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Desertification Treaty: Evolution, Summary, and Status

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Summary

Desertification—land degradation in arid, semi-arid, and dry sub-humid land areas—is generally attributed to a combination of climatic variations and human activities. It threatens one-quarter of the world's land, and about a billion people. The problem is considered acute in Africa, but it afflicts both developing and developed countries. An estimated 37% of the United States consists of arid, semi-arid, or dry sub-humid land susceptible to desertification. Several years ago, the loss in annual income in areas immediately affected by desertification was estimated at \$42 billion a year, including losses of about \$5 billion in North America.

Efforts addressing both desertification and drought culminated in the Convention to Combat Desertification, which entered into force on December 26, 1996. Ratifying countries meet in conferences of the Parties (COP) to address Treaty implementation; the Sixth COP is planned for October 19-31, 2003. A new Committee for the Review of the Implementation of the Convention will meet from November 18-29, 2002, to review reports from parties on Treaty implementation.

The World Summit on Sustainable Development, to be held in Johannesburg, South Africa from August 26, 2002, to September 4, 2002, is expected to evaluate the progress of parties to the Desertification Treaty. The Draft Plan of Implementation to the World Summit contains agreements on desertification and actions to strengthen Treaty implementation. How to finance activities under the Desertification Treaty, and the related role of the Global Environmental Facility, have been controversial and likely will be subjects of further debate at the Summit.

The United States signed the Desertification Treaty on October 14, 1994. The Senate adopted a resolution of ratification on October 18, 2000, together with understandings, declarations, and provisos. The United States ratified the Treaty on November 17, 2000, and became a party on February 15, 2001. The United States has dealt domestically with arid lands and desertification through a variety of programs, and asserts that through its current laws it is in compliance with the Treaty. The United States Agency for International Development handles the majority of U.S. activities abroad in support of the Desertification Treaty, estimated at \$90 million annually. The United States also makes an annual contribution to the United Nations in support of the Treaty, which for FY2002 was \$1.7 million.

The Treaty emphasizes local programs supported by international partnerships, and coordination and cooperation among Parties. It incorporates local participation. It also establishes entities to support the COP, including a Permanent Secretariat, a Committee on Science and Technology, and a Global Mechanism to help mobilize and channel funds. Different categories of obligations are outlined. The obligations of all Parties relate to international cooperation, e.g., regarding research, technology transfer, capacity building, and mobilization of financial resources. Affected developing country Parties are to develop and implement action programs to combat drought and desertification. Developed country Parties agree to support these efforts, e.g., by mobilizing funds.

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Desertification Treaty: Evolution, Status, and Key Issues

Introduction

Definition, Consequences, and Remedies

Desertification is the degradation of land in arid, semi-arid, and dry sub-humid areas (collectively known as drylands). While the causes of desertification are varied and complex, it is generally attributed to a combination of climatic variations and human activities that tax the land's ability to support vegetation.¹ The chief climatic problem is drought, while some commonly cited man-made factors include population pressure, overgrazing, poor irrigation, deforestation, overcultivation, and overuse of water supplies. In the past, drylands generally recovered from drought, but contemporary human activities in many areas may undermine their recovery. Complicating the problem is that desertification is not the same everywhere, and key factors are site-specific. Among the contributing factors in a particular area are the natural environment, natural and other disasters, local and international economic conditions, land laws and customs, and technologies employed on the land.

While land degradation and poverty often are linked, the nature of the relationship is unclear. Some experts conclude that land degradation is a primary cause of poverty in the most arid countries, but it also has been asserted that the relationship is circular—land degradation leads to poverty, which leads to land degradation, in a continuing cycle. Many observers agree that the confluence of poverty and land degradation contribute to diverse social problems, including famine, civil strife, and mass migration.

