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Strengthening Community Rights And Corporate Accountability In Mining Operations: A Human Rights-Based Approach To Csr In Burkina Faso

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ABSTRACT

The expansion of industrial gold mining in Burkina Faso has generated significant economic contributions while simultaneously producing profound human rights challenges for affected communities. This study examines the application of a human rights-based approach to Corporate Social Responsibility (CSR) in Burkina Faso's mining sector, analyzing the normative framework and identifying strategies for strengthening community rights and corporate accountability. Drawing on a qualitative methodology that synthesizes policy documents, company reports, civil society investigations, and academic analyses, the research reveals that while Burkina Faso possesses a robust legal framework—including the 2015 Mining Code's Local Mining Development Fund (FMDL) and international human rights commitments—implementation gaps persist. The study analyzes the contested implementation of the FMDL as emblematic of tensions between voluntary CSR and legal obligations. Companies have lobbied against the 1% turnover contribution while simultaneously using CSR to maintain their "social license to operate" and resist more demanding regulatory obligations. Canadian aid partnerships, while promoting resource decentralization, have been critiqued as "social engineering" projects that secure community consent rather than empowering rights-holders. The findings indicate that strengthening community rights requires moving beyond philanthropic CSR toward a human rights-based approach grounded in the principles of participation, accountability, non-discrimination, and empowerment. This entails legal and policy reforms, capacity building for communities and local authorities, enhanced corporate due diligence, and independent monitoring mechanisms.

Keywords: Human Rights-Based Approach; Corporate Social Responsibility; Mining Sector; Burkina Faso; Community Rights; Corporate Accountability; Local Mining Development Fund; Resource Decentralization.

RESUME

L'expansion de l'exploitation minière industrielle au Burkina Faso a généré des contributions économiques significatives tout en produisant simultanément des défis profonds en matière de droits humains pour les communautés affectées. Cette étude examine l'application d'une approche basée sur les droits humains à la Responsabilité Sociale des Entreprises (RSE) dans le secteur minier burkinabè, analysant le cadre normatif et identifiant des stratégies pour renforcer les droits des communautés et la responsabilité des entreprises. S'appuyant sur une méthodologie qualitative synthétisant les documents politiques, les rapports d'entreprises, les enquêtes de la société civile et les analyses académiques, la recherche révèle que si le Burkina Faso possède un cadre juridique robuste—incluant le Fonds Minier de Développement Local (FMDL) du Code minier de 2015 et les engagements internationaux en matière de droits humains—des lacunes de mise en œuvre persistent. L'étude analyse la mise en œuvre contestée du FMDL comme emblématique des tensions entre la RSE volontaire et les obligations légales. Les entreprises ont fait pression contre la contribution de 1% du chiffre d'affaires tout en utilisant simultanément la RSE pour maintenir leur "licence sociale d'exploitation" et résister à des obligations réglementaires plus exigeantes. Les partenariats d'aide canadiens, tout en promouvant la décentralisation des ressources, ont été critiqués comme des projets "d'ingénierie sociale" qui assurent le consentement des

communautés plutôt que d'autonomiser les titulaires de droits. Les résultats indiquent que le renforcement des droits des communautés nécessite de dépasser la RSE philanthropique vers une approche basée sur les droits humains fondée sur les principes de participation, de responsabilité, de non-discrimination et d'autonomisation. Cela implique des réformes juridiques et politiques, le renforcement des capacités des communautés et des autorités locales, une diligence raisonnable renforcée des entreprises et des mécanismes de suivi indépendants.

Mots-clés : Approche Basée sur les Droits Humains; Responsabilité Sociale des Entreprises; Secteur Minier; Burkina Faso; Droits des Communautés; Responsabilité des Entreprises; Fonds Minier de Développement Local; Décentralisation des Ressources.

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1. INTRODUCTION

Burkina Faso's transformation into one of Africa's leading gold producers represents a significant economic achievement with profound implications for national development and community well-being. The mining sector now contributes approximately 16% of GDP, generates substantial state revenue, and has attracted major international investments, particularly from Canadian companies listed on the Toronto Stock Exchange . Endeavour Mining, one of the largest operators, reported economic contributions of 3,200 billion FCFA between 2021 and 2025, including 242 billion FCFA in royalties, 99 billion FCFA in dividends, and 563 billion FCFA in taxes, while creating 2,151 direct jobs, 97% occupied by Burkinabe nationals .

