



## **Challenges of Compliance with Multilateral Environmental Agreements: the case of the United Nations Convention to Combat Desertification in Africa**

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**Abstract.** No crisis in world history has so clearly demonstrated the need for closer cooperation and mutual collaboration among States and the increasing interdependence of governments and other stakeholders as the contemporary global environmental crisis. Desertification is one of the serious environmental problems facing the humanity that brings about a gradual and an unnoticed reduction in the productive capacity of land over a period of years. To address the complex environmental problems, governments adopt the instruments of Multilateral Environmental Agreements (MEAs). However, the existing gap between the increasing number of international, regional and national legal instruments and the continuous decline of environmental quality and deterioration of natural resources base around the world is perhaps one of the largest contradictions of this age. This paper explores the challenges involved in compliance with MEAs particular reference to the United Nations Convention to Combat Desertification (UNCCD) in Africa. The UNCCD is a broader and comprehensive in nature. By linking a number of critical environmental concerns with socio-economic developmental challenges, this global treaty has become an important force in ensuring sustainable development in developing countries. It focuses a large number of cross-cutting thematic areas to address not only the environmental problems but also sustainable development challenges including poverty, hunger and food insecurity in developing countries. Along with its broader coverage, the socio-economic background and technological advancement of African countries pose major challenges to effectively comply with this multilateral agreement.

**Keywords:** Compliance, Convention, Desertification, Implementation, International Law

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## **Introduction**

International law since the middle of the last century has been developing in many directions, as the complexities of life in the modern era have multiplied and the conditions and cultural traditions of the society have undergone major transformation (Shaw, 2008). In a world of increasing interdependence, States, standing at the intersection between domestic, regional, and global pressures, remain as a preeminent institution with requisite legitimacy and steering capacity to address global issues including environmental problems and sustainable developmental challenges through various instruments including the adoption of Multilateral Environmental Agreements (MEAs) (Barry and Robyn, 2005).

Despite the increasing number of actors and their level of participation in the complex web of international systems for governing the rapidly changing global affairs, States remain by far the most important legal persons. States maintain and retain their attraction as the primary focus for undertaking different kinds of social activities for the welfare of its citizens (Shaw, 2008). Legally, the doctrine of State sovereignty prescribes that the governments hold a monopoly and has the legitimacy to enter international negotiations on different issues including the protection of environment. This doctrine has systematically been institutionalized in every international law including the environmental instruments and the Charter of the United Nations and its different specialized agencies (Kutting, 2000).

The recent upsurge of interest in global environmental crises reflects the changing dynamics of global politics and international relations. Also the increasing level of awareness on environment quality and its profound impact on socio-economic development; realization of the trans-boundary and complex nature of ecological problems; and changing attitudes to the relationship between humans and the nature have significantly contributed in registering environmental issues as a priority area of global political and governance discourse (Williams, 1996). In this context, the MEAs emerged as an effective

mechanism to bring nations together to address the global environmental problems. The MEAs are formal documents that briefly describe the environmental issues being addressed, the commitments of the governments involved, and the institutional mechanisms to be established. Basically the MEAs are kind of evolutionary documents, intended to initiate a long-term comprehensive cooperation among governments and other stakeholders to address the global development crises (Kannan, 2012).

Thus, MEAs became an important part of the emerging global environmental governance architecture (Jones, 2002; Steiner, et al., 2003). These agreements have resulted in an unprecedented growth of international environmental institutions to deal with global sustainable development challenges (Vig, 1999) and this can easily be described as one of the most prominent features of world politics and international relations in the last few decades (Low and Gleeson, 2001). However, the level of compliance with these MEAs remains major challenges for the developing countries especially in Africa due to various reasons. In case of the United Nations Convention to Combat Desertification (UNCCD), the Convention is a broader and comprehensive in nature since it focuses large number of cross-cutting thematic areas to address not only the environmental problems but also sustainable development challenges including poverty, hunger and food insecurity. Also the socio-economic background and technological advancement of African countries pose other major challenges to effectively comply with this multilateral agreement which focuses one of the critical challenges facing the contemporary world.

