

E-Learning Course for National Focal Points

The UNCCD Process

UNCCD Capacity Building Marketplace

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1. Introduction to the United Nations Convention to Combat Desertification

Desertification is a major economic, social and environmental problem of concern to many countries in all regions of the world. It is a type of land degradation where dry land regions become increasingly arid, typically losing bodies of water as well as vegetation and wildlife. The main cause of development of desert-like conditions in regions usually experience conditions of human disturbance such as deforestation, overgrazing or poorly managed agriculture.

The first United Nations Conference on Environment and Development took place in Rio de Janeiro in 1992. The conference called on the United Nations General Assembly to establish an Intergovernmental Negotiating Committee to prepare a convention on desertification. This Convention (the UNCCD) was later adopted in Paris in 1994 and entered into force in 1996.

The objective of UNCCD is to combat desertification and mitigate the effects of drought in countries experiencing serious drought particularly in Africa. It is supported by international cooperation and partnership arrangements. Some of the general approaches used to facilitate include;

- Adopting an integrated approach to address the physical, biological and socio-economic aspects of desertification and drought.
- Integrating strategies for poverty eradication
- Promoting cooperation among affected country Parties in the field of environmental protection and conservation of land and water resources.

2. History and Objectives of the Convention

Recognizing the great challenges of desertification, along with climate change and loss of biodiversity, the 1992 Rio Earth Summit called for the establishment of the United Nations Convention to Combat Desertification (UNCCD). Originally initiated through the United Nations Conference on Desertification (UNCOD) in 1977 and upon agreement of the UN General Assembly in December 1992 (resolution 47/188), the Convention was finally adopted in Paris on 17 June 1994 and entered into force on 26 December 1996, 90 days after the 50th ratification was received. 193 countries and the European and African Unions have ratified the Convention. The Conference of the Parties (COP), which is the Convention's supreme governing body, held its first session in October 1997 in Rome, Italy. So far, the COP has had 11 regular (the latest of which (COP 11) took place in Windhoek, Namibia September 2013) and one extraordinary session,

The goal of the Convention, as defined by its Article 2 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”

The Parties at COP 8 adopted the 10-Year Strategy of the UNCCD (2008-2018) which aims *"to forge a global partnership to reverse and prevent desertification/land degradation and to mitigate the effects of drought in affected areas in order to support poverty reduction and environmental sustainability"*¹. The Convention particularly addresses the arid, semi-arid and dry sub-humid areas, known as the dry lands, where some of the most vulnerable ecosystems and peoples can be found. The parties are working together to improve the living conditions for people in dry lands, to maintain and restore land and soil productivity, and to mitigate the effects

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http://www.unccd.int/Lists/SiteDocumentLibrary/actionProgrammes/NAP_alignment_CRIC_COP8_presentation_3-eng.pdf

of drought. The UNCCD is particularly committed to a bottom-up approach, encouraging the participation of local people in combating desertification and land degradation².

As the dynamics of land, climate and biodiversity are intimately connected, the UNCCD collaborates closely with the other two Rio Conventions; the Convention on Biological Diversity (CBD) and the United Nations Framework Convention on Climate Change (UNFCCC), to meet these complex challenges with an integrated approach focusing on exploiting the natural synergies that exist within these processes.

² What's 17 June?

<http://www.unccd.int/en/programmes/Event-and-campaigns/WDCD/2011/Pages/What-is-17-June.aspx>

3. The Institutions/Bodies of the UNCCD

The UNCCD functions with four tier of institutional structure, as specified in the Article 22 – 25 of the Convention. The standard permanent institutional arrangements for the UNCCD intergovernmental process are briefly presented below.

