

## **UN Convention to Combat Desertification as an International Environmental Regulatory Framework for Protecting and Restoring the World's Land towards a Safer, More Just and Sustainable Future**

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**ABSTRACT:** *There are ongoing international initiatives on how to protect the environment towards sustainable development (SD). These initiatives range from those of the United Nations (UN) to those of other international organizations and institutions. At the level of the UN, these initiatives are mainly its conferences and summits, which may be considered as the UN SRJRS Process. The UN SRJRS Process refers to the cities in which various UN conferences and summits on the environment and development towards SD have so far been convened, namely Stockholm, Rio de Janeiro, Johannesburg, Rio de Janeiro and Stockholm. So, these UN conferences and summits are the (i) UN Conference on the Human Environment, held at Stockholm, in 1972; (ii) UN Conference on Environment and Development, held at Rio de Janeiro, in 1992; (iii) World Summit on SD, held at Johannesburg, in 2002; (iv) UN Conference on SD (Rio+20), held again at Rio de Janeiro, in 2012; and (v) the Stockholm+50, which was held again in Stockholm, Sweden, in June 2022. The UN SRJRS Process and their outcome documents and progressively ongoing strategies are aimed at protecting the environment in the course of development, so as to achieve SD in UN's member states and territories around the globe, in the interest of humans and society at large. Desertification, which may arise from deforestation, is an environmental problem associated with forests. Internationally, forests are regulated by the UN Statement of Forest Principles, 1992, UN Framework Convention on Climate Change, 1992, the Convention on Biological Diversity, 1992, the Convention to Combat*

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*Desertification (CCD), 1994, and other relevant multilateral conventions, as well as international agreements and efforts associated with forests. This study thus examines the UNCCD, 1994, as a worldwide shared vision and a comprehensive multilateral environmental regulatory mechanism, designed to combat desertification, through relevant implementation measures, such as policies, laws, institutional regulatory frameworks and practices in sovereign states and territories around the globe, so as to protect and restore the world's land, towards a safer, more just and better sustainable future, especially towards achieving relevant goals of the UN Sustainable Development Goals.*

**KEY WORDS:** UNCCD; international environmental regulatory framework; deforestation; national policies, laws, institutional regulatory frameworks and practices; protect and restore World's Land; Safer, More Just and Sustainable Future; UN Agenda 2023; Relevant Goals, UN Sustainable Development Goals

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## INTRODUCTION

There are ongoing international initiatives on how to protect the environment, so as to promote and achieve sustainable development (SD). Such initiatives range from those of the United Nations (UN) to those of other international organizations and institutions. At the level of the UN, these initiatives are mainly the UN conferences and summits on the intertwined relationship between the environment and development, which are designed to promote and achieve SD.<sup>1</sup>

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<sup>1</sup> UN, Conferences: Environment and Sustainable Development‘

<<https://www.un.org/en/conferences/environment>>; UN Foundation ‘The Sustainable Development Goals in 2019: People, Planet, and Prosperity in Focus’ <<https://unfoundation.org/blog/post/the-sustainable-development-goals-in-2019-people-planet-prosperity-in-focus/>> both Accessed 10 January, 2023; World Commission on Environment and Development (WCED), *Our Common Future* (Oxford University Press, 1987); A. C. Kallhauge *et al.* (eds), *Global Challenges: Furthering the Multilateral Process for Sustainable Development* (Greenleaf Publishing, 2005/2017, Routledge); E. T. Bristol-Alagbariya, *Participation in Petroleum Development: Towards Sustainable Community Development in the Niger Delta* (Centre for Energy, Petroleum & Mineral Law & Policy (Centre for Energy, Petroleum & Mineral Law & Policy [CEPMLP]/Dundee University Press [DUP], 2010), xxvi–xxvii, 49–51, 70–75, 85 and 318; E. T. Bristol-Alagbariya, *Governance Towards Sustainable Development in Nigeria: The Role of Strategic Assessment of Decisions & Actions* (CEPMLP/DUP, 2013), xxii–xxiii, 13–26, 33–35, 71–72 and 290–292; E. T. Bristol-Alagbariya, *PETROLEUM DEVELOPMENT & THE ENVIRONMENT IN RIVERS STATE NIGERIA: Fallouts of the UNEP Report on Ogoniland, Environmental Regulatory Standards & Sustainable Development Laws & Practices* (LAP LAMBERT Academic Publishing, 2018/2020), ), xxii–xxiii, 9–2, 43, 48 and 63; E. T. Bristol-Alagbariya, *Permanent Sovereignty Over Natural Resources: Duties of Resource-Rich Developing Countries & Petroleum Development in Nigeria* (LAP LAMBERT Academic Publishing, 2020), xxii – xxiii, 16–