### **Multilateral Environmental Agreements (MEAs)**

No crisis in world history has so clearly demonstrated the need for closer cooperation and mutual collaboration among States and increasing interdependence of governments and other stakeholders as the contemporary global environmental crisis. The pressures wielded by the dynamic forces of socio-economic development and technological advancement have radically transformed the global environment and the ecological balance of Earth as never

before (UNEP, 2000). The complex nature of environmental problems experienced at any given political jurisdiction frequently have their origins at locations other than where their far-reaching consequences most seriously felt (Caldwell, 1972). In terms of jurisdictions, the legal boundaries of sovereign States do not coincide with the limits of the ecological systems which sustain them (Imber, 1996). The environmental harm caused by a sovereign State is a threat to all nations, irrespective of their background of socio-economic development and the nature and availability of physical and natural resources (UNEP, 2000). Now there is no exit option for the governments since the complex and highly interdependent ecological challenges binds all nations and creates a new level of dependence among nation States (Biermann and Klaus, 2004).

In seeking long-lasting solutions to the complex global environmental problems, the instrument of MEAs have proved an important mechanism by which States promise to each other to manage natural resources and protect the global environment (Roberts et.al., 2004). These MEAs are the legal framework for global environmental governance and they are basically the official expression of the collective will of governments to protect the ecosystem and to stabilize the relations between man and nature (UNDP, 2003). These instruments may be termed in different forms, such as convention, treaty, agreement, charter, final act, pact, accord, covenant, protocol, etc. (UNEP, 2006). However, the Convention is widely considered as the main form of multilateral legal instruments which has been comprehensively used to address global environmental problems (Kamieniecki, 1993).

The primary objective of developing MEAs is to manage human impacts on environment and natural resources. The MEAs not only embody list of commitments among States, but also create a web of institutional structures that guide different of different stakeholders to address a particular environmental issue (Kannan, 2012). These MEAs vary considerably, both in terms of the number of participants, geographical scale, focus areas and administrative and financial requirements. Yet the common characteristics of the majority of these

agreements are set of obligations, actions and constraints, which States truly agree to follow in protecting the environment and ensuring sustainable development (Perkins and Eric, 2007).

Over the past few decades, the development of MEAs has been remarkable as the governments adopted a large number of these instruments. There are now more than 500 international treaties related to environment, of which 323 are regional in focus (UNEP, 2007). The rapid proliferation of MEAs reflects more than just an emerging realization of the scope and magnitude of deteriorating environmental quality and its far-reaching consequences on humanity. It also stems from the significant increase in the total number of sovereign States mostly in Africa, Asia and Latin America after the World War II. As the number of independent nations increased, the occurrences of trans-boundary effects of global environmental problems were clearly witnessed. Consequently, the need for MEAs to address these common problems became more apparent and gradually registered as a priority area of global development and governance agenda of the international community (Barrett, 2002). Also the unprecedented rise in the number of these treaties exemplifies the willingness of States to accept international obligations and their commitments to conserve natural resources, both at globally and within their geographical boundaries (Schrijver, 1997).

These multilateral agreements address broad range of substantive and procedural issues related with natural resource management and sustainable development (Sands and Jan, 2004). The Stockholm Conference (1972), a landmark event in global environmental governance, launched international efforts to protect the environment. International legal instruments became central components of these sustained global efforts to save the humanity from environmental crises (Jacobson and Weiss, 1997).

Since the early 1970s, the number, range, complexity and political significance of international environmental agreements increased enormously (Kelsey, 2002).

Importantly, the agreements signed prior to the 1970s were designed to remedy environmental problems after a significant level of damage had already been done (Kelly, 1997). Environmental conventions negotiated in the 1970s and early 1980s were usually limited focus in addressing single issues within their border which has been characterized as the formative phase of international cooperation on sustainable development and the foundation of Global Environmental Governance (Kutting, 2000). A paradigm shift took place after the Stockholm Conference (1972) by giving rise to a new approach. Accordingly, environmental treaties negotiated subsequently were preventive in nature (Kelly, 1997). Also the focus of these multilateral agreements is now shifting to trans-boundary nature of environmental problems such as loss of biodiversity, acceleration of desertification and land degradation, the depletion of ozone layer, and increasing global warming (Kamieniecki, 1993).