The economic loss from desertification is substantial. Several years ago, the United Nations Environment Programme (UNEP) estimated the loss in annual income in areas immediately affected by desertification at approximately \$42 billion a year, including losses of about \$5 billion in North America. UNEP also concludes that there may be higher indirect economic and social costs outside the affected areas, such as from the migration of “environmental refugees” and losses to national food production.²

Diverse remedial measures exist to halt desertification, including reducing grazing, rotating productive activity (such as agriculture), afforesting areas, providing

¹ This definition is drawn from Article 1 of the Desertification Treaty.

² “United Nations Convention to Combat Desertification,” Fact Sheets 3 and 8, [<http://www.unccd.int/publicinfo/factsheets/menu.php>], visited August 9, 2002. These figures have not been updated for several years.

alternatives to fuelwood for energy, or providing alternative livelihoods to people in arid areas. These measures may be difficult or controversial to implement in particular areas, because they may require changes in longstanding practices. Several years ago, the UNEP estimated the cost of combating desertification at between \$10 billion and \$22 billion annually for a 20-year program.³

Regional Implications

Desertification threatens approximately one-quarter of the land in the world, and about a billion people in both developing and developed countries. Desertification often is associated with Africa, where 73% of the drylands are moderately or severely desertified, but it afflicts regions all over the world. In recognition of the global nature of the problem, the Treaty contains four regional annexes for combating desertification in Africa, Asia, Latin America and the Caribbean, and the Northern Mediterranean. Moreover, **North America** has a *higher proportion of drylands* affected by desertification—74%—than Africa. However, Africa's significantly *larger dryland area* and its weaker economic conditions have made it harder for African countries to deal with desertification. Accordingly, combating desertification has been a priority of Africans in discussions about the environment.

Some 18 developed countries, including the United States, are directly affected by desertification. By one estimate, 37% of the United States consists of arid, semi-arid, or dry sub-humid land susceptible to desertification.⁴ These lands are located in 17 western states, stretching from Mexico to Canada. Desertification in the United States has been associated with western grazing and water management practices. The United States has a long history of managing its drylands and combats drought through a variety of programs and institutions.

The indirect effects of desertification abroad have been widely noted. Desertification may prompt increased U.S. foreign aid and, in some cases, migration to the United States. It also may reduce trade and other business opportunities and threaten the sustainability of agricultural production that feeds the world's increasing population.

United Nations Convention to Combat Desertification

History and Origins

In 1977, the United Nations adopted a Plan of Action to Combat Desertification at a Conference on Desertification in Nairobi, Kenya. Under the plan, carried out by the UNEP, relatively little money was spent on various remedies including

³ Ibid. Again, these figures have not been updated on the Desertification Treaty web site.

⁴ Fact sheets on desertification prepared by the Administration, through the State Department. Hereafter referred to as Administration fact sheets.

reforestation, alternative energy sources, and water resource management. Despite this and other efforts, in 1991 the UNEP determined that overall land degradation had worsened, although in limited areas the problems had been remedied. A lack of coherent assistance for affected countries has been cited as a primary reason for the failure of previous anti-desertification efforts.

Desertification was among the major issues addressed, but not resolved, by the 1992 United Nations Conference on Environment and Development (UNCED).⁵ The Conference recommended that the United Nations General Assembly establish an Intergovernmental Negotiating Committee (INCD) to draft, by June 1994, a treaty to combat desertification. African countries in particular supported this proposal, and the United States backed it after overcoming initial reluctance.

Established early in 1993, the INCD held five negotiating sessions before adopting the Desertification Treaty on June 17, 1994.⁶ The Treaty was opened for signature on October 14-15, 1994, and it entered into force (took effect) on December 26, 1996, 90 days after ratification by 50 countries.⁷ The United States became a party to the Treaty on February 15, 2001. As of August 9, 2002, 181 countries have ratified the Treaty, including nearly all major developed countries. Ratifying countries are considered Parties to the Treaty, responsible for its implementation. Other countries may become Parties 90 days after their ratification of the Treaty. Following the adoption of the Treaty, the INCD held five additional negotiating sessions (for a total of ten sessions). These sessions addressed interim activities to implement the Treaty, such as a resolution regarding urgent action in Africa, before the Treaty took effect and the First Conference of the Parties (COP) convened in 1997.