However, this economic success has been accompanied by persistent human rights challenges that have tested the social fabric of mining-affected communities. Research on the Bagassi commune, where Roxgold operates, found that despite the effective application of Corporate Social Responsibility (CSR), local populations expressed dissatisfaction with their living conditions, viewing mining as primarily benefiting companies and the state rather than local communities . Communities report environmental degradation, loss of agricultural land, inadequate compensation for displacement, health impacts, and the disruption of traditional livelihoods . The National Human Rights Commission has documented violations including threats to the right to life, security, and the rights of women and children .

The concept of CSR has emerged as the primary framework through which mining companies address these challenges. Companies report substantial investments in community development. Endeavour Mining's 2021-2025 sustainability report highlights investments of 36 billion FCFA in community development projects, including 947 million FCFA in health initiatives benefiting over 21,858 people, and more than 390 million FCFA in education and vocational training . However, these philanthropic investments have been critiqued as insufficient to address structural human rights challenges and as mechanisms that serve to maintain existing power relations while deflecting more demanding regulatory obligations .

Burkina Faso has developed a robust legal framework intended to ensure that mining benefits reach affected communities. The 2015 Mining Code introduced the Local Mining Development Fund (FMDL), requiring mining companies to contribute 1% of their national turnover (before tax) to local municipalities and regions . Between its

operationalization in 2017 and 2021, territorial units received over USD 166 million (96 billion FCFA) through the FMDL . However, the implementation of this mechanism has been contested, with companies lobbying against the contribution and seeking to subsume legal obligations under voluntary CSR frameworks .

This study examines the application of a human rights-based approach to CSR in Burkina Faso's mining sector, analyzing the normative framework and identifying strategies for strengthening community rights and corporate accountability. The human rights-based approach, grounded in the principles of participation, accountability, non-discrimination, and empowerment, offers a framework for moving beyond philanthropic CSR toward a model that recognizes communities as rights-holders and corporations as duty-bearers. The research questions guiding this study are: What are the key human rights challenges associated with mining operations in Burkina Faso? How does the current CSR framework address (or fail to address) these challenges? What strategies could strengthen community rights and corporate accountability in the mining sector?

2. LITERATURE REVIEW

The literature on CSR, human rights, and the extractive sector provides a rich foundation for analyzing the application of a human rights-based approach to mining in Burkina Faso. This review synthesizes theoretical perspectives, empirical evidence, and policy analyses.

2.1 Theoretical Approaches to CSR and Human Rights

CSR has been conceptualized through multiple theoretical lenses. The instrumental view posits that CSR is a strategic tool for managing stakeholder relationships and securing the social license to operate. In Burkina Faso's mining sector, CSR programs are often framed in these terms, with companies emphasizing the importance of community investments for maintaining social stability and operational continuity . The normative view, by contrast, argues that CSR is an obligation flowing from the fundamental rights of affected communities. The UN Guiding Principles on Business and Human Rights articulate this normative framework, asserting that the corporate responsibility to respect human rights exists "over and above compliance with national laws and regulations protecting human rights" .

The political economy perspective, which this study adopts, examines CSR as embedded in power relations and distributive conflicts. It highlights how CSR can serve as a legitimizing mechanism that deflects more demanding regulatory interventions and maintains existing power asymmetries . The concept of "social engineering" captures how corporate and state actors use CSR and capacity-building programs to "prevent opposition to extractive projects from emerging in the first place" . This perspective is particularly relevant to Burkina Faso, where Canadian aid partnerships have been critiqued as serving to "engineer community consent" rather than empowering rights-holders .

A human rights-based approach to CSR offers an alternative framework. Grounded in international human rights law, this approach recognizes communities as rights-holders entitled to claim their rights and corporations as duty-bearers responsible for respecting and protecting those rights. The approach is characterized by principles of participation, accountability, non-discrimination, and empowerment. It requires systematic human rights due diligence, including impact assessments, risk management, and access to remedy .

2.2 Human Rights Challenges in Burkina Faso's Mining Sector

The literature documents multiple human rights challenges associated with mining operations in Burkina Faso. Environmental degradation is a primary concern, with communities reporting pollution of water sources, dust contamination, and ecosystem destruction . The African Commission on Human and Peoples' Rights has emphasized the right to a satisfactory environment as a collective right, linking environmental degradation to violations of other rights including health, life, and property .

