of Gorom-Gorom, Oudalan province, north-east Burkina Faso (Sahel)
- PROBLEM:** Following an agreement between the government of Burkina Faso and the Canadian company IAMGOLD<sup>1</sup> on gold mining and related activities, local communities have been displaced. This has had a negative impact on their living conditions.
- COMMUNITIES:** In total 13 communities, representing 2,562 households and 11,563 people belonging to ethnic groups of Fulani, Bellas, Tuareg and Sonraïs (2009 figures).
- STAKEHOLDERS:** Affected communities, national and local Burkinabé authorities, IAMGOLD Essakane SA (90% owned by the Canadian company IAMGOLD) and the Canadian government.
- MAJOR VIOLATIONS:** The right of affected communities to adequate food, water and housing, a healthy environment, education and employment.

Burkina Faso is a landlocked country in West Africa with a population of 17,280,000 (estimate for 2012). It is one of the poorest countries in the world. Its Human Development Index (HDI) for 2011 was 0.331, which ranks it 181st out of 187 countries. The literacy rate is very low. According to UNICEF only 29% of adults are literate (the majority of whom are men). Approximately 80% of the population depends on agriculture. However, the sector represents only 32% of the GDP (OECD). Since 2009, gold has become the first export product of the country, supplanting the cotton export revenue. In 2010, revenue generated by the gold mining sector increased to 440 billion CFA francs (67 million euros), which represented nearly 8% of the GDP in 2010, according to the government of Burkina Faso. This figure is increasing, as gold extraction increased from 5.5 tonnes in 2007 to nearly 33 tonnes in 2011. The gold sector has benefited from the sweeping mining law reform in 2003 that was aimed at attracting foreign investment and thus offered many advantages to investors, namely fiscal benefits.

*On 8 May 2003, the National Assembly adopted a new mining law. In the words of the Bureau of Mines and Geology of Burkina (BUMIGEB), one of the main goals of this reform was to 'address the concerns of mining investors.'<sup>2</sup> According to this same source, it was necessary to make the mining law and regulations more attractive to investors by including many incentives, in particular fiscal ones.*



Map of Burkina Faso

This strong growth in mine extraction is due to six industrial mines, the most important of which is Essakane, in the region of Gorom-Gorom. In this region, the main traditional economic activities are livestock, agriculture and artisanal gold mining, since the discovery of gold in the region in 1985. Gold mining in this area was industrialized in the early 2000s,<sup>3</sup> and from 2007 feasibility studies were conducted first by GOLD FIELDS and then by the Canadian company Orezone (which was acquired in 2009 by another Canadian company, IAMGOLD) on obtaining an operating license for gold mining in the area. Such a license was granted in 2008 for an area of 10,020 hectares<sup>4</sup> (in 2012, IAMGOLD claimed mineral rights to 128,300 ha)<sup>5</sup>. An advisory committee was then set up to address the issues raised by the physical and economic displacement and resettlement of local communities. In November 2009<sup>6</sup>, the communities

were displaced: they had to leave their homes and fields (which would then be destroyed) and were granted new lands beyond the boundaries of the mine<sup>7</sup>. Since moving, these 13 communities, representing 2,562 households and 11,563 people<sup>8</sup>, have come together to form six communities: Bounia, Essakane site Marganta, Pétabarabé Oudalan Pétabarabé Seno and Ticknawell. The displaced populations are extremely vulnerable, given the problems caused by the extreme aridity of the local environment, inadequate rainfall, low level of schooling and literacy of the population and low population density<sup>9</sup>. The lifespan of the mine is estimated to be 14 years, until 2025<sup>10</sup>. The mining area is scheduled to be extended in late 2013, and this, according to IAMGOLD forecasts, will increase the current 32 tonnes of gold annually to 56 tonnes<sup>11</sup>. Nearly 2,000 people will be affected by this extension: '50 households will be relocated to the northern stretch of the mine and 350 households to the Falagountou side' (according to the CEO of Essakane SA, as quoted in the press)<sup>12</sup>.



Man on dry land in Essakane, Burkina Faso, photo by FIAN International

## HUMAN RIGHTS IMPACTS

In December 2012, IAMGOLD, the communities and FIAN launched a renewed dialogue initiative (in addition to existing communication mechanisms). It is important to note that concrete measures likely to have a positive impact on the realization of the human rights of the affected communities appear to have been taken. This is because the company has increased its efforts and opened other avenues of dialogue with the communities (accompanied by FIAN). However, it is imperative that the Burkinabé authorities also assume their responsibilities and act to meet their obligations with regard to human rights.