3.1. The Conference of the Parties (COP)

The COP is the supreme decision-making body, which takes the necessary decisions to promote effective implementation of the Convention. It is responsible for regularly reviewing the implementation of the Convention and the functioning of its institutional arrangements. One of the main functions of the COP is to review the progress reports submitted by the Parties and make recommendations for further actions. It also has the power to make amendments to the Convention or to adopt new annexes, such as additional regional implementation annexes. In this way, the COP can guide the Convention as global circumstances and national needs change. To assist the COP, the Convention has subsidiary bodies and allows the COP to establish additional ones if necessary³.

The Bureau of the COP is conformed by a President and nine Vice-presidents (one of them acts as Rapporteur), elected from among the representatives of the Parties present at the COP session, and the Chairs of the Committee of the Whole (CoW) for that session, the Committee on Science and Technology (CST) and the Committee for the Review of the Implementation of the Convention (CRIC).

³ <http://www.unccd.int/en/about-the-convention/the-bodies/the-cop/Pages/default.aspx>

3.2. The Subsidiary Bodies (CRIC, CST)

Two subsidiary bodies of the COP are established to support COP. They are the Committee on Science and Technology (CST) and the Committee for the Review of the Implementation of the Convention (CRIC). The CST provides the COP with information and advice on scientific and technological matters relating to combating desertification and mitigating the effects of drought. The CST meets in conjunction with the ordinary sessions of the COP. It is meant to be multidisciplinary, open to the participation of all Parties, and composed of government representatives competent in the relevant fields of expertise. On the other hand, the CRIC assists the COP in the review of the implementation of the Convention under the authority and guidance of the COP.

There is usually an ad hoc subsidiary body of the COP - the Committee of the Whole (CoW), which is established at sessions of the COP and only functions until the end of the said session. It usually has the task of recommending decisions on difficult or complex matters, referred to it by the COP. These draft decisions are then sent to the Plenary of the COP for consideration for adoption.

Each of the subsidiary bodies (CST & CRIC) established by the COP elects a Bureau conformed by one Chairperson and four Vice-chairpersons. In each case one of the Vice-chairpersons acts as Rapporteur. The CoW is conformed by a Chairperson and a Secretary. Its Chairperson acts as ex-officio member of the COP Bureau only for the session at which that CoW was established.

1. **The Secretariat:** The secretariat, located in Germany since January 1999, services the COP, its subsidiary bodies and their Bureaus, as established under the Convention. This includes a multitude of tasks, ranging from the preparation of substantive documentation to logistical arrangements for the sessions.
2. **The Global Mechanism:** Serves the UNCCD process by promoting 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.

Apart from the permanent institutional structures, some temporary ad hoc groups work during sessions of the COP such as Friends of the Chair, Contact Groups, Ad hoc working groups and Drafting groups.

4. The Party and the Convention

4.1. Parties to the Convention; Ratification

The United Nations Convention to Combat Desertification (UNCCD) was adopted in June 1994. During the time it was open for signature, from October 1994 to October 1995, it received 115 signatures. Signatories need to ratify the Convention to bring it into force for them. Non-signatory States have the option of acceding to the Convention at any time.

The UNCCD entered into force on 26 December 1996, 90 days after the fiftieth instrument of Ratification or Accession was deposited. For a Party acceding to the Convention after this date the Convention will enter into force 90 days after this Party has deposited its instrument of ratification, accession or acceptance.

The Secretariat provides the complete list of Signatory States and Parties to the Convention. The running number in the left side column is assigned only to States or Regional Economic Integration Organizations such as the European Community which have already ratified, acceded or accepted the Convention.⁴

4.2. The Convention

The Convention addresses specifically the arid, semi-arid and dry sub-humid areas, known as the drylands, where some of the most vulnerable ecosystems and peoples can be found. Its 195 parties work together to improve the living conditions for people in drylands, to maintain and restore land and soil productivity, and to mitigate the effects of drought⁵. Some of the articles of the Convention are given below;

PART II – General Provisions

Article 4 – General Obligations

Countries that have ratified the UNCCD shall adopt an integrated approach to address the physical, biological and socio-economic aspects of the processes of desertification and drought. A major component of developing such a strategy is to give due attention to the situation of