Summary of the Treaty⁸

The objective of the treaty 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

⁵ The Conference also is known as the “Rio Earth Summit,” owing to its convening in Rio de Janeiro, Brazil. See CRS Report 92-374 ENR, *Earth Summit Summary: United Nations Conference on Environment and Development (UNCED), Brazil, 1992*.

⁶ The full title is the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa; hereafter it is referred to as “the Desertification Treaty” or “the Treaty.”

⁷ Article 36 of the Treaty describes the procedure for ratification and entry into force. Countries may bring the Treaty into force through procedures other than ratification. For instance, non-signatory countries may accede to the Treaty at any time. In this section, ratification is used to encompass these other procedures.

⁸ This section summarizes key portions of the Treaty and its Annexes. For a summary of desertification issues, see “United Nations Convention to Combat Desertification,” Fact Sheets 1 through 15, [<http://www.unccd.int/publicinfo/factsheets/menu.php>]. For the text of the Treaty, including its annexes, see [<http://www.unccd.int/convention/menu.php>].

achievement of sustainable development in affected areas.”⁹ Parties are to give priority to African countries, in light of persistent and severe problems there, while also assisting other nations.

The Treaty emphasizes local programs supported by international partnerships, and coordination and cooperation in combating desertification, research, technology transfer, capacity building, creating awareness, and mobilization of funds. It seeks to avoid past problems by incorporating a bottom-up approach involving the full participation of local people. In recognition of the critical role of financing, it asks all parties to help mobilize financial resources and to direct them to the local level.

Different categories of obligations are outlined, depending on whether they apply to: 1) all Parties, 2) affected country Parties, both developing and developed, and 3) developed country Parties. The obligations of all Parties relate to international cooperation, especially regarding the collection, analysis and exchange of information; research; technology transfer; capacity building; promoting an integrated approach in developing national strategies to combat desertification; and ensuring that adequate financial resources are available to combat desertification and mitigate the effects of drought.

Developing country Parties affected by desertification are committed to develop and implement national, sub-regional, and regional action programs. The purpose of the programs is to identify factors contributing to desertification and measures necessary to combat both desertification and drought. Other affected countries, such as the United States, may choose to prepare action programs, or, more generally, to establish strategies and priorities for combating desertification.

Action programs are to be developed in consultations among affected countries, donors, and intergovernmental and non-governmental organizations. The Treaty identifies items that must be, and others that might be, incorporated in action programs. For example, action programs must include long-term strategies, provide for effective participation of local populations and non-governmental organizations, emphasize preventive measures, and be flexible and modified as needed. Criteria for developing these programs, in accordance with particular regional conditions, are detailed in five “regional implementation annexes” for Africa, Asia, Latin America and the Caribbean, the Northern Mediterranean, and Central and Eastern Europe. The first four were original to the Treaty; the Annex for Central and Eastern Europe was added in 2000. The annexes also provide a framework for cooperation among Parties in these regions.

Developed country Parties agree to support affected countries, especially developing ones. The support includes providing financial resources, promoting the mobilization of funding, and facilitating access to technology, knowledge, and technical skill.

⁹ The Desertification Treaty, Article 2. Agenda 21 is the extensive (500+ page) “action plan” to achieve the sustainable development principles agreed to at UNCED in 1992.

The Treaty creates a Conference of the Parties comprised of all ratifying countries. Other organizations may participate voluntarily, as did the United States before becoming a party to the Treaty. A primary function of the COP is to review reports of the Parties on Treaty compliance, and make related recommendations.