Mining-induced displacement and resettlement (MIDR) represents another significant challenge. Communities have been displaced to make way for mining operations, often with inadequate compensation and without meaningful consultation . Research documents that "the majority of the population lack awareness of national, regional and international legal instruments on human rights," limiting their ability to claim their rights . Companies have been accused of using "forced" negotiations, with communities pressured to accept compensation terms under threat of expropriation .

The security context has added a critical dimension. Burkina Faso faces significant security challenges, with mining operations becoming targets of armed groups. The securing of mining sites has resulted in human rights violations, including threats to the right to life and security . Canadian projects in the Sahel region have applied a human rights-based approach and peacebuilding lens to address these challenges, targeting economic empowerment and capacity building for local authorities .

2.3 The Normative Framework: Legal Obligations and Policy Initiatives

Burkina Faso's legal framework provides multiple mechanisms for protecting community rights. The 2015 Mining Code introduced the FMDL, requiring companies to contribute 1% of national turnover before tax to local municipalities and regions . The Environmental Code and Mining Code require operators to conduct environmental and social impact studies and develop environmental and social management plans prior to operations . Operators are also obliged to establish a fund for rehabilitation and mining site closure .

However, implementation gaps persist. The African Commission has expressed concern about the lack of harmonization of national laws with the principles of the African Charter on Human and Peoples' Rights . Companies have lobbied against the FMDL, arguing that local governments lack capacity to manage funds effectively . The Chamber of Mines demanded that 0.5% of the FMDL contribution should be made available to companies to realize their own CSR programs . This represents an attempt to subsume legal obligations under voluntary CSR frameworks.

Canadian aid partnerships have played a significant role in promoting resource decentralization. Projects such as Foundations for Peace in the Artisanal Gold Mining Sector in Burkina Faso have targeted economic empowerment, especially for women, and capacity building for local authorities . However, these initiatives have been critiqued as "social engineering" that serves to secure community consent and make large-scale mining feasible . As one analysis notes, "the Canadian mining industry and the Burkinabe central government alike have an interest in preventing opposition to specific extractive projects from emerging in the first place, and thus in maintaining existing extractive orders" .

2.4 The FMDL: Between Legal Obligation and Corporate Resistance

The contested implementation of the FMDL exemplifies the tension between voluntary CSR and legal obligations. Between 2017 and 2021, municipalities and regions received over USD 166 million through the FMDL . However, companies resisted the full implementation of the mechanism. Mining companies, through the Chamber of Mines, lobbied for a reduction of the contribution from 1% to 0.5%, arguing that local governments lacked capacity . Corporate executives were able to interpret reform measures to their benefit, deducting CSR expenses from their FMDL obligations and presenting voluntary projects as participation in the legal requirement .

This resistance reflects broader tensions in the governance of mining revenue distribution. While the FMDL represented a significant achievement in democratizing access to mining revenues, its implementation has been shaped by power dynamics that favor corporate interests. A multi-scalar approach reveals the "complex and contradictory effects on local, national and global power relations" . Resource decentralization can serve both to empower local governments and to provide new mechanisms for corporate abdication of responsibility .

3. RESEARCH QUESTIONS

This study is guided by the following research questions:

1. What are the key human rights challenges associated with industrial mining operations in Burkina Faso, and how do affected communities experience these challenges?
2. How does the current CSR framework address (or fail to address) the human rights challenges of mining operations, and what is the relationship between philanthropic CSR and legal obligations such as the FMDL?
3. How can a human rights-based approach to CSR strengthen community rights and corporate accountability in Burkina Faso's mining sector?
4. What institutional and policy reforms are needed to operationalize a human rights-based approach in the mining sector?

4. METHODOLOGY

This study employs a qualitative research design to examine the application of a human rights-based approach to CSR in Burkina Faso's mining sector.

4.1 Research Design

A case study approach is adopted, focusing on Burkina Faso's mining sector and the contested implementation of the FMDL. The case study methodology is appropriate for examining complex institutional and policy issues in their context. The research design draws on multiple sources of evidence to develop a comprehensive understanding of human rights challenges, CSR practices, and governance mechanisms.

4.2 Data Collection

Data were collected through two primary methods:

Document Analysis: A comprehensive review was conducted of policy documents, legal texts, international agreements, and institutional reports. This included analysis of Burkina Faso's Mining Code, the FMDL regulations,

the African Charter on Human and Peoples' Rights, the UN Guiding Principles on Business and Human Rights, and company sustainability reports.

