

The Saga of the Convention to Combat Desertification: The Rio/Johannesburg Process and the Global Responsibility for the Drylands

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Big multilateral negotiations are strange creatures. They arise out of a perceived need for action; they engage a great number of people over a long period of time; they require hard work; arouse passions; become a temporary home for women and men from all corners of the world; and ideally they lead to a hard-fought climax, starting, at best, a new universe of continued action that hopefully can change things for the better for people far away from the conference halls.

This is the way I feel about the Convention to Combat Desertification. It may sound strange that quite a level-headed Swedish bureaucrat would see the Convention in this light, but that negotiation will always be with me as an important period of my life, and not just my professional life. It is enough to explain that this tale will be a rather personal evocation of the negotiations, not a legal description of the process.

In the spring of 1990, I received a telephone call from the then Swedish Minister of the Environment, Birgitta Dahl, offering me the job as Chief Negotiator in the Ministry. I was then Ambassador to the Organization for Economic Cooperation and Development (OECD) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), and had had some contact with environmental issues there, but I was certainly not an expert on the subject. However, a large part of my working life had been linked to multilateral economic cooperation and, without much hesitation, I accepted the offer, though I left Paris with much regret.

The Rio process was just starting, and my first contact with it came when the Secretary General of the Conference, Maurice Strong, visited Stockholm in early June 1990. He organized the preparatory process in an exemplary way, and the UN elected the outstanding Singaporean diplomat and scholar Tommy Koh to chair the Preparatory Committee (Prepcom). These were important appointments; in my view

they were instrumental in assuring the success of the Conference.

The Preparatory Committee was organized into three plenary working groups. It was decided that Working Group I, dealing with Agenda 21 chapters on atmosphere, land management and biological diversity, would be chaired by a representative of the OECD group, or in UN jargon, Group B. The post was initially flagged for The Netherlands, but when their candidate had to abstain, a Swede seemed a logical choice, since we had initially proposed the holding of the Rio Conference, 20 years after the Stockholm Conference on the Human Environment, in 1972. I accepted the job and I have certainly never regretted it.

Among the issues we dealt with was desertification, Chapter 12 of Agenda 21. This issue had received considerable attention by the international community in the wake of the disastrous droughts that hit the Sahel region in the 1970s, and the United Nations Environment Programme (UNEP) had worked out a plan of action which many felt had not given the desired results, mainly because of a lack of funding. For this reason, the African countries in particular looked to the Rio process as an opportunity to make a new start on the subject.

However, as the work unfolded, there was a lot of disappointment. The African countries felt that their problems were not given sufficient attention, neither by the governments of the industrialized countries nor by the non-government organization (NGO) community, which began to yield considerable influence in the Rio process. The problems became very visible in the course of the third Prepcom meeting in Geneva in September 1991. In order to open the way for more constructive discussions at Prepcom 4, to be held just a couple of months before the Rio Conference itself, I offered to give priority to the issue at that session. Furthermore, I stated that I wished to learn more about the problem and therefore prepared a trip to the region of West Africa in early 1992. The trip was

organized by two good friends involved in the negotiations, Mohamed Mahmoud el Ghaout of Mauritania and Moulaye Diallo of Mali, the latter regretfully deceased in 1994. Furthermore, Arba Diallo of Burkina Faso, later to be Executive Secretary of the Convention, accompanied me on the trip, as did my very able collaborator Dr Gunilla Björklund, one of the foremost Swedish water experts.

This visit to the drylands of Mauritania and Mali was a real eye-opener for me and convinced me of the need for using the Rio process to promote more efficient action by the international community on the problems of drought and desertification. It was also during the trip that we learnt that the African Ministers of Environment, at a meeting in Abidjan in December 1991, had called for a regional convention on desertification and drought. Our small delegation felt that this could offer a real opportunity for the Rio Conference, provided a convention could be worked out in a way that would lead to real improvements in the situation.

As Prepcom negotiations started again in New York in March 1992, there was a much better atmosphere in the room. The African countries had managed to agree on a proposal for a redrafting of Chapter 12, and when the US representative in the Working Group stated that the USA could work on that basis and other industrialized countries fell in line, I felt very relieved, since the pressure on the negotiations was by now quite extreme. At the same time, this African initiative heralded an African commitment to the dryland issues, which has prevailed to this day. I have continuously been impressed by the competence and the energy which so many African negotiators displayed during these long years of negotiation. Without it, I do not think that we would ever have been able to work out the Convention, because in fact the prospects seemed initially rather dim: sometimes we felt that it was a very limited group of people who really believed in the project.