This changing focus provided a comprehensive framework for global action on cross-cutting thematic areas. The United Nations Conference on Environment and Development (UNCED) popularly known as Earth Summit, held in Rio in 1992 inspired the global community and became the launching event for the kind of MEAs which are broader in nature and comprehensive in focus (UNDP, 2003). By and large, the MEAs have grown from bilateral local regimes to multilateral global system. Similarly, over the years, the design of these agreements changed from a linear fashion to a multifaceted way (Kelly, 1997). The UNCCD is one of these comprehensive Conventions signed in recent years focusing number of cross-cutting thematic issues and backward regions of the world where the problem of desertification became too complex and highly interlinked with other developmental challenges. It is being considered as a comprehensive treaty than earlier global efforts made to combat desertification (Kemp, 1998) and remains as a powerful tool to address poverty and hunger particularly in the developing countries (FMECD, 2007).

### **United Nations Convention to Combat Desertification (UNCCD)**

Desertification is one of the greatest environmental and development problems of the 21st century (FFO, 2007). Desertification, as detrimental process brings about a gradual and an unnoticed reduction in the productive capacity of land over a period of years. The end point of this deteriorating and ecologically unsustainable process would be the formation of a complete wasteland incapable of producing anything useful for the community (Kannan, 2012). It is one of the critical developmental challenges facing humanity since this has far-reaching consequences on global food security and sustainable development especially in poor countries (Ortiz and Tadanori, 2009). The poor households affected by drought and desertification do not have adequate resources to deal with food shortages leading to food insecurity, malnutrition and hunger which affects millions of people. The worst environmental changes due desertification mostly experienced in the poorest countries of the world. The Millennium Ecosystem Assessment (2000) describes desertification as potentially the most threatening ecosystem change impacting livelihoods of millions of marginalized people and disadvantaged communities living in the most backward regions (Diallo, 2006). An estimated 40% of all Africans and Asians live in areas seriously threatened by desertification; in Latin America, it estimated 30% of the population (Stather, 2006).

In 1977, the United Nations Conference on Desertification, first significant global effort to combat desertification held in Nairobi. It aimed at examining different causes and consequences of desertification, to assess its overall incidence, and to generate commitments from global community to address desertification (Kannan, 2012). In contrast with the popular expectation, the Nairobi Conference did not produce any tangible results to address this important sustainable development challenge (Momtaz, 1996). After extensive consultations, the Conference adopted the Plan of Action (PoA) to combat desertification. The United Nations Environment Programme (UNEP), a very young institution at that time was entrusted with the task of following up and

coordinating the implementation of the commitments specified in the PoA (UNEP, 1993).

Despite numerous international efforts made to address desertification since the Nairobi Conference, in the early 1990s it was concluded that PoA was not properly implemented due to various reasons and the problem of desertification and land degradation was actually intensifying globally (Reynolds, 2001). However, the PoA became the framework for national and international action under the general guidance of the UNEP to combat desertification (Glenn E., et al. 1998). In 1994, the global community adopted the UNCCD to continue its efforts to address desertification with new strategies and changing approaches.

The UNCCD emerged as the newest link in the loosely evolving institutional architecture for global environmental governance. It has successfully raised the profile of desertification issues at different levels and made it to remain on the top of development agenda of the international community (Batterbury, et.al, 2002). By linking a number of critical environmental concerns with socio-economic developmental challenges, this global treaty has become an important force in building a multilateral framework for addressing poverty and hunger through adoption of sustainable development practices in the developing countries (Kjellen, 1997). Thus, the UNCCD is often called as the Convention of the poor (Cowie, 2007).

Also the UNCCD is more strongly based on socio-economic criteria than the other MEAs including the Convention on Biological Diversity (Wolfrum and Nele, 2003). The perceived failure of the PoA of Nairobi Conference significantly contributed to the distinctive character of the UNCCD (Humphreys, 2001). The issues related with desertification in the beginning were treated as a stand-alone problem best addressed through technical interventions (McDonagh and Yuelai, 2007). On the other hand, the UNCCD recognizes desertification primarily as a problem of sustainable development since it is closely interlinked with poverty and environmental degradation (Onchere, 1999). Thus, poverty eradication is prominently anchored in this convention as an essential precondition to combat desertification (Bauer and Bernd, 2006). Perhaps more than any other MEAs,

the UNCCD promotes action at the intersection of environmental protection, economic growth and social development (Bassett and Joana, 2003). Due to its broader nature and comprehensive coverage of cross-cutting developmental issues, the UNCCD poses major challenges for its enforcement and compliance especially by the poor countries at the national level.