**RIGHT TO FOOD** (Art. 11 of the International Covenant on Economic, Social and Cultural Rights, ICESCR): Certain communities have lost their access to natural and productive resources, such as arable land. Although they

have been compensated for their crops and allocated new plots, these have proven to be very poor and often unsuitable for the food traditionally grown by these communities to meet the nutritional needs of families and livestock. Besides the dramatic declines in yields, the poor new land has caused changes in eating habits.

*Testimony of Imam Village Ticknawell: 'We used to live quite well from our fields and goldmines. But since we moved, it has been total misery. The mine recovered land for us with machines but these lands give us nothing. In our village, only 15 of our children have a contract to work at the mine. The rest of our children, dozens of them, have no fields to work in. We knocked in vain at the doors of the mine. So we trust in God and the goodwill of other people to ensure that the mine acknowledge see our case.'* (From the article 'Ce qu'ils pensent de IAMGOLD?' In the Aklar newspaper 05/2012, p. 5.)

**RIGHT TO WATER** (Arts. 11 and 12 of the ICESCR): Some communities also suffer from a lack of water on the relocation sites. Not all communities have adequate and sustainable access to water to meet their needs and nor do they have water for sanitation, irrigation and livestock.

*'If you take a village like Petabarabé Seno, it is the mine that supplies its drinking water. What will happen when the company is no longer there? (...) If the Essakane mine in Burkina Faso belongs to all Burkinabé, those who suffer most from the adverse consequences of this mine are the people of the Sahel.'* Yero Diallo Hamidou Interview - Sector 4 Dori - taken from the article 'Dori – Quel bilan après le Far West' in the newspaper La Voix du Sahel 04/2012, p. 5.)

**RIGHT TO WORK** (Art. 6 of the ICESCR): Communities no longer have the same access to gold mining, an activity that used to be a source of income. The vast majority have not been able to find a job at the mine and do not have access to markets for their products.<sup>13</sup>

**RIGHT TO ADEQUATE HOUSING** (Art. 11, para. 1 of the ICESCR): Although affected communities have been relocated, the new houses built for them are of dubious quality. People who were assigned new houses soon faced problems due to multiple cracks in the walls.

**RIGHT TO EDUCATION** (Art. 13 ICESCR): Despite the relocation, some children do not have access to education, particularly because of the remoteness of schools in relation to the resettlement sites, where no school has been built.

## SUPPORT OF THE COMMUNITIES

FIAN was alerted to the predicament of the communities in 2009. Although the process of establishing FIAN Burkina was still in its final stages, the first mission of FIAN International and FIAN Burkina Faso took place in December 2009. Following this mission, FIAN informed the authorities of Burkina Faso and Canada of the situation in November 2010. After this mission, in November 2011 a second research mission took place in collaboration with FIAN Burkina Faso, FIAN International, FIAN Belgium and the communities. The mission's objectives were to assess the evolution of the situation, analyze the demands and needs of communities, document the case, meet with local authorities and associations and ultimately establish the communities' strategy to support their struggle for their rights. At the end of this mission, a meeting between the communities, associations and local authorities was also held. This was an opportunity for community representatives to challenge their local authorities again. Since then, an action strategy was developed and implemented with the communities comprising:

- Training and capacity-building for the affected communities;
- Research mission in November 2012;
- Pressurizing the government: mailings, meetings and community support to bring their claims to the national authorities;
- Supporting the communities in new forms of dialogue with the company.

Depending on the authorities' reaction, the communities in collaboration with FIAN will decide on future actions to increase the visibility of the injustices they experience and ensure their resolution. This pressure will be even more important as Burkina Faso has experienced a mining boom in recent years, which means that the experience of communities in Essakane may be repeated in the future.<sup>14</sup> The communities and FIAN hope that the new channels of dialogue opened in early 2013 will help resolve the situation.

## CLAIMS

Burkina Faso is party to the ICESCR and the African Charter on Human and Peoples' Rights. The Burkina Faso government has the obligation to respect, protect and fulfill the human rights of its people, including their right to food. Yet the government of Burkina Faso is directly involved in such violations as a state, on the one hand, and, as holder of 10% of the shares in Essakane SA, on the



*Group of women in Essakane, Burkina Faso, photo by FIAN International*

other. It appears that the Burkina Faso authorities have not met their obligation to respect or protect the rights of Essakane communities. Canada also has a responsibility because it has an obligation to regulate and reinforce its control of companies based in Canada to ensure they respect human rights, even if their business activities are outside Canada. Finally, the mining company must respect the human rights of the affected communities, which implies a duty of due diligence.<sup>15</sup>

