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MEETING OF OAU AD HOC GROUP OF EXPERTS ON DESERTIFICATION
NAIROBI, 14 - 18 DECEMBER 1993
PLENARY REPORT

OAU/INC-D/EXP.PLE/REPORT

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ORGANIZATION OF
AFRICAN UNITY
ORGANIZAÇÃO DA
UNIDADE AFRICANA



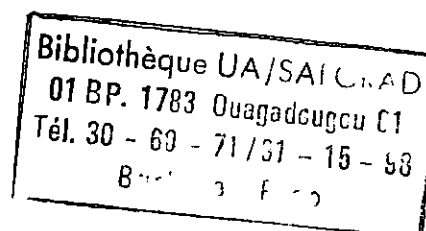
ORGANISATION DE
L'UNITÉ AFRICAINE
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I. INTRODUCTION

The meeting of the OAU Ad Hoc Working Group of Experts on desertification was held at the OAU Office in Nairobi, Kenya, from 14 to 18 December, 1993.

1. The meeting was attended by the following Experts and members of the Joint Secretariat Organizations: Mr. Bolong L Sonko, Permanent Secretary, The Gambia; Mr. Frank X Njenga, Asia African Legal Consultative Committee, Professor, Richard, Samson Odingo, University of Nairobi, Kenya; Mr. Ntsama Jean Dieudonne, Head of the Legal Department, Ministry of External Relations (Cameroon); Mr. Delmi Boudjemaa, Director Multilateral Relations, Ministry of Foreign Affairs, Algeria; Mr. Amador Tijan Jallow, UNO/UNDP New York; Mr. Bandre Pierre, Technical Advisor, Ministry of Environment and Tourism, Burkina Faso; Mr. Wilbur K. Ottichilo, Regional Centre for Services in Surveying, Mapping and Remote Sensing, Nairobi, Kenya; Mr. Winston Mathu, UNO/UNDP New York; Mr. Germain Barichako, Legal Advisor, OAU; Mr. Ben Kamugasha, Environmentalist/Lawyer, African Development Bank (ABD); Mr. Seeiso Liphuko, Executive Secretary, Natural Resources Board, Botswana; Mr. Rogatien Biaou, First Counsellor of Permanent Mission of Benin to the U.N., New York; Professor M A. Kassas, Faculty of Science, University of Cairo, Egypt; Mr. Maina Karaba, Programmes Manager, IGADD, Djibouti, Mr. John Tesha, Consultant, UNO/OAU; Mr. Ruben K. Sinange, INC-D IGADD Consultant, IGADD; Mr. Moise Akle, OAU/UNEP Project Officer; Mr. Ndegwa Ndiangui, Kenya, Mr. Halifa O. Drammeh, Regional Office for Africa UNEP; Mr. Moustapha Sar, Desertification Control Programme Activity Centre; UNEP.
2. The Experts, unanimously agreed that Mr Sonko, Permanent Secretary of the Ministry of Foreign Affairs of the Gambia, who attended the meeting in his personal capacity chair the meeting. It was also agreed that the programme of work would be from 9 hours to 13 hours and from 16 hours to 18 hours throughout the duration of the meeting.
3. After a brief introductory remarks by Dr. Masiga, Director of the OAU office in Nairobi, the Experts adopted a working programme and agreed to focus their attention on the following issues:
 - (i) examination of the proposed Negotiating Text of the International Convention to Combat Desertification in those countries experiencing serious drought and/or desertification, particularly in Africa,
 - (ii) review of the outline/structure of "the implementation annex for Africa" proposed by the Secretariat of the INC-D,

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(iii) discussion on the structure and orientation of "the implementation annex for Africa",

(iv) elaboration of the draft implementation annex for Africa, and

(v) consideration of possible measures and mechanisms for financing the overall implementation of the provisions of the convention but more specifically, "the implementation annex for Africa".

II. THE DELIBERATIONS OF THE EXPERTS

(a) The Negotiating Text of the Convention

4. The Experts decided to make general comments on the Negotiating Text of the Convention and then to examine the documents article by article. During the debate that ensure the following comments were made:

(i) General Comments

5. The Ad Hoc Working Group of Experts was of the view that despite some specific limitations and shortcomings, the negotiating text as proposed by the INCD Secretariat reflected an honest record of the deliberations which took place during the second substantive session of the INCD held in Geneva in September 1993. But, the Experts expressed concern over the many brackets which appear in the negotiating text, especially on the articles and issues considered to be critical to the African region and to the overall objective of the convention.

6. The Experts were particularly concerned with the brackets in some of the introductory elements, more specifically regarding Article (2) on the Objective, and Article (3) on Principles.

7. The Experts were also concerned with the brackets appearing in the General Provisions, more specifically Article 4(b) and (c) on General Obligations. Additionally, the Experts expressed total disagreement with the bracketing of Articles 11; 14, 19 (2) and (3); 21 (g) and (4). Other articles under brackets include 22 Financial resources, 23 Financial Mechanisms, 26 Scientific and Technological Advisory Council; 27 International Desertification Evaluation and Monitoring Centre; the two articles are totally bracketed and so are articles 29 and 40 covering measures to prevent disputes and reservations respectively.

8. It was unanimously agreed by the Working Group that efforts should be deployed based on a specific strategy to open all the brackets so as to ensure that all strategic interests of the region are incorporated both in the Convention and in "the implementation annex for Africa". It was re-emphasized that Africa does not need a

Framework Convention. What Africa needs is an operational convention which takes into account the global dimension of the problem of desertification and as it relates to other global issues such as climate change and biodiversity.

9. The need to strengthen the management aspects of the convention was expressed. It was also felt that there was need to introduce a new article on the scope of the convention. But, the general focus was on the need to ensure that where possible, the language of consensus reflected in the specific chapters of Agenda 21 including Chapters 12, 6, and 3 should be used in the regional attempt to open some of the brackets in the negotiating text. The Experts were of the view that issues related to poverty and food security as well as drought must be adequately reflected in both the convention and "the implementing annex for Africa". With respect to the Conference of the Parties, it was the view of the Group that the Conference of the Parties should be as broad as possible to reflect a possible mechanism that could operate as a specialized agency without necessarily giving it the status of an agency.

(ii) Specific Comments

10. The specific comments of the Working Group on the Negotiating Text were as follows:

i) The title should read as follows:

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

ii) Preamble:

Paragraph 3 should read as follows:

Acknowledging the global dimension of desertification and/or drought, their effects in all regions of the world and the common interest of the international community respectively in combatting and/or mitigating them.

Paragraph 10 becomes 8;

Paragraph 11 becomes 9;

Paragraph 9 becomes 10 and should read as follows:

Reaffirming commitments laid down in Agenda 21 and *convinced* of the validity and relevance of decisions and recommendations adopted at the United Nations

Conference on Environment and Development, particularly in Chapter 12 of Agenda 21.