Most important of those people was – and is – no doubt Arba Diallo. I have been privileged to work with him during the whole period of negotiation, and I have always admired his clear analysis, his unswerving loyalty to the process and to the people in the drylands, as well as his never faltering optimism. At first sight it might seem that there would be limited prospects for good understanding between a former Foreign Minister of Burkina Faso, born in the small town of Dori close to the desert, and a much older diplomat and bureaucrat from the cold and wet shores of the Baltic. But it worked, and I feel proud to have Arba Diallo as my friend.

But back to the Prepcom in March 1992. The African proposal enabled us to reach agreement on a number of difficult issues. Most important of these was, no

doubt, the definition of desertification. This question had haunted the international community for years, particularly since it was linked to scientific controversies about the real nature and extent of the problem. Of course I recognized that this was an important question, but I did not feel that it should be allowed to block progress towards real action, and therefore encouraged delegates to try to find a pragmatic solution that would be broad enough to cover all the central aspects of land degradation in the drylands. And I continue to feel that the outcome was satisfactory, since the Agenda 21 definition of desertification has never been seriously challenged and has enabled the international community to make interpretations which have facilitated concrete action in the field in many different parts of the world. This is the text agreed in Chapter 12 of Agenda 21 and repeated in Article 1 of the Convention:

Land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climate variations and human activities.

However, it was more difficult to get agreement on the question of a convention. Initially this was because, in the G77, there was opposition to the idea of a regional convention for Africa. Representatives of other parts of the developing world underlined that they had problems of the same nature, and that a convention had to be global. Finally, it was possible to reach a provisional agreement, but the question of the relationship between a priority for Africa and action in drylands elsewhere came back to haunt us as we started the negotiations on substance.

The second problem was more intractable. The OECD countries did not accept the idea of a convention. They felt that desertification was not a global problem of the same kind as, for example, climate. It was certainly a problem of *global significance*, but that would not necessarily warrant a global arrangement. There were also OECD countries that, at this juncture, wanted a forest convention, which the G77 did not like, and so for tactical reasons they did not want to agree, but rather preferred to wait until the final bargaining in Rio de Janeiro. The result was that the question of a convention to combat desertification was put in brackets in Chapter 12 as part of whatever overall deals could be struck in Rio de Janeiro.

The formidable chairman of the Prepcoms, Ambassador Tommy Koh, was appointed chair of the main committee in Rio. This committee became the central instrument for solving remaining problems in Agenda 21. Koh appointed a number of coordinators to chair specific negotiations, and I was asked by him to take care of Chapter 9, atmosphere, which turned out to be a particularly difficult task – we only managed to agree in the eleventh hour. Since I was also leading the

Swedish delegation, I had limited time to follow what happened on desertification, where Tommy Koh himself had taken responsibility for the negotiation. There were very tough exchanges, I have been told, but finally a solution emerged, even if the European Union made some difficulties at the end. For the G77, and in particular for the African group, it became quite clear that the deal on desertification was one of the essential elements in agreeing to Agenda 21, since it became a symbol of the Conference being focused, not only on environment, but also on development.

The language finally adopted was the following:

Article 12(40): The General Assembly, at its forty-seventh session, should be requested to establish, under the aegis of the General Assembly, an intergovernmental negotiating committee, for the elaboration of an international convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa, with a view to finalizing such a convention by June, 1994.

This was a precise but purely procedural agreement. To give it substance, one had to rely on the contents of the rest of Agenda 21, Chapter 12. Furthermore, the General Assembly would take further decisions on the organization of work, aimed at living up to the tight timetable imposed by the language of Chapter 12. As usual, there were many consultations in the margins of the work of the General Assembly and, in particular, of the second committee.

During these talks, I was approached by the African group about the chairmanship of the negotiating committee to be set up. I felt both happy and worried. By now I had become so engaged in the problems of the drylands that I felt privileged to be able to continue with these questions, but I also realized the difficulties and wondered if an agreement would be possible in the short time available. However, I never really thought I had a choice: it was a great opportunity not to be missed, especially since it was understood that Arba Diallo would lead the Secretariat, which would also have many other dedicated and competent collaborators. It is worth mentioning that the USA put at the disposal of the Secretariat its chief negotiator in the Rio process, Ambassador Robert Ryan, who at one stage of his career had been Ambassador to Mali. Ryan became a good friend, and his contribution to the success of the negotiation was invaluable.