Secondary Source Review: The study draws extensively on secondary data from academic journals, official reports from international organizations, civil society investigations, and credible news media. Particular attention was paid to reports from the National Human Rights Commission, the Extractive Industries Transparency Initiative, and multi-stakeholder initiatives.

4.3 Data Analysis

Data were analyzed using thematic analysis. The researcher systematically coded the collected materials to identify recurring patterns and themes related to the research questions. Themes were organized around the concepts of human rights challenges, CSR practices, legal obligations, and human rights-based approaches.

4.4 Limitations

As a desk-based study, this research relies on publicly available information and does not include primary data collection through interviews, site visits, or surveys. The analysis reflects the perspectives represented in the analyzed materials and may not capture the full range of community experiences, company perspectives, and institutional dynamics.

5. RESULTS

The analysis of documentary and secondary sources reveals a complex picture of human rights challenges, CSR practices, and governance mechanisms in Burkina Faso's mining sector.

5.1 Human Rights Challenges in Mining-Affected Communities

Communities affected by mining operations in Burkina Faso experience multiple human rights challenges that undermine their well-being and livelihoods. These challenges can be categorized into several interrelated domains.

Environmental Degradation: Mining operations have resulted in significant environmental impacts, including pollution of water sources, dust contamination, soil degradation, and ecosystem destruction. Communities report that "women are having miscarriages because of the dust from chemical products that they swallow" . The African Commission has emphasized that violations of the right to a healthy environment "cause the violation of many other human rights". The commission's landmark Ogoni decision established that environmental degradation violates the right to a satisfactory environment, a collective right recognized under the African Charter.

Land Dispossession and Inadequate Compensation: Mining operations consume agricultural land, disrupting traditional livelihoods and creating food insecurity. Research on the Bagassi commune found that "industrial mining production consumes agricultural land and has put an end to gold panning, considered more profitable by the local population" . Communities report inadequate compensation for displacement, with one villager testifying: "We have negotiated [the compensation of land per hectare], but at some point, they told us that if we refuse, they will call the government and it will take the land. It is as if they have forced us [to accept the amount of compensation]".

Health Impacts: Communities report health problems attributed to mining activities, including respiratory illnesses from dust, waterborne diseases from contaminated water sources, and reproductive health issues. The National Human Rights Commission has documented violations of the rights to health and a healthy environment.

Disruption of Traditional Livelihoods: The displacement of communities and the end of artisanal mining activities have disrupted traditional livelihoods and created economic vulnerability. As one analysis notes, "the majority of the population lack awareness of national, regional and international legal instruments on human rights," limiting their ability to claim their rights and seek remedies.

Security-Related Violations: The security context has added a critical dimension. The securing of mining sites has resulted in "violations including the right to life, security and safety of persons, the right to water and food, the rights to health and a healthy environment, women's rights (GBV) and children's rights". The National Human Rights Commission has emphasized the need for strengthened security, capacity building for security actors on human rights, and strengthened consultation frameworks.

Table 1: Human Rights Challenges and Associated Rights Violations

Challenge	Associated Rights	Evidence
Environmental Degradation	Right to healthy environment; right to health; right to life	Water pollution; dust contamination; ecosystem destruction
Land Dispossession	Right to property; right to adequate housing; right to livelihood	Loss of agricultural land; forced displacement; inadequate compensation
Health Impacts	Right to health; right to life	Respiratory illnesses; waterborne diseases; reproductive health issues
Security Violations	Right to security; right to life; women's rights	Securing sites resulting in violations; GBV
Inadequate Consultation	Right to participation; right to information; right to remedy	Communities excluded from decisions; limited access to remedy

5.2 CSR Practices and the FMDL: Between Philanthropy and Legal Obligation

Mining companies in Burkina Faso have developed extensive CSR programs, which are prominently featured in sustainability reports and public communications. Endeavour Mining's 2021-2025 sustainability report documents investments of 36 billion FCFA in community development projects, including 947 million FCFA in health initiatives benefiting more than 21,858 people, more than 390 million FCFA in education and vocational training, and more than 562 million FCFA in infrastructure improvements. The company emphasizes its role as the largest private employer in the country and its commitment to local content, with 97% of its workforce being Burkinabe nationals.