The Treaty establishes entities to support the COP. It creates a Permanent Secretariat to handle various administrative functions, such as arranging meetings, preparing documents, and transmitting information. At its first session, the COP decided to locate the Secretariat in Bonn, Germany. In addition, a Committee on Science and Technology is established to provide the COP with information and advice on scientific and technological issues related to combating desertification. The COP also may establish ad hoc panels, through the Committee on Science and Technology, to advise on particular issues. The Committee on Science and Technology maintains a roster of experts, consisting of nominations by parties to the Treaty, from which the ad hoc panels are composed. Several such panels have been created to date, such as the Ad Hoc Panel on Early Warning Systems

To help the COP mobilize and channel funding, the Treaty creates a Global Mechanism. Rather than directly provide financial resources, the Global Mechanism is to inventory relevant programs and provide financial advice and information on funding to Parties and others. It seeks to mobilize and channel money to increase the efficiency and effectiveness of resources spent in developing countries on desertification. It is administered by the International Fund for Agricultural Development. The Treaty also spells out the financial responsibilities of countries. For instance, affected developing country Parties are to mobilize adequate financial assistance to support their national action programs, and developed country Parties are to mobilize financial resources to support these efforts.

International and Domestic Status

International Status. Countries affected by desertification are developing and carrying out action programs that spell out how to combat desertification in a particular area. These plans are seen as the foundation for addressing desertification and their implementation is evaluated by the parties to the Treaty. Criteria for developing these programs are spelled out in the five regional annexes to the Treaty. To date, 42 national action programs and 4 subregional action programs have been submitted to the Secretariat from the countries covered by the different regional annexes. This includes 24 national programs from African countries and 4 subregional programs from African areas where combating desertification is a priority due to its severity on that continent.

The Conference of the Parties to the Treaty has held five annual meetings to review the implementation of the Treaty and related issues, with the Committee on Science and Technology meeting simultaneously.¹⁰ In addition, numerous

¹⁰ For the official documents and reports of these sessions, see the web site of the United Nations Convention to Combat Desertification at [<http://www.unccd.int/cop/menu.php>]. For a summary of each of the meetings of the Conference of the Parties, see “Earth Negotiations (continued...)”

intersessional meetings were held each year. The first COP, held September 29 to October 10, 1997, in Rome, Italy, dealt primarily with organizational and procedural issues. The second COP was held from November 30 to December 11, 1998, in Dakar, Senegal. This session also focused on structural issues of the Treaty, such as the future budgets of the Secretariat, the operation of the Global Mechanism, the activities of the Committee on Science and Technology, and the relationship of the Desertification Treaty with other treaties. The third session of the COP met from November 15-26, 1999, in Recife, Brazil. This meeting continued to address structural issues, such as the role of the Secretariat. Other focuses included the implementation of the Treaty in Africa, procedures and mechanisms to review the implementation of the Treaty in the future, and whether to adopt additional annexes to the Treaty. The fourth COP took place from December 11-22, 2000, in Bonn, Germany. Its coverage included mechanisms for regular review of the Treaty; how to secure long-term financing for the Treaty, including the role of the Global Environmental Facility (GEF) and the Global Mechanism in financing anti-desertification efforts; and strengthening the relationships between the Desertification Treaty and other treaties. The fourth COP adopted a fifth regional annex to the Treaty, for Central and Eastern Europe, to provide particular guidance for Treaty implementation in that region.

The fifth COP occurred from October 1-13, 2001, in Geneva, Switzerland. It focused on financing anti-desertification programs under the Treaty, improving the efficiency and effectiveness of the Committee on Science and Technology, and preparing for the 2002 World Summit on Sustainable Development. COP 5 also established a Committee for the Review of the Implementation of the Convention, which will hold its first session from November 18-29, 2002.¹¹ The Committee is to review reports from parties on the implementation of the Treaty, including earlier ones submitted during the 3rd and 4th COP sessions and new ones that were to be submitted before April 30, 2002. Developed country parties were to report on measures taken to assist countries with preparing and implementing action programs, including on financial resources being provided. The Committee also will review information and advice from the Global Mechanism, the work of the Committee on Science and Technology, reports by various organizations, and relevant programs and funds of the United Nations. The COP now plans to meet biennially, with the sixth session tentatively scheduled for October 19-31, 2003, in Bonn, Germany.