Paragraph 8 becomes 11;

Paragraph 13 should read as follows:

Stressing the critical role played by women in many regions affected by desertification and/or drought, particularly in rural areas of developing countries, and the importance of ensuring the full participation of both women and men in programmes to combat desertification and mitigate drought.

Paragraph 14 should read as follows:

Emphasizing the special roles of non-governmental organizations, grassroot organizations, youth, children, aged persons and indigenous people in programmes to combat desertification and mitigate drought.

Paragraph 18 should read as follows:

Reaffirming the international community's commitment to work in order to attain the accepted United Nations targets of devoting 0.7 percent of GNP to Official Development Assistance (ODA).

Paragraph 18 becomes 19.

iii) **PART I**

Part I and Part II shall be combined to become one Part.

The Title of the Part I in the negotiating text "INTRODUCTION" shall be replaced in the new Part I with "GENERAL PROVISIONS".

iv) Article 1 While initially, the Experts had expressed doubt on the necessity of having Article 1, it was however decided after exchange of views that Article 1 could be retained provided that the list of terms was broadened to include socio-economic aspects as it was too biophysical. It was felt that whenever reference is made to Secretariat the aspect of permanency should be introduced. Article 1 (2) should read as follows:

v) Article 1 (2) The Permanent Secretariat, Working with competent intergovernmental organizations, scientific and academic Institutions as well as NGOs, shall maintain an information glossary of internationally agreed definitions of other terms relevant to this Convention. The Conference of the Parties shall periodically

review this glossary.

12. It was suggested that the drafting of Article 2 was too biophysical and that socio-economic issues as well as human activities were missing.

Article 2 Objective: The specific view of the Expert Group was that there should be no comprise on this particular Article. Africa should insist that all the brackets be opened. It was felt that there was need for re-drafting some of the parts to reflect what is contained in Agenda 21 and the relevant chapters. It was suggested that Article 2 was basic to Africa. Removal of Article 2 would make the convention a framework convention.

13. **Article 3 Principles:** The view of the Expert Group was that this particular Article retained with all the brackets opened. It was suggested that the following elements should be added to the Article: the principle of subsidiarity in defining and financing projects and programmes, the principle of shared, but, differentiated responsibility in promoting and implementing the provisions of the convention; Popular Participation, the principle of international solidarity and the principle of development rights.

14. **Scope of the Convention:** It is suggested that the formulation in the African submission should be reflected in the Convention as the Article 1. This Article should read as follows: "Subject to the rights of other states, and except as otherwise expressly provided in this convention, the provisions of this Convention apply, in relation to each Contracting Party:

(a) in arid, semi arid and dry sub-humid regions, in areas affected by drought and/ or desertification within the limits of its national jurisdiction;

(b) in the case of processes and activities, regardless of where their effects occur, carried out under its jurisdiction or control within the area of its national jurisdiction or beyond the limits of national jurisdiction.

PART II Article: 4 General Obligations

15. **Article 4 - 2(b)** It was suggested that the following formulation should be adopted: Give due attention, within the relevant global, sub regional and regional bodies...; and that the bracket should be opened. A fall back position to be drafted during the negotiations.

16. **Article 5 *Obligations of affected country Parties***
Article 5 (a) raised some difficulties. The idea of allocating substantial resources proportionate to the magnitude of the problem was unacceptable. Article 5 (a) shall now read as follows: give due priority to combating desertification and mitigating

drought, and allocate substantial resources within its means to the magnitude of the problem they are experiencing.

Article 5 (b) - it was suggested that the paragraph shall read as follows:
Establish strategies and priorities, within the framework of national plans for sustainable development to combat desertification and/or mitigate the effects of drought and make public the elements of such strategies and their effect on land degradation.

Article 5 (c) should read as follows: Focus on the role of affected local populations, with a view to ensuring their full participation in formulation of programmes through the removal of the technological, political and socio-economic constraints and also ensure that the action Plans and programmes contribute to the development on process and indeed sustainable development.

Article 5 (d) - the new proposed formulation was as follows: Emphasize public education and awareness among local populations, both women, men, youth and children, about the established strategies and priorities to combat desertification as well as the benefits of sustainable development in order to allow participation of local population.

17. Article 6: Obligations of country Parties in a position to provide assistance:
Article 6 (a) - It was suggested that Article 6 (a) should be formulated as follows:
Actively support the efforts of affected country parties needing assistance, particularly the African countries among them, in their efforts to combat desertification and mitigate the effects of drought.

It was also suggested and agreed that the concept of 0.7 percentage should be introduced in paragraph 6 (c). It was suggested that reference should be made to the obligations contained in Articles 4, 20 and 23.

Article 6 (c) shall read as follows:

Work in order to attain the accepted United Nations targets of devoting 0.7 percent of GNP to ODA as well as the agreed targets established at the second United Nations Conference on the Least Developed countries, in the United Nations New Agenda for the development of Africa in the 1990s, at the Eighth session of the United Nations conference on Trade and Development, and at the United Nations Conference on Environment and Development.

Article 6 (d) shall read as follows:

Encourage, through measures and programmes, direct foreign investment in affected countries parties, in particular African countries and support the policy changes undertaken by them to attract private foreign investment.

18. Article 6 (Bis) - It was agreed that there should be a new article entitled: "Obligations of countries not affected by desertification". The provision of this new article shall read as follows:
The Parties not affected by drought and/or desertification agree to promote strategies for sustainable development and to avoid the process of encroaching desertification and drought.

19. Article 7: Priority to Africa:
It was the view of the experts that the paragraph does not go far enough. It should make reference to the establishment of appropriate financial mechanisms and other such measures that will enhance and support the implementation of the provisions of the Convention.

Article 7 shall now read as follows:

In implementing the provisions of this Convention the parties shall give priority to affected African countries in light of the particular situation prevailing in this region, while not neglecting other regions.

Independently of the specific measures and provisions for affected African countries in the different provisions of the Convention, special attention shall be paid to the specific needs and problems of each of them in order to enable them to take full advantage of the opportunities offered by the Convention, so as to accelerate their development.

Special attention shall be established, in respect of these countries, to support, inter alia:

- the implementation of local, national, sub-regional and regional action programmes;
- the efforts, through the provision of adequate new and additional financial resources and appropriate technical assistance, to achieve long-term, self-determined, self-reliant and self-sustained integrated social, cultural and economic development as well as making an inventory of water-tables and their replenishment capacity with a view to better reliability of water supplies, using surface and ground water and improving management of these resources.
- the promotion and implementation measures to economize on wood as an energy source by stepping up research into, application of and information on new and renewable sources of energy such as solar, wind and biomass energy.
- the other mechanisms and measures to be undertaken, should be supported

where necessary, with research backing, within the framework to combat desertification and mitigate the effects of drought, a major challenge on which the success of the success development policy depends.

20. Article 8: Relations with other Conventions:

It was proposed that this particular article should be moved to the Part on final provisions.

Article shall read as follows:

1. The Parties shall encourage the coordination of activities carried out under this Convention and under other relevant international legal instruments, 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 Convention while avoiding duplication of effort.