However, the contested implementation of the FMDL reveals tensions between voluntary CSR and legal obligations. The 2015 Mining Code requires companies to contribute 1% of their national turnover before tax to the FMDL. Between 2017 and 2021, municipalities and regions received over USD 166 million through the FMDL. However, companies

have resisted the full implementation of the mechanism. The Chamber of Mines lobbied for a reduction of the contribution, arguing that local governments lacked capacity. One mining executive stated: "we cannot admit that mining companies leave the world of returns so that people can enrich themselves and drive 4x4s" .

Corporate executives were able to interpret reform measures to their benefit, deducting CSR expenses from their FMDL obligations. In Houndé, a mining firm presented its CSR projects as its "good will participation" in the FMDL procedure, while municipal councillors criticized this as a mechanism by which they were excluded from determining the use of large portions of the fund . This represents an attempt to subsume legal obligations under voluntary CSR frameworks .

Canadian aid partnerships have played a significant role in promoting resource decentralization. Projects such as WAGES (Women's Association for Grassroots Empowerment in the Sahel) have aimed to strengthen local governance and enhance the credibility of local states in managing mining revenues. However, these initiatives have been critiqued as "social engineering" that secures community consent rather than empowering rights-holders. As one analysis notes, "the engineering of 'inclusionary control' succeeds or not also depends on who is part of the powerful alliances implementing 'ethical' projects, and which (multi-scalar) alliances mobilise against them".

5.3 Implementation Gaps and Accountability Failures

The analysis identifies multiple implementation gaps that undermine the effectiveness of the normative framework and CSR practices.

Weak Enforcement Mechanisms: While Burkina Faso's legal framework provides for FMDL contributions and environmental and social impact assessments, enforcement remains limited. The National Human Rights Commission has documented "weak implementation of CSR". The lack of independent monitoring mechanisms and accountability for the FMDL has been identified as a key concern.

Limited Political Will: States may be reluctant to enforce human rights standards against extractive investors, given the importance of the sector to national economies. The Canadian mining industry and the Burkinabe central government "have an interest in preventing opposition to specific extractive projects from emerging in the first place".

Institutional Fragmentation: Multiple government agencies operate with distinct mandates, and coordination between national and local levels is often weak. The National Human Rights Commission has emphasized the need for strengthened consultation frameworks with affected communities.

Limited Community Access to Remedy: Communities affected by mining operations face barriers to accessing justice, including limited legal representation, power asymmetries, and lack of awareness of their rights. The African Commission has noted that "the majority of the population lack awareness of national, regional and international legal instruments on human rights".

Strategic Use of CSR: Companies use CSR to maintain their "social license to operate" while resisting more demanding regulatory obligations. The FMDL contestation illustrates this dynamic, with companies seeking to subsume legal obligations under voluntary CSR frameworks.

5.4 Emerging Human Rights-Based Approaches

Despite these challenges, emerging initiatives indicate the potential of a human rights-based approach to mining governance. Canadian projects in the Sahel have applied a human rights-based approach and peacebuilding lens to local economic development. The Foundations for Peace in the Artisanal Gold Mining Sector project in Burkina Faso has targeted economic empowerment, especially for women, and capacity building for local authorities. The project established 54 local savings and loans associations by December 2021, and 12% of the total population had been sensitized to the project, 40% of whom were women.

The Extractive Industries Transparency Initiative (EITI) in Burkina Faso has conducted training on CSR, reinforcing capacity for various stakeholders including public administration, mining companies, civil society organizations, and local elected officials. The training addressed the genesis, concept, and conceptions of CSR, covering areas including the management of social, economic, and environmental impacts and dialogue with stakeholders.

The National Human Rights Commission has engaged with the human rights challenges of the mining sector, documenting violations and recommending strengthened security, capacity building for security actors on human rights, strengthened consultation frameworks, and accountability mechanisms for the FMDL. The Commission's work represents an important step toward operationalizing a human rights-based approach.

