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UNITED NATIONS CONVENTION TO COMBAT
DESERTIFICATION IN COUNTRIES EXPERIENCING
DROUGHT, PARTICULARLY IN AFRICA, WITH AN-
NEXES

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE UNITED NATIONS CONVENTION TO COMBAT
DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERI-
OUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN
AFRICA, WITH ANNEXES, ADOPTED AT PARIS, JUNE 17, 1994,
AND SIGNED BY THE UNITED STATES ON OCTOBER 14, 1994



AUGUST 2, 1996.—Convention was read the first time and, together with
the accompanying papers, referred to the Committee on Foreign Rela-
tions and ordered to be printed for the use of the Senate

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WASHINGTON : 1996

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *August 2, 1996.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, with Annexes, adopted at Paris, June 17, 1994, and signed by the United States on October 14, 1994. The report of the Department of State is also enclosed for the information of the Senate.

The purpose of the Convention is to combat desertification and mitigate the effects of drought on arid, semi-arid, and dry sub-humid lands through effective action at all levels. In particular, the Convention addresses the fundamental causes of famine and food insecurity in Africa, by stimulating more effective partnership between governments, local communities, nongovernmental organizations, and aid donors, and by encouraging the dissemination of information derived from new technology (e.g., early warning of impending drought) to farmers.

The United States has strongly supported the Convention's innovative approach to combating dryland degradation. I believe it will help Africans and others to make better use of fragile resources without requiring increased development assistance. Ratification by the United States would promote effective implementation of the Convention and is likely to encourage similar action by other countries whose participation would also promote effective implementation.

United States obligations under the Convention would be met under existing law and ongoing assistance programs.

I recommend that the Senate give early and favorable consideration to this Convention and its Annexes, with the declaration described in the accompanying report of the Secretary of State, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, June 21, 1996.

The PRESIDENT,
The White House.

I have the honor to submit to you, with a view to transmittal to the Senate for its advice and consent to ratification, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, with Annexes, adopted at Paris June 17, 1994, and signed by the United States on October 14, 1994.

The purpose of the Convention is to combat desertification (i.e., land degradation) and mitigate the effects of drought on arid, semi-arid, and dry sub-humid lands through effective action at all levels, including local, national, regional, and global levels, particularly in Africa. The central objectives of the Convention are to promote the sustainable use of drylands world-wide, but especially in Africa, to make more efficient use of aid resources, thereby helping to solve Africa's and other affected regions' chronic hunger problems. In particular, the Convention addresses a fundamental cause of famine and food insecurity in Africa, by stimulating more effective partnership between governments, local communities, non-governmental organizations (NGOs) and aid donors, and by encouraging the dissemination of information derived from new technology (e.g., early warning of impending drought) to farmers.

Desertification affects about one-sixth of the world's population and about one-quarter of the total land area of the world. Over a million hectares of Africa, 73 percent of its drylands, are affected. Another 1.4 million hectares are affected in Asia. Dryland degradation is an underlying cause of recurrent African famine (as during the great Sahelian drought of 1971–73 and 1984–85). The United Nations Environment Programme (UNEP) estimates that desertification costs the world \$42 billion a year, and the human cost is higher. The livelihoods of more than a billion people—almost a fifth of the entire population of the globe—are now at risk. Mass starvation, civil conflict, the relocation of millions of refugees—social crises arising from the dangerous convergence of poverty and dwindling natural resources—are a fundamental challenge to the international community. By focusing on desertification issues now, the United States and the international community may reduce the level of emergency relief, civil conflicts and outflows of refugees later; and by taking a leading role on desertification issues, the United States can strengthen its partnerships throughout Africa and other affected regions.

The Department of State's support for this Convention is based on both global and Africa-specific considerations. At the global level, the Convention will stimulate cooperation on technical issues such as climate prediction and on dryland management. For Africa and other affected developed areas, it will encourage and support a more effective anti-desertification effort drawing on "lessons learned" from past aid failures and aided by new technologies such as satellite early warning systems. The Convention also gives new recognition to the essential roles of both village-level and NGO participation in policy planning and implementation.

The Convention contains four basic types of commitments:

- those of all Parties to adopt an integrated approach to desertification and to strengthen international cooperation;
- those of Parties affected by desertification (which includes the United States) to have strategies to address desertification and to promote public awareness in this regard;
- those of developing-country Parties affected by desertification to prepare substantial National Action Programs that identify causes of, and measures to address, such desertification; and
- those of developed-country Parties to provide support for developing-country efforts to combat desertification.

The Convention contains four Regional Implementation Annexes addressing Africa, Asia, Latin America and the Caribbean, and the Northern Mediterranean Region. They set forth in detail how the Convention is to be implemented in those regions, in particular within the context of National Action Programs. With respect to implementation of the Convention in Africa, to which the Convention assigns a priority, each participating African country is to coordinate the preparation, negotiation, and implementation of a National Action Program and may involve, as appropriate, other Parties and relevant intergovernmental and non-governmental organizations.

The Convention's provisions governing the adoption of additional Regional Implementation Annexes gives the United States the option to make entry into force for the United States of a subsequent Regional Implementation Annex or of an amendment to a Regional Implementation Annex subject to its express consent to be bound. Therefore, I recommend that the United States include the following declaration at the time of deposit of its instrument of ratification:

In accordance with Article 34(4), the United States declares that, with respect to the United States, any additional regional implementation annex or any amendment to any regional implementation annex shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.

Following the model of many other international environmental agreements to which the United States is a party, the Convention establishes a Conference of the Parties, a Secretariat, and a subsidiary body for scientific and technological advice. In addition, it calls for the Conference of the Parties to designate a "Global Mechanism" which, while not itself a funding source, is to inventory and provide advice on possible sources of, and innovative approaches to, such funding.

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The United States has strongly supported the Convention's innovative approach to combating dryland degradation. The Department of State believes it will help Africans and others to make better use of fragile resources without requiring increased development assistance. African governments are counting on U.S. continued support for the Convention. One hundred and fifteen States signed the Convention during the period it was open for signature. To date, thirty-one States have indicated their consent to be bound. The Convention will enter into force on the ninetieth day after the deposit of the fiftieth instrument of ratification, acceptance, approval, or accession. Early ratification by the United States will demonstrate to the rest of the world the U.S. commitment to combating desertification and is likely to encourage the participation necessary for effective implementation of the Convention. Ratification of the Convention is consistent with U.S. foreign policy and economic and environmental interests.

Accompanying this Report is an Article-by-Article analysis of the Convention, including its Annexes.

I recommend that this Convention, with Annexes, be transmitted to the Senate as soon as possible for its advice and consent to ratification.

Respectfully submitted,

WARREN CHRISTOPHER.

Enclosure: As stated.

ARTICLE-BY-ARTICLE ANALYSIS OF THE CONVENTION

Preamble

The Preamble acknowledges, inter alia, that desertification and drought are problems of global dimension in that they affect all regions of the world and that joint action of the international community is needed to combat desertification and/or mitigate the effects of drought. It further notes the particular tragic consequences of these phenomena in Africa and expresses concern over the impact of desertification and drought on affected countries in Central Asia and the Transcaucasus.

PART I

INTRODUCTION

Article 1 (Use of Terms)

This Article is largely self-explanatory. Four definitions of particular interest are “desertification”, “combatting desertification”, “drought”, and “affected countries.”

“Desertification,” the subject of the Convention, is defined as “land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities.”

“Combatting Desertification” is defined as including “activities which are part of the integrated development of land in arid, semi-arid and dry sub-humid areas for sustainable development which are aimed at:

- (i) prevention and/or reduction of land degradation;
- (ii) rehabilitation of partly degraded land;
- (iii) reclamation of desertified land.”

“Drought” is defined as “the naturally occurring phenomenon that exists when precipitation has been significantly below normal recorded levels, causing serious hydrological imbalances that adversely affect land resource production systems.”

“Affected countries” are defined as countries whose lands include “affected areas,” which in turn are defined as “arid, semi-arid and/or dry sub-humid areas affected or threatened by desertification.” The United States is understood to be an affected country for purposes of the Convention.

Article 2 (Objective)

Article 2 establishes as the objective of the Convention combatting desertification and mitigating the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements.

The Article recognizes that achievement of this objective will involve long-term integrated strategies, particularly at the local level, to improve living conditions.

Article 3 (Principles)

This Article contains several concepts by which the Parties are to be “guided” in their actions to achieve the objective of the Convention and to implement its provisions. The inclusion of the term “inter alia” in the introductory phrase reflects that the list that follows is not intended to be an exhaustive list of relevant concepts that may guide the Parties. Most notably, however, it includes cooperation among all levels of government, communities, NGOs and landholders.

PART II

GENERAL PROVISIONS

Article 4 (General obligations)

Article 4 contains general obligations that apply to all Parties.

Paragraph 1 provides that all Parties may implement their obligations under the Convention either individually or jointly, either through existing or future bilateral or multilateral arrangements, or a combination thereof.

Paragraph 2 lists a number of actions that all Parties must take in pursuing the objective of the Convention. These include, for example:

- adopting an integrated approach addressing the physical, biological and socio-economic aspects of the processes of desertification and drought;
- strengthening subregional, regional and international cooperation;
- cooperating within relevant intergovernmental organizations; and
- promoting the use of existing bilateral and multilateral financial mechanisms and arrangements that mobilize and channel substantial financial resources to affected developing-country Parties in combatting desertification and mitigating the effects of drought.

The United States is already implementing the actions contained in this provision.

Paragraph 3 provides that affected developing-country Parties are eligible for assistance in the implementation of the Convention.

Article 5 (Obligations of Affected-Country Parties)

Article 5 contains additional obligations of affected-country Parties. Such a Party (which would include the United States) is to:

- give due priority to combatting desertification and mitigating the effects of drought, and allocate adequate resources in accordance with its circumstances and capabilities;
- establish strategies and priorities, within the framework of sustainable development plans and/or policies, to combat desertification and mitigate the effects of drought;

- address the underlying causes of desertification and pay special attention to the socio-economic factors contributing to desertification processes;
- promote awareness and facilitate the participation of local populations in efforts to combat desertification and mitigate the effects of drought; and
- provide an enabling environment by strengthening, as appropriate, relevant existing legislation and, where they do not exist, enacting new laws and establishing long-term policies and action programs.

The United States already more than meets these requirements through a variety of existing measures, including measures under statutory authorities such as the National Forest Management Act of 1976, 16 U.S.C. § 471 *et seq.*, Pub. L. No. 94–588; the Multiple-Use-Sustained-Yield Act of 1960, 16 U.S.C. §§ 528–531, Pub. L. No. 86–517; the Soil and Water Resources Conservation Act of 1977, 16 U.S.C. § 2001 *et seq.*, Pub. L. No. 95–192; the Soil Conservation and Domestic Allotment Act, 16 U.S.C. 590 *et seq.*, 49 Stat. 163 (1935); the Coastal Zone Management Act of 1972, 16 U.S.C. § 1451 *et seq.*, Pub. L. No. 92–538; the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1701 *et seq.*, Pub. L. No. 94–579; the Forest and Rangeland Renewable Resources Planning Act of 1974, 16 U.S.C. § 1600 *et seq.*, Pub. L. No. 93–378; the Public Rangelands Improvement Act of 1978, 43 U.S.C. § 1901 *et seq.*, Pub. L. No. 95–514; the International Forestry Cooperation Act of 1990, 16 U.S.C. § 4501 *et seq.*, Pub. L. No. 101–513; the Global Climate Change Prevention Act of 1990, 7 U.S.C. § 6701 *et seq.*, Pub. L. No. 101–624; and the Cooperative Forestry Assistance Act of 1978, 16 U.S.C. § 2101 *et seq.*, Pub. L. No. 95–313.

Article 6 (Obligations of Developed Country Parties)

Article 6 contains additional obligations of developed country Parties. Such Parties are to:

- actively support, as agreed, individually or jointly, the efforts of affected developing country Parties, particularly those in Africa, and the least-developed countries, to combat desertification and mitigate the effects of drought;
- provide substantial financial resources and other forms of support to assist affected developing-country Parties, particularly those in Africa, effectively to develop and implement their own long-term plans and strategies to combat desertification and mitigate the effects of drought;
- promote the mobilization of new and additional funding pursuant to Article 20, paragraph 2(b), described below;
- encourage the mobilization of funding from the private sector and other non-governmental sources; and
- promote and facilitate access by affected-country Parties to appropriate technology, knowledge and know-how.

The United States has traditionally lent its support (including financial support), both bilaterally and through multilateral fora, to efforts in developing countries, including in Africa, to address desertification and drought. The United States has also participated in recent efforts to identify appropriate ways for the Global Environment Facility (GEF) to provide new and additional re-

sources to fund the incremental costs of implementing anti-desertification measures that relate to the GEF's four focal areas.

The commitment to provide financial resources, which does not require any particular level of funding, would be met through periodic appropriations for bilateral and/or multilateral assistance (such as through the GEF). The commitment to promote and facilitate technology transfer can be implemented through the marketplace and any additional measures (such as technology cooperation seminars) that the government deems appropriate. U.S. NGOs, supported by tax-free donations and in some cases by USAID funding, will continue to play a major role in supporting anti-desertification work supportive of the Convention, especially in Africa.

Article 7 (Priority for Africa)

Article 7 provides that, in implementing the Convention, the Parties are to give priority to affected African country Parties, in light of the particular situation prevailing in that region. The special needs of Africa were recognized by the international community at the 1992 United Nations conference on Environment and Development (the Rio "Earth Summit") in light of persistent and particularly severe desertification and drought problem in that region. As Article 7 makes clear, this priority is not intended to lead to the neglect of developing-country Parties in other regions that are affected or threatened by desertification. Indeed, as discussed below, Regional Implementation Annexes for the Asian, Latin American and the Caribbean, and Mediterranean regions—in addition to the Annex for Africa—now form an integral part of the Convention.

Article 8 (Relationship with Other Agreements)

Paragraph 1 calls upon Parties to encourage the coordination of activities under the Convention and, if they are Parties to them, under other relevant international agreements (such as the United Nations Framework Convention on Climate Change). Such coordination is intended to maximize benefit from currently uncoordinated activities and to avoid duplication of effort.

Paragraph 2 provides that the Convention shall not affect the rights and obligations of any Party deriving from a bilateral, regional or international agreement into which it has entered prior to the entry into force of the Convention for it. This paragraph was intended to ensure that the Convention supplements, rather than supersedes, existing agreements.