### **Compliance with Multilateral Environmental Agreements (MEAs)**

The existing gap between the increasing number of international, regional and national legal instruments to protect the eco-system and the continuous decline of environmental quality and deterioration of natural resource base around the world is perhaps one of the largest contradictions of this age (Crossen, 2003). With intensified use of international treaties as an effective mechanism to address global environmental problems, serious concerns have arisen regarding the compliance of States with commitments to which they agreed under a MEA (Faure and Jurgen, 1999). One of the reasons for these trends is the inadequate investment in assuring effective compliance and enforcement of these legal instruments at the national level due to various reasons including the administrative and financial capacity of governments to translate these important multilateral agreements into reality (Zaelke et.al, 2005).

A multilateral treaty is understood to be an agreement among States that is intended to create obligations for those States under international legal framework (Wiersema, 2009). The fundamental principle governing international law is *pacta sunt servanda* (“agreements must be observed”). Every treaty in force is binding upon the parties to it and must be performed by them in good faith (Shaw, 2008). Under this principle, States are only bound by those agreements to which they agree to be bound (UNEP, 2006). Article 26 of the Vienna Convention on the Law of Treaties elaborates this principle and it is being considered to be the oldest principle of international law (Shaw, 2008).

The effectiveness of any international agreement ultimately depends on the extent to which members comply with their obligations specified in the treaty.

While compliance may be necessary for effectiveness, there is no reason to consider it sufficient (Simmons, 1998). Securing compliance, however, does not guarantee the effectiveness of the international agreement since effectiveness goes beyond adherence to legal obligation at national level. In the context of MEAs, effectiveness refers to, whether the condition of the environment is improved. Although compliance and effectiveness are conceptually distinct, compliance can provide a valuable proxy for effectiveness (Crossen, 2003). With respect to implementation, it is typically a critical step toward compliance, but compliance can occur without implementation; that is, without any measures taken by a government. For example if a commitment specified in a global treaty matches the current practice adopted by the government the implementation is unnecessary and compliance is automatic (Raustiala and Anne-Marie, 2002).

In most cases, compliance with international agreements takes place at the national level (Ivanova, 2002). In case of failure to comply with any multilateral agreements, different sanctions are applied on the member States. Traditional sanction mechanisms used extensively in various international laws are based on the notion that States intentionally do not comply. These have largely proved ineffective and repeatedly failed to secure compliance (Faure and Jurgen, 1999). This has also been criticised since in most instances the non-compliance by the member States are mainly attributable to incapacity and availability of limited resources than lack of willingness and commitment (GACGC, 2001). Generally, the developing countries face severe dearth of the requisite scientific, technical, bureaucratic, and financial resources to build effective enforcement systems and appropriate compliance mechanism at national level (Chayes and Antonia 1995). For example, in some cases the members of a Convention have simply failed to report it at all. This is often as a result of lack of capacity as much as lack of good-faith effort. Also many States do not have the necessary tools, personnel, and resources to adequately collect the needed information to report or monitor the progress as per the requirement of a Convention in order to comply with it (Raustiala, 1997).

Demand for new approach to assess the compliance mechanism emerged in view of changing understanding on causes of non-compliance and real intention of member States. The new approach takes into account the actual abilities and availability of adequate resources at the disposal of States to ensure compliance with the provisions of a global treaty. The new strategies to measure compliance are based on what is referred to as a 'managerial approach', rather than on a more traditional enforcement approach based on applying sanction mechanism on members which is being considered as punitive (Faure and Jurgen, 1999). Currently, the existing framework for global environmental governance is undermined by the absence of a holistic approach to environmental issues and lack of clear operational linkages between development assistance by donor and the resource requirements of the developing countries to comply with a multilateral treaty (Inomata, 2008). With respect to the UNCCD, the compliance has become even more complicated due to its comprehensive coverage focusing large number cross-cutting dynamic socio-economic issues to combat desertification.