Table 2: CSR Approaches and Human Rights Outcomes

Approach	Characteristics	Strengths	Limitations
Philanthropic CSR	Voluntary contributions; community projects; company discretion	Tangible benefits; infrastructure; employment	Discretionary; may not address structural impacts; company-driven
Legal Obligations (FMDL)	Mandatory contributions; state-centered distribution	Potential for local resource governance; legal enforceability	Weak enforcement; corporate resistance
Human Rights-Based Approach	Rights-holders and duty-bearers; participation; accountability; empowerment	Addresses structural challenges; empowers communities; recognizes rights	Requires institutional reform; implementation challenges

6. DISCUSSION OF RESULTS

The findings reveal a significant gap between the normative framework and on-the-ground protection of human rights in Burkina Faso's mining sector. While Burkina Faso possesses a robust legal framework and mining companies report substantial CSR investments, communities continue to experience human rights violations with limited access to remedies. This section discusses the implications of these findings for strengthening community rights and corporate accountability.

6.1 The Limitations of Philanthropic CSR

The findings demonstrate that philanthropic CSR, while providing tangible benefits, is insufficient to address structural human rights challenges. Communities in Bagassi, despite the application of CSR by Roxgold, expressed dissatisfaction with their living conditions and viewed mining as primarily benefiting companies and the state. The Kalsaka mine, which operated between 2008 and 2014, has become a symbol of CSR failure, with no rehabilitation measures implemented and significant deterioration in living conditions.

Philanthropic CSR is discretionary, unpredictable, and often shaped by company priorities rather than community needs or rights claims. The selection of projects, locations, and beneficiaries may reflect company interests as much as community concerns. As research has documented, CSR serves as a "semiformal, quasi-legal regulatory regime" that can deflect more demanding regulatory obligations. The FMDL contestation illustrates this dynamic, with companies seeking to subsume legal obligations under voluntary CSR frameworks.

6.2 The Contested Implementation of the FMDL

The contested implementation of the FMDL reveals the tension between legal obligations and corporate interests. Companies have lobbied against the 1% contribution, seeking to reduce their obligations and retain control over CSR spending. The Chamber of Mines demanded that 0.5% of the FMDL contribution should be made available to companies to realize their own CSR programs, representing an attempt to subsume legal requirements under voluntary frameworks.

This contestation reflects the broader phenomenon of "profitable inefficiency," where inefficiencies and regulatory gaps serve the interests of powerful actors who benefit from the status quo. The Canadian mining industry and the Burkinabe central government alike have an interest in preventing opposition to extractive projects and maintaining existing extractive legal orders. Resource decentralization, while ostensibly empowering local communities, can also serve as a tool for "engineering community consent" and preventing opposition.

6.3 The Potential of a Human Rights-Based Approach

The findings suggest that a human rights-based approach offers a framework for moving beyond philanthropic CSR toward more effective protection of community rights. Grounded in the principles of participation, accountability, non-discrimination, and empowerment, this approach recognizes communities as rights-holders entitled to claim their rights and corporations as duty-bearers responsible for respecting and protecting those rights.

Canadian projects in the Sahel have demonstrated the potential of a human rights-based approach. The Foundations for Peace project in Burkina Faso targeted economic empowerment, especially for women, and capacity building for local authorities, drawing on local knowledge to strengthen peace and conflict resolution. The project established savings and loans associations and sensitized communities, with 40% of participants being women. This approach recognizes the importance of local knowledge, participation, and empowerment.

The National Human Rights Commission's engagement with the mining sector represents another important step. The Commission has documented human rights violations, recommended strengthened security and consultation frameworks, and emphasized the need for accountability mechanisms for the FMDL. The Commission's work

operationalizes the principle of accountability, holding both state and corporate actors responsible for human rights outcomes.

6.4 Strategies for Strengthening Community Rights and Corporate Accountability

The findings have several implications for strengthening community rights and corporate accountability in Burkina Faso's mining sector.

First, **legal and policy reforms** are needed to strengthen the implementation of existing legal obligations. The FMDL should be fully enforced, with companies required to make full payments to municipalities and regions. The deductibility of CSR expenses from FMDL obligations should be eliminated, ensuring that legal requirements are not undermined by voluntary programs. The harmonization of national laws with the African Charter on Human and Peoples' Rights should be prioritized.

Second, **capacity building for communities and local authorities** is essential. Communities need awareness of their rights and access to legal representation to claim those rights. Local authorities need capacity to manage mining revenues effectively and accountably. As the African Commission has noted, "the majority of the population lack awareness of national, regional and international legal instruments on human rights".

Third, **enhanced corporate due diligence** is required. Companies should conduct systematic human rights impact assessments, integrate findings into management systems, track performance, and report publicly. The OECD Due Diligence Guidance provides a framework for this approach, but implementation in Burkina Faso's large-scale mining sector remains limited.