2. The Parties shall encourage the conduct of joint programmes, particularly in the fields of research, training and exchange of information, to the extent that such activities may contribute to achieving the objectives of the Conventions concerned.

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

**PART II
ACTION PROGRAMMES, SCIENTIFIC AND
TECHNICAL COOPERATION AND SUPPORTING MEASURES**

Section 1: Action Programmes

Article 9: Basic Approach

21. It was suggested that a new paragraph be introduced and for more fluency, it should be broken into three paragraphs as follows

1. In carrying out their obligations pursuant to Article 5, affected country Parties needing assistance shall prepare without delay, make public, and implement national action programmes, and as appropriate sub-regional and regional action programmes, as the central element of the strategy to combat desertification and mitigate drought. Such programmes shall be updated at intervals to be decided by the conference of Parties.

2. Developed country Parties and other Parties in a position to provide assistance shall support affected country Parties needing assistance in this process, either directly or through appropriate intergovernmental organizations, or both.

3. All United Nations agencies, funds and programmes, Academic and Scientific institutions and NGOs shall also support the affected country Parties needing assistance in this process, taking into account the national legislations and procedures of each country Party.

22. Article 10: National Action Programmes.

It was suggested that the purpose of the National Action Programme is to provide a single integrated framework for the mobilization of technical, financial and human resources and coordinated action for implementing the activities to combat desertification and mitigate the effects of drought. A formulation was proposed regarding Article 10 (1) to read as follows:

National action programmes, for the purpose of this Convention shall, inter alia, to identify in a clear and concise manner the factors contributing to desertification and/or drought, the policy and institutional reforms and other measures necessary, the respective roles of government, local communities and land users, and the resources available or required:

It is suggested that Article 10 (f) shall read as follows:

- give grassroots organizations, and non-governmental organizations a more effective role in the preparation, implementation and review of the programmes, making full use of their expertise.

Article 10 (2) shall read as follows:

National action programmes shall include clear goals, criteria and benchmarks, within precise timeframes for execution, and mechanisms for systematic monitoring and evaluation, so as to assess and measure progress in their implementation.

23. Article 11: Field to be covered in national action programmes.

It was suggested that:

Article 11 (a) shall be maintained and read as follows:

The development and implementation of programmes and measures relating to capacity-building, education and awareness, scientific and technical cooperation, credit systems and financial resources and mechanisms, in accordance with Articles 18 to 23;

Article 11 (b) shall read as follows:

eradication of poverty, including income and employment opportunities, improved purchasing power and alternative livelihoods, tourism promotion, rural infrastructure, market access, producer and marketing cooperatives, and access to credit and other financial services;

Article 11 (j) shall read as follows:

energy, including the development and efficient use of various energy sources, the promotion of alternative sources of energy, particularly solar and wind energy, and specific arrangements for the transfer, acquisition and adaptation of relevant technologies;

Article 11 (l) shall read as follows:

national population policies, including those to deal with population pressure on land-carrying capacity; migration, both within and between countries; family planning services, where necessary.

24. Article 12 : Sub-regional Action Programmes.

It was suggested that paragraphs (a), (b), and (c) should be retained. In addition the following drafting proposals were made:

Article 12 (b) shall read as follows:

Scientific, technical and academic cooperation in accordance with Articles 18 to 20;

For fluency, Article 12 (d) should be broken into two paragraphs as follows:

joint programmes of cooperation with respect to migratory flows of people and transhumance;

the development and promotion of alternative sources of energy, hydrology and meteorology;

Article 12 (f) shall read as follows:

Review of trade practices, within the sub-region, that might have an adverse impact on the efforts of local populations to combat desertification and to mitigate the effects of drought;

Article 12 (g) shall read as follows:

monitoring and evaluation of land degradation;

Article 12 (h) shall read as follows:

establishment of early warning systems.

25. Article 14 : International Cooperation.

It was suggested to have a new paragraph on international cooperation. The following proposal was suggested as new formulation on international cooperation: Affected Country Parties in collaboration with other Parties shall cooperate to ensure the promotion of enabling international environment in the implementation of the provisions of the Convention together with the regional annexes. Such cooperation shall also cover fields of technology transfer as well as scientific research and development, information collection and dissemination and financial resources.

26. Article 14 becomes Article 15.

Article 15 : Measures in action programmes to mitigate the effects of drought in all levels.

In discussing Article 15, it was felt that in Article 15 (1) in the sentence beginning with affected countries the phrase <needing assistance> should be deleted.

It was also felt that some of the elements in Article 4 (2) (b) should also be incorporated in Article 14 in addition to technology transfer, research and development and financial resources.

Article 15 shall read as follows:

Affected country Parties, particularly those subject to drought, may include in their action programmes, inter alia, some or all of the following measures to mitigate its effects:

- a) the strengthening of early warning systems, and the elaboration, if necessary of relief measures including local and national facilities as well as joint systems at the sub-regional and regional levels, and mechanisms for assisting refugees and displaced persons;
- e) the Parties shall give due attention, within the relevant global, regional and sub-regional bodies, to the situation of affected developing countries with regard to international trade, marketing arrangements and debt;

f) Promotion of cooperation in areas related to transhumance.

27. Article 15 becomes Article 16.

Article 16 : Assistance in the elaboration and implementation of action programmes.

It was agreed that the role of UN agencies and programmes should be mentioned. In this regard, Article 16 shall read as follows:

Developed country Parties and other Parties in a position to provide assistance including UN agencies, funds and programmes shall support, consistent with their capabilities, the elaboration and implementation of action programmes, both bilaterally and through competent intergovernmental organizations, through financial, technical and other forms of assistance as provided for in this Convention. supporting measures shall include, inter alia:

28. Article 16 becomes Article 17.

Article 17 : Coordination in the elaboration and implementation of Action Programmes.

It was agreed in paragraph (1) to add after assistance in the second line including :

<UN agencies, funds and programmes>. In paragraph (2) related to the need to develop operational mechanisms, the phrase sub-regional needs to be added after national.

Article 17 shall read as follows:

1. Affected country Parties needing assistance and all country Parties providing assistance including UN agencies, funds and Programmes to specific action programmes shall work closely together, directly and through relevant inter-governmental organizations, in the elaboration and implementation of action programmes.

2. The Parties shall develop operational mechanisms, particularly at the field, national and sub-regional levels, to ensure the fullest possible coordination among country parties providing assistance, countries needing assistance and relevant international and non-governmental organizations, in order to avoid duplication, harmonize interventions and approaches, and maximize the impact of assistance. Arrangements relating to the form of such coordination are set out in the Regional Implementation Annexes.

29. Article 17 becomes Article 18.

Article 18 : Regional Implementation Annexes.

No comments were made.

Section 2 : Scientific and Technical Cooperation

30. Article 18 becomes Article 19.

Article 19 : Information collection, analysis and exchange.