### **Challenges of Compliance with UNCCD**

The overwhelming majority of environmental agreements do not have scientifically or technically based indicators and appropriate benchmarks for appraising the performance of the MEAs in improving the quality of environment and sustainability of the eco-system (UNEP, 2001). In case of the UNCCD, the process of compliance has become more challenging since there is lack of accurate base line data and inadequate monitoring mechanism for observing and assessing soil and land degradation in arid regions and absence of concrete commitments with specified schedules in the UNCCD for the desertification affected as well as donor countries (GACGC, 2001). Also there is lack of clear boundaries to the understanding of desertification itself and what exactly is to be covered by the Convention to address this critical issue. This has subsequently generated a debate among the members of the UNCCD which understandably compromised more focused efforts and coherent actions to combat desertification (Ortiz and Tadanori, 2009).

The assessment of the current status of desertification across the regions shows that there is lack of hard, precise data on the extent and rate of desertification in various parts of the world (Nasr, M., 1999). Estimates of the areas lost to or threatened by desertification remain as a matter of controversy (Abahussain, et al. 2002). There is no consensus at present concerning the status of desertification in the world as a whole or for various regions (Agnew and Andrew, 1996) due to dearth of empirical data and rigorous scientific study using advanced technologies including remote sensing satellites (Nicholson, S.E. et.al, 1998). Generally, it is very difficult to precisely determine the causal relationships of a complex process where number of highly interrelated dynamic socio, economic and ecological forces were involved (Sherbinin, 2002). The complexity of the causes of desertification and the diverse nature of its effects make it difficult to accurately evaluate its magnitude across the regions (Abahussain, et al. 2002).

The shortage of adequate and reliable national, regional and global data on the status of desertification and land degradation has been a persistent problem since the 1970s. It results from both limited monitoring efforts and inadequate procedures applied to assess its profound impact (Grainger, et.al, 2000). Since few countries had sufficient quantitative data on land degradation, all the previous estimates were mainly based on expert judgments that were necessarily subjective (Winslow, M., et.al, 2004). Darkoh (1998) argues that existing data, even at the national level, are not based on quantitative measures, but are best-guess estimates at a high level of generality. This was even termed as an 'educated guess' at the true extent of the problem (Symeonakis and Drake, 2004). The accuracy, meaning, and practical usefulness of these estimates are increasingly questioned (Sherbinin, 2002). And even the UNEP data on desertification and series of its publication on this topic have been repeatedly criticized as being too loosely defined and collected to be of anything but publicity value (Agnew and Andrew, 1996). Therefore, these data cannot be used as a baseline to measure or monitor desertification trends (Darkoh, 1998). In this

context, the compliance with the UNCCD cannot be objectively assessed since the impact of the measures taken by the governments and efforts made to address desertification cannot be judged without any reference points.

Among different MEAs, the UNCCD is uniquely comprehensive in its scope since it seeks not only to address global environmental problems but also to reduce poverty and hunger across the regions particularly in Africa by adopting sustainable developmental practices with indigenous knowledge. But despite its broad commitments to sustainable development, the Convention has ill-defined policy objectives and uncertainty over its implementation especially in poor countries. Due to this, the Convention faces acute problems including underfunding and lack of political will to enforce (FMECD, 2006).

In terms of its implementation, the UNCCD lacks specific mechanisms to translate its goals into practice (Lynn, 2006). Equally, the UNCCD contains no concrete reduction commitments with specified timetables (GACGC, 2001), unlike the United Nations Framework Convention on Climate Change (UNFCCC) which clearly provides specific guidelines to reduce Green House Gases (GHG) emissions to a certain percentage. In contrast to the other MEAs, the UNCCD has not yet specified quantitative and verifiable reduction commitments and conservation goals in a time bound manner (GACGC, 2005).