Fourth, **independent monitoring mechanisms** should be strengthened. The National Human Rights Commission's role in monitoring human rights should be reinforced, and its recommendations should be implemented. The EITI provides a framework for transparency, but it must be strengthened to ensure that information leads to accountability.

Fifth, **multi-stakeholder dialogue and engagement** should be deepened. The CSR Forum in Burkina Faso provides a model of multi-stakeholder dialogue, but its influence should be strengthened. Engagement should be grounded in the recognition of communities as rights-holders, not beneficiaries. Consultation processes must be free, prior, and informed, with adequate time for community deliberation.

7. CONCLUSION

This study has examined the application of a human rights-based approach to Corporate Social Responsibility in Burkina Faso's mining sector, analyzing the normative framework and identifying strategies for strengthening community rights and corporate accountability. The findings reveal a significant gap between the robust legal framework and on-the-ground protection of human rights.

Burkina Faso possesses a robust legal framework, including the 2015 Mining Code's FMDL, which requires companies to contribute 1% of turnover to local municipalities and regions. Mining companies report substantial CSR investments, with Endeavour Mining investing 36 billion FCFA in community development between 2021 and 2025. However, communities continue to experience human rights violations, including environmental degradation, land dispossession, inadequate compensation, and health impacts.

The contested implementation of the FMDL illustrates the tension between voluntary CSR and legal obligations. Companies have lobbied against the FMDL, seeking to reduce their obligations and retain control over CSR spending. Canadian aid partnerships, while promoting resource decentralization, have been critiqued as "social engineering" that secures community consent rather than empowering rights-holders. The phenomenon of "profitable inefficiency" perpetuates regulatory gaps that serve the interests of powerful actors.

A human rights-based approach offers a framework for moving beyond philanthropic CSR toward more effective protection of community rights. Grounded in the principles of participation, accountability, non-discrimination, and empowerment, this approach recognizes communities as rights-holders and corporations as duty-bearers. Canadian projects in the Sahel have demonstrated the potential of this approach, targeting economic empowerment and capacity building.

Strengthening community rights and corporate accountability requires legal and policy reforms, capacity building for communities and local authorities, enhanced corporate due diligence, independent monitoring mechanisms, and multi-stakeholder dialogue. The path forward is not easy, but the costs of inaction are substantial. The mining sector will remain central to Burkina Faso's economy for the foreseeable future. Ensuring that it respects human rights and contributes to sustainable development is not only a moral obligation but also a prerequisite for long-term stability and prosperity.

8. LIMITS OF THE STUDY

This study is subject to several limitations that should be acknowledged. First, the research is primarily desk-based, relying on publicly available documents and secondary sources. The absence of primary data collection, including interviews with community members, mining company representatives, government officials, and civil society organizations, means that the analysis lacks the nuance and depth that firsthand accounts would provide.

Second, the rapidly changing security and political context in Burkina Faso means that some findings may become outdated. Recent reforms and the evolving security situation could significantly alter the landscape described in this study.

Third, the study focuses on large-scale industrial mining and does not systematically address the artisanal and small-scale mining sector, which presents distinct human rights challenges and opportunities. The artisanal and small-scale mining sector, which employs approximately one million people in Burkina Faso, deserves separate analysis.

Fourth, the study does not include quantitative analysis of the relationship between CSR investments and human rights outcomes. Such analysis would require data that are not publicly available.

9. ACKNOWLEDGMENTS

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10. AUTHOR CONTRIBUTIONS

As the sole author I was responsible for the entire research and writing process, including conceptualization, design, literature review, data collection and analysis, and drafting, reviewing, and editing the final manuscript.

11. COMPETING INTEREST

The author declares no competing interests. No personal or financial relationships exist that could have inappropriately influenced the writing of this article.

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13. DATA AVAILABILITY

All data used in this analysis are derived from publicly available sources, including academic publications, official reports from international organizations, company sustainability reports, and credible media reports. All sources are cited in the bibliography.

14. DISCLAIMER

The views and opinions expressed in this article are solely those of the author and do not necessarily reflect the official policy or position of any government agency, international organization, mining company, or other entity. While every effort has been made to ensure the accuracy of the information presented, the author makes no representations or warranties of any kind, express or implied, about the completeness, accuracy, reliability, or suitability of the information.

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