PART III

ACTION PROGRAMS, SCIENTIFIC AND TECHNICAL COOPERATION AND SUPPORTING MEASURES

Article 9 (Basic Approach)

This Article contains the core obligation for affected developing country Parties (i.e., Parties that are eligible for assistance under the Convention). It requires each such Party to prepare, make public, and implement a "National Action Program," further elaborated in Article 10, as the central element of a strategy to combat desertification and mitigate the effects of drought. Such programs

are to utilize, to the extent possible, existing relevant successful plans and programs, and subregional and regional action programs. They are to be updated through a continuing participatory process on the basis of lessons from field action and research; further, the preparation of such programs is to be closely interlinked with other efforts to formulate national policies for sustainable development.

Parties that are “affected countries” but are not developing countries (such as the United States) are not required to prepare National Action Programs.

Article 10 (National Action Programs)

This Article sets forth the purpose and the basic content of National Action Programs. The purpose of such programs is to identify the factors contributing to, and practical measures necessary to combat, desertification and drought. Programs are to specify the respective roles of government, local communities and land users and the resources available and needed. Further, they are to:

- incorporate long-term strategies;
- allow for future modifications in response to changing circumstances;
- give particular attention to preventive measures;
- enhance national climatological, meteorological, and hydrological capabilities and the means to provide for drought early warning;
- promote policies and strengthen institutional frameworks that develop coordination between the donor community, governments at all levels, local populations and community groups;
- provide for effective participation at the local, national, and regional levels by NGOs and local populations in policy planning, decision-making, implementation, and review of programs; and
- require regular review of, and progress reports on, their implementation.

The Article also sets forth an illustrative list of measures that may, but need not, form a part of any National Action Program, e.g., sustainable irrigation programs, drought contingency plans.

Article 11 (Subregional and Regional Action Programs)

This Article calls upon those affected-country Parties that are required to prepare National Action Programs under Articles 9 and 10 (which does not include the United States) to consult and cooperate to prepare, as appropriate, Subregional and/or Regional Action Programs to harmonize, complement, and increase the efficiency of National Action Programs, e.g., through agreed joint programs for sustainable management of transboundary natural resources.

Article 12 (International Cooperation)

This Article encourages affected-country Parties, in collaboration with other Parties and the international community, to cooperate to ensure promotion of an enabling international environment in the implementation of the Convention covering, e.g., fields of technology transfer, scientific research, information collection. The United States has been a leader in these areas for a long time.

Article 13 (Support for the Elaboration and Implementation of Action Programs)

This Article sets forth a list of measures which support National Action Programs, e.g., financial cooperation to provide predictability that permits long-term planning, use of cooperation mechanisms which better enable support at the local level, including action through NGOs.

Article 14 (Coordination in the Elaboration and Implementation of Action Programs)

This Article calls upon Parties to work closely together, directly and through relevant intergovernmental organizations, in the elaboration and implementation of National Action Programs, particularly through the development of “operational mechanisms” at the national and field levels that ensure cooperation among developed- and developing-country Parties and relevant intergovernmental organizations and NGOs. The proper use of such mechanisms will maximize the impact of assistance, avoid duplication of effort, and harmonize disparate approaches.

The United States is already implementing this commitment through USAID’s ongoing efforts to work with other donors to ensure that donors are not duplicating efforts. The USAID has a keen interest in the implementation of National Action Programs to combat desertification and works with international organizations such as the World Bank and the Development Assistance Committee to support programs that focus on multiple linkages among the environment, population growth, poverty, public health, market, public and non-governmental institutions, and social culture, and break the negative linkages between development and the environment.

Article 15 (Regional Implementation Annexes)

This Article provides that elements for incorporation in National Action Programs are to be selected and adapted to the socio-economic, geographical and climatic factors applicable to affected Parties or regions; each Regional Implementation Annex is to contain guidelines for the preparation of action programs and their exact focus and content for the particular region and subregions.

Article 16 (Information Collection, Analysis and Exchange)

In order to promote early warning and advance planning for periods of adverse climatic variation, this Article calls for Parties to integrate and coordinate the collection, analysis, and exchange of data relevant to systematic observation of land degradation in affected areas.

The Article calls upon Parties, as appropriate, to take steps such as facilitating and strengthening the function of an existing global network of institutions and facilities for the collection, analysis and exchange of information.

Article 17 (Research and Development)

Article 17 calls for promotion of technical and scientific cooperation in the fields of combating desertification and mitigating the effects of drought through appropriate national, subregional, regional and international institutions. To achieve this objective, the Parties

are to support, according to their respective capabilities, research activities that, e.g., contribute to increased knowledge of the processes leading to desertification and drought with a view towards combating drought and desertification, achieve improved productivity of drylands and the sustainable use and management of resources, and address needs of local populations.

The United States currently conducts domestic and international research on desertification and related fields pursuant to numerous authorities, e.g., the Forest and Rangeland Renewable Resources Research Act of 1978, 16 U.S.C. § 1641 *et seq.*, Pub. L. No. 95–307; the Food, Agriculture, Conservation, and Trade Act of 1990, 7 U.S.C. § 1421 *et seq.*, at § 3291, Pub. L. No. 101–624; the National Science Foundation Act of 1950, 42 U.S.C. § 1861 *et seq.*, 64 Stat. 149; and the Global Change Research Act of 1990, 15 U.S.C. § 292 *et seq.*, Pub. L. No. 101–606.

Article 18 (Transfer, Acquisition, Adaptation and Development of Technology)

Paragraph 1 creates a general obligation with respect to the transfer and acquisition of technology. It generally obligates the Parties, as mutually agreed and in accordance with their respective national legislation and/or policies, to promote, finance and/or facilitate the financing of the transfer, acquisition, adaptation and development of technologies that are relevant to combating desertification and/or mitigating the effects of drought. It further specifies that Parties are, in particular, to take steps such as fully utilizing relevant national and international information systems and clearinghouses for the dissemination of information on technologies, and facilitating access to technologies on favorable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights.

The United States currently implements these commitments through bilateral and multilateral aid programs administered by USAID and under the International Cooperation in Global Change Research Act of 1990, 15 U.S.C. § 2951 *et seq.*, Pub. L. No. 101–606. Moreover, U.S. participation in activities of the World Bank, the United Nations Development Program (UNDP), the United Nations Environment Program (UNEP), the United Nations Food And Agricultural Organization (FAO), the World Meteorological Organization (WMO), the African Development Bank (AFDB), the African Development Fund (AFDF), the Inter-American Development Bank (IADB), the Asian Development Bank (ADB), the International Fund for Agricultural Development (IFAD), and the GEF are all relevant to the implementation of these obligations.

Under paragraph 2, Parties are to take various measures, according to their respective capabilities and subject to their respective national legislation and/or policies, to protect, promote, and use in particular relevant traditional and local technology, knowledge, know-how and practices. The United States administers a number of programs aimed at protecting, promoting and using relevant traditional and local technology, knowledge, know-how and practices pursuant to a variety of statutory authorities (e.g., the Soil and Water Resources Conservation Act of 1977, 16 U.S.C. § 2001 *et seq.*,

Pub. L. No. 95–192, and the Soil Conservation and Domestic Allotment Act, 16 U.S.C. § 590 *et seq.*, 49 Stat. 163 (1935)). Federal land-management agencies, in accordance with existing authorities (e.g., the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1701 *et seq.*, Pub. L. No. 94–579) and policies, seek out and take into consideration relevant traditional and local technology, knowledge, know-how and practices as part of their land management planning processes. Furthermore, Native Americans have established their own tribal laws, regulations, policies and practices to provide for the protection of their traditional and local technology, knowledge, know-how and practices. Dissemination of such information is done, *inter alia*, through Native American schools and colleges and land-grant colleges and universities.

Article 19 (Capacity Building, Education and Public Awareness)

Paragraph 1 recognizes the significance of capacity-building (i.e., institution-building, training and development of relevant local and national capacities) in efforts to combat desertification and mitigate the effects of drought. In this regard, the Article calls upon Parties to promote capacity-building, as appropriate, through steps such as providing full participation at all levels of local people, by strengthening national desertification and drought training and research capacities, and by training members of rural organizations in participatory approaches for the conservation and sustainable use of natural resources.

The United States already implements these obligations through multiple aid programs administered by USAID focussed specifically on capacity-building and training of local populations, in particular in Africa. The United States also implements this obligation through its activities in the World Bank, UNDP, UNEP, FAO, WMO, AFDB, AFDF, IADB, ADB, IFAD, and the GEF.

This Article also calls upon Parties to cooperate with each other and through competent intergovernmental organizations and NGOs to undertake and support public awareness and educational programs to promote a world-wide understanding of the causes and effects of desertification and drought. Such efforts will involve, *inter alia*, access by the public to relevant information, wide public participation, and the expansion, as needed, of educational and adult literacy programs on the identification, conservation and sustainable use and management of the natural resources of affected areas. Lastly, this Article calls on the Conference of Parties to establish and/or strengthen networks of regional education and training centers to combat desertification and mitigate the effects of drought.

Article 20 (Financial Resources)

Under paragraph 1, all Parties, taking into account their capabilities, are to make every effort to ensure that adequate financial resources are available for programs to combat desertification and mitigate the effects of drought.

Paragraph 2 obligates developed-country Parties to:

- mobilize financial resources to support the efforts of developing-country Parties affected by desertification;

- promote the mobilization of financial resources, including new and additional funding from the GEF of the agreed incremental costs of those activities concerning desertification that relate to its four focal areas;
- facilitate the transfer of technology, knowledge, and know-how; and
- explore innovative methods for mobilizing and channeling resources, including from the private sector.

Paragraph 3 requires affected developing-country Parties (which does not include the United States) to mobilize adequate financial resources for the implementation of their National Action programs. Paragraph 4 further calls upon all Parties to seek continued qualitative improvement of various funding sources, including through the operational mechanisms referred to in Article 14.

Under Paragraph 5, all Parties are also to take certain steps to help mobilize the financial resources necessary for affected developing-country Parties to address desertification. These include: rationalizing and strengthening the management of existing resources by using them more effectively and efficiently; giving due priority and attention within the governing bodies of multilateral financial institutions to supporting developing-country Parties in activities that advance Convention implementation; and working to strengthen regional and sub-regional cooperation to support national efforts.

Paragraph 7 notes that efforts of developing-country Parties to implement effectively their commitments under the Convention will be greatly assisted by the fulfillment by developed-country Parties of their commitments under the Convention relating to financial resources and technology.

The United States would implement commitments under this Article through the same means as for Article 6, discussed above.

Article 21 (Financial Mechanisms)

Unlike certain other environmental agreements (e.g., the United Nations Framework Convention on Climate Change), this Convention does not identify a particular financial mechanism for implementation of the Convention. Rather, Article 21 identifies a multitude of means for promoting effective funding to combat desertification to be considered for adoption by the Conference of the Parties (COP), such as promotion of the availability of financial mechanisms; identification of steps to be taken by affected developing-country Parties to ensure efficient use of available financial resources. A “Global Mechanism” is established to promote actions leading to the mobilization and channeling of financial resources, and the COP is instructed to find an organization to house it. The Mechanism is to inventory relevant programs; provide advice on innovative methods of financing and on improving the coordination of cooperative activities at the national level; and provide interested Parties and others with relevant funding information. It should be noted that the Mechanism is not itself to provide financial resources.

XVIII

PART IV

INSTITUTIONS

Article 22 (Conference of the Parties)

This Article follows the practice common in international environmental agreements of establishing a Conference of the Parties to be the supreme body under the Convention. It will, inter alia, regularly review implementation of the Convention, establish such subsidiary bodies as are deemed necessary, coordinate with bodies established under other relevant conventions, and adopt by consensus rules of procedure and financial rules.

Article 23 (Permanent Secretariat)

This Article establishes a Permanent Secretariat to perform various administrative functions in support of the Convention. The COP, at its first session, is to designate the Secretariat. The interim Secretariat, which will function until after the first meeting of the COP, is to be the secretariat that supported the negotiation of the Convention (see Article 35 (Interim Arrangements) for such designation).

Article 24 (Committee on Science and Technology)

This Article establishes, as a subsidiary body, a Committee on Science and Technology, to provide the COP with information and advice on scientific and technological matters relating to combating desertification and mitigating the effects of drought. The Committee will be multidisciplinary and will be open to the participation of all Parties; it will comprise government representatives competent in the relevant fields of expertise.

Article 25 (Networking of Institutions, Agencies and Bodies)

Article 25 provides that the Committee on Science and Technology (established under Article 24), under the COP's supervision, is to conduct a survey and evaluation of existing networks, institutions, agencies, and bodies willing to become units of a network to support implementation of the Convention. On the basis of such survey and evaluation, the Committee will recommend to the COP ways and means to facilitate and strengthen networking of such units at all levels. The COP is then to identify those units that are most appropriate for networking and recommend operational procedures.

PART V

PROCEDURES

Article 26 (Communication of Information)

This Article contains the reporting obligation of the Parties, namely that each Party is to communicate to the COP, through the Secretariat, reports on the measures it has taken to implement the Convention.

Article 27 (Measures to Resolve Questions on Implementation)

This provision mandates the COP to consider and adopt procedures for the resolution of questions that may arise regarding implementation of the Convention.

Article 28 (Settlement of Disputes)

This Article calls upon all Parties to settle any dispute arising concerning interpretation or application of the Convention through negotiation or other peaceful means of their choice. Paragraph 2 permits a Party, when joining the Convention, to declare that it accepts adjudication before the International Court of Justice and/or binding arbitration. We do not intend for the United States to make such a declaration. Therefore, recourse to binding arbitration would not be an option for disputes involving the United States under the Convention. However, Paragraph 6 provides for mandatory recourse, at the request of one Party to a dispute, to non-binding conciliation in accordance with procedures to be adopted by the COP and set forth in an Annex. The United States, as all Parties, would therefore be subject to non-binding conciliation for disputes as is the case in many environmental treaties.

Article 29 (Status of Annexes)

There are currently four Regional Implementation Annexes to the Convention. This Article makes clear that these Annexes, together with any future Annexes, form an integral part of the Convention; thus, unless expressly provided otherwise, any reference to the Convention also constitutes reference to its Annexes. The Parties are to interpret Annexes in a manner consistent with the Convention.

Articles 30–40 (Final Clauses)

Article 30 contains the procedures for amending the Convention. It provides that an amendment will enter into force for those Parties having accepted it 90 days after receipt by the Depositary of instruments from at least two-thirds of the Parties that were Parties at the time the amendment was adopted.

Article 31 establishes the procedures for adding new Annexes or amending existing Annexes. Annexes and amendments to Annexes other than Regional Implementation Annexes are to be adopted at the meetings of the COP and are to enter into force six months after notification by the Depositary of the provision's adoption for all Parties except those that have notified the Depositary that they do not accept the Annex or Annex amendment. Notifications of non-acceptance may be withdrawn (for example, when a Party has met its domestic requirements).