It was agreed that remote sensing should be added, including the provision of information in order to understand progress being made in combating land degradation including socio-economic conditions and also to understand progress being made in the implementation of commitments of various Parties.

Data acquisition and assessment should be added in paragraph (3) and the brackets, should be deleted. See article 27 for the reason.

Article 19 (3) shall read as follows:

The Secretariat shall catalogue relevant existing arrangements, facilities, data acquisition and assessment to enable the Conference of parties to adopt, as soon as practicable, measures necessary to ensure the effective operation of the global network referred to in paragraph 1, subparagraph (a) [, which shall be based on the Evaluation and Monitoring Centre established in accordance with Article 27.] Maximum use shall be made of existing institutions at all levels.

31. Article 19 becomes Article 20

Article 20 : Research and Development.

It was suggested that this Article should call for the establishment of international networks Centres on desertification and drought. Such Centres should be similar to the International Agriculture Centres or similar Centres for Research and Development. It was also agreed that Paragraph (d) was of capital importance and should be retained.

The brackets in paragraph (2) should be removed and the word 'permanent' added before Secretariat. Additionally, it was agreed that Article 20 paragraph (3) should be part of the functions of the Secretariat. It was recommended to delete it.

32. Article 20 becomes Article 21.

Article 21 : Transfer, acquisition, adaptation and development of technology.

The view of the Expert Group was that the Article was only describing software and there was little or nothing about hardware. It was the view of the Group that issues related to biotechnology and energy should be included in the article. South/South cooperation in technology transfer should also be mentioned. It was the view of the Group that there was need to assess the cost and benefit of technology as well as the cost of technology transfer.

Article 21 (a) should have an addition reading as follows:

- (1) Special attention should be paid to the following technology areas:
 - (i) Biotechnology;
 - (ii) Energy related technologies;
 - (iii) Other technologies which are specific to drought and desertification;
- (2) Such technologies (to be transfered) shall be non-polluting.
- (3) Other issues concerning technology transfer which are of concern to the affected African Region were:
 - (i) access to the relevant technologies;
 - (ii) the impact of technologies transfered on the African environment and evaluation of existing technologies;
 - (iii) how to defray the cost of technology transfer.

Section 3: Supporting Measures

33. Article 21 becomes Article 22.

Article 22 : Capacity Building, Education and Public awareness.

It was agreed that the idea of rural radio should be introduced in the Article 22 (3a) after the word "community" as well as the need to strengthen community level

organizations and institutions and pay special attention to women and children. The brackets in Article 22 (3g) should be removed and sub-line retained.

In Article 22 (4) the brackets shall be removed and it shall read as follows:

The Conference of Parties shall establish a network of regional education and training centres for combating desertification and the effects of drought to train appropriate scientific, technical and management personnel of affected countries needing assistance and to assist the institutions responsible for education and training in affected countries needing assistance in harmonizing programmes and in organizing exchanges of experience. The network of centres shall cooperate closely with relevant intergovernmental organizations to avoid duplication of efforts.

34. Article 22 becomes Article 23.

Article 23 : Financial resources.

The Experts emphasised that past commitments should be honoured. It was the view of the experts that what had been agreed in Rio should not be opened for questioning. The specific commitments to matters that had been agreed earlier on should be respected. In this regard Africa should be provided with new and additional resources.

It was emphasized that National action programmes form the core of the implementation process. It is important to be sure of the sources of funding. In this regard, it is important that when designing programmes, efforts should be made to identify sources of funding including domestic mobilisation of resources. It was suggested that Article 23 (1h) should be removed. Furthermore, it was emphasised that the idea of 0.7 should not be questioned. Additionally, the experts suggested that the consensus language of Agenda 21 should be the major point of reference. The view of the experts was that the donor community was backpeddling especially in the implementation of the 0.7% recommendation. To this end, the experts felt that an assessment and evaluation of the implementation of the commitments made by our development partners was appropriate in the light of the new realities.

It was agreed to redraft the article 23 (1), article 23 (2) and article 23 (4) to read as follows:

Article 23 (1):

Recognizing the centrality of adequate financing for achieving the objectives of the convention, the Parties undertake to provide financial resources, consistent with their capabilities, national, sub-region, regional and international plans, priorities and programmes. The Conference of Parties shall, in particular.

The new article 23 (h) shall read as follows:

Establish measures to facilitate the implementation of debt for anti-desertification swap and to ensure that the expected target is at least 1% of the global loan repayments.

Article 23 (2) shall read as follows:

Affected countries needing assistance shall allocate a substantial portion of their own financial resources to achieving the objectives of this Convention. They could also continue to use their internal resources and should establish national funds, to combat desertification and mitigate the effects of drought.

The brackets on Article 23 (3) should be deleted.

Article 23 (4) shall read as follows:

Developed country Parties reaffirm their commitments to Agenda 21 to work in order to reach the accepted United Nations targets of devoting 0.7% of Gross National Product (GNP) to Official Development Assistance (ODA).

35. Article 23 becomes Article 24

Article 24 : Financial Mechanisms.

The Experts unanimously agreed that if the mechanism was not established, Africa will be in a very disadvantaged position. Africa should avoid falling back into framework Convention in event that the mechanisms was not established. It was suggested that paragraph 4 should be removed completely. The idea of establishment of national funds is somehow locking countries into situations that will allow them not to make any commitments.

Drafting proposals. Add one new sub-paragraph referring to debt for anti-desertification swap. If we ask only one percent of the total debt for Africa we will get about 13 billion. Para (h) is unacceptable. Taking note of the commitments of the developed countries as provided for in Agenda 21. Sub paragraph (c) need to be strengthened. Language of para 2 should be harmonized with para 5 (a) 1 (h) takes away responsibilities that belong to the local people and the country. The section be deleted. Make reference to Rio Commitment in the Preamble. Article 22 (e) should be both where it is and in the section on the conference of the parties. The following additional proposals were also made:

a) The need for the establishment of a specialised fund to combat desertification and mitigate the effects of drought was emphasised. Other proposals were as

follows:

- b) Establish international financial cooperation to fund the activities of the Convention
- c) Establish other innovative financing sources. Studies and establishment of the mechanisms, the material in paragraph two should be used. We need transparency. Financial mechanisms should be established under the Conference of the Parties. The Conference of the Parties should establish such a fund as it is being proposed.
- d) Establish regional Financial mechanisms. It was the feeling of the Experts that there was need for a basic inventory of the existing mechanisms. The view of the group was that it was important to keep this inventory list.

36. The Expert group was of the view that Paragraph (3) had two ideas which should be separated. The view of the group was that although they were complementary, they were different. It was also felt that there were two ideas in Paragraph (4). While Transparency and Accountability was acceptable to the North, the idea of allocating a specific percentage of these resources to local and non governmental organizations was the prerogative of national governments. It was agreed that the Conference of the Parties will provide indication as to the nature of the percentage.

37. With respect to the GEF, it was decided that the prospects for establishing a fifth window in the GEF should continue to be explored without prejudice to other possibilities which may exist within the framework of the Convention.