The General Assembly took some innovative decisions in setting up the negotiating committee, which soon became known under the acronym INCED (Intergovernmental Negotiating Committee on Desertification). It was decided, first, that the Secretariat should have at its disposal a panel of scientific experts and, second, that the first substantive session of the INCED should be opened with a 1-week seminar to inform the negotiators

of the substantive issues related to desertification and drought, and to help them understand the state of the art in scientific terms. This was a forward-looking decision which had a positive impact on the negotiations. I am in fact a little surprised that such initiatives are rather rare in the UN.

The Executive Secretary would be responsible for the composition of the panel of experts – as always in such cases Arba Diallo was under considerable pressure, but he made his choices in an excellent way. In fact, a number of the world's leading experts on dry-land issues became members and made important contributions to the preparations of the various negotiating sessions. For the operation of the panel it was also important that Robert Ryan served as chairman.

The first substantive session of the negotiating committee opened in Nairobi in May 1993. This was the prelude to a number of official negotiating sessions and informal consultations, which culminated in a decisive INCED session in the excellent premises of UNESCO in Paris in June 1994, designed to meet the deadline of 'by June 1994'. The original plan was to conclude on 17 June, which later was named World Desertification Day, but, in fact, the negotiations did not end until the early morning of 18 June.

It would carry me too far to go into details of the negotiations, so let me simply make some general observations. It was a rather difficult and sometimes painful experience. In particular, the first sessions were tough and conflictual, and, on a number of occasions, I felt that the whole enterprise was seriously at risk. During the first session in Nairobi there was a very serious crisis in the G77 between the African countries and other members of the group on the subject of priority for Africa. I had made a suggestion that there would be a special annex for Africa linked to the Convention, but the other continents insisted on similar annexes. Then the question had to be solved whether the negotiations should first deal with Africa and include other annexes at a later stage. No agreement could be reached in Nairobi and the situation was indeed rather serious.

Before the next session in September, we managed to settle this question in the sense that an effort would be made to negotiate all annexes at the same time, while giving special attention to Africa. The chairman of the African group, Benin's efficient and creative UN Ambassador René Mongbe, played an instrumental part in this effort.

However, the September session signalled another problem that would ultimately be decisive at the very last negotiating session: a north-south conflict on the financing of the Convention. The OECD countries were very unwilling to give any concessions on this

issue, and the whole negotiation seemed to risk crashing in Geneva in September 1993. However, the then chairman of the OECD group, Australia's brilliant chief negotiator Penny Wensley, managed to find an ingenious way forward.

Nevertheless, many questions remained to be resolved at the final negotiating session and I was frankly very concerned. The financing issues were still open, as well as many questions related to scientific cooperation. On the financing side, I had fortunately asked two good friends, Pierre-Marc Johnson of Canada and Bolong Sonko of Gambia, to carry out consultations, and they managed to bring the parties much closer together, so I did not have to worry much about these problems until the very final stages of the negotiations. As for scientific cooperation, on the contrary, I was in the middle of the battle, and I remember drafting the final compromise in the early morning hours of 16 June, hoping that it would lead to an agreement during the last day.

Since these two bundles of problems have been important for the future implementation of the Convention, it might be worth elaborating somewhat on these points of conflict, as they appeared during that last night in Paris.

As I already indicated, it was clear from the beginning that scientific research would play an important role in the Convention, and the text consequently established a committee on science and technology as a subsidiary body of the Conference of the Parties. However, whereas the G77 wanted to see government representatives on the committee, most OECD countries were in favour of independent experts. The positions seemed rather difficult to reconcile but my compromise proposal was finally accepted. It consisted of proposing government representatives on the committee itself, but also the simultaneous establishment of a roster of independent experts, from which ad hoc panels, as necessary, could be drawn. Such panels would be appointed by the Conference of the Parties on the recommendation of the Committee on Science and Technology.