As noted above, the Convention already contains four Regional Implementation Annexes that already form an integral part of the Convention.

Article 31, coupled with Article 34, paragraph 4, governs the adoption of additional Regional Implementation Annexes and the amendment of any Regional Implementation Annexes. Once such an Annex/amendment is adopted, it enters into force for all Parties six months after the date of the communication by the Depositary to the Parties of such adoption, *except* in two cases:

(1) where a Party has notified the Depositary within the six-month period that it does not accept the annex/amendment (a so-called “tacit” approach); and

(2) where a Party has made a declaration in accordance with Article 34, paragraph 4 (i.e., a declaration that any additional Regional Implementation Annex or any amendment to any Regional Implementation Annex will enter into force for it only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto), in which case any such Annex/amendment will enter into force for that Party only if it deposits an instrument of ratification, etc.

The second alternative, which was introduced by the United States, was intended to ensure that the Senate had the opportunity to advise and consent to subsequent Regional Implementation Annexes. Amendments to the existing Annexes or to subsequent Annexes would likewise be submitted to the Senate for its advice and consent unless, due to the technical and/or scientific nature of an amendment, it would be more appropriately entered into under the existing authority of the Executive.

Article 32 provides that each Party to the Convention has the right to vote. Regional economic integration organizations, in matters within their competence, may cast the number of votes equal to the number of their members that are Parties to the Convention. A regional economic integration organization may not vote if any one of its member States votes on an issue, and vice versa.

The remaining provisions of the Convention, Articles 33–40, address such issues as signature of the Convention, the naming of a Depositary (the Secretary General of the United Nations), and interim arrangements for a secretariat. Of note is Article 36, which provides that the Convention shall enter into force only on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession. Also of note are Article 37, which prohibits reservations to the Convention, and Article 38, which provides that a Party to the Convention may withdraw three years after the Convention’s entry into force for it upon at least one year’s written notice to the Depositary.

REGIONAL IMPLEMENTATION ANNEXES

ANNEX I

Regional Implementation Annex for Africa

As noted above, Article 7 of the Convention reflects the intention of the Parties, in implementing the Convention, to give priority to affected-country Parties in Africa. To this end, Annex I elaborates, with considerable specificity, implementation of the Convention vis-a-vis Africa.

The purpose of the Annex is to: identify measures and arrangements in accordance with the Convention; provide for the efficient and practical implementation of the Convention to address conditions specific to Africa; and promote processes and activities relating to desertification and drought within relevant areas of Africa.

To this end, the Annex:

—identifies particular conditions of Africa, for example, the substantial number of countries and populations adversely af-

- affected by desertification and by the frequent recurrence of severe drought (Article 3);
- sets forth commitments of African country Parties, for example, adopting the combatting of desertification as a central strategy in their efforts to eradicate poverty, developing contingency plans for mitigating the effects of drought, and making appropriate financial allocations from their national budgets reflecting the “new priority” Africa has accorded to the phenomenon of desertification and/or drought (Article 4);
- reaffirms, and makes more specific to the context of Africa, commitments of the Parties under the Convention relating to financial, technological, and technical assistance (Articles 5, 14, 15, 16, and 17);
- elaborates on the process (including coordination and consultation) and timetable for, and contents and implementation of, National Action Programs (Articles 6, 7, 8, 9, and 18);
- calls for the preparation, and identifies the contents, of sub-regional and regional action programs (Articles 10, 11, 12, and 13); and
- provides for how follow-up of the Annex is to be carried out by African country Parties at the national, subregional, and regional levels (Article 19).

ANNEXES II, III, AND IV

Regional Implementation Annexes for Asia, for Latin America and the Caribbean, and for the Northern Mediterranean

These Annexes are considerably shorter and simpler than Annex I. They provide guidelines for the effective implementation of the Convention in the affected-country Parties of the various regions in light of their respective particular conditions.

Each Annex recognizes the particular conditions that apply within that region and the need for Parties to take these into account when taking action under the Convention. Particular conditions include, for example, the broad diversity of affected areas within Asia with regard to climate, topography, land use and socioeconomic systems; the frequent use in Latin America and the Caribbean of unsustainable development practices; and, with respect to the Northern Mediterranean, semi-arid climatic conditions affecting large areas, seasonal droughts, and very high rainfall variability.

Each Annex identifies elements that affected-country Parties in that region may include in their National Action Plans; each also provides for subregional and joint action programs.

Each Annex also reaffirms obligations of the Parties under the Convention relating to financial resources and mechanisms.

Annex IV (Northern Mediterranean) also identifies steps that affected-country Parties in the region are to take in preparing and implementing their National Action Programs; it calls for such programs to be finalized as soon as practicable. This Annex further provides that subregional, regional, and joint action programs may be prepared and implemented in collaboration with those of other subregions or regions, particularly with those of the subregion of northern Africa.

**UNITED NATIONS CONVENTION TO COMBAT
DESERTIFICATION IN THOSE COUNTRIES
EXPERIENCING SERIOUS DROUGHT AND/OR
DESERTIFICATION, PARTICULARLY
IN AFRICA**



UNITED NATIONS

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UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION
IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT
AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA

The Parties to this Convention,

Affirming that human beings in affected or threatened areas are at the centre of concerns to combat desertification and mitigate the effects of drought,

Reflecting the urgent concern of the international community, including States and international organizations, about the adverse impacts of desertification and drought,

Aware that arid, semi-arid and dry sub-humid areas together account for a significant proportion of the Earth's land area and are the habitat and source of livelihood for a large segment of its population,

Acknowledging that desertification and drought are problems of global dimension in that they affect all regions of the world and that joint action of the international community is needed to combat desertification and/or mitigate the effects of drought,

Noting the high concentration of developing countries, notably the least developed countries, among those experiencing serious drought and/or desertification, and the particularly tragic consequences of these phenomena in Africa,

Noting also that desertification is caused by complex interactions among physical, biological, political, social, cultural and economic factors,

Considering the impact of trade and relevant aspects of international economic relations on the ability of affected countries to combat desertification adequately,

Conscious that sustainable economic growth, social development and poverty eradication are priorities of affected developing countries, particularly in Africa, and are essential to meeting sustainability objectives,

Mindful that desertification and drought affect sustainable development through their interrelationships with important social problems such as poverty, poor health and nutrition, lack of food security, and those arising from migration, displacement of persons and demographic dynamics,

Appreciating the significance of the past efforts and experience of States and international organizations in combating desertification and mitigating the effects of drought, particularly in implementing the Plan of Action to Combat Desertification which was adopted at the United Nations Conference on Desertification in 1977,

Realizing that, despite efforts in the past, progress in combating desertification and mitigating the effects of drought has not met expectations and that a new and more effective approach is needed at all levels within the framework of sustainable development,

Recognizing the validity and relevance of decisions adopted at the United Nations Conference on Environment and Development, particularly of Agenda 21 and its chapter 12, which provide a basis for combating desertification,

Reaffirming in this light the commitments of developed countries as contained in paragraph 13 of chapter 33 of Agenda 21,

Recalling General Assembly resolution 47/188, particularly the priority in it prescribed for Africa, and all other relevant United Nations resolutions, decisions and programmes on desertification and drought, as well as relevant declarations by African countries and those from other regions,

Reaffirming the Rio Declaration on Environment and Development which states, in its Principle 2, that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Recognizing that national Governments play a critical role in combating desertification and mitigating the effects of drought and that progress in that respect depends on local implementation of action programmes in affected areas,

Recognizing also the importance and necessity of international cooperation and partnership in combating desertification and mitigating the effects of drought,

Recognizing further the importance of the provision to affected developing countries, particularly in Africa, of effective means, *inter alia* substantial financial resources, including new and additional funding, and access to technology, without which it will be difficult for them to implement fully their commitments under this Convention,

Expressing concern over the impact of desertification and drought on affected countries in Central Asia and the Transcaucasus,

Stressing the important role played by women in regions affected by desertification and/or drought, particularly in rural areas of developing countries, and the importance of ensuring the full participation of both men and women at all levels in programmes to combat desertification and mitigate the effects of drought,

Emphasizing the special role of non-governmental organizations and other major groups in programmes to combat desertification and mitigate the effects of drought,

Bearing in mind the relationship between desertification and other environmental problems of global dimension facing the international and national communities,

Bearing also in mind the contribution that combating desertification can make to achieving the objectives of the United Nations Framework Convention on

Climate Change, the Convention on Biological Diversity and other related environmental conventions,

Believing that strategies to combat desertification and mitigate the effects of drought will be most effective if they are based on sound systematic observation and rigorous scientific knowledge and if they are continuously re-evaluated,

Recognizing the urgent need to improve the effectiveness and coordination of international cooperation to facilitate the implementation of national plans and priorities,

Determined to take appropriate action in combating desertification and mitigating the effects of drought for the benefit of present and future generations,

Have agreed as follows:

PART I

INTRODUCTION

Article 1

Use of terms

For the purposes of this Convention:

- (a) "desertification" means land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities;
- (b) "combating desertification" includes activities which are part of the integrated development of land in arid, semi-arid and dry sub-humid areas for sustainable development which are aimed at:
 - (i) prevention and/or reduction of land degradation;
 - (ii) rehabilitation of partly degraded land; and
 - (iii) reclamation of desertified land;
- (c) "drought" means the naturally occurring phenomenon that exists when precipitation has been significantly below normal recorded levels, causing serious hydrological imbalances that adversely affect land resource production systems;
- (d) "mitigating the effects of drought" means activities related to the prediction of drought and intended to reduce the vulnerability of society and natural systems to drought as it relates to combating desertification;

- (e) "land" means the terrestrial bio-productive system that comprises soil, vegetation, other biota, and the ecological and hydrological processes that operate within the system;
- (f) "land degradation" means reduction or loss, in arid, semi-arid and dry sub-humid areas, of the biological or economic productivity and complexity of rainfed cropland, irrigated cropland, or range, pasture, forest and woodlands resulting from land uses or from a process or combination of processes, including processes arising from human activities and habitation patterns, such as:
 - (i) soil erosion caused by wind and/or water;
 - (ii) deterioration of the physical, chemical and biological or economic properties of soil; and
 - (iii) long-term loss of natural vegetation;
- (g) "arid, semi-arid and dry sub-humid areas" means areas, other than polar and sub-polar regions, in which the ratio of annual precipitation to potential evapotranspiration falls within the range from 0.05 to 0.65;
- (h) "affected areas" means arid, semi-arid and/or dry sub-humid areas affected or threatened by desertification;
- (i) "affected countries" means countries whose lands include, in whole or in part, affected areas;
- (j) "regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention;
- (k) "developed country Parties" means developed country Parties and regional economic integration organizations constituted by developed countries.

Article 2

Objective

1. The objective of this Convention is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas.

2. Achieving this objective will involve long-term integrated strategies that focus simultaneously, in affected areas, on improved productivity of land, and the rehabilitation, conservation and sustainable management of land and

water resources, leading to improved living conditions, in particular at the community level.

Article 3

Principles

In order to achieve the objective of this Convention and to implement its provisions, the Parties shall be guided, inter alia, by the following:

- (a) the Parties should ensure that decisions on the design and implementation of programmes to combat desertification and/or mitigate the effects of drought are taken with the participation of populations and local communities and that an enabling environment is created at higher levels to facilitate action at national and local levels;
- (b) the Parties should, in a spirit of international solidarity and partnership, improve cooperation and coordination at subregional, regional and international levels, and better focus financial, human, organizational and technical resources where they are needed;
- (c) the Parties should develop, in a spirit of partnership, cooperation among all levels of government, communities, non-governmental organizations and landholders to establish a better understanding of the nature and value of land and scarce water resources in affected areas and to work towards their sustainable use; and
- (d) the Parties should take into full consideration the special needs and circumstances of affected developing country Parties, particularly the least developed among them.

PART II

GENERAL PROVISIONS

Article 4

General obligations

1. The Parties shall implement their obligations under this Convention, individually or jointly, either through existing or prospective bilateral and multilateral arrangements or a combination thereof, as appropriate, emphasizing the need to coordinate efforts and develop a coherent long-term strategy at all levels.

2. In pursuing the objective of this Convention, the Parties shall:

- (a) adopt an integrated approach addressing the physical, biological and socio-economic aspects of the processes of desertification and drought;

- (b) give due attention, within the relevant international and regional bodies, to the situation of affected developing country Parties with regard to international trade, marketing arrangements and debt with a view to establishing an enabling international economic environment conducive to the promotion of sustainable development;
 - (c) integrate strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought;
 - (d) promote cooperation among affected country Parties in the fields of environmental protection and the conservation of land and water resources, as they relate to desertification and drought;
 - (e) strengthen subregional, regional and international cooperation;
 - (f) cooperate within relevant intergovernmental organizations;
 - (g) determine institutional mechanisms, if appropriate, keeping in mind the need to avoid duplication; and
 - (h) promote the use of existing bilateral and multilateral financial mechanisms and arrangements that mobilize and channel substantial financial resources to affected developing country Parties in combating desertification and mitigating the effects of drought.
3. Affected developing country Parties are eligible for assistance in the implementation of the Convention.

Article 5

Obligations of affected country Parties

In addition to their obligations pursuant to article 4, affected country Parties undertake to:

- (a) give due priority to combating desertification and mitigating the effects of drought, and allocate adequate resources in accordance with their circumstances and capabilities;
- (b) establish strategies and priorities, within the framework of sustainable development plans and/or policies, to combat desertification and mitigate the effects of drought;
- (c) address the underlying causes of desertification and pay special attention to the socio-economic factors contributing to desertification processes;
- (d) promote awareness and facilitate the participation of local populations, particularly women and youth, with the support of non-governmental organizations, in efforts to combat desertification and mitigate the effects of drought; and
- (e) provide an enabling environment by strengthening, as appropriate, relevant existing legislation and, where they do not exist, enacting new laws and establishing long-term policies and action programmes.

Article 6

Obligations of developed country Parties

In addition to their general obligations pursuant to article 4, developed country Parties undertake to:

- (a) actively support, as agreed, individually or jointly, the efforts of affected developing country Parties, particularly those in Africa, and the least developed countries, to combat desertification and mitigate the effects of drought;
- (b) provide substantial financial resources and other forms of support to assist affected developing country Parties, particularly those in Africa, effectively to develop and implement their own long-term plans and strategies to combat desertification and mitigate the effects of drought;
- (c) promote the mobilization of new and additional funding pursuant to article 20, paragraph 2 (b);
- (d) encourage the mobilization of funding from the private sector and other non-governmental sources; and
- (e) promote and facilitate access by affected country Parties, particularly affected developing country Parties, to appropriate technology, knowledge and know-how.