New formulation of Article 24 (1) was proposed as follows:

For providing financial assistance in accordance with this Convention, the Conference of Parties, shall examine and establish as soon as possible financial mechanisms and make full use of all available national, bilateral and multilateral financing mechanisms, encompassing statutory and voluntary contributions, grants, donations, loans, joint ventures, and private funding, including resources from non-governmental organizations.

In Article 24 (2) replace better understanding with, "To establish an International Fund" and it shall read as follows:

To establish an international fund to combat desertification and mitigate drought, the conference of Parties shall make, and regularly update, an inventory of the sources and uses of this fund and review the adequacy of multilateral structures. It shall also establish a clearing house on the types and methods of assistance

available through the various channels and estimate, on a regular basis, the financial resources needed to implement the Convention.

In Article 24 (3) it was proposed that a new formulation should bring up the idea of establishing an International Finance Cooperation and for fluency the line should be broken into two.

Article 24 (3a) shall read as follows:

In order to supplement currently available resources, the conference of Parties shall establish, as soon as practicable, a specialized fund to combat desertification and mitigate the effects of drought. In so doing, it shall give due consideration to the establishment of an international finance corporation and to other innovative financing sources, such as specific deposits by multilateral agencies.

Article 24 (3b) shall read as follows:

The Conference of Parties shall set and review at least every three years the policies, operational modalities and programme priorities of the fund, as well as eligibility criteria for access to the fund. These shall include, inter alia, the level of development of affected countries needing assistance and the priority to be given to Africa.

In Article 24 (4) it was proposed that the idea of debt for desertification swap should be reflected. Article 24 (4) shall now read as follows:

The modalities in alinea 3 shall provide for transparency and accountability in the management of the resources of the fund, and allocation of a specific percentage of these resources to local programmes and those supported by Non-governmental Organisations (NGOs), shall be decided by the Conference of Parties.

38. PART IV becomes PART III.

PART III INSTITUTIONS

39. Article 24 becomes Article 25

Article 25 : Conference of Parties.

40. A number of new formulations were proposed.

Article 25 (2a) shall read as follows:

At each ordinary session review the operation of the Convention and of the institutional arrangements, the evolution of scientific and technological knowledge in light of the experience gained in the national and international context.

Article 25 (2b) shall read as follows:

Promote and facilitate the exchange of information on measures adopted by the Parties, and determine the form and intervals for transmitting the information.

Article 25 (2m) shall read as follows:

Promote and strengthen relationship with other Conventions;

Article 25 (4) shall read as follows:

The first ordinary session of the conference of the Parties shall be convened by the interim Secretariat established in accordance with Article 38 and shall take place not later than one year after the date of entry into force of the Convention. Thereafter, ordinary sessions of the Conference of the Parties shall be held every two years, starting at the fifth session. To start activities of the Conference of Parties, the second, third and fourth sessions shall be held every year.

Article 25 (5) shall read as follows:

Extraordinary sessions of the Conference of the Parties shall be held by a decision of ordinary sessions of the Conference of the Parties, at the initiative of the Bureau of the Conference of Parties or at the written request of any Party, provided that, within three (3) months of the request being communicated to the Parties by the Permanent Secretariat, is supported by at least one-fourth of the Parties.

Article 25 (6) after the brackets are removed, shall read as follows:

At the opening of its ordinary sessions, the Conference of Parties shall elect a Bureau comprising six (6) members: a Chairman and Five vice Chairmen, one of them shall be a rapporteur. Due regard shall be paid to the need to ensure equitable geographical distribution and adequate representation of those countries affected by drought and/or desertification, particularly in Africa.

41. Article 25 becomes Article 26.

Article 26 : Permanent Secretariat.

The following drafting proposals were made:

- i) Article 26 (1). A Permanent Secretariat is hereby established;
 - ii) Article 26 (2). The Permanent Secretariat shall be headed by a Permanent Secretary designated at the first session of the Conference of Parties;
 - iii) Article 26 (3). The functions of the Permanent Secretariat shall be:
 - iv) Article 26 (4). The Conference of Parties, at its first session, shall designate the Permanent Secretariat and make arrangements for its functioning.
42. Article 26 becomes Article 27.

Article 27 : Scientific and Technological Advisory Council.

It was proposed that the title should read: Scientific and Technological Advisory Council.

Article 27 (1) shall read as follows:

A scientific and Technological Advisory Council is hereby established as a subsidiary organ of the Conference of Parties.

Article 27 (2) shall read as follows:

At the request, and under the supervision of, the Conference of the Parties, the Scientific and Technological Advisory Council shall provide advice on scientific and technological issues relating to the activities carried out under the Convention with a view to achieving its objectives, including in particular the preparation and implementation of national, sub-regional and regional action programmes.

Article 27 (3) after the brackets are removed, shall read as follows:

The Scientific and Technological Advisory Council shall consist of 20 experts appointed by the Permanent Secretary in their personal capacity. It shall be multidisciplinary, it shall comprise government representatives competent in relevant fields of expertise and its composition shall have due regard to the need to ensure adequate geographical representation. Members of the Advisory Council shall be appointed for a term of three years. They shall be eligible for reappointment.

Article 27 (4) shall read as follows:

The Advisory Council shall report to the conference of Parties at its ordinary sessions, as the case may be at some extraordinary sessions, through the Permanent Secretariat, on all aspects of its work.

43. Article 27 becomes Article 28.

Article 28 : International Drought and Desertification Evaluation and Monitoring Centre.

In the case of the former Article 27 - Evaluation and Monitoring Centre, It was proposed that the title of the Article should change to read: International Drought and Desertification Evaluation and Monitoring Centre. The following additional proposals were also made:

Article 28 (1) shall read as follows:

An International Drought and Desertification Evaluation and Monitoring Centre is hereby established as a subsidiary organ of the Conference of Parties which shall determine the modalities of operations of the centre.

Article 28 (2) - Under the authority and supervision of the Conference of Parties, the International Drought and Desertification Evaluation and Monitoring Centre shall:

Article 28 (2d) - Delete "local" and "national" and it shall read as follows:

ensure the coordination of activities at the sub-regional and international levels.

Article 28 (4) shall read as follows:

The Centre shall report to the Conference of Parties, at its ordinary sessions, as the case may be at some extraordinary sessions, through the Permanent Secretariat, on all aspects of its work.

Article 28 (5) shall read as follows:

The Centre shall be located in Africa. The Conference of Parties, after consultations between Parties, shall choose the city of the Headquarters.

44. PART V becomes PART IV

PART IV

PROCEDURES

45. Article 28 becomes Article 29.

Article 29 : Communication of information on implementation.

Article 29 (1) it was suggested to add "permanent" before secretariat and to reformulate it.

Article 29 (1) shall read as follows:

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

46. it was suggested that the former Article 29 : "Measures to prevent disputes" was inappropriate and should be deleted.