The World Summit on Sustainable Development (WSSD), to be held in Johannesburg, South Africa from August 26, 2002, to September 4, 2002, is expected to evaluate the progress of parties to the Desertification Treaty in achieving sustainable development generally and combating desertification in particular. The Draft Plan of Implementation of the World Summit, prepared by the Commission on Sustainable Development, contains agreed text on actions needed for more progress

¹⁰ (...continued)

Bulletin” on the web site of the International Institute for Sustainable Development at [<http://www.iisd.ca/linkages/desert/index.html>].

¹¹ For more information on the Committee, see the web site of the United Nations Convention to Combat Desertification at [<http://www.unccd.int/cop/officialdocs/cric1/doclist.php>].

on desertification and other tentative text that has not been agreed to.¹² As part of an effort to eradicate poverty, the Draft Plan includes agreed upon actions at all levels to combat desertification and mitigate the effects of drought through measures including improvements in land and resource management and provision of adequate and predictable financial resources to implement the Desertification Treaty. There is also agreement to support technology and capacity building for non-conventional water resources and conservation technologies in countries and regions subject to drought or desertification.

The WSSD Draft Plan outlines a number of actions to strengthen the implementation of the Desertification Treaty with a stated goal of restoring and maintaining land and addressing poverty that results from land degradation. These include mobilizing financial resources, transferring technology, cooperating with related treaties, amending programs and policies such as those related to development and land management and rural development, and providing access to information to improve monitoring and early warning systems.

Among the priorities for achieving sustainable development in West Asia, the WSSD Draft Plan includes the implementation of programs to combat desertification. As part of efforts to achieve sustainable development in Africa, the Draft Plan contains an agreement to provide financial and technical support to Africa to implement the Desertification Treaty, among other actions.

How to finance anti-desertification efforts under the Treaty, and the role of the Global Environmental Facility in this regard, have been key issues of debate among parties to the Treaty. Established in 1991, the GEF helps developing countries fund sustainable development projects that protect four specific global environment problem areas.¹³ The four focal areas for funding projects are: biodiversity, climate change, international waters, and the ozone layer. Projects addressing land degradation, as they relate to these four areas, also have received funding. The GEF reports that between 1991 and 1999 it spent more than \$350 million on projects focused on deforestation and desertification.

Many developing countries have been advocating the creation of a GEF desertification focal area to raise the profile of the issue and to increase resources for implementing anti-desertification projects. At a December 2001 meeting, the GEF Council supported designating land degradation, which encompasses deforestation and desertification, as an additional focal area for funding projects. This decision will be presented for approval to the GEF assembly at its October 2002 meeting. The Council also recommended that the GEF Secretariat take into account the results of the fifth Conference of the Parties to the Desertification Treaty relating to addressing the poverty-environment nexus when it develops a program for the new focal area.

¹² The Draft Plan of Implementation is available on the website of the World Summit on Sustainable Development at: [http://daccess-ods.un.org/doc/UNDOC/LTD/N02/446/85/PDF/N0244685.pdf?OpenElement].

¹³ For more information on the GEF generally or its role in the area of land degradation, see the GEF web site at [http://www.gefweb.org/main.htm].

At a May 2002 meeting, the Council noted that the GEF would need to work closely with the Global Mechanism, created under the Treaty, in assisting developing countries with funding sustainable land management projects.

Many developing countries also support designating the GEF as the funding mechanism for the Desertification Treaty, as a means of providing direct funding for anti-desertification efforts. The United States, the European Union, and other countries have opposed designating the GEF as the funding mechanism asserting that it would not increase funds for the Treaty and would require amendment and re-ratification of the Treaty.