Article 7

Priority for Africa

In implementing this Convention, the Parties shall give priority to affected African country Parties, in the light of the particular situation prevailing in that region, while not neglecting affected developing country Parties in other regions.

Article 8

Relationship with other conventions

1. The Parties shall encourage the coordination of activities carried out under this Convention and, if they are Parties to them, under other relevant international agreements, particularly the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, in order to derive maximum benefit from activities under each agreement while avoiding duplication of effort. The Parties shall encourage the conduct of joint programmes, particularly in the fields of research, training, systematic observation and information collection and exchange, to the extent that such activities may contribute to achieving the objectives of the agreements concerned.

2. The provisions of this Convention shall not affect the rights and obligations of any Party deriving from a bilateral, regional or international agreement into which it has entered prior to the entry into force of this Convention for it.

PART III

ACTION PROGRAMMES, SCIENTIFIC AND TECHNICAL
COOPERATION AND SUPPORTING MEASURES

Section 1: Action programmes

Article 9

Basic approach

1. In carrying out their obligations pursuant to article 5, affected developing country Parties and any other affected country Party in the framework of its regional implementation annex or, otherwise, that has notified the Permanent Secretariat in writing of its intention to prepare a national action programme, shall, as appropriate, prepare, make public and implement national action programmes, utilizing and building, to the extent possible, on existing relevant successful plans and programmes, and subregional and regional action programmes, as the central element of the strategy to combat desertification and mitigate the effects of drought. Such programmes shall be updated through a continuing participatory process on the basis of lessons from field action, as well as the results of research. The preparation of national action programmes shall be closely interlinked with other efforts to formulate national policies for sustainable development.

2. In the provision by developed country Parties of different forms of assistance under the terms of article 6, priority shall be given to supporting, as agreed, national, subregional and regional action programmes of affected developing country Parties, particularly those in Africa, either directly or through relevant multilateral organizations or both.

3. The Parties shall encourage organs, funds and programmes of the United Nations system and other relevant intergovernmental organizations, academic institutions, the scientific community and non-governmental organizations in a position to cooperate, in accordance with their mandates and capabilities, to support the elaboration, implementation and follow-up of action programmes.

Article 10

National action programmes

1. The purpose of national action programmes is to identify the factors contributing to desertification and practical measures necessary to combat desertification and mitigate the effects of drought.

2. National action programmes shall specify the respective roles of government, local communities and land users and the resources available and needed. They shall, *inter alia*:

- (a) incorporate long-term strategies to combat desertification and mitigate the effects of drought, emphasize implementation and be integrated with national policies for sustainable development;

- (b) allow for modifications to be made in response to changing circumstances and be sufficiently flexible at the local level to cope with different socio-economic, biological and geo-physical conditions;
 - (c) give particular attention to the implementation of preventive measures for lands that are not yet degraded or which are only slightly degraded;
 - (d) enhance national climatological, meteorological and hydrological capabilities and the means to provide for drought early warning;
 - (e) promote policies and strengthen institutional frameworks which develop cooperation and coordination, in a spirit of partnership, between the donor community, governments at all levels, local populations and community groups, and facilitate access by local populations to appropriate information and technology;
 - (f) provide for effective participation at the local, national and regional levels of non-governmental organizations and local populations, both women and men, particularly resource users, including farmers and pastoralists and their representative organizations, in policy planning, decision-making, and implementation and review of national action programmes; and
 - (g) require regular review of, and progress reports on, their implementation.
3. National action programmes may include, inter alia, some or all of the following measures to prepare for and mitigate the effects of drought:
- (a) establishment and/or strengthening, as appropriate, of early warning systems, including local and national facilities and joint systems at the subregional and regional levels, and mechanisms for assisting environmentally displaced persons;
 - (b) strengthening of drought preparedness and management, including drought contingency plans at the local, national, subregional and regional levels, which take into consideration seasonal to interannual climate predictions;
 - (c) establishment and/or strengthening, as appropriate, of food security systems, including storage and marketing facilities, particularly in rural areas;
 - (d) establishment of alternative livelihood projects that could provide incomes in drought prone areas; and
 - (e) development of sustainable irrigation programmes for both crops and livestock.
4. Taking into account the circumstances and requirements specific to each affected country Party, national action programmes include, as appropriate, inter alia, measures in some or all of the following priority fields as they relate to combating desertification and mitigating the effects of drought in affected areas and to their populations: promotion of alternative livelihoods and improvement of national economic environments with a view to strengthening

programmes aimed at the eradication of poverty and at ensuring food security; demographic dynamics; sustainable management of natural resources; sustainable agricultural practices; development and efficient use of various energy sources; institutional and legal frameworks; strengthening of capabilities for assessment and systematic observation, including hydrological and meteorological services, and capacity building, education and public awareness.

Article 11

Subregional and regional action programmes

Affected country Parties shall consult and cooperate to prepare, as appropriate, in accordance with relevant regional implementation annexes, subregional and/or regional action programmes to harmonize, complement and increase the efficiency of national programmes. The provisions of article 10 shall apply *mutatis mutandis* to subregional and regional programmes. Such cooperation may include agreed joint programmes for the sustainable management of transboundary natural resources, scientific and technical cooperation, and strengthening of relevant institutions.

Article 12

International cooperation

Affected country Parties, in collaboration with other Parties and the international community, should cooperate to ensure the promotion of an enabling international environment in the implementation of the Convention. Such cooperation should also cover fields of technology transfer as well as scientific research and development, information collection and dissemination and financial resources.

Article 13

Support for the elaboration and implementation of action programmes

1. Measures to support action programmes pursuant to article 9 include, inter alia:
 - (a) financial cooperation to provide predictability for action programmes, allowing for necessary long-term planning;
 - (b) elaboration and use of cooperation mechanisms which better enable support at the local level, including action through non-governmental organizations, in order to promote the replicability of successful pilot programme activities where relevant;
 - (c) increased flexibility in project design, funding and implementation in keeping with the experimental, iterative approach indicated for participatory action at the local community level; and

- (d) as appropriate, administrative and budgetary procedures that increase the efficiency of cooperation and of support programmes.

2. In providing such support to affected developing country Parties, priority shall be given to African country Parties and to least developed country Parties.

Article 14

Coordination in the elaboration and implementation of action programmes

1. The Parties shall work closely together, directly and through relevant intergovernmental organizations, in the elaboration and implementation of action programmes.

2. The Parties shall develop operational mechanisms, particularly at the national and field levels, to ensure the fullest possible coordination among developed country Parties, developing country Parties and relevant intergovernmental and non-governmental organizations, in order to avoid duplication, harmonize interventions and approaches, and maximize the impact of assistance. In affected developing country Parties, priority will be given to coordinating activities related to international cooperation in order to maximize the efficient use of resources, to ensure responsive assistance, and to facilitate the implementation of national action programmes and priorities under this Convention.

Article 15

Regional implementation annexes

Elements for incorporation in action programmes shall be selected and adapted to the socio-economic, geographical and climatic factors applicable to affected country Parties or regions, as well as to their level of development. Guidelines for the preparation of action programmes and their exact focus and content for particular subregions and regions are set out in the regional implementation annexes.

Section 2: Scientific and technical cooperation

Article 16

Information collection, analysis and exchange

The Parties agree, according to their respective capabilities, to integrate and coordinate the collection, analysis and exchange of relevant short term and long term data and information to ensure systematic observation of land degradation in affected areas and to understand better and assess the processes and effects of drought and desertification. This would help accomplish, inter alia, early warning and advance planning for periods of adverse climatic variation in a form suited for practical application by users at all levels,

including especially local populations. To this end, they shall, as appropriate:

- (a) facilitate and strengthen the functioning of the global network of institutions and facilities for the collection, analysis and exchange of information, as well as for systematic observation at all levels, which shall, inter alia:
 - (i) aim to use compatible standards and systems;
 - (ii) encompass relevant data and stations, including in remote areas;
 - (iii) use and disseminate modern technology for data collection, transmission and assessment on land degradation; and
 - (iv) link national, subregional and regional data and information centres more closely with global information sources;
- (b) ensure that the collection, analysis and exchange of information address the needs of local communities and those of decision makers, with a view to resolving specific problems, and that local communities are involved in these activities;
- (c) support and further develop bilateral and multilateral programmes and projects aimed at defining, conducting, assessing and financing the collection, analysis and exchange of data and information, including, inter alia, integrated sets of physical, biological, social and economic indicators;
- (d) make full use of the expertise of competent intergovernmental and non-governmental organizations, particularly to disseminate relevant information and experiences among target groups in different regions;
- (e) give full weight to the collection, analysis and exchange of socio-economic data, and their integration with physical and biological data;
- (f) exchange and make fully, openly and promptly available information from all publicly available sources relevant to combating desertification and mitigating the effects of drought; and
- (g) subject to their respective national legislation and/or policies, exchange information on local and traditional knowledge, ensuring adequate protection for it and providing appropriate return from the benefits derived from it, on an equitable basis and on mutually agreed terms, to the local populations concerned.

Article 17

Research and development

1. The Parties undertake, according to their respective capabilities, to promote technical and scientific cooperation in the fields of combating desertification and mitigating the effects of drought through appropriate national, subregional, regional and international institutions. To this end, they shall support research activities that:

- (a) contribute to increased knowledge of the processes leading to desertification and drought and the impact of, and distinction between, causal factors, both natural and human, with a view to combating desertification and mitigating the effects of drought, and achieving improved productivity as well as sustainable use and management of resources;
- (b) respond to well-defined objectives, address the specific needs of local populations and lead to the identification and implementation of solutions that improve the living standards of people in affected areas;
- (c) protect, integrate, enhance and validate traditional and local knowledge, know-how and practices, ensuring, subject to their respective national legislation and/or policies, that the owners of that knowledge will directly benefit on an equitable basis and on mutually agreed terms from any commercial utilization of it or from any technological development derived from that knowledge;
- (d) develop and strengthen national, subregional and regional research capabilities in affected developing country Parties, particularly in Africa, including the development of local skills and the strengthening of appropriate capacities, especially in countries with a weak research base, giving particular attention to multidisciplinary and participative socio-economic research;
- (e) take into account, where relevant, the relationship between poverty, migration caused by environmental factors, and desertification;
- (f) promote the conduct of joint research programmes between national, subregional, regional and international research organizations, in both the public and private sectors, for the development of improved, affordable and accessible technologies for sustainable development through effective participation of local populations and communities; and
- (g) enhance the availability of water resources in affected areas, by means of, *inter alia*, cloud-seeding.

2. Research priorities for particular regions and subregions, reflecting different local conditions, should be included in action programmes. The Conference of the Parties shall review research priorities periodically on the advice of the Committee on Science and Technology.

Article 18

*Transfer, acquisition, adaptation and
development of technology*

1. The Parties undertake, as mutually agreed and in accordance with their respective national legislation and/or policies, to promote, finance and/or facilitate the financing of the transfer, acquisition, adaptation and development of environmentally sound, economically viable and socially acceptable technologies relevant to combating desertification and/or mitigating the effects of drought, with a view to contributing to the achievement of sustainable development in affected areas. Such cooperation shall be conducted bilaterally or multilaterally, as appropriate, making full use of the expertise of intergovernmental and non-governmental organizations. The Parties shall, in particular:

- (a) fully utilize relevant existing national, subregional, regional and international information systems and clearing-houses for the dissemination of information on available technologies, their sources, their environmental risks and the broad terms under which they may be acquired;
- (b) facilitate access, in particular by affected developing country Parties, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, to technologies most suitable to practical application for specific needs of local populations, paying special attention to the social, cultural, economic and environmental impact of such technology;
- (c) facilitate technology cooperation among affected country Parties through financial assistance or other appropriate means;
- (d) extend technology cooperation with affected developing country Parties, including, where relevant, joint ventures, especially to sectors which foster alternative livelihoods; and
- (e) take appropriate measures to create domestic market conditions and incentives, fiscal or otherwise, conducive to the development, transfer, acquisition and adaptation of suitable technology, knowledge, know-how and practices, including measures to ensure adequate and effective protection of intellectual property rights.

2. The Parties shall, according to their respective capabilities, and subject to their respective national legislation and/or policies, protect, promote and use in particular relevant traditional and local technology, knowledge, know-how and practices and, to that end, they undertake to:

- (a) make inventories of such technology, knowledge, know-how and practices and their potential uses with the participation of local populations, and disseminate such information, where appropriate, in cooperation with relevant intergovernmental and non-governmental organizations;
- (b) ensure that such technology, knowledge, know-how and practices are adequately protected and that local populations benefit directly, on an equitable basis and as mutually agreed, from any commercial utilization of them or from any technological development derived therefrom;

- (c) encourage and actively support the improvement and dissemination of such technology, knowledge, know-how and practices or of the development of new technology based on them; and
- (d) facilitate, as appropriate, the adaptation of such technology, knowledge, know-how and practices to wide use and integrate them with modern technology, as appropriate.

Section 3: Supporting measures

Article 19

*Capacity-building, education and
public awareness*

1. The Parties recognize the significance of capacity-building - that is to say, institution-building, training and development of relevant local and national capacities - in efforts to combat desertification and mitigate the effects of drought. They shall promote, as appropriate, capacity-building:
 - (a) through the full participation at all levels of local people, particularly at the local level, especially women and youth, with the cooperation of non-governmental and local organizations;
 - (b) by strengthening training and research capacity at the national level in the field of desertification and drought;
 - (c) by establishing and/or strengthening support and extension services to disseminate relevant technology methods and techniques more effectively, and by training field agents and members of rural organizations in participatory approaches for the conservation and sustainable use of natural resources;
 - (d) by fostering the use and dissemination of the knowledge, know-how and practices of local people in technical cooperation programmes, wherever possible;
 - (e) by adapting, where necessary, relevant environmentally sound technology and traditional methods of agriculture and pastoralism to modern socio-economic conditions;
 - (f) by providing appropriate training and technology in the use of alternative energy sources, particularly renewable energy resources, aimed particularly at reducing dependence on wood for fuel;
 - (g) through cooperation, as mutually agreed, to strengthen the capacity of affected developing country Parties to develop and implement programmes in the field of collection, analysis and exchange of information pursuant to article 16;

- (h) through innovative ways of promoting alternative livelihoods, including training in new skills;
- (i) by training of decision makers, managers, and personnel who are responsible for the collection and analysis of data for the dissemination and use of early warning information on drought conditions and for food production;
- (j) through more effective operation of existing national institutions and legal frameworks and, where necessary, creation of new ones, along with strengthening of strategic planning and management; and
- (k) by means of exchange visitor programmes to enhance capacity-building in affected country Parties through a long-term, interactive process of learning and study.