The importance of science and research seems to have been maintained in the actual working of the Convention, and I feel that the committee has been able to serve as a useful forum for discussion at the technical level. My present insight into the actual working of the Convention does not permit me to judge whether the compromise in Paris has really lived up to our expectations. Under all circumstances, I believe strongly that these aspects of the Convention are of key importance for the future. As was pointed out at the World Summit on Sustainable Development in Johannesburg, science and research on a broad scale are instrumental in the continued struggle for sustainability. Research in

areas such as climate change will be crucial. As the Intergovernmental Panel on Climate Change has stated, climate change will probably have very serious consequences for vulnerable drylands. Adaptation will require new insights into the operation of the climate system and the consequences of global warming, not just at global level, but particularly in regions and sub-regions. Also important will be the need for more integration between natural and social sciences.

Most of the negotiations in the Rio process have been marred by disagreement between south and north on the subject of financing. At the root of this lies, in my view, the failure of the OECD countries to live up to their confirmation of the 0.7% target of Official Development Assistance (ODA) related to gross national product in Agenda 21. (Since the USA has never accepted the target at all, they made a reservation in Rio.) In fact, the negotiations on financing have created innumerable crises in the process, and the final stages in Paris were certainly no exception. I already mentioned that good colleagues had done an excellent job and the final negotiations seemed to go rather smoothly. But at midnight between 17 and 18 June, I was told that the talks in a small group that was working on a financial package had almost broken down. The exhausted negotiators were no longer able to devise any new ideas, and neither was I. So I had to tell the group that if there was no agreement the whole negotiation would be a failure and that then there would probably be no convention at all. It was a risky position to take, but we were really at the end of the road. Delegates promised to review the situation with their regional groups and consult with Ministers present, and 2 hours later I was told that the way was open for the final agreement.

This was certainly satisfactory but, in retrospect, I do not feel that the solution with a global mechanism 'to increase the effectiveness and efficiency of existing mechanisms' was the optimal one. It emerged as the only way of getting the agreement of OECD countries who were strongly opposed to establishing a financial mechanism of the same type as that of the United Nations Framework Convention on Climate Change (UNFCCC). Furthermore, in Paris in 1994, the G77 was not ready to accept the Global Environment Facility (GEF) as such a mechanism. With these positions, we could not achieve more at the time. It is quite clear that the Convention has had difficulties integrating the global mechanism into its structures. However, it seems that there are now positive developments and, maybe, the financial structures supporting the Convention are becoming more robust, not least in view of recent decisions in the GEF and the relative success of the Monterrey meeting in 2002.

The June conclusion of the negotiations was followed up in October 1994 with an official ceremony of

signature in Paris. At the time, there were many positive statements about the Convention: most countries were represented at a Ministerial level and the general evaluation of the results achieved was, on the whole, positive. More than 80 countries signed the Convention in Paris, and many followed in the next few months. Ratification procedures were under way promptly and it seemed possible that the required 50 ratifications would be attained without much delay.

This proved to be correct, and the first Conference of the Parties was held in early September 1997 in Rome. Up to that time, the negotiating committee continued to meet twice a year to make technical preparations for the entry into force of the Convention and to do whatever we could to ensure action under the Convention even before that point in time. An important aspect of this work was to prepare for the national action programmes and the setting up of national desertification funds. The formal commitments of the Convention in Articles 5 and 6 are relatively general, and an important part of the action required was to be part of existing channels of development cooperation.

In this context, the provisions on capacity building, public awareness and education, as well as transfer of technology, became particularly essential. In this situation, the Secretariat had to play a central role, and I was very impressed by the way Arba Diallo and his colleagues met this challenge. Ambassador Diallo's untiring efforts and his broad network of contacts, particularly in Africa, enabled the Secretariat to help launch the necessary action in the affected countries without delay. There were certainly budgetary constraints, but the activities undertaken during these crucial years permitted the Convention to be known by the people it was designed to assist, and to demonstrate that it had, in concrete terms, taken its place among its sister conventions on climate change and biological diversity. This latter point was politically important, since there was in the G77 a constant concern that the problems of the drylands would not be given sufficient attention in the international system.

The preparatory work for the entry into force and, in particular, the preparations for the First Conference of the Parties (COP-1) took on a political significance of its own when it came to the location of the Secretariat and to the housing of the global mechanism under Article 21(5) of the Convention. On the latter point, the main contenders were the International Fund for Agricultural Development (IFAD) and United Nations Development Programme (UNDP), and after protracted consultations the Conference of the Parties agreed on IFAD. The location of the Secretariat became a much more complicated political question, since there was

no clear precedent, and since, as always in those cases, national pride became involved.