The affected communities demand from the Burkinabé government that it takes appropriate measures to:

- Ensure adequate and sustainable access to water;
- Ensure access to adequate and durable housing;
- Ensure that all communities are properly supported in the development of the land that has been allocated to them;
- Ensure regular and independent monitoring of the environmental impact as well as the communication of results to affected communities;
- Ensure universal access to education for all children in the affected communities;
- Strengthen community access to productive resources and the means to ensure their livelihood, including ensuring that affected communities have preferential recruitment opportunities to jobs at the mine;
- Ensure the monitoring and checking of business agreements between the authorities and affected communities;
- Ensure that the mining boom in the region has a positive impact at the local level and does not threaten the human rights of the local communities.



Villagers in Essakane, Burkina Faso, photo by FIAN International

<sup>1</sup> IAMGOLD's position on this publication states that: 'IAMGOLD does not agree with FIAN's assessment as set forth in this report. It is the Company's view that the report is not a balanced assessment of conditions on ground, nor is it an accurate portrait of IAMGOLD's relationship with the communities surrounding the Essakane mine.'" (first sentences of an official communication sent by IAMGOLD to FIAN on 15/03/2013).

<sup>2</sup> MINERGIE, NOUVEAU CODE MINIER AU BURKINA FASO, N° 22-23 de Juin 2003, <http://www.bumigeb.bf/textes/echos.htm#nvcode> (consulted on 11/01/2013).

<sup>3</sup> The following companies have operated in the area: CEMOB (1991), CIMC (2000), Joint Venture Orezone Inc./Gold Fields (majority) (2002), Orezone Resources Inc. (Became main operator in 2007) and IAMGOLD SA (2009), which is the current operator.

<sup>4</sup> IAMGOLD Corporation, Updated Feasibility Study - Essakane Gold Project Burkina Faso, Effective Date: June 3, 2008 Readdressed: March 3, 2009, p. 23, <http://www.iamgold.com/French/Exploitations/Mines-en-exploitation/Mine-dor--Essakane-Burkina-Faso/default.aspx> (consulted on 10/01/2013).

<sup>5</sup> IAMGOLD, Pouvoir d'agir, performance extraordinaire,

brochure, 2012, p. 2,

[http://www.iamgold.com/files/EssakaneBrochure\\_2012\\_FR.pdf](http://www.iamgold.com/files/EssakaneBrochure_2012_FR.pdf) (consulté le 10/01/2013).

<sup>6</sup> The official ceremony for awarding land certificates took place on November 19, 2009 (see article in Burkina Faso daily newspaper « Le Pays » : Le Pays, Essakane Site, Le Pays n° 4500, Wednesday 25 November 2009).

<sup>7</sup> IAMGOLD Corporation, Updated Feasibility Study - Essakane Gold Project Burkina Faso, op. cit., p. 166.

<sup>8</sup> Ibid, p. 165.

<sup>9</sup> FAO, la crise du Sahel, Nouvelle crise dans la région du Sahel, <http://www.fao.org/crisis/sahel/the-sahel-crisis/la-crise-2012-dans-la-region-du-sahel/fr/> (consulted on 10/01/2013). See also MIGA, Environmental and Social Review Summary Essakane Gold Mine Project, April 25, 2008, p. 11 (...low literacy level: 8-10% in local villages).<sup>10</sup> See IAMGOLD website <http://www.iamgold.com/French/Exploitations/Mines-en-exploitation/Mine-dor—Essakane-Burkina-Faso/default.aspx>, (consulted on 10/01/2013).

<sup>11</sup> Le Pays , Mines d'or au Burkina : ESSAKANE IAMGOLD prolonge sa durée de vie, Friday 5 October 2012, <http://news.aouaga.com/h/1188.html>, (consulted on 10/01/2013).

<sup>12</sup> Ibid.

<sup>13</sup> The work issue is covered in the 11/2011 and 03/2012 editions of La Voix du Sahel.

<sup>14</sup> AFC, « Burkina Faso : l'émergence du secteur aurifère suffira-t-elle à redresser un modèle de croissance en perte de vitesse ? », in Macroéconomie & Développement, Novembre 2012 / No5, pp. 17 et s., <http://www.afd.fr/webdav/site/afd/shared/PUBLICATIONS/RECHERCHE/Scientifiques/Macrodev/05-Macrodev.pdf>, (consulted on 10/01/2013).

<sup>15</sup> See the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights: [http://www.fian.be/IMG/pdf/maastricht\\_eto\\_principles\\_fra.pdf](http://www.fian.be/IMG/pdf/maastricht_eto_principles_fra.pdf).

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