47. Article 30 : Settlement of disputes

It was proposed that the brackets around paragraphs 2 to 6 should be removed because the paragraphs reflect standard legal drafting. It was also suggested that paragraph 2(a) becomes 2(b) and 2(b) becomes 2(a).

Article 30 (2) shall read as follows :

When ratifying 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 for dispute settlement as compulsory in relation to any Party accepting the same obligation:

- a) arbitration in accordance with the procedure set out in Annex (the number of this Annex shall given later).
- b) submission of the dispute to the International Court of Justice.

Article 30 (3) shall read as follows:

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, subparagraph (a).

Article 30 (5) shall read as follows:

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.

48. Article 31: Status of Annexes

No comments.

49. Article 32: Amendments.

It was suggested to add "ordinary" before session.

Article 32 (2) shall read as follows:

Amendments to the Convention shall be adopted at an ordinary session of the Conference of 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.

It was suggested that Article 32 (3) and (4) adopt a standard two thirds majority system with respect to voting, and to delete the reference three fourths between brackets in the negotiating text.

It was suggested that elements of Article 32 (6) should go into Article 1.

50. Article 33: Adoption and amendment of Annexes.

No Comments.

51. Article 34: Right to vote.

No Comments.

52. Article 35: Depositary

No Comments.

53. PART VI becomes PART V.

PART V

FINAL PROVISIONS

54. Article 36: Signature.

No Comments.

55. Article 37: Ratification and accession.

No Comments.

56. Article 38: Interim arrangements.

No Comments.

57. Article 39: Entry into force.

It was proposed that the Convention should enter into force after the deposit of the thirtieth instrument of ratification, acceptance, approval or accession.

Article 39 (1) and (2) shall read according to the above proposal.

58. Article 40: Reservation or exception.

It was suggested to remove the brackets.

Article 40 shall read as follows:

No reservation or exception may be made to this Convention.

59. Article 41: withdrawal.

It was suggested to delete in Article 41 (1) in the first line "two" and to remove the brackets between "three" and to add an Article 41 (3) which shall read as follows:

Withdrawal shall not exempt the withdrawing Party from fulfilling any obligations or commitments it might have incurred under this Convention, in execution of projects and programmes.

60. Article 42: Authentic Texts.

No Comments.

61. Annex I.

No Comments.

Elaboration of Regional Implementation Annex

1. After reviewing the content of the negotiating text prepared by the INCD secretariat, the expert group was divided into three groups. Group I worked on Programmes at national, sub-regional, regional and international levels. Group II worked on financial assistance and technical cooperation and Group III worked on follow-up measures and commitments. The reports of the Working Groups are attached here under.

GROUP I : PROGRAMMES AT NATIONAL, SUB-REGIONAL, REGIONAL AND INTERNATIONAL LEVELS. (CHAIRMAN PROF. KASSAS)

I. ACTIONS AT NATIONAL LEVEL

Introduction:

African countries parties to this Convention shall give due priority in their policy directives to the sustainable management of land and water resources in dryland territories and to the needs of the communities dependent on these territories.

Each country shall elaborate a national action programme that ensures the prevention of degradation of productive lands and the rehabilitation of desertified lands, and that provides for management of hazards of recurrent droughts. While deriving from the recommendations of the UN Plan of Action to Combat Desertification (1977), the contents of the Agenda 21 (UNCED, 1992) especially chapter 12, and the Action Programmes of this Convention (Part III), a national action programme will particularly address the ecological and socio-economic conditions prevalent. A national programme will establish appropriate machineries for elaboration and subsequent implementation of national programmes of action including mobilisation of national and international technical and financial resources required for their satisfactory implementation. In elaborating these programmes, national machineries shall ensure the effective participation of communities concerned in planning and implementation phases.

Content and orientation of NAPs

A national action programme may comprise three principal groups of elements:

- i) monitoring and assessment of ecological and socio-economic degradation in the drylands and their communities;

- ii) programmes of actions for sustainable development and for management of environmental hazards including drought. Programmes of action will include:
- afforestation and sustainable management of vegetation;
 - Poverty alleviation and alternative livelihood system;
 - Drought preparedness and mitigation;
 - Energy and conservation of forestry resources;
 - Food Security and sustainable agriculture;
 - Water Resources development.
- iii) supporting measures such as capacity building in the fields of:
- education, training and public awareness;
 - measures to promote popular participation;
 - research and development, technology transfer;
 - strengthening of extension service.

The supporting measures should also aim at creating an enabling environment that ensures success in implementation and the positive participation of communities concerned. This will include, inter-alia, legislation reform, institution building, land tenure systems and economic policies conducive to sustainable land use.

National programmes should be:

- integrated and area based and should address the basic needs of local communities including income generation and provision of employment;
- should be long term in perspective;
- establish time-frame and benchmarks for monitoring an assessment of impact;
- should be flexible to allow for changing needs and circumstances in order to guarantee long term sustainability.

Preparatory process for NAPs

National Governments will ensure that national action programmes are integrated in the national plans for sustainable development and be harmonized with relevant environment and conservation plans, and are accorded their due shares of national resources and of international aid resources within long-term horizons. This will comprise the following steps:

i) Elaboration of a new generation of National Action Plans (NAPs):

This is a policy document that addresses the ecological and socio-economic set-up in the country. Elaboration of this document should involve national institutions and communities concerned. The plan will map national objectives and aspirations including provision of sustainable life support systems in drylands. Such plan should be subject to nation-wide consultation and consensus building.

ii) Integration of NAP within National Development:

This step is the demonstration of national political will. The objective will ensure that action for combating desertification and for management of drought, will receive its due share of national resources and international aid resources.

iii) Programme of Action:

This is a technical document by which the Plan is translated into a packet of projects, each with detailed operation steps, technical and financial requirement, time-table for implementation and benchmarks for monitoring and assessment. The role of NGO's, Women, the Youth should be specifically catered for in the conception formulation and implementation of national desertification programmes.

iv) This programme will be submitted to the financial mechanism(s) created under the Convention.

II ACTIONS AT SUB-REGIONAL LEVEL

Introduction

Countries members of the inter-governmental sub-regional institutions concerned with drought and drylands issues (CILSS, UMA, COMIDES, IGADD, SADC) reaffirm their commitments to collaborate within sub-regional programmes of action. Sub-regional collaborative plans of action should address those issues that are better addressed within sub-regional framework.

Content and orientation

Sub-regional action programmes should aim at creating the framework to manage shared resources and to effectively handle transboundary problems. In this regard, action programmes at this level will focus on the following:

- i) Policy formulation and harmonisation in general, and in particular, those related to management of shared resources.
- ii) Specific programmes be developed to promote collaboration in fields such as Drought management, Food Security, Water resources, Energy, Pastoral lands, forestry etc. Specific focus will also be given to the issue of transboundary movements of people.
- iii) Strengthen Institutions operating in the sub-region. This will be undertaken at two levels:
 - a) Overall strengthening of the coordinating and technical services functions of sub-regional Intergovernmental organisations. A review of the mandate of these institutions should be undertaken to allow for them to respond to the new challenges of the Convention on desertification.
 - b) Strengthen the scientific and technical organisations in the sub-regions.
 - improvement of capability of sub-regional drought monitoring and food early warning systems e.g. DMCs in East & Southern Africa & AGHYMET in the CILSS sub-region.

