

**SUMMARY OF THE VTH INCD SESSION (PARIS) ON THE
ELABORATION OF A CONVENTION TO COMBAT
DESERTIFICATION**

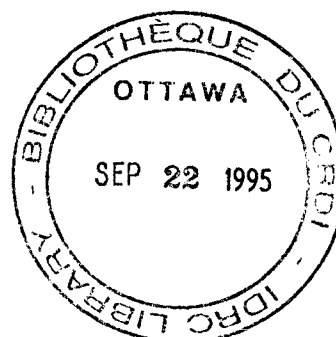
by Ola Smith

The long and arduous road towards the elaboration of a convention to combat desertification as requested by the Earth summit of RIO in 1992, started during the 47th session of the General Assembly of the UN in 1992. At this session, the General Assembly adopted resolution 47/188 calling for the establishment of the INC-D, and mandating it to convene 5 sessions for the negotiation and finalisation of the convention by June 1994.

The INCD held a first session described as an organisational session in January, 1992, in order to establish procedural rules, working format, meeting schedules, and to elect a bureau headed by Swedish Ambassador, Bo Kjellén. Since that date, it has held its mandated 5 substantial sessions to negotiate and finalize a convention to combat desertification.

The negotiations were tough and difficult, and everyone associated with it at one point or the other felt they were going to capsize along the way. The problems revolved around five issues : **PRIORITY FOR AFRICA; COUNTRY CATEGORIES DEFINITION; INSTITUTIONAL AND LEGAL CONCERNS FINANCIAL RESOURCES AND FINANCIAL MECHANISMS**. Although the dividing line was more often than not along the north-south axis, south-south and even north-north disagreements further complicated the issues.

PRIORITY FOR AFRICA. This was the first divisive issue on a south-south axis. Although General Assembly resolution 47/188 specifically used the language "particularly in Africa", to indicate that priority be given to Africa, delegates from Asia and Latin America felt that the problem was sufficiently acute in their respective regions, for it to receive simultaneous attention as in Africa. The original proposal that priority treatment for Africa should take the form of an African annexe that would form an integral part of the convention, and which would serve as a blue print for other regional annexes to be negotiated at later dates, was scuttled.



Even the suggestion that the General Assembly be requested to extend the time frame to allow for the negotiation of the other regional annexes was unacceptable to the Latin Americans. Eventually, four regional annexes including a late comer "the north mediterranean" were negotiated at the same time as the main convention. The focus on Africa was thus lost, and the spirit of collaboration and compromise slightly dented.

Some effort was made to salvage "priority for Africa" through the "early/prompt action for Africa initiative". The idea was to enable Affected African Countries (AFC), to get going even before the ratification of the convention which could take at least two years. The AFC will therefore be in a good position to kick off at ratification, with two years of preparatory work to their credit. A resolution to this effect was negotiated during the last week of the meeting. I took part in the negotiation, and we had the difficult task of formulating a text that will bind parties to implement the text of a convention that was not yet ratified! In the end the resolution was just that, a document inviting, encouraging, requesting, recommending, cajoling etc, parties to do this or that.

With some goodwill, however, AFC may still benefit from this initiative of early action built around the preparation of national/subregional action programmes. Those countries that have not yet prepared one, may receive funding/expertise to do so, those who have, may receive funding to start the implementation of well identified projects. Some funding may be provided for relevant capacity building, public awareness and mobilisation programmes. Donors are expected to make pledges towards these activities at the signing ceremony next fall. **DISCUSSIONS SHOULD BE INTENSIFIED ON THE CIDA/IDRC COLLABORATIVE EFFORT EARMARKED FOR THIS INITIATIVE, SO THAT SOME SOLID INDICATION COULD BE GIVEN AT THAT TIME.**

COUNTRY CATEGORIES DEFINITION

Conventions represent agreements between country parties, with the role and obligations of each party well defined and identified. A clear definition of country categories was therefore of utmost important to negotiators, so that each country could identify the category to which it belonged, and properly negotiate the role and responsibilities attached to that category. The issue came up early in the negotiations, but was only resolved this June in Paris. Practically every country had some objections to one terminology or the other. For example, developing countries objected to the category "developing countries needing assistance", because they maintained that all developing countries would need assistance be it financial or technical to implement the convention.

Dissention was rife, however, within the southern bloc, over the categories "countries in transition" and "countries in a position to provide assistance" whose obligations included providing assistance to developing countries. Brazil, India and other such G-77 countries who classified themselves as countries whose economy is in transition would not accept this category, because of the obligation attached to it, to the chagrin of African countries.

The category "affected countries" defined as countries whose lands include in whole or in part, arid, semi-arid, and/or dry sub-humid areas affected or threatened by desertification, caused some concern for a number of developed countries, such as the USA, Australia, Spain, Portugal, Italy and Greece. Even Canada, not normally considered an affected country felt uneasy, because of the well spelt out obligations of this category of countries which included the preparation of detailed, and participatory national action plans. All of these countries including Canada, prepared a number of negotiating strategies to ensure that even if the category was accepted, the preparation of national action plans would be voluntary.

This brief analysis of the stakes surrounding the category of countries, explains why this issue took so long to resolve. Finally, three categories of countries were agreed to and are now in the convention; "affected countries, developed country parties and developing country parties".

INSTITUTIONAL AND LEGAL CONCERNS

The convention established a number of institutions starting with the supreme body, the CONFERENCE OF THE PARTIES, (COP) whose role is to promote the effective implementation of the convention. The convention draft also suggested the establishment of two subsidiary bodies - a secretariat and a committee on science and technology to provide assistance to the COP. The north-south divide reared its ugly head again, during negotiations on the secretariat and the committee on science and technology.