2. Affected developing country Parties shall conduct, in cooperation with other Parties and competent intergovernmental and non-governmental organizations, as appropriate, an interdisciplinary review of available capacity and facilities at the local and national levels, and the potential for strengthening them.

3. The Parties shall cooperate with each other and through competent intergovernmental organizations, as well as with non-governmental organizations, in undertaking and supporting public awareness and educational programmes in both affected and, where relevant, unaffected country Parties to promote understanding of the causes and effects of desertification and drought and of the importance of meeting the objective of this Convention. To that end, they shall:

- (a) organize awareness campaigns for the general public;
- (b) promote, on a permanent basis, access by the public to relevant information, and wide public participation in education and awareness activities;
- (c) encourage the establishment of associations that contribute to public awareness;
- (d) develop and exchange educational and public awareness material, where possible in local languages, exchange and second experts to train personnel of affected developing country Parties in carrying out relevant education and awareness programmes, and fully utilize relevant educational material available in competent international bodies;
- (e) assess educational needs in affected areas, elaborate appropriate school curricula and expand, as needed, educational and adult literacy programmes and opportunities for all, in particular for girls and women, on the identification, conservation and sustainable use and management of the natural resources of affected areas; and
- (f) develop interdisciplinary participatory programmes integrating desertification and drought awareness into educational systems and in non-formal, adult, distance and practical educational programmes.

4. The Conference of the Parties shall establish and/or strengthen networks of regional education and training centres to combat desertification and mitigate the effects of drought. These networks shall be coordinated by an institution created or designated for that purpose, in order to train scientific, technical and management personnel and to strengthen existing institutions responsible for education and training in affected country Parties, where appropriate, with a view to harmonizing programmes and to organizing exchanges of experience among them. These networks shall cooperate closely with relevant intergovernmental and non-governmental organizations to avoid duplication of effort.

Article 20

Financial resources

1. Given the central importance of financing to the achievement of the objective of the Convention, the Parties, taking into account their capabilities, shall make every effort to ensure that adequate financial resources are available for programmes to combat desertification and mitigate the effects of drought.

2. In this connection, developed country Parties, while giving priority to affected African country Parties without neglecting affected developing country Parties in other regions, in accordance with article 7, undertake to:

- (a) mobilize substantial financial resources, including grants and concessional loans, in order to support the implementation of programmes to combat desertification and mitigate the effects of drought;
- (b) promote the mobilization of adequate, timely and predictable financial resources, including new and additional funding from the Global Environment Facility of the agreed incremental costs of those activities concerning desertification that relate to its four focal areas, in conformity with the relevant provisions of the Instrument establishing the Global Environment Facility;
- (c) facilitate through international cooperation the transfer of technology, knowledge and know-how; and
- (d) explore, in cooperation with affected developing country Parties, innovative methods and incentives for mobilizing and channelling resources, including those of foundations, non-governmental organizations and other private sector entities, particularly debt swaps and other innovative means which increase financing by reducing the external debt burden of affected developing country Parties, particularly those in Africa.

3. Affected developing country Parties, taking into account their capabilities, undertake to mobilize adequate financial resources for the implementation of their national action programmes.

4. In mobilizing financial resources, the Parties shall seek full use and continued qualitative improvement of all national, bilateral and multilateral

funding sources and mechanisms, using consortia, joint programmes and parallel financing, and shall seek to involve private sector funding sources and mechanisms, including those of non-governmental organizations. To this end, the Parties shall fully utilize the operational mechanisms developed pursuant to article 14.

5. In order to mobilize the financial resources necessary for affected developing country Parties to combat desertification and mitigate the effects of drought, the Parties shall:

- (a) rationalize and strengthen the management of resources already allocated for combating desertification and mitigating the effects of drought by using them more effectively and efficiently, assessing their successes and shortcomings, removing hindrances to their effective use and, where necessary, reorienting programmes in light of the integrated long-term approach adopted pursuant to this Convention;
- (b) give due priority and attention within the governing bodies of multilateral financial institutions, facilities and funds, including regional development banks and funds, to supporting affected developing country Parties, particularly those in Africa, in activities which advance implementation of the Convention, notably action programmes they undertake in the framework of regional implementation annexes; and
- (c) examine ways in which regional and subregional cooperation can be strengthened to support efforts undertaken at the national level.

6. Other Parties are encouraged to provide, on a voluntary basis, knowledge, know-how and techniques related to desertification and/or financial resources to affected developing country Parties.

7. The full implementation by affected developing country Parties, particularly those in Africa, of their obligations under the Convention will be greatly assisted by the fulfilment by developed country Parties of their obligations under the Convention, including in particular those regarding financial resources and transfer of technology. In fulfilling their obligations, developed country Parties should take fully into account that economic and social development and poverty eradication are the first priorities of affected developing country Parties, particularly those in Africa.

Article 21

Financial mechanisms

1. The Conference of the Parties shall promote the availability of financial mechanisms and shall encourage such mechanisms to seek to maximize the availability of funding for affected developing country Parties, particularly those in Africa, to implement the Convention. To this end, the Conference of the Parties shall consider for adoption inter alia approaches and policies that:

- (a) facilitate the provision of necessary funding at the national, subregional, regional and global levels for activities pursuant to relevant provisions of the Convention;

- (b) promote multiple-source funding approaches, mechanisms and arrangements and their assessment, consistent with article 20;
- (c) provide on a regular basis, to interested Parties and relevant intergovernmental and non-governmental organizations, information on available sources of funds and on funding patterns in order to facilitate coordination among them;
- (d) facilitate the establishment, as appropriate, of mechanisms, such as national desertification funds, including those involving the participation of non-governmental organizations, to channel financial resources rapidly and efficiently to the local level in affected developing country Parties; and
- (e) strengthen existing funds and financial mechanisms at the subregional and regional levels, particularly in Africa, to support more effectively the implementation of the Convention.

2. The Conference of the Parties shall also encourage the provision, through various mechanisms within the United Nations system and through multilateral financial institutions, of support at the national, subregional and regional levels to activities that enable developing country Parties to meet their obligations under the Convention.

3. Affected developing country Parties shall utilize, and where necessary, establish and/or strengthen, national coordinating mechanisms, integrated in national development programmes, that would ensure the efficient use of all available financial resources. They shall also utilize participatory processes involving non-governmental organizations, local groups and the private sector, in raising funds, in elaborating as well as implementing programmes and in assuring access to funding by groups at the local level. These actions can be enhanced by improved coordination and flexible programming on the part of those providing assistance.

4. In order to increase the effectiveness and efficiency of existing financial mechanisms, a Global Mechanism to promote actions leading to the mobilization and channelling of substantial financial resources, including for the transfer of technology, on a grant basis, and/or on concessional or other terms, to affected developing country Parties, is hereby established. This Global Mechanism shall function under the authority and guidance of the Conference of the Parties and be accountable to it.

5. The Conference of the Parties shall identify, at its first ordinary session, an organization to house the Global Mechanism. The Conference of the Parties and the organization it has identified shall agree upon modalities for this Global Mechanism to ensure inter alia that such Mechanism:

- (a) identifies and draws up an inventory of relevant bilateral and multilateral cooperation programmes that are available to implement the Convention;
- (b) provides advice, on request, to Parties on innovative methods of financing and sources of financial assistance and on improving the coordination of cooperation activities at the national level;

- (c) provides interested Parties and relevant intergovernmental and non-governmental organizations with information on available sources of funds and on funding patterns in order to facilitate coordination among them; and
- (d) reports to the Conference of the Parties, beginning at its second ordinary session, on its activities.

6. The Conference of the Parties shall, at its first session, make appropriate arrangements with the organization it has identified to house the Global Mechanism for the administrative operations of such Mechanism, drawing to the extent possible on existing budgetary and human resources.

7. The Conference of the Parties shall, at its third ordinary session, review the policies, operational modalities and activities of the Global Mechanism accountable to it pursuant to paragraph 4, taking into account the provisions of article 7. On the basis of this review, it shall consider and take appropriate action.

PART IV

INSTITUTIONS

Article 22

Conference of the Parties

1. A Conference of the Parties is hereby established.
2. The Conference of the Parties is the supreme body of the Convention. It shall make, within its mandate, the decisions necessary to promote its effective implementation. In particular, it shall:
 - (a) regularly review the implementation of the Convention and the functioning of its institutional arrangements in the light of the experience gained at the national, subregional, regional and international levels and on the basis of the evolution of scientific and technological knowledge;
 - (b) promote and facilitate the exchange of information on measures adopted by the Parties, and determine the form and timetable for transmitting the information to be submitted pursuant to article 26, review the reports and make recommendations on them;
 - (c) establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;
 - (d) review reports submitted by its subsidiary bodies and provide guidance to them;
 - (e) agree upon and adopt, by consensus, rules of procedure and financial rules for itself and any subsidiary bodies;

- (f) adopt amendments to the Convention pursuant to articles 30 and 31;
- (g) approve a programme and budget for its activities, including those of its subsidiary bodies, and undertake necessary arrangements for their financing;
- (h) as appropriate, seek the cooperation of, and utilize the services of and information provided by, competent bodies or agencies, whether national or international, intergovernmental or non-governmental;
- (i) promote and strengthen the relationship with other relevant conventions while avoiding duplication of effort; and
- (j) exercise such other functions as may be necessary for the achievement of the objective of the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure, by consensus, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

4. The first session of the Conference of the Parties shall be convened by the interim secretariat referred to in article 35 and shall take place not later than one year after the date of entry into force of the Convention. Unless otherwise decided by the Conference of the Parties, the second, third and fourth ordinary sessions shall be held yearly, and thereafter, ordinary sessions shall be held every two years.

5. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be decided either by the Conference of the Parties in ordinary session or at the written request of any Party, provided that, within three months of the request being communicated to the Parties by the Permanent Secretariat, it is supported by at least one third of the Parties.

6. At each ordinary session, the Conference of the Parties shall elect a Bureau. The structure and functions of the Bureau shall be determined in the rules of procedure. In appointing the Bureau, due regard shall be paid to the need to ensure equitable geographical distribution and adequate representation of affected country Parties, particularly those in Africa.

7. The United Nations, its specialized agencies and any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the Permanent Secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

8. The Conference of the Parties may request competent national and international organizations which have relevant expertise to provide it with information relevant to article 16, paragraph (g), article 17, paragraph 1 (c) and article 18, paragraph 2 (b).

Article 23

Permanent Secretariat

1. A Permanent Secretariat is hereby established.
2. The functions of the Permanent Secretariat shall be:
 - (a) to make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required;
 - (b) to compile and transmit reports submitted to it;
 - (c) to facilitate assistance to affected developing country Parties, on request, particularly those in Africa, in the compilation and communication of information required under the Convention;
 - (d) to coordinate its activities with the secretariats of other relevant international bodies and conventions;
 - (e) to enter, under the guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
 - (f) to prepare reports on the execution of its functions under this Convention and present them to the Conference of the Parties; and
 - (g) to perform such other secretariat functions as may be determined by the Conference of the Parties.
3. The Conference of the Parties, at its first session, shall designate a Permanent Secretariat and make arrangements for its functioning.

Article 24

Committee on Science and Technology

1. A Committee on Science and Technology is hereby established as a subsidiary body of the Conference of the Parties to provide it with information and advice on scientific and technological matters relating to combating desertification and mitigating the effects of drought. The Committee shall meet in conjunction with the ordinary sessions of the Conference of the Parties and shall be multidisciplinary and open to the participation of all Parties. It shall be composed of government representatives competent in the relevant fields of expertise. The Conference of the Parties shall decide, at its first session, on the terms of reference of the Committee.
2. The Conference of the Parties shall establish and maintain a roster of independent experts with expertise and experience in the relevant fields. The roster shall be based on nominations received in writing from the Parties,

taking into account the need for a multidisciplinary approach and broad geographical representation.

3. The Conference of the Parties may, as necessary, appoint ad hoc panels to provide it, through the Committee, with information and advice on specific issues regarding the state of the art in fields of science and technology relevant to combating desertification and mitigating the effects of drought. These panels shall be composed of experts whose names are taken from the roster, taking into account the need for a multidisciplinary approach and broad geographical representation. These experts shall have scientific backgrounds and field experience and shall be appointed by the Conference of the Parties on the recommendation of the Committee. The Conference of the Parties shall decide on the terms of reference and the modalities of work of these panels.

Article 25

Networking of institutions, agencies and bodies

1. The Committee on Science and Technology shall, under the supervision of the Conference of the Parties, make provision for the undertaking of a survey and evaluation of the relevant existing networks, institutions, agencies and bodies willing to become units of a network. Such a network shall support the implementation of the Convention.

2. On the basis of the results of the survey and evaluation referred to in paragraph 1, the Committee on Science and Technology shall make recommendations to the Conference of the Parties on ways and means to facilitate and strengthen networking of the units at the local, national and other levels, with a view to ensuring that the thematic needs set out in articles 16 to 19 are addressed.

3. Taking into account these recommendations, the Conference of the Parties shall:

- (a) identify those national, subregional, regional and international units that are most appropriate for networking, and recommend operational procedures, and a time-frame, for them; and
- (b) identify the units best suited to facilitating and strengthening such networking at all levels.

PART V

PROCEDURES

Article 26

Communication of information

1. Each Party shall communicate to the Conference of the Parties for consideration at its ordinary sessions, through the Permanent Secretariat, reports on the measures which it has taken for the implementation of the

Convention. The Conference of the Parties shall determine the timetable for submission and the format of such reports.

2. Affected country Parties shall provide a description of the strategies established pursuant to article 5 and of any relevant information on their implementation.

3. Affected country Parties which implement action programmes pursuant to articles 9 to 15 shall provide a detailed description of the programmes and of their implementation.

4. Any group of affected country Parties may make a joint communication on measures taken at the subregional and/or regional levels in the framework of action programmes.

5. Developed country Parties shall report on measures taken to assist in the preparation and implementation of action programmes, including information on the financial resources they have provided, or are providing, under the Convention.

6. Information communicated pursuant to paragraphs 1 to 4 shall be transmitted by the Permanent Secretariat as soon as possible to the Conference of the Parties and to any relevant subsidiary body.

7. The Conference of the Parties shall facilitate the provision to affected developing countries, particularly those in Africa, on request, of technical and financial support in compiling and communicating information in accordance with this article, as well as identifying the technical and financial needs associated with action programmes.