- Strengthen sub-regional coordinating institutions in the field of agricultural research: e.g. SACCAR & INSAH as well as CGIAR centres operating in the sub-region;
- Strengthen and/or establish centres of excellence in fields such as energy and water resources development;
- Strengthen capacity for monitoring and assessment of resource degradation.

Measures to implement programmes:

- i) Inter-governmental organisations should undertake the formulation in their respective regions, of programmes of action and undertake mobilisation of resources for implementation.
- ii) Countries in the sub-regions should allocate resources to ensure the normal functioning of the established Intergovernmental organisations.
- iii) Establish measures to mobilise sub-regional resources to fund these programmes identified in the regional implementation context.
- iv) African sub-regional programmes shall be eligible to receive financial support from the international financial mechanism(s) established under the Convention.

III. ACTION AT REGIONAL LEVEL

Introduction

The Conference of parties will ensure provision of support that will enable the OAU and other African Inter-governmental institutions to undertake obligations in implementing continent-wide actions.

Content and orientations of Regional Action Programme

Continent-wide actions will include:

- i) Policy issues
 - Implementation of the provisions of the African Charter on Human and Peoples rights, and that of popular participation. These are essential pre-

requisites for the successful implementation of the African regional instrument.

- Policy reforms to ensure that due priority is given to drylands and their communities, particularly women and other marginalised population.
- strengthen continent-wide fora such as AMCEN to promote consensus building on key policy areas related to environment and natural resources management.

ii) Technical and operational issues

- Coordination of actions of existing sub-regional institutions. This will be done through exchange of information and expertise between sub-regions. The OAU/STRC should be strengthened to undertake such activities.
- Capacity building activities. In this respect resources of the ACBF should be used to address capacity building needs related to desertification action programmes in the African countries.
- Strengthen/establish regional centres of excellence e.g biotechnology, monitoring and energy. This should permit effective participation in global and international scientific networks for implementing the Convention.

Commitments and obligations

As a demonstration of its commitments the following continent-wide initiative need to be supported:

- Strengthen the mandate/mobilisation of resources to make operational the OAU drought fund;
- Strengthening capacity of OAU Secretariat to undertake continent-wide coordination and monitoring of the implementation of the regional instrument. OAU in collaboration with member states and subregional intergovernmental organisation, as well as relevant UN agencies, and regional financial institutions should mobilise necessary resources for the implementation of both the specific provisions of the Convention, particularly the implementation of the Regional annex.

GROUP II: FINANCIAL RESOURCES AND TECHNICAL COOPERATION
(CHAIRMAN M. Rogatien BIAOU)

INTRODUCTION

Inspite of effort/need for particular attention/priority for Africa in the areas of Financial and Technical Assistance and cooperation in combatting desertification and mitigating effects of drought more innovative modalities for resources mobilization as most of the countries are among those more seriously affected and are also LDCs. these problems being exacerbated by debt burden and unfair terms of international trade.

A. Financial Assistance

Main issues related to Financial Assistance.

I. Financial Resources:

Need for mobilization of:

- Internal and external resources;
- Mobilization of new and additional resources;
- More efficient use of existing resources;
- Predictability of financial resources;
- Sustainability of financial resources;
- Criteria for accessibility of financial resources.
(Conditionality).

a) 1. At National level:

Resources for preparation, implementation and follow-up (including evaluation and monitoring) including strengthening of relevant national institutions.

Internal resources:

- National budget for desertification and drought commensurate (proportionate) to the priority/extent of the problem in the country (special taxes etc.);
- Financial Contributions from private sector: Need for (government) incentives to attract contributions;
- Voluntary contributions (harambees, endowments, trustees, foundations, etc.).

External resources:

- Bilateral assistance;
- Multilateral;
- International NGOs;
- Private Sector (Regional/international banks, Funds, Foundations, endowments, Foreign direct investment, etc.).

Form of Financial Assistance:

- Concessional loans (soft loans);
- Grants;
- Debt swaps to finance desertification and drought programmes;
- Subventions and donations;
- Commercial loans.

b) Sub-regional/regional levels:

Preparation, implementation and follow-up of sub-regional programmes including strengthening of relevant sub-regional institutions:

Sub-regional Resources:

- Budgets of sub-regional organizations for desertification and drought activities commensurate (proportionate) to priority/extent/relevance to problem/mandate.
- Voluntary contributions from both private and public sectors at sub-regional level.

External Resources:

- Multilateral (Inter-governmental, multilateral institutions etc.);
- Non-governmental organizations;
- Private Sector (Regional/International banks, Funds, Foundations, Endowments, Foreign direct investment, etc).

Form:

- Concessional Loans;
- Grants;
- Donations;
- Commercial loan.

c) International:

International cooperation to facilitate contributions to international funds/facilities for implementation of desertification Convention:

II. Financial Mechanisms: For harmonization/coordination and management of financial resources:

a) **National Level:**

- National fund for sustainable development, including combating desertification and mitigation of drought (include Government, private sector and NGOs);
- Other National Financial mechanisms (private sector/NGO).

b) **Regional/Sub-regional level:**

- Establish special regional/sub-regional funds (Located e.g. in regional/sub-regional banks).

c) International level:

- Establishment of a special fund for desertification control and drought mitigation and provide access to existing mechanisms.

B. Technical Assistance:

Principal objectives are to provide training and improve indigenous capacity for preparation and implementation of provisions of the desertification convention at the various levels; with focus on national, sub-regional and regional levels.

I. Key Issues

a) At National level:

- Assessment knowledge of what exists (indigenous), what you need exists;
- Capacity to absorb/level the technical assistance;
- Conditionality;
- Coordination of TA.

b) Sub-regional levels:

- Sub-regional cooperation;
- Tripartite cooperation;
- Capacity to formulate and implement programmes;
- Coordination of TA;
- Exchange of experiences;
- Research and Development;
- Coordination;
- Inter-regional cooperation.

c) International level:

- Training;
- Transfer of Technology;
- Conditionality;
- Coordination.

II. Measures

a) National level:

- Assessment of current/existing means to combat desertification and drought.
- Assessment of needs to strengthen capacity to combat desertification and drought.
- Training.
- Establishment and/or strengthening of national mechanism for coordination.
- Strengthening national capacity to absorb technical assistance.

b) Regional/Sub-regional level:

- Assessment of current regional/sub-regional means to combat desertification.
- Strengthening regional/sub-regional institutions relevant to drought and desertification for coordination and implementation, including Research and Development.
- Establish and/or strengthening of regional centres for training.
- Establish/strengthen networks and systems for exchange of experiences and information.
- Establish/strengthen systems for monitoring, including Early Warning Systems.

c) International level:

- Facilitate training, including technological transfer and Research and Development.
- Political will to promote new partnership based on mutual agreements to reduce and/or eliminate conditionality in technical assistance.