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These conferences and summits may be considered as the UN SRJRS Process, which refers to the cities in which various UN conferences and summits on the environment and development towards SD have hitherto been convened, namely Stockholm, Rio de Janeiro, Johannesburg, Rio de Janeiro and Stockholm. These UN conferences and summits are the (i) UN Conference on the Human Environment (UNCHE), held at Stockholm, in 1972 following which the assembly of the world community took place in Nairobi, Kenya, from 10–18 May, 1982, when the UN Nairobi Declaration was reached); (ii) UN Conference on Environment and Development (UNCED), held at Rio de Janeiro, in 1992; (iii) World Summit on SD (WSSD), held at Johannesburg, in 2002; (iv) UN Conference on SD (UNCSD, also called World Conference on SD [WCSD] and Rio+20, held again in Rio de Janeiro, in 2012; and finally (v) the Stockholm+50, which was held in Stockholm, Sweden, in June 2022. The UN SRJRS Process and their outcome documents and systematic ongoing follow-up and implementation measures are aimed at protecting the environment in the course of development, so as to promote and achieve SD, towards the wellbeing of humans and society at large.<sup>2</sup>

Desertification, which may arise from deforestation, is an environmental problem associated with forests. So, over time, some UN and other multilateral conferences and conventions have been held, applicable international agreements reached and other relevant international efforts made to address the environmental problem and challenges associated with forests, particularly deforestation. These include the (i) UN Statement of Forest Principles, 1992; (ii) UN Framework Convention on Climate Change (UNFCCC), 1992; (iii) UN Convention on Biological Diversity (UNCBD), 1992; and (iv) UN Convention on Desertification, 1994. Other significant multilateral conventions on forests encompass the (v) Ramsar Convention on Wetlands, 1971; (vi) World Heritage Convention, 1972; (vii) Convention on International Trade in Endangered Species, 1973; (viii) Ozone Layer Convention, 1985; (ix) Indigenous and Tribal Peoples Convention, 1989; (x) International Tropical Timber Agreement, 1994; and (xi) relevant efforts of the World Trade Organization, 1994.<sup>3</sup> Concerning desertification, the principal internationally legally

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17, 27–29, 45–47, 62–63 and 122–123; E. T. Bristol-Alagbariya (*Law & Ethical Conducts on Energy Resources Operations in Nigeria: Spotlight on Petroleum Development Operations* (LAP LAMBERT Academic Publishing, 2021), xxii–xxiii, xxx– xxxi, 14–15, 17–19, 31–35, 48– 49, 75–76, 97–98 and 107–108.

<sup>2</sup> *Ibid.*

<sup>3</sup> B. M. G. S. Ruis, ‘No Forest Convention but Ten Tree Treaties: An Overview of the Treatment of Forests in Ten Existing Global Agreements Suggests that Fostering Synergies Among Them May Not be Sufficient to Cover the Gaps that Remain’ <<https://www.fao.org/3/Y1237e/y1237e03.htm>>; UN Climate Change, ‘What is the United Nations Framework Convention on Climate Change?’ <<https://unfccc.int/process-and-meetings/what-is-the-united->

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binding agreement on how to combat the same is the UN Convention to Combat Desertification (CCD), 1994.<sup>4</sup>

The UNCCD, 1994, has been described as the first and only internationally legally binding agreement, which is initiated to combat desertification in a manner that connects the environment and development to sustainable land management.<sup>5</sup> By and large, the study examines this Convention as a worldwide shared vision, voice, mission and commitment, as well as a comprehensive multilateral environmental regulatory mechanism, initiated to combat desertification, through relevant implementation measures, such as national policies, laws, institutional regulatory frameworks and practices of sovereign states and territories around the globe. To do so, in order to protect and restore the world's land towards a safer, more just and more favourable sustainable future,<sup>6</sup> consonant with the UN Agenda 2030,<sup>7</sup> in particular, to achieve relevant goals of the UN Sustainable Development Goals (UN SDGs).

### **Ongoing and Increasingly Advancing Efforts of the UN on the Protection of the Environment towards SD**

The UN is an international and the world's only truly all-embracing organization, which has become the foremost forum for addressing issues that transcend national boundaries. On the platform of the UN, its member