How to finance activities world-wide under the Desertification Treaty, and the related role of the GEF, likely will be a subject of further deliberation at the World Summit on Sustainable Development. The preparatory committee could not agree on key aspects of financing issues, so tentative language on securing financing was noted in the Draft Plan. The tentative language calls on the Second Assembly of the Global Environmental Facility (GEF) to designate land degradation—desertification and deforestation—as a focal area of the GEF, in order to enhance GEF support for the Desertification Treaty. It also calls on the Second Assembly to consider making the GEF a financial mechanism for the Treaty as a complement to the role of the Global Mechanism established by the Treaty to mobilize resources. Related tentative language states that the Desertification Treaty should have a dedicated, specific, and permanent financial mechanism as do related environmental agreements.

Domestic Status. The United States signed the Desertification Treaty on October 14, 1994. The President sent the Desertification Treaty and supporting documents to the Senate for its advice and consent on ratification on August 2, 1996. The Senate adopted a resolution of ratification on October 18, 2000, together with understandings, declarations, and provisos. The United States ratified the Desertification Treaty on November 17, 2000, and became a party on February 15, 2001.

In sending the Treaty to the Senate for advice and consent, the Clinton Administration asserted that the U.S. obligations would be met by current law and on-going assistance programs. Consequently, implementing legislation was not introduced or requested at that time. Further, the resolution of ratification agreed to by the Senate contained the understanding that no changes to existing U.S. land management practices and programs would be required to meet U.S. obligations under certain articles of the Treaty. At the time, the U.S. dealt domestically with arid lands and desertification through a variety of programs, including the National Forest Management Act of 1976, the Coastal Zone Management Act of 1972, the Federal Land Policy and Management Act of 1976, the Public Rangelands Improvement Act of 1978, and the Global Change Prevention Act of 1990. The Senate also agreed to the understanding that the U.S. is not required to prepare a national action program.

The Treaty does not appear to require the United States to appropriate any new funds. The resolution of ratification agreed to by the Senate included understandings that the United States is not obligated to satisfy specific funding requirements or

other requirements regarding providing resources, such as technology, to countries affected by desertification.

After signing the Treaty but before becoming a party, the United States made relatively modest contributions to the United Nations in support of the Desertification Treaty. The contributions ranged from \$15,000 in FY1995 to \$125,000 in FY2000. After the U.S. ratification of the Treaty, for FY2001 the U.S. contribution increased to \$1.1 million, which was prorated because the United States was a party to the Treaty during only part of that year. In FY2002, the United States contribution was \$1.7 million. These amounts are based on a United Nations scale of assessments, adjusted for differences in membership between the United Nations and the Treaty itself.

The United States Agency for International Development (USAID) handles the majority of U.S. activities abroad in support of the Desertification Treaty, estimated at \$90 million annually. Few USAID programs have a stated objective of combating desertification. Rather, desertification is addressed through programs pertaining to sustainable agriculture, natural resource management, biodiversity conservation, forestry management, and integrated water resource management. These programs are implemented in diverse regions, but primarily in Africa. A focus is on building the capacity of communities and local institutions to use new technologies and tools to improve management of lands and resources. USAID also provides input into technical issues related to desertification and reviews action plans of developing country parties.¹⁴

Since becoming a party to the Treaty, the State Department has focused on issues related to the effective functioning of the Treaty Secretariat, which handles the Treaty's administrative functions. The Department also has supported the idea of creating a desertification focal area in the Global Environmental Facility, to make it easier for the GEF to direct money to anti-desertification activities. However, the Department has resisted efforts to designate the GEF as the funding mechanism for the Treaty.¹⁵

The resolution of ratification agreed to by the Senate contained a proviso that two years after the Treaty entered into force for the United States, and biennially thereafter, the Secretary of State is to report to the Senate Committee on Foreign Relations on Treaty implementation and benefits to the United States, among other issues. Thus, the first such report is due on February 15, 2003.

¹⁴ For more information on USAID implementation of the Desertification Treaty, see *USAID and Desertification: A Report to Congress*, submitted in 2002 in response to S.Rept. 107-58. Available from USAID.

¹⁵ For more information on State Department implementation of the Desertification Treaty, see *Progress in Implementing the United States Convention to Combat Desertification (CCD)*, prepared by the Department of State in 2002 in response to S.Rept. 107-58. Available from the State Department.