⁴ More information on the Status of Ratification can be found on the following link;

<http://www.unccd.int/en/about-the-convention/the-convention/Status-of-ratification/Pages/default.aspx>

⁵ <http://www.unccd.int/en/about-the-convention/Pages/About-the-Convention.aspx>

countries facing desertification 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. To accomplish this goal, parties will need to promote poverty eradication, cooperate with countries affected by desertification, strengthen international cooperation through intergovernmental organizations and enhance foreign assistance. Affected developing country Parties are eligible for assistance in the implementation of the Convention.

Article 5 - *Obligations of affected country Parties*

Countries affected by desertification shall:

- a) Allocate adequate resources to combat desertification and mitigate the effects of droughts.
- b) Establish strategies to combat desertification and mitigate the effects of drought.
- c) Address the underlying causes of desertification, with particular attention to the socio-economic factors contributing to desertification processes.
- d) Promote awareness of and facilitate the participation of local populations to combat desertification and mitigate the effects of drought.
- e) Strengthen legislation or establish new laws to combat desertification.

Article 6 - *Obligations of developed country Parties*

Developed countries that have ratified the UNCCD shall:

- a) Actively support the efforts of affected developing country Parties, particularly African countries 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 to develop and implement their own long-term plans to combat desertification.
- c) Encourage the mobilization of funding from the private sector and other non-governmental sources

d) Promote and facilitate access by affected country Parties to appropriate technology, knowledge and know-how.

PART V - PROCEDURES

Article 26 - *Communication of information*

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. Countries (both developed and developing) need to provide detailed reports to the UNCCD Secretariat when they have developed a strategy or implemented an action program related to desertification. 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*

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. To resolve their differences, parties can choose to either use arbitration in accordance with procedures adopted by the Conference of the Parties in an annex as soon as practical or submit the dispute to the International Court of Justice. Parties choose which option they prefer when ratifying the convention. If the Parties to a dispute have not accepted the same procedure 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*

Any party may propose amendments to the Convention. Amendments need to be suggested 6 months before the meeting at which it is proposed for adoption. The Parties shall make every effort to reach agreement on any convention by consensus. If consensus fails, then an amendment requires a two-thirds majority vote. Amendments shall be implemented 19 days after the vote.

Article 31 - *Adoption and amendment of annexes*

Any additional annex to the Convention shall follow the same voting procedures as set out in Article 30. An annex will enter into force six months after the vote, with certain exceptions if the Party objects to the annex or makes a declaration about the annex.

Article 32 - *Right to vote*

Each Party to the Convention shall have one vote. 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 versa⁶.

⁶ <http://www.unccd.int/Lists/SiteDocumentLibrary/conventionText/conv-eng.pdf>

5. The Contribution of National Focal Points

National Focal Points (NFP) are country representatives that serve as liaisons to the United Nations Convention to Combat Desertification. NFPs ensure communication between the UNCCD Secretariat, countries affected by desertification, their respective governments and non-governmental organizations. More specifically, NFPs play a key role in:

- negotiating UNCCD policies on behalf of their governments.
- advocating for desertification assistance to be included in their own country's national and international development strategy.

Countries affected by desertification can establish a National Coordinating Body (NCB) to coordinate the formulation and implementation of National Action Programmes. National Action Programmes are geared inter alia at mobilizing national and international resources to address the problems of desertification land degradation and drought. The UNCCD has guidelines for forming a NCB.