Three cities were in competition: Bonn, Montreal and Seville. From the point of view of the Convention it was of course satisfactory that important cities and countries had expressed strong interest, but to find a satisfactory solution without any country losing face required some diplomatic finesse. At COP-1 an informal preliminary vote was taken and, after that, a formal unanimous decision was taken to establish the Secretariat in Bonn, where the UNFCCC already had its headquarters.

The Convention was finally formally established, including its four regional implementation annexes for Africa, Asia, Latin America and the Northern Mediterranean. The INCED ceased to exist but I continued to have contact with the Convention, in particular in the efforts to ensure the participation of Russia and countries of Central and Eastern Europe. These countries had, for various reasons, kept a certain distance from the Convention, and it soon became clear that one way to secure their interest was to give them the opportunity to have a regional implementation annex of their own. After a number of consultations, this fifth annex was adopted and the Convention has now almost universal membership.

For us who were involved in the early days when there were so many doubts about the feasibility of the idea, this continues to be a very satisfactory result. Other articles in this issue of *RECIEL* will deal with various aspects of the present operation of the Convention: an international instrument of this kind is under continuous evolution and many things turn out differently from the original intentions. But I feel that a number of the points which we constantly referred to in the negotiating phase gives this Convention a very special place in the international system.

It is true that the problems of drought and desertification are problems of global significance, but that the solutions have to be found at the local and national levels. Therefore, the system of regional implementation annexes is particularly important. But it has to be given substance through efficient operation of the national action programmes.

In order to achieve this, necessary financing needs to be assured: it is fair to say that the Convention is, more than anything, a multilateral instrument for development cooperation. But in a period of reduced ODA, this has reduced the impact of the Convention. Furthermore, important efforts still have to be displayed to ensure sufficient attention by aid agencies – and development institutions in the affected countries – to the potential that the Convention can offer.

At the global level, I believe that the Convention still has to realize its full potential with regard to research and the communication of research results. There are important similarities between the dryland conditions in different parts of the world and there are local solutions that will need to be shared: in the days of the internet this aspect seems to offer interesting possibilities. But there is also a need for efforts at the level of research institutions, not least because of the importance of improving agricultural production in the drylands as part of the struggle to ensure food security for the increasing world population.

This last point underlines the need to see the Convention as an integral part of the Rio/Johannesburg process. Dryland problems will most probably still be more intractable in the future because of the effects of climate change. This means that the whole context of sustainable development must be brought to bear on the problems of the drylands. In Johannesburg, considerable attention was paid to the combat of poverty. This is not a theoretical problem: it is a living reality for millions, and many of the poorest and most vulnerable people in the world live in the drylands. Furthermore, the fundamental problem of water and food security was given central attention. In the follow-up to Johannesburg, it will be necessary to utilize fully the potential of the Convention to Combat Desertification in order to make it a privileged instrument to reach the objectives enumerated in the Johannesburg Plan of Implementation. The recent successful first meeting of the Committee for the Review of the Implementation of the Convention demonstrates the vitality of the Convention and its concrete outreach to the drylands.

So finally, I come back to a couple of points I made constantly during the negotiations:

- The Convention to Combat Desertification was launched by Africa and it has a special significance for Africa, as underlined in its Article 7. Therefore, it is also an act of faith in the future of Africa that, beyond the present difficulties, there will come a time when the enormous human and natural resources of Africa will create radically different, and much improved, conditions, also in the drylands.
- Furthermore, the Convention is an instrument of the fundamentals: it has very concrete objectives. It deals with elements which have been basic to human beings for thousands and thousands of years: sun, wind, sand, water, people, food. It is, and remains, a responsibility for the international community to combat unacceptable conditions for the more than one billion people who live in the vast drylands of this planet.

Ambassador Bo Kjellén is a former Chief Negotiator in the Ministry of the Environment of Sweden. He has been leading Swedish delegations in many negotiations in the Rio process and in the climate negotiations. He was Chairman of Working Group I of the Preparatory Committee for the Rio Conference and Chairman of the Negotiating Committee for the Convention to Combat Desertification. During the Swedish Presidency of the European Union in 2001 he was in charge of the EU team in the climate negotiations. He holds honorary degrees from Cranfield University, UK and Göteborg University, Sweden. In 1999 he received the GEF Global Environment Leadership Award together with the former Chairman of IPCC, Professor Bert Bolin.