GROUP III

COMMITMENTS, OBLIGATIONS AND FOLLOW-UP STRATEGY

(CHAIRMAN - MR. JEAN DIEUDONNE NTSAMA)

1. Working Group III on the elaboration of the African Regional Implementation Annex for the International Convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa, met under the chairmanship of M. NTSAMA.
2. Mr. Wawa O. Leba of the OAU General Secretariat assumed the functions of rapporteur.

MANDATE OF THE GROUP

3. In accordance with the mandate given to it by the Plenary, the Group examined the following items:
 - i) Identification of Commitments and Obligations;
 - ii) Proposal of strategies to implement the provisions laid down in the Regional implementation annex for Africa.;
 - iii) Proposal of mechanisms for follow-up of the implementation of programmes and activities under the African Regional implementation annexe and the Convention.

METHOD OF WORK

4. Before examining the three items, the Group selected reference documents and adopted a method of work.
 - i) Reference Document
 - Regional instrument for Africa elaborated by OAU/UNSO Consultant pages

1,2,3.

- Consolidated negotiation document of INC-D Articles 4,5,6,7.
- Contribution of Africa to the deliberations of INC-D (Doc. CM/1781 (LVII) Rev. 4. Annex 1. Art. 8,9,10,12,13.
- Prof. Kassas' document.
Notes for participation in the INCD: Towards an action oriented Convention.
- Reports of Groups I and III of the Inter-governmental meeting of Experts held from 3 - 6 May 1993 in Nairobi.

ii) **Methods of Work**

5. The Group agreed to examine the items in the order presented above.

EXAMINATION OF THE AGENDA ITEMS

1. **Commitments and Obligations:**

6. Since the structure and nature of the commitments proposed in the OAU document were accepted by the participants to the Geneva Session and that in general the consolidated text of INCD included the commitments, almost integrally, the Group considered that within the framework of the African instrument, reference should be made to the provisions of Articles 4,5 and 6 of the INCD document to avoid repetitions.

7. These provisions should, however, be completed and the commitments be taken at:

- Local/national level;
- Sub-regional/regional level;
- International level.

a) Local/national level

8. Differentiate countries that are affected and those which are not.

I. Affected African countries

(Affected population and their local organisations).

1. Refer to Article 5 of INCD document.
2. Commitments and obligations in the following area:
 - i) Pastoral activities (Art. 10 page 12 OAU/DOC);
 - ii) Allocation of a percentage of national budgets to programmes and activities for combating desertification and mitigating the effects of drought;
 - iii) Appropriate policy and efficient management of arid, semi-arid, sub-humid lands (Article II Doc/OAU);
 - iv) Capacity-building (Article 8 OAU doc.);
 - v) Participation of the affected populations and local organizations in all areas of activities related to combat desertification and mitigate the effects of drought. Facilitating access to loan and other financial resources. (Art. 12 Doc. CM/1781 (LVIII));
 - vi) Infrastructural Development.
 - vii) Improvement of existing systems of livelihood and promotion of alternative livelihood systems, with emphasize on the use of solar energy;
 - viii) Specific obligations to combat desertification and reduction of effects of drought (Article 7 Doc. CM/1781 LVIII).

II. African Countries not affected

Undertake to institute measures for effective management of their ecosystems with a view to achieving sustainable development.

b) Sub-regional and Regional level

7. While recommending that Article 16 of OAU Doc. CM/1781 (LVIII) as contained in the document prepared by the consultant, the Group added the following obligations:
 - i) develop a cooperative spirit of solidarity and partnership based on mutual interest and understanding in the programmes and activities to combat desertification and mitigate the effects of drought.
 - ii) strengthen and rationalize existing sub-regional and regional institutions dealing with environment and development, more specifically those in the area of

drought and desertification with a view to making them more operational.

- iii) create an environment favourable for the promotion of the well-being of the people through the adoption of measures to facilitate the granting of technical and financial assistance, stimulate economic growth, social development and poverty eradication.

c) International level

8. At the international level, the Group recommended that reference should be made to Article 4 of INCD consolidated document and that it should be completed by adding the participation of international institutions and duly taking into consideration the priority given to the African region.

9. To enable a result oriented negotiations on the Convention as well as the African Regional implementation annexe. The indispensability of the Parties to acknowledge the link between poverty and environment was emphasized. In this regard, it was emphasized that poverty eradication and sustainable development cannot be separated since poverty is both the cause and result of environmental degradation. Bearing this in mind, the Group considered that section C of Article 4 of INCD document should figure in the African Regional implementation annexe as follows:

"adopt poverty eradication as a central element of the efforts to combat desertification and mitigate drought."

IV. IMPLEMENTATION AND FOLLOW-UP

a) Implementation

1. Dates

The Group inter alia examined the document of the consultant and proposed the following timeframe:

Short-term up to 1998

Average-term up to 2004

Long-term from 2005

The long-term should be divided into phases. The first phase will end in 2008. The dates of the other phases will be fixed according to the programmes of activities to be adopted.

2) Evaluation criteria

10. The Group took note of the indicators proposed by the consultant which identified quantifiable and non-quantifiable indicators.

Regarding quantifiable indicators, the Group considered that the following should be added:

- rational part of the budget and resources;
- demographic index notebook.

b) FOLLOW-UP

11. Sub-regional and Regional Level

Follow-up will be monitored and evaluated:

- i) by the African Ministerial conference on Environment (AMCEN) in accordance with the mandate adopted by the 5th ordinary session of AMCEN, held in Addis Ababa (25 - 27 November 1993) in connection with the follow-up of regional and international conventions.
- ii) with regard to the creation of an African Scientific and Technical Advisory Committee it was proposed that the composition should be as follows:
 - 10 experts chosen on individual merit: 2 per sub-region, by the OAU Secretary General;
 - 1 representative from sub-regional institutions operating in the area of drought and desertification;
 - 1 representative from a selected African NGO;

It was also recommended that the Committee would be multi-disciplinary and would meet once a year.

12. At national level, it is envisaged to set up, where they do not exist, an African multi-disciplinary technical committee of experts on advisory basis, who would be the counterpart of the African scientific and technical advisory Committee.

The three groups presented their reports to the Plenary. The reports were subsequently adopted by the Plenary, which made the following recommendations;

- 1) the reports of the three Groups should be annexed to the report of the

:

Plenary;

- ii) the Secretariat should ensure that these reports are submitted to the second regional Inter-governmental meeting of experts to be held in Algiers in January 1994;
- iii) the Secretariat should prepare a reference document indicating Africa's new drafting proposals or elements for strengthening certain paragraphs in the INCD negotiating text.

1993

Meeting of OAU Ad Hoc group of expert on desertification

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