Besides the issues related with its conceptual understanding and comprehensive focus on cross-sectoral thematic areas, the UNCCD face the monumental challenges of resources to implement the provisions specified in it. Indeed, the UNCCD embodies the principles of sustainable development better than any other MEAs. In many ways, it is being considered as an appropriate framework for poverty reduction in poor countries since it encourages people's participation and community empowerment (Bassett and Joana, 2003). But still it was not provided a dedicated fund to finance desertification related programmes. The financial resources made available so far to the UNCCD are not substantial. Also a number of studies show that these financial resources can't be considered as

adequate, timely or predictable to support the measures taken by the member countries to address desertification in a sustainable manner (Ortiz and Guangting, 2005).

In contrast to desertification, the other sustainable development issues like climate change and biological diversity enjoyed a solid consensus of global community. For example, the Conventions of these issues were granted easy access to Global Environmental Facility (GEF) to finance its activities and which was denied to the UNCCD, in the first instance (Ortiz and Tadanori, 2009). Of the three 'Rio Conventions' the UNCCD is the most important in terms of development policy (GACGC, 2001). But still it did not get as much attention as the UNFCCC and CBD. Interestingly, because of this, UNEP's *Global Environmental Outlook 2003* describes it as a 'Rio stepchild' (UNEP, 2003). The Joint Inspection Unit (JIU) of the United Nations reports the prevailing discriminatory nature of funding towards the UNCCD. The report concludes that in terms of financial and human resources, the UNCCD is significantly undernourished as compared with the other two sister Conventions (Ortiz and Guangting, 2005).

Financial instruments can provide greater incentives to achieve compliance with environmental agreements (Dietz, 2003). However, the principle of common but differentiated responsibilities of the North and South to a large extent determines the level of compliance with global MEAs and the performance of its institutional structure with respect to developing countries (Andrese and Hey, 2005). This principle constitutes an important basis for the financial mechanisms connected to the MEAs (Andrese and Hey, 2005). However, in the case of financial arrangements the UNCCD defines no criteria for the developed countries in relation to their level of the financial commitments (GACGC, 2001). In the words of Klaus Töpfer, the former Director of the UNEP, the UNCCD has failed to excite the sort of political and public interest enjoyed by the other two Rio Conventions (Töpfer, 2006). The refusal to make appropriations under number of existing options creates scarcity of resources, placing the entire

compliance and enforcement measures of the Convention at greater risk. Although the UNCCD acknowledges the requirements of substantial resources, the existing financial dependence makes the Convention more vulnerable for poor compliance by the developing countries especially in Africa (Krasnova, 1995).

### **UNCCD and Compliance: An African Perspective**

The UNCCD is viewed as much a developmental as an environmental agreement (World Bank, 1998; Bassett and Joana, 2003). Focused essentially on developing and under-developed countries, the UNCCD offers a platform for effective environmental governance at different levels to comprehensively address the issue of desertification. The UNCCD adopted in 1994 constitutes the centerpiece in the international community's efforts to combat desertification and mitigate effects of drought and famine and ensure sustainable development. The African countries played an instrumental role in realizing a global convention. African economies are mostly based on climate-sensitive sectors mainly rain fed agriculture. The gravity of drought and desertification impacts in the region is enormous. Drylands occupies two-thirds of the African continent and affects more than 485 million people or sixty-five percent of the entire African population. These are concentrated in the Sahelian region, the Horn of Africa and the Kalahari in the south. This land remains crucial for agriculture production and food security. The region is experienced by frequent droughts and famine, which have been particularly severe in recent years in the Horn of Africa and the Sahel region (ECA, 2007).

In December 1991 more than 40 Ministers of Environment from African States met in Abidjan, Cote d'Ivoire for a regional preparatory meeting for UNCED adopted the Abidjan Declaration. Among other things, this document strongly called for a global convention to combat desertification as one of the concrete outcomes to be included in *Agenda 21* of the Earth Summit (Kjellen, 1997). This spirited call for convention from the African countries reflected their sense of frustration with the emphasis and direction taken by the preparatory meetings

elsewhere. The focuses of these meetings were largely on climate change and biodiversity- both issues of much greater interest and importance to the richer nations. The African countries felt that their priority concerns regarding poverty, drought and food insecurity were not received the attention as they deserved (Toulmin, 1997). After a long battle at different stages on the inclusion and exclusion of various conceptual themes and commitments & responsibilities between the developed and developing countries, the global convention was adopted in 1994. The UNCCD, a legally binding instrument under international law came into being primarily at the instigation of the African countries and they rightly consider the UNCCD as 'their' convention (GACGC, 2001).