Highlights from these guidelines:

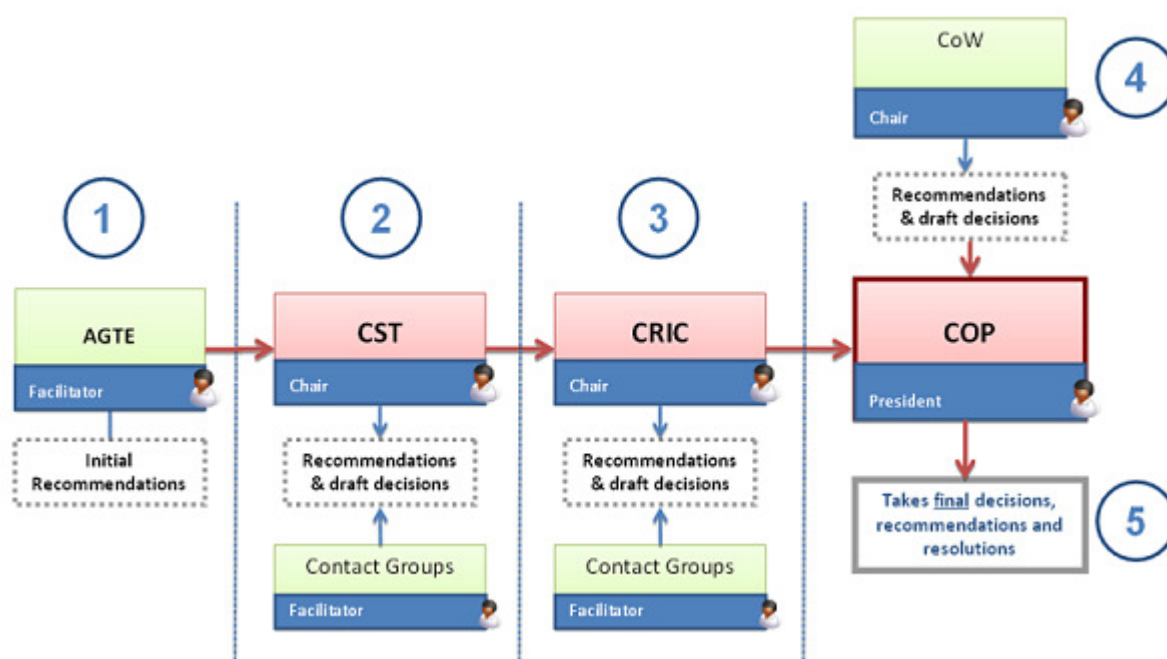
1. Six functions of UNCCD NFPs – Page 2
2. Four tasks of UNCCD NFPs – Page 2
3. Five responsibilities of UNCCD NCBs – Page 3
4. Guidelines for the formation of a NCB – Page 4/5

5.1. Process of the UNCCD

The decision making process of UNCCD involves all the institutional levels including the ad hoc working groups that may be set up to deal with drafting of these decisions. For example the process of decision making as regards scientific and technical or technological issues may start with the initial recommendations, produced by the Advisory Group of Technical Experts (AGTE). These are then sent to the CST which reviews the recommendations and may maintain them as recommendations or prepare them as draft decisions. The CST passes on the

recommendations and/or draft decisions to CRIC for its review and then sent the on to the COP for final consideration. There are usually contact groups which provide support to CST and CRIC in carrying out this work.

A simple diagram of the UNCCD decision making process is shown below.



Negotiations on key issues are usually conducted in contact groups, ad-hoc working groups or “friends of the Chair” meetings. These groups are set-up by the respective Presidents or Chairpersons of the COP / CST / CRIC / CoW on the basis of the issues on the agenda. Similarly, the subsidiary bodies usually allocate specific agenda items to contact groups or informal consultations. The President of the COP and the Chairpersons of the subsidiary bodies inform the meeting of the presiding officers selected to chair the various contact groups and informal consultations. The outcomes expected from the negotiating sessions may include:

- The Chair’s summary
- Draft resolutions, recommendations, declarations, conclusions and decisions.

Even though it is expected that the texts are agreed upon through consensus, the negotiations sometimes fail in achieving this. In such cases:

- The Chair of the body that established the contact group who may decide that there is need for further consultations, or
- Conduct bilateral consultations with interested delegations, until a compromise is reached.