The southern bloc wanted a strong, permanent, independent secretariat with powers to coordinate and initiate activities, including active involvement in the development and implementation of national, sub-regional and regional action plans. The northern bloc would not accept the word "permanent" associated with the secretariat, which it wanted to be lean, and to have just a service role, and preferably associated with one or the other existing UN agencies.

A number of negotiators from OECD countries admitted privately that the tough stance they assumed on this issue, was borne out of their dissatisfaction with and lack of trust for the incumbent, i.e. the executive secretary of the INC-D. They wanted therefore to ensure that the secretariat is entrusted with a minimal role. Well reasoned argument that you do not, because of an individual, weaken an institution to the extent that it can not function effectively, seems to have prevailed. The compromise language in the final text includes the establishment of a permanent secretariat whose functions are well spelt out, but with the COP empowered to designate other appropriate secretarial functions.

Negotiations on the second subsidiary body of the COP, the committee on science and technology, also proved difficult because of a north-south divide. The EU, Canada, US, Norway, Australia etc., preferred a panel of experts selected by the COP, and acting independently on their own merit, while Brazil, Ethiopia, Iran etc., opted for a council to which all parties would make nominations. The issue was finally resolved by a drafting group that attempted to reconcile the various preferences. The final text which was adopted, recommended the establishment of a committee open to the participation of all parties, as well as a roster of independent experts, from among whom ad-hoc panels will be selected to provide information and advice through the committee.

FINANCIAL RESOURCES AND MECHANISMS.

Negotiations on financial resources and their management were the most contentious and divisive, and did not get resolved till Saturday 18th June, i.e. some 24 hours after the session was to have ended, and the convention approved. On the one hand, the group of 77 maintained that in order to achieve the objectives of the convention, substantial financial resources, including new and additional ones need to be mobilised. The resources targeted included concessional loans, grants, debt cancellation, debt swaps, GEF, contribution from regional development banks, voluntary donations from developed countries, mobilisation of domestic resources in affected developing countries, etc. The group also suggested the establishment of a global mechanism à la GEF for the mobilisation and channelling of the resources.

The OECD, USA and CANADA on the other hand, would rather emphasize a more rational and efficient utilisation of existing funds, rather than provide new and additional funds. They did not accept either that a global mechanism was the most appropriate for resource management, as this would lead to the creation of new institutions that will end up consuming a substantial part of funds meant for utilisation at the local level, where the need was most acute. They rather would support the establishment of local mechanisms such as national desertification funds. It should be pointed out here that the Africa group did not wholeheartedly support the idea of a global fund/mechanism which in their view would once again remove the limelight from Africa.

Reconciliation proved difficult, and both Canada and the USA should be congratulated for the yeowman's job they did to finally broker an accord. The final and approved draft contains phrases dear to the heart of both groups. "New and additional funding from the GEF.....; rationalize and strengthen the management of resources already allocated for combating desertification by using them more effectively.....; strengthen existing funds and financial mechanisms at the sub-regional and regional levels, particularly in Africa...; establish as appropriate, mechanisms such as national desertification funds....; the establishment of global mechanism in order to increase the effectiveness of existing financial mechanisms... etc.

MY PARTICIPATION

As indicated earlier, I participated in the negotiations as a member of the Canadian delegation. In this respect I was assigned the duties of assisting Keith Valentin to watch over Canadian interests during the negotiations of the African, Asian, Latin American and Northern Mediterranean Annexes. I was a member of the drafting committees that tackled the thorny issues of the committee on science and technology which I chaired, as well as that of the early/urgent action for Africa. I also met with representatives of participating NGOs, once in the company of George Greene head of the Canadian delegation and Hartmurt Krugmann, and on another occasion in company of Hartmurt with representatives of the Centre funded NGO network.

I also had the opportunity together with Hartmurt, to meet with Richard Pelletier from CIDA, to review the Centre's proposal to CIDA for collaboration. The following initiatives were flagged by Richard as being pertinent and appropriate, for further consideration: West African Rural Foundation, National Action Plans for combatting desertification, indicators of sustainability, trade, economic policy and desertification.

FINAL COMMENTS

The five two-week negotiating sessions which spanned a period of 13 months, finally ended with an adopted convention, ready for signature next fall. It is appropriate to point out that but for the mediating role played so adroitly by both Canada and the USA, and to a lesser extent by Sweden, Norway, Australia and Japan, the exercise would have failed. The G-77+China was particularly adept at introducing tough uncompromising language and maintaining some unrealistic positions to the detriment of fruitful negotiations.

The European Union on the other hand, sometimes gave the impression it was all out to ensure disagreement. The Union was more often than not responsible for the introduction of such phrases as "as mutually agreed"; as appropriate", "may" instead of "shall" "as far as possible"; etc.

It has been suggested that such "loop holes" may weaken commitment of the parties to the spirit and letter of the convention. Concerted efforts on the part of committed donors may be required to ensure effective implementation of the convention, particularly in Africa. Such a consortium may serve a coordinating role at the level of donors, and as a pressure group on the Affected African Parties? to ensure that they honour their commitments, and efficiently utilize available funds. In this regard, the Centre should revisit the donor forum she initiated last year. This and other contribution towards the convention were openly acknowledged at this global forum.

Firstly, at one of the plenary sessions, the Minister of the Environment and Tourism of Burkina Faso commended the Centre for her efforts, and through her thanked the Canadian Government, specifically mentioning the contribution of the Nairobi workshop to the importance of socio-economic considerations in the efforts to combat desertification.

Secondly, the Centre was one of the International Organisations whose contribution to the efforts to combat desertification in Africa, was specifically mentioned in a resolution urging urgent and early action for Africa.