Article 27

Measures to resolve questions on implementation

The Conference of the Parties shall consider and adopt procedures and institutional mechanisms for the resolution of questions that may arise with regard to the implementation of the Convention.

Article 28

Settlement of disputes

1. Parties shall settle any dispute between them concerning the interpretation or application of the Convention through negotiation or other peaceful means of their own choice.

2. When ratifying, accepting, approving, or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

(a) arbitration in accordance with procedures adopted by the Conference of the Parties in an annex as soon as practicable;

(b) submission of the dispute to the International Court of Justice.

3. A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2 (a).

4. A declaration made pursuant to paragraph 2 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

5. The expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect proceedings pending before an arbitral tribunal or the International Court of Justice unless the Parties to the dispute otherwise agree.

6. If the Parties to a dispute have not accepted the same or any procedure pursuant to paragraph 2 and if they have not been able to settle their dispute within twelve months following notification by one Party to another that a dispute exists between them, the dispute shall be submitted to conciliation at the request of any Party to the dispute, in accordance with procedures adopted by the Conference of the Parties in an annex as soon as practicable.

Article 29

Status of annexes

1. Annexes form an integral part of the Convention and, unless expressly provided otherwise, a reference to the Convention also constitutes a reference to its annexes.

2. The Parties shall interpret the provisions of the annexes in a manner that is in conformity with their rights and obligations under the articles of this Convention.

Article 30

Amendments to the Convention

1. Any Party may propose amendments to the Convention.

2. Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Permanent Secretariat at least six months before the meeting at which it is proposed for adoption. The Permanent Secretariat shall also communicate proposed amendments to the signatories to the Convention.

3. The Parties shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted and no agreement reached, the amendment shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the Permanent

Secretariat to the Depositary, who shall circulate it to all Parties for their ratification, acceptance, approval or accession.

4. Instruments of ratification, acceptance, approval or accession in respect of an amendment shall be deposited with the Depositary. An amendment adopted pursuant to paragraph 3 shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of ratification, acceptance, approval or accession by at least two thirds of the Parties to the Convention which were Parties at the time of the adoption of the amendment.

5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of ratification, acceptance or approval of, or accession to the said amendment.

6. For the purposes of this article and article 31, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 31

Adoption and amendment of annexes

1. Any additional annex to the Convention and any amendment to an annex shall be proposed and adopted in accordance with the procedure for amendment of the Convention set forth in article 30, provided that, in adopting an additional regional implementation annex or amendment to any regional implementation annex, the majority provided for in that article shall include a two-thirds majority vote of the Parties of the region concerned present and voting. The adoption or amendment of an annex shall be communicated by the Depositary to all Parties.

2. An annex, other than an additional regional implementation annex, or an amendment to an annex, other than an amendment to any regional implementation annex, that has been adopted in accordance with paragraph 1, shall enter into force for all Parties to the Convention six months after the date of communication by the Depositary to such Parties of the adoption of such annex or amendment, except for those Parties that have notified the Depositary in writing within that period of their non-acceptance of such annex or amendment. Such annex or amendment shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

3. An additional regional implementation annex or amendment to any regional implementation annex that has been adopted in accordance with paragraph 1, shall enter into force for all Parties to the Convention six months after the date of the communication by the Depositary to such Parties of the adoption of such annex or amendment, except with respect to:

- (a) any Party that has notified the Depositary in writing, within such six month period, of its non-acceptance of that additional regional implementation annex or of the amendment to the regional implementation annex, in which case such annex or amendment shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary; and

- (b) any Party that has made a declaration with respect to additional regional implementation annexes or amendments to regional implementation annexes in accordance with article 34, paragraph 4, in which case any such annex or amendment shall enter into force for such a Party on the ninetieth day after the date of deposit with the Depositary of its instrument of ratification, acceptance, approval or accession with respect to such annex or amendment.

4. If the adoption of an annex or an amendment to an annex involves an amendment to the Convention, that annex or amendment to an annex shall not enter into force until such time as the amendment to the Convention enters into force.

Article 32

Right to vote

1. Except as provided for in paragraph 2, each Party to the Convention shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

PART VI

FINAL PROVISIONS

Article 33

Signature

This Convention shall be opened for signature at Paris, on 14-15 October 1994, by States Members of the United Nations or any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations. It shall remain open for signature, thereafter, at the United Nations Headquarters in New York until 13 October 1995.

Article 34

Ratification, acceptance, approval and accession

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization which becomes a Party to the Convention without any of its member States being a Party to the

Convention shall be bound by all the obligations under the Convention. Where one or more member States of such an organization are also Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. They shall also promptly inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

4. In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with respect to it, any additional regional implementation annex or any amendment to any regional implementation annex shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.

Article 35

Interim arrangements

The secretariat functions referred to in article 23 will be carried out on an interim basis by the secretariat established by the General Assembly of the United Nations in its resolution 47/188 of 22 December 1992, until the completion of the first session of the Conference of the Parties.

Article 36

Entry into force

1. The Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to the Convention after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

3. For the purposes of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

Article 37

Reservations

No reservations may be made to this Convention.

Article 38

Withdrawal

1. At any time after three years from the date on which the Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

Article 39

Depositary

The Secretary-General of the United Nations shall be the Depositary of the Convention.

Article 40

Authentic texts

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed the present Convention.

DONE AT Paris, this 17th day of June one thousand nine hundred and ninety-four.

ANNEX I

REGIONAL IMPLEMENTATION ANNEX FOR AFRICA

Article 1

Scope

This Annex applies to Africa, in relation to each Party and in conformity with the Convention, in particular its article 7, for the purpose of combating desertification and/or mitigating the effects of drought in its arid, semi-arid and dry sub-humid areas.

Article 2

Purpose

The purpose of this Annex, at the national, subregional and regional levels in Africa and in the light of its particular conditions, is to:

- (a) identify measures and arrangements, including the nature and processes of assistance provided by developed country Parties, in accordance with the relevant provisions of the Convention;
- (b) provide for the efficient and practical implementation of the Convention to address conditions specific to Africa; and
- (c) promote processes and activities relating to combating desertification and/or mitigating the effects of drought within the arid, semi-arid and dry sub-humid areas of Africa.

Article 3

Particular conditions of the African region

In carrying out their obligations under the Convention, the Parties shall, in the implementation of this Annex, adopt a basic approach that takes into consideration the following particular conditions of Africa:

- (a) the high proportion of arid, semi-arid and dry sub-humid areas;
- (b) the substantial number of countries and populations adversely affected by desertification and by the frequent recurrence of severe drought;
- (c) the large number of affected countries that are land-locked;
- (d) the widespread poverty prevalent in most affected countries, the large number of least developed countries among them, and their need for significant amounts of external assistance, in the form of grants and loans on concessional terms, to pursue their development objectives;
- (e) the difficult socio-economic conditions, exacerbated by deteriorating and fluctuating terms of trade, external indebtedness and political

instability, which induce internal, regional and international migrations;

- (f) the heavy reliance of populations on natural resources for subsistence which, compounded by the effects of demographic trends and factors, a weak technological base and unsustainable production practices, contributes to serious resource degradation;
- (g) the insufficient institutional and legal frameworks, the weak infrastructural base and the insufficient scientific, technical and educational capacity, leading to substantial capacity-building requirements; and
- (h) the central role of actions to combat desertification and/or mitigate the effects of drought in the national development priorities of affected African countries.

Article 4

Commitments and obligations of African country Parties

1. In accordance with their respective capabilities, African country Parties undertake to:
 - (a) adopt the combating of desertification and/or the mitigation of the effects of drought as a central strategy in their efforts to eradicate poverty;
 - (b) promote regional cooperation and integration, in a spirit of solidarity and partnership based on mutual interest, in programmes and activities to combat desertification and/or mitigate the effects of drought;
 - (c) rationalize and strengthen existing institutions concerned with desertification and drought and involve other existing institutions, as appropriate, in order to make them more effective and to ensure more efficient use of resources;
 - (d) promote the exchange of information on appropriate technology, knowledge, know-how and practices between and among them; and
 - (e) develop contingency plans for mitigating the effects of drought in areas degraded by desertification and/or drought.
2. Pursuant to the general and specific obligations set out in articles 4 and 5 of the Convention, affected African country Parties shall aim to:
 - (a) make appropriate financial allocations from their national budgets consistent with national conditions and capabilities and reflecting the new priority Africa has accorded to the phenomenon of desertification and/or drought;

- (b) sustain and strengthen reforms currently in progress towards greater decentralization and resource tenure as well as reinforce participation of local populations and communities; and
- (c) identify and mobilize new and additional national financial resources, and expand, as a matter of priority, existing national capabilities and facilities to mobilize domestic financial resources.

Article 5

Commitments and obligations of developed country Parties

1. In fulfilling their obligations pursuant to articles 4, 6 and 7 of the Convention, developed country Parties shall give priority to affected African country Parties and, in this context, shall:
 - (a) assist them to combat desertification and/or mitigate the effects of drought by, *inter alia*, providing and/or facilitating access to financial and/or other resources, and promoting, financing and/or facilitating the financing of the transfer, adaptation and access to appropriate environmental technologies and know-how, as mutually agreed and in accordance with national policies, taking into account their adoption of poverty eradication as a central strategy;
 - (b) continue to allocate significant resources and/or increase resources to combat desertification and/or mitigate the effects of drought; and
 - (c) assist them in strengthening capacities to enable them to improve their institutional frameworks, as well as their scientific and technical capabilities, information collection and analysis, and research and development for the purpose of combating desertification and/or mitigating the effects of drought.
2. Other country Parties may provide, on a voluntary basis, technology, knowledge and know-how relating to desertification and/or financial resources, to affected African country Parties. The transfer of such knowledge, know-how and techniques is facilitated by international cooperation.

Article 6

Strategic planning framework for sustainable development

1. National action programmes shall be a central and integral part of a broader process of formulating national policies for the sustainable development of affected African country Parties.
2. A consultative and participatory process involving appropriate levels of government, local populations, communities and non-governmental organizations shall be undertaken to provide guidance on a strategy with flexible planning to allow maximum participation from local populations and communities. As

appropriate, bilateral and multilateral assistance agencies may be involved in this process at the request of an affected African country Party.

Article 7

Timetable for preparation of action programmes

Pending entry into force of this Convention, the African country Parties, in cooperation with other members of the international community, as appropriate, shall, to the extent possible, provisionally apply those provisions of the Convention relating to the preparation of national, subregional and regional action programmes.

Article 8

Content of national action programmes

1. Consistent with article 10 of the Convention, the overall strategy of national action programmes shall emphasize integrated local development programmes for affected areas, based on participatory mechanisms and on integration of strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought. The programmes shall aim at strengthening the capacity of local authorities and ensuring the active involvement of local populations, communities and groups, with emphasis on education and training, mobilization of non-governmental organizations with proven expertise and strengthening of decentralized governmental structures.

2. National action programmes shall, as appropriate, include the following general features:

- (a) the use, in developing and implementing national action programmes, of past experiences in combating desertification and/or mitigating the effects of drought, taking into account social, economic and ecological conditions;
- (b) the identification of factors contributing to desertification and/or drought and the resources and capacities available and required, and the setting up of appropriate policies and institutional and other responses and measures necessary to combat those phenomena and/or mitigate their effects; and
- (c) the increase in participation of local populations and communities, including women, farmers and pastoralists, and delegation to them of more responsibility for management.

3. National action programmes shall also, as appropriate, include the following:

- (a) measures to improve the economic environment with a view to eradicating poverty:
 - (i) increasing incomes and employment opportunities, especially for the poorest members of the community, by:

- developing markets for farm and livestock products;
 - creating financial instruments suited to local needs;
 - encouraging diversification in agriculture and the setting-up of agricultural enterprises; and
 - developing economic activities of a para-agricultural or non-agricultural type;
- (ii) improving the long-term prospects of rural economies by the creation of:
- incentives for productive investment and access to the means of production; and
 - price and tax policies and commercial practices that promote growth;
- (iii) defining and applying population and migration policies to reduce population pressure on land; and
- (iv) promoting the use of drought resistant crops and the application of integrated dry-land farming systems for food security purposes;
- (b) measures to conserve natural resources:
- (i) ensuring integrated and sustainable management of natural resources, including:
- agricultural land and pastoral land;
 - vegetation cover and wildlife;
 - forests;
 - water resources; and
 - biological diversity;
- (ii) training with regard to, and strengthening, public awareness and environmental education campaigns and disseminating knowledge of techniques relating to the sustainable management of natural resources; and
- (iii) ensuring the development and efficient use of diverse energy sources, the promotion of alternative sources of energy, particularly solar energy, wind energy and bio-gas, and specific arrangements for the transfer, acquisition and adaptation of relevant technology to alleviate the pressure on fragile natural resources;
- (c) measures to improve institutional organization:

- (i) defining the roles and responsibilities of central government and local authorities within the framework of a land use planning policy;
 - (ii) encouraging a policy of active decentralization, devolving responsibility for management and decision-making to local authorities, and encouraging initiatives and the assumption of responsibility by local communities and the establishment of local structures; and
 - (iii) adjusting, as appropriate, the institutional and regulatory framework of natural resource management to provide security of land tenure for local populations;
- (d) measures to improve knowledge of desertification:
- (i) promoting research and the collection, processing and exchange of information on the scientific, technical and socio-economic aspects of desertification;
 - (ii) improving national capabilities in research and in the collection, processing, exchange and analysis of information so as to increase understanding and to translate the results of the analysis into operational terms; and
 - (iii) encouraging the medium- and long-term study of:
 - socio-economic and cultural trends in affected areas;
 - qualitative and quantitative trends in natural resources; and
 - the interaction between climate and desertification; and
- (e) measures to monitor and assess the effects of drought:
- (i) developing strategies to evaluate the impacts of natural climate variability on regional drought and desertification and/or to utilize predictions of climate variability on seasonal to interannual time scales in efforts to mitigate the effects of drought;
 - (ii) improving early warning and response capacity, efficiently managing emergency relief and food aid, and improving food stocking and distribution systems, cattle protection schemes and public works and alternative livelihoods for drought prone areas; and
 - (iii) monitoring and assessing ecological degradation to provide reliable and timely information on the process and dynamics of resource degradation in order to facilitate better policy formulations and responses.