In recognizing the diverse nature of socio economic development and natural resources base of various regions, the UNCCD provided regional annexes to facilitate its implementation as per the requirements of the region taking into account the existing conditions and ground realities. In an innovative example of a global treaty combining general principles and obligations with region specific guidelines and measures, the UNCCD originally established four regional implementation annex for Africa, Asia, Latin America and the Caribbean, and the North Mediterranean (Shine and Cyrille, 1999). Considering the nature and complexities of desertification problem in African region, the Annex for Africa was made as most detailed and contains elaborate provisions for financial mechanisms, co-ordination, partnership and follow-up arrangements (UNEP, 2006).

Generally, governments at national level have a basic organizational framework for environmental policies, such as legislations, Ministries and specialized agencies to monitor and enforce environmental standards (Paehlke and Torgerson, 2005). The existing global environmental mechanisms attempt to combine global concerns with the ability of national organizations (Bernstein, 2005). Recently, deficits of technical and bureaucratic capability and financial resources have received increasing attention in the context of the difficulties of domestic enforcement of measures adopted at national level in compliance with

international environmental obligations (Chayes and Antonia 1995). A number of global agreements including environmental one which have high technical or scientific contents, failure to report is disproportionately high among developing countries, primarily because of limitations on the financial, scientific, and bureaucratic resources of the reporting government (Chayes and Antonia 1995). Developing countries are seriously placed in a disadvantaged position due to their limited planning and administrative structure and resource constraints (Kannan, 2012). The institutional capacities to cope with the challenging tasks of achieving a cleaner environment and the integration of environment and development are inadequate in African countries. The absence of effective legislative and administrative procedures for incorporating ecological data into decision making process constitutes another hindrance to effective natural resource management in these countries (Boon, 1998).

Further, the legislative and institutional mechanisms for the implementation of global and regional environment conventions aren't well developed (Kaniaru and Kurukulasurya, 1995). While most of the countries of the region have had national action programmes (NAPs) for several years, meaningful progress has not been made with their operational implementation. There are many factors which affect the effective implementation of NAPs. These include capacity and resource constraints, as well as lack of systematic integration of desertification control plans and programmes into national developmental planning and budgetary frameworks (ECA, 2007). Because of these limitations, governments especially in developing countries, which often lack effective national policy instruments to cope with these problems, are forced to look to international agreements and co-operation frameworks (Zoeteman and Harkink, 2005). The inadequate resource mobilization to a large extent hampers the efforts made by the affected developing countries to fulfil their commitments under the UNCCD (UNEP, 2003). Therefore, the donors need to take a fresh look at ways and means to adjust the Convention to the new fundamentals of development cooperation to ensure sustainable development in the developing countries including in Africa (Kannan, 2012).

## **Conclusions**

In seeking long-lasting solutions to the complex environmental problems, the instrument of Conventions is extensively used to manage natural resources and protect the global ecosystem. Desertification is one of the greatest environmental and development problems of the 21st century. The UNCCD is developed to address cross-cutting issues and largely focused the backward regions of the world where the problem of desertification became highly interlinked with other developmental challenges. With intensified use of multilateral agreements as an appropriate mechanism to address global sustainable development challenges, serious concerns have arisen regarding the compliance of governments. This is due to inadequate investment in assuring effective compliance and enforcement of these legal instruments at the national level. The administrative and financial capacities of governments to translate these important multilateral agreements into reality remain major issue for the Africa countries. The process of compliance with UNCCD has become more challenging since there is lack of accurate base line data and inadequate monitoring mechanism for observing and assessing soil and land degradation in arid regions of Africa and absence of concrete commitments with specified schedules in the Convention for the desertification affected countries in the African Continent as well as donor countries of the West. Also lack of technological means as well as poor integration of desertification control plans and programmes into national developmental planning and budgetary frameworks by the African countries pose other major constraints in compliance with the UNCCD.

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The views presented are those of the author and do not represent those of the institutions with which he is affiliated.

## **Conflicts of interest**

The author declares no conflicts of interest.

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