Article 9

Preparation of national action programmes and
implementation and evaluation indicators

Each affected African country Party shall designate an appropriate national coordinating body to function as a catalyst in the preparation, implementation and evaluation of its national action programme. This coordinating body shall, in the light of article 3 and as appropriate:

- (a) undertake an identification and review of actions, beginning with a locally driven consultation process, involving local populations and communities and with the cooperation of local administrative authorities, developed country Parties and intergovernmental and non-governmental organizations, on the basis of initial consultations of those concerned at the national level;
- (b) identify and analyse the constraints, needs and gaps affecting development and sustainable land use and recommend practical measures to avoid duplication by making full use of relevant ongoing efforts and promote implementation of results;
- (c) facilitate, design and formulate project activities based on interactive, flexible approaches in order to ensure active participation of the population in affected areas, to minimize the negative impact of such activities, and to identify and prioritize requirements for financial assistance and technical cooperation;
- (d) establish pertinent, quantifiable and readily verifiable indicators to ensure the assessment and evaluation of national action programmes, which encompass actions in the short, medium and long terms, and of the implementation of such programmes; and
- (e) prepare progress reports on the implementation of the national action programmes.

Article 10

Organizational framework of subregional
action programmes

1. Pursuant to article 4 of the Convention, African country Parties shall cooperate in the preparation and implementation of subregional action programmes for central, eastern, northern, southern and western Africa and, in that regard, may delegate the following responsibilities to relevant subregional intergovernmental organizations:

- (a) acting as focal points for preparatory activities and coordinating the implementation of the subregional action programmes;
- (b) assisting in the preparation and implementation of national action programmes;
- (c) facilitating the exchange of information, experience and know-how as well as providing advice on the review of national legislation; and
- (d) any other responsibilities relating to the implementation of subregional action programmes.

2. Specialized subregional institutions may provide support, upon request, and/or be entrusted with the responsibility to coordinate activities in their respective fields of competence.

Article 11

Content and preparation of subregional action programmes

Subregional action programmes shall focus on issues that are better addressed at the subregional level. They shall establish, where necessary, mechanisms for the management of shared natural resources. Such mechanisms shall effectively handle transboundary problems associated with desertification and/or drought and shall provide support for the harmonious implementation of national action programmes. Priority areas for subregional action programmes shall, as appropriate, focus on:

- (a) joint programmes for the sustainable management of transboundary natural resources through bilateral and multilateral mechanisms, as appropriate;
- (b) coordination of programmes to develop alternative energy sources;
- (c) cooperation in the management and control of pests as well as of plant and animal diseases;
- (d) capacity-building, education and public awareness activities that are better carried out or supported at the subregional level;
- (e) scientific and technical cooperation, particularly in the climatological, meteorological and hydrological fields, including networking for data collection and assessment, information sharing and project monitoring, and coordination and prioritization of research and development activities;
- (f) early warning systems and joint planning for mitigating the effects of drought, including measures to address the problems resulting from environmentally induced migrations;
- (g) exploration of ways of sharing experiences, particularly regarding participation of local populations and communities, and creation of an enabling environment for improved land use management and for use of appropriate technologies;
- (h) strengthening of the capacity of subregional organizations to coordinate and provide technical services, as well as establishment, reorientation and strengthening of subregional centres and institutions; and
- (i) development of policies in fields, such as trade, which have impact upon affected areas and populations, including policies for the coordination of regional marketing regimes and for common infrastructure.

Article 12

*Organizational framework of the
regional action programme*

1. Pursuant to article 11 of the Convention, African country Parties shall jointly determine the procedures for preparing and implementing the regional action programme.
2. The Parties may provide appropriate support to relevant African regional institutions and organizations to enable them to assist African country Parties to fulfil their responsibilities under the Convention.

Article 13

Content of the regional action programme

The regional action programme includes measures relating to combating desertification and/or mitigating the effects of drought in the following priority areas, as appropriate:

- (a) development of regional cooperation and coordination of subregional action programmes for building regional consensus on key policy areas, including through regular consultations of subregional organizations;
- (b) promotion of capacity-building in activities which are better implemented at the regional level;
- (c) the seeking of solutions with the international community to global economic and social issues that have an impact on affected areas taking into account article 4, paragraph 2 (b) of the Convention;
- (d) promotion among the affected country Parties of Africa and its subregions, as well as with other affected regions, of exchange of information and appropriate techniques, technical know-how and relevant experience; promotion of scientific and technological cooperation particularly in the fields of climatology, meteorology, hydrology, water resource development and alternative energy sources; coordination of subregional and regional research activities; and identification of regional priorities for research and development;
- (e) coordination of networks for systematic observation and assessment and information exchange, as well as their integration into world-wide networks; and
- (f) coordination of and reinforcement of subregional and regional early warning systems and drought contingency plans.

Article 14

Financial resources

1. Pursuant to article 20 of the Convention and article 4, paragraph 2, affected African country Parties shall endeavour to provide a macroeconomic

framework conducive to the mobilization of financial resources and shall develop policies and establish procedures to channel resources more effectively to local development programmes, including through non-governmental organizations, as appropriate.

2. Pursuant to article 21, paragraphs 4 and 5 of the Convention, the Parties agree to establish an inventory of sources of funding at the national, subregional, regional and international levels to ensure the rational use of existing resources and to identify gaps in resource allocation, to facilitate implementation of the action programmes. The inventory shall be regularly reviewed and updated.

3. Consistent with article 7 of the Convention, the developed country Parties shall continue to allocate significant resources and/or increased resources as well as other forms of assistance to affected African country Parties on the basis of partnership agreements and arrangements referred to in article 18, giving, *inter alia*, due attention to matters related to debt, international trade and marketing arrangements in accordance with article 4, paragraph 2 (b) of the Convention.

Article 15

Financial mechanisms

1. Consistent with article 7 of the Convention underscoring the priority to affected African country Parties and considering the particular situation prevailing in this region, the Parties shall pay special attention to the implementation in Africa of the provisions of article 21, paragraph 1 (d) and (e) of the Convention, notably by:

- (a) facilitating the establishment of mechanisms, such as national desertification funds, to channel financial resources to the local level; and
- (b) strengthening existing funds and financial mechanisms at the subregional and regional levels.

2. Consistent with articles 20 and 21 of the Convention, the Parties which are also members of the governing bodies of relevant regional and subregional financial institutions, including the African Development Bank and the African Development Fund, shall promote efforts to give due priority and attention to the activities of those institutions that advance the implementation of this Annex.

3. The Parties shall streamline, to the extent possible, procedures for channelling funds to affected African country Parties.

Article 16

Technical assistance and cooperation

The Parties undertake, in accordance with their respective capabilities, to rationalize technical assistance to, and cooperation with, African country Parties with a view to increasing project and programme effectiveness by, inter alia:

- (a) limiting the costs of support measures and backstopping, especially overhead costs; in any case, such costs shall only represent an appropriately low percentage of the total cost of the project so as to maximize project efficiency;
- (b) giving preference to the utilization of competent national experts or, where necessary, competent experts from within the subregion and/or region, in project design, preparation and implementation, and to the building of local expertise where it does not exist; and
- (c) effectively managing and coordinating, as well as efficiently utilizing, technical assistance to be provided.

Article 17

Transfer, acquisition, adaptation and access to environmentally sound technology

In implementing article 18 of the Convention relating to transfer, acquisition, adaptation and development of technology, the Parties undertake to give priority to African country Parties and, as necessary, to develop with them new models of partnership and cooperation with a view to strengthening capacity-building in the fields of scientific research and development and information collection and dissemination to enable them to implement their strategies to combat desertification and mitigate the effects of drought.

Article 18

Coordination and partnership agreements

1. African country Parties shall coordinate the preparation, negotiation and implementation of national, subregional and regional action programmes. They may involve, as appropriate, other Parties and relevant intergovernmental and non-governmental organizations in this process.

2. The objectives of such coordination shall be to ensure that financial and technical cooperation is consistent with the Convention and to provide the necessary continuity in the use and administration of resources.

3. African country Parties shall organize consultative processes at the national, subregional and regional levels. These consultative processes may:

- (a) serve as a forum to negotiate and conclude partnership agreements based on national, subregional and regional action programmes; and

- (b) specify the contribution of African country Parties and other members of the consultative groups to the programmes and identify priorities and agreements on implementation and evaluation indicators, as well as funding arrangements for implementation.
4. The Permanent Secretariat may, at the request of African country Parties, pursuant to article 23 of the Convention, facilitate the convocation of such consultative processes by:
- (a) providing advice on the organization of effective consultative arrangements, drawing on experiences from other such arrangements;
 - (b) providing information to relevant bilateral and multilateral agencies concerning consultative meetings or processes, and encouraging their active involvement; and
 - (c) providing other information that may be relevant in establishing or improving consultative arrangements.
5. The subregional and regional coordinating bodies shall, inter alia:
- (a) recommend appropriate adjustments to partnership agreements;
 - (b) monitor, assess and report on the implementation of the agreed subregional and regional programmes; and
 - (c) aim to ensure efficient communication and cooperation among African country Parties.
6. Participation in the consultative groups shall, as appropriate, be open to Governments, interested groups and donors, relevant organs, funds and programmes of the United Nations system, relevant subregional and regional organizations, and representatives of relevant non-governmental organizations. Participants of each consultative group shall determine the modalities of its management and operation.
7. Pursuant to article 14 of the Convention, developed country Parties are encouraged to develop, on their own initiative, an informal process of consultation and coordination among themselves, at the national, subregional and regional levels, and, at the request of an affected African country Party or of an appropriate subregional or regional organization, to participate in a national, subregional or regional consultative process that would evaluate and respond to assistance needs in order to facilitate implementation.

Article 19

Follow-up arrangements

Follow-up of this Annex shall be carried out by African country Parties in accordance with the Convention as follows:

- (a) at the national level, by a mechanism the composition of which should be determined by each affected African country Party and which shall include representatives of local communities and shall function under the supervision of the national coordinating body referred to in article 9;
- (b) at the subregional level, by a multidisciplinary scientific and technical consultative committee, the composition and modalities of operation of which shall be determined by the African country Parties of the subregion concerned; and
- (c) at the regional level, by mechanisms defined in accordance with the relevant provisions of the Treaty establishing the African Economic Community, and by an African Scientific and Technical Advisory Committee.

ANNEX II

REGIONAL IMPLEMENTATION ANNEX FOR ASIA

Article 1

Purpose

The purpose of this Annex is to provide guidelines and arrangements for the effective implementation of the Convention in the affected country Parties of the Asian region in the light of its particular conditions.

Article 2

Particular conditions of the Asian region

In carrying out their obligations under the Convention, the Parties shall, as appropriate, take into consideration the following particular conditions which apply in varying degrees to the affected country Parties of the region:

- (a) the high proportion of areas in their territories affected by, or vulnerable to, desertification and drought and the broad diversity of these areas with regard to climate, topography, land use and socio-economic systems;
- (b) the heavy pressure on natural resources for livelihoods;
- (c) the existence of production systems, directly related to widespread poverty, leading to land degradation and to pressure on scarce water resources;
- (d) the significant impact of conditions in the world economy and social problems such as poverty, poor health and nutrition, lack of food security, migration, displaced persons and demographic dynamics;
- (e) their expanding, but still insufficient, capacity and institutional frameworks to deal with national desertification and drought problems; and
- (f) their need for international cooperation to pursue sustainable development objectives relating to combating desertification and mitigating the effects of drought.

Article 3

Framework for national action programmes

1. National action programmes shall be an integral part of broader national policies for sustainable development of the affected country Parties of the region.

2. The affected country Parties shall, as appropriate, develop national action programmes pursuant to articles 9 to 11 of the Convention, paying special

attention to article 10, paragraph 2 (f). As appropriate, bilateral and multilateral cooperation agencies may be involved in this process at the request of the affected country Party concerned.

Article 4

National action programmes

1. In preparing and implementing national action programmes, the affected country Parties of the region, consistent with their respective circumstances and policies, may, *inter alia*, as appropriate:

- (a) designate appropriate bodies responsible for the preparation, coordination and implementation of their action programmes;
- (b) involve affected populations, including local communities, in the elaboration, coordination and implementation of their action programmes through a locally driven consultative process, with the cooperation of local authorities and relevant national and non-governmental organizations;
- (c) survey the state of the environment in affected areas to assess the causes and consequences of desertification and to determine priority areas for action;
- (d) evaluate, with the participation of affected populations, past and current programmes for combating desertification and mitigating the effects of drought, in order to design a strategy and elaborate activities in their action programmes;
- (e) prepare technical and financial programmes based on the information derived from the activities in subparagraphs (a) to (d);
- (f) develop and utilize procedures and benchmarks for evaluating implementation of their action programmes;
- (g) promote the integrated management of drainage basins, the conservation of soil resources, and the enhancement and efficient use of water resources;
- (h) strengthen and/or establish information, evaluation and follow-up and early warning systems in regions prone to desertification and drought, taking account of climatological, meteorological, hydrological, biological and other relevant factors; and
- (i) formulate in a spirit of partnership, where international cooperation, including financial and technical resources, is involved, appropriate arrangements supporting their action programmes.

2. Consistent with article 10 of the Convention, the overall strategy of national action programmes shall emphasize integrated local development programmes for affected areas, based on participatory mechanisms and on the integration of strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought. Sectoral measures in the

action programmes shall be grouped in priority fields which take account of the broad diversity of affected areas in the region referred to in article 2 (a).

Article 5

Subregional and joint action programmes

1. Pursuant to article 11 of the Convention, affected country Parties in Asia may mutually agree to consult and cooperate with other Parties, as appropriate, to prepare and implement subregional or joint action programmes, as appropriate, in order to complement, and increase effectiveness in the implementation of, national action programmes. In either case, the relevant Parties may jointly agree to entrust subregional, including bilateral or national organizations, or specialized institutions, with responsibilities relating to the preparation, coordination and implementation of programmes. Such organizations or institutions may also act as focal points for the promotion and coordination of actions pursuant to articles 16 to 18 of the Convention.

2. In preparing and implementing subregional or joint action programmes, the affected country Parties of the region shall, *inter alia*, as appropriate:

- (a) identify, in cooperation with national institutions, priorities relating to combating desertification and mitigating the effects of drought which can better be met by such programmes, as well as relevant activities which could be effectively carried out through them;
- (b) evaluate the operational capacities and activities of relevant regional, subregional and national institutions;
- (c) assess existing programmes relating to desertification and drought among all or some parties of the region or subregion and their relationship with national action programmes; and
- (d) formulate in a spirit of partnership, where international cooperation, including financial and technical resources, is involved, appropriate bilateral and/or multilateral arrangements supporting the programmes.

3. Subregional or joint action programmes may include agreed joint programmes for the sustainable management of transboundary natural resources relating to desertification, priorities for coordination and other activities in the fields of capacity-building, scientific and technical cooperation, particularly drought early warning systems and information sharing, and means of strengthening the relevant subregional and other organizations or institutions.

Article 6

Regional activities

Regional activities for the enhancement of subregional or joint action programmes may include, *inter alia*, measures to strengthen institutions and mechanisms for coordination and cooperation at the national, subregional and

regional levels, and to promote the implementation of articles 16 to 19 of the Convention. These activities may also include:

- (a) promoting and strengthening technical cooperation networks;
- (b) preparing inventories of technologies, knowledge, know-how and practices, as well as traditional and local technologies and know-how, and promoting their dissemination and use;
- (c) evaluating the requirements for technology transfer and promoting the adaptation and use of such technologies; and
- (d) encouraging public awareness programmes and promoting capacity-building at all levels, strengthening training, research and development and building systems for human resource development.

Article 7

Financial resources and mechanisms

1. The Parties shall, in view of the importance of combating desertification and mitigating the effects of drought in the Asian region, promote the mobilization of substantial financial resources and the availability of financial mechanisms, pursuant to articles 20 and 21 of the Convention.

2. In conformity with the Convention and on the basis of the coordinating mechanism provided for in article 8 and in accordance with their national development policies, affected country Parties of the region shall, individually or jointly:

- (a) adopt measures to rationalize and strengthen mechanisms to supply funds through public and private investment with a view to achieving specific results in action to combat desertification and mitigate the effects of drought;
- (b) identify international cooperation requirements in support of national efforts, particularly financial, technical and technological; and
- (c) promote the participation of bilateral and/or multilateral financial cooperation institutions with a view to ensuring implementation of the Convention.

3. The Parties shall streamline, to the extent possible, procedures for channelling funds to affected country Parties in the region.

Article 8

Cooperation and coordination mechanisms

1. Affected country Parties, through the appropriate bodies designated pursuant to article 4, paragraph 1 (a), and other Parties in the region, may, as appropriate, set up a mechanism for, inter alia, the following purposes:

- (a) exchange of information, experience, knowledge and know-how;
- (b) cooperation and coordination of actions, including bilateral and multilateral arrangements, at the subregional and regional levels;
- (c) promotion of scientific, technical, technological and financial cooperation pursuant to articles 5 to 7;
- (d) identification of external cooperation requirements; and
- (e) follow-up and evaluation of the implementation of action programmes.

2. Affected country Parties, through the appropriate bodies designated pursuant to article 4, paragraph 1 (a), and other Parties in the region, may also, as appropriate, consult and coordinate as regards the national, subregional and joint action programmes. They may involve, as appropriate, other Parties and relevant intergovernmental and non-governmental organizations in this process. Such coordination shall, *inter alia*, seek to secure agreement on opportunities for international cooperation in accordance with articles 20 and 21 of the Convention, enhance technical cooperation and channel resources so that they are used effectively.

3. Affected country Parties of the region shall hold periodic coordination meetings, and the Permanent Secretariat may, at their request, pursuant to article 23 of the Convention, facilitate the convocation of such coordination meetings by:

- (a) providing advice on the organization of effective coordination arrangements, drawing on experience from other such arrangements;
- (b) providing information to relevant bilateral and multilateral agencies concerning coordination meetings, and encouraging their active involvement; and
- (c) providing other information that may be relevant in establishing or improving coordination processes.

ANNEX III

REGIONAL IMPLEMENTATION ANNEX FOR
LATIN AMERICA AND THE CARIBBEAN

Article 1

Purpose

The purpose of this Annex is to provide general guidelines for the implementation of the Convention in the Latin American and Caribbean region, in light of its particular conditions.

Article 2

*Particular conditions of the Latin American
and Caribbean region*

The Parties shall, in accordance with the provisions of the Convention, take into consideration the following particular conditions of the region:

- (a) the existence of broad expanses which are vulnerable and have been severely affected by desertification and/or drought and in which diverse characteristics may be observed, depending on the area in which they occur; this cumulative and intensifying process has negative social, cultural, economic and environmental effects which are all the more serious in that the region contains one of the largest resources of biological diversity in the world;
- (b) the frequent use of unsustainable development practices in affected areas as a result of complex interactions among physical, biological, political, social, cultural and economic factors, including international economic factors such as external indebtedness, deteriorating terms of trade and trade practices which affect markets for agricultural, fishery and forestry products; and
- (c) a sharp drop in the productivity of ecosystems being the main consequence of desertification and drought, taking the form of a decline in agricultural, livestock and forestry yields and a loss of biological diversity; from the social point of view, the results are impoverishment, migration, internal population movements, and the deterioration of the quality of life; the region will therefore have to adopt an integrated approach to problems of desertification and drought by promoting sustainable development models that are in keeping with the environmental, economic and social situation in each country.

Article 3

Action programmes

- 1. In conformity with the Convention, in particular its articles 9 to 11, and in accordance with their national development policies, affected country

Parties of the region shall, as appropriate, prepare and implement national action programmes to combat desertification and mitigate the effects of drought as an integral part of their national policies for sustainable development. Subregional and regional programmes may be prepared and implemented in accordance with the requirements of the region.

2. In the preparation of their national action programmes, affected country Parties of the region shall pay particular attention to article 10, paragraph 2 (f) of the Convention.

Article 4

Content of national action programmes

In the light of their respective situations, the affected country Parties of the region may take account, *inter alia*, of the following thematic issues in developing their national strategies for action to combat desertification and/or mitigate the effects of drought, pursuant to article 5 of the Convention:

- (a) increasing capacities, education and public awareness, technical, scientific and technological cooperation and financial resources and mechanisms;
- (b) eradicating poverty and improving the quality of human life;
- (c) achieving food security and sustainable development and management of agricultural, livestock-rearing, forestry and multipurpose activities;
- (d) sustainable management of natural resources, especially the rational management of drainage basins;
- (e) sustainable management of natural resources in high-altitude areas;
- (f) rational management and conservation of soil resources and exploitation and efficient use of water resources;
- (g) formulation and application of emergency plans to mitigate the effects of drought;
- (h) strengthening and/or establishing information, evaluation and follow-up and early warning systems in areas prone to desertification and drought, taking account of climatological, meteorological, hydrological, biological, soil, economic and social factors;
- (i) developing, managing and efficiently using diverse sources of energy, including the promotion of alternative sources;
- (j) conservation and sustainable use of biodiversity in accordance with the provisions of the Convention on Biological Diversity;
- (k) consideration of demographic aspects related to desertification and drought; and
- (l) establishing or strengthening institutional and legal frameworks permitting application of the Convention and aimed, *inter alia*, at

decentralizing administrative structures and functions relating to desertification and drought, with the participation of affected communities and society in general.

Article 5

Technical, scientific and technological cooperation

In conformity with the Convention, in particular its articles 16 to 18, and on the basis of the coordinating mechanism provided for in article 7, affected country Parties of the region shall, individually or jointly:

- (a) promote the strengthening of technical cooperation networks and national, subregional and regional information systems, as well as their integration, as appropriate, in world-wide sources of information;
- (b) prepare an inventory of available technologies and know-how and promote their dissemination and use;
- (c) promote the use of traditional technology, knowledge, know-how and practices pursuant to article 18, paragraph 2 (b), of the Convention;
- (d) identify transfer of technology requirements; and
- (e) promote the development, adaptation, adoption and transfer of relevant existing and new environmentally sound technologies.

Article 6

Financial resources and mechanisms

In conformity with the Convention, in particular its articles 20 and 21, on the basis of the coordinating mechanism provided for in article 7 and in accordance with their national development policies, affected country Parties of the region shall, individually or jointly:

- (a) adopt measures to rationalize and strengthen mechanisms to supply funds through public and private investment with a view to achieving specific results in action to combat desertification and mitigate the effects of drought;
- (b) identify international cooperation requirements in support of national efforts; and
- (c) promote the participation of bilateral and/or multilateral financial cooperation institutions with a view to ensuring implementation of the Convention.

Article 7

Institutional framework

1. In order to give effect to this Annex, affected country Parties of the region shall:

- (a) establish and/or strengthen national focal points to coordinate action to combat desertification and/or mitigate the effects of drought; and
- (b) set up a mechanism to coordinate the national focal points for the following purposes:
 - (i) exchanges of information and experience;
 - (ii) coordination of activities at the subregional and regional levels;
 - (iii) promotion of technical, scientific, technological and financial cooperation;
 - (iv) identification of external cooperation requirements; and
 - (v) follow-up and evaluation of the implementation of action programmes.

2. Affected country Parties of the region shall hold periodic coordination meetings and the Permanent Secretariat may, at their request, pursuant to article 23 of the Convention, facilitate the convocation of such coordination meetings, by:

- (a) providing advice on the organization of effective coordination arrangements, drawing on experience from other such arrangements;
- (b) providing information to relevant bilateral and multilateral agencies concerning coordination meetings, and encouraging their active involvement; and
- (c) providing other information that may be relevant in establishing or improving coordination processes.

ANNEX IV

REGIONAL IMPLEMENTATION ANNEX FOR
THE NORTHERN MEDITERRANEAN

Article 1

Purpose

The purpose of this Annex is to provide guidelines and arrangements necessary for the effective implementation of the Convention in affected country Parties of the northern Mediterranean region in the light of its particular conditions.

Article 2

*Particular conditions of the northern
Mediterranean region*

The particular conditions of the northern Mediterranean region referred to in article 1 include:

- (a) semi-arid climatic conditions affecting large areas, seasonal droughts, very high rainfall variability and sudden and high-intensity rainfall;
- (b) poor and highly erodible soils, prone to develop surface crusts;
- (c) uneven relief with steep slopes and very diversified landscapes;
- (d) extensive forest coverage losses due to frequent wildfires;
- (e) crisis conditions in traditional agriculture with associated land abandonment and deterioration of soil and water conservation structures;
- (f) unsustainable exploitation of water resources leading to serious environmental damage, including chemical pollution, salinization and exhaustion of aquifers; and
- (g) concentration of economic activity in coastal areas as a result of urban growth, industrial activities, tourism and irrigated agriculture.

Article 3

*Strategic planning framework for
sustainable development*

1. National action programmes shall be a central and integral part of the strategic planning framework for sustainable development of the affected country Parties of the northern Mediterranean.

2. A consultative and participatory process, involving appropriate levels of government, local communities and non-governmental organizations, shall be undertaken to provide guidance on a strategy with flexible planning to allow maximum local participation, pursuant to article 10, paragraph 2 (f) of the Convention.

Article 4

Obligation to prepare national action programmes and timetable

Affected country Parties of the northern Mediterranean region shall prepare national action programmes and, as appropriate, subregional, regional or joint action programmes. The preparation of such programmes shall be finalized as soon as practicable.

Article 5

Preparation and implementation of national action programmes

In preparing and implementing national action programmes pursuant to articles 9 and 10 of the Convention, each affected country Party of the region shall, as appropriate:

- (a) designate appropriate bodies responsible for the preparation, coordination and implementation of its programme;
- (b) involve affected populations, including local communities, in the elaboration, coordination and implementation of the programme through a locally driven consultative process, with the cooperation of local authorities and relevant non-governmental organizations;
- (c) survey the state of the environment in affected areas to assess the causes and consequences of desertification and to determine priority areas for action;
- (d) evaluate, with the participation of affected populations, past and current programmes in order to design a strategy and elaborate activities in the action programme;
- (e) prepare technical and financial programmes based on the information gained through the activities in subparagraphs (a) to (d); and
- (f) develop and utilize procedures and benchmarks for monitoring and evaluating the implementation of the programme.

Article 6

Content of national action programmes

Affected country Parties of the region may include, in their national action programmes, measures relating to:

- (a) legislative, institutional and administrative areas;
- (b) land use patterns, management of water resources, soil conservation, forestry, agricultural activities and pasture and range management;
- (c) management and conservation of wildlife and other forms of biological diversity;
- (d) protection against forest fires;
- (e) promotion of alternative livelihoods; and
- (f) research, training and public awareness.

Article 7

Subregional, regional and joint action programmes

1. Affected country Parties of the region may, in accordance with article 11 of the Convention, prepare and implement subregional and/or regional action programmes in order to complement and increase the efficiency of national action programmes. Two or more affected country Parties of the region, may similarly agree to prepare a joint action programme between or among them.

2. The provisions of articles 5 and 6 shall apply *mutatis mutandis* to the preparation and implementation of subregional, regional and joint action programmes. In addition, such programmes may include the conduct of research and development activities concerning selected ecosystems in affected areas.

3. In preparing and implementing subregional, regional or joint action programmes, affected country Parties of the region shall, as appropriate:

- (a) identify, in cooperation with national institutions, national objectives relating to desertification which can better be met by such programmes and relevant activities which could be effectively carried out through them;
- (b) evaluate the operational capacities and activities of relevant regional, subregional and national institutions; and
- (c) assess existing programmes relating to desertification among Parties of the region and their relationship with national action programmes.

Article 8

Coordination of subregional, regional and joint action programmes

Affected country Parties preparing a subregional, regional or joint action programme may establish a coordination committee composed of representatives of each affected country Party concerned to review progress in combating desertification, harmonize national action programmes, make recommendations at the various stages of preparation and implementation of the subregional,

regional or joint action programme, and act as a focal point for the promotion and coordination of technical cooperation pursuant to articles 16 to 19 of the Convention.

Article 9

Non-eligibility for financial assistance

In implementing national, subregional, regional and joint action programmes, affected developed country Parties of the region are not eligible to receive financial assistance under this Convention.

Article 10

Coordination with other subregions and regions

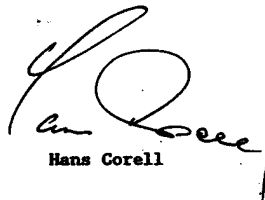
Subregional, regional and joint action programmes in the northern Mediterranean region may be prepared and implemented in collaboration with those of other subregions or regions, particularly with those of the subregion of northern Africa.

I hereby certify that the foregoing text is a true copy of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, opened for signature at Paris on 14 October 1994, the original of which is deposited with the Secretary-General of the United Nations.

Je certifie que le texte qui précède est une copie conforme de la Convention des Nations Unies sur la lutte contre la désertification dans les pays gravement touchés par la sécheresse et/ou la désertification, en particulier en Afrique, ouverte à la signature à Paris le 14 octobre 1994, dont l'original est déposé auprès du Secrétaire général de l'Organisation des Nations Unies.

For the Secretary-General
The Legal Counsel
(Under-Secretary-General
for Legal Affairs)

Pour le Secrétaire général
Le Conseiller juridique
(Secrétaire général adjoint
aux affaires juridiques)



Hans Corell

United Nations, New York
1 November 1994

Organisation des Nations Unies
New York, le 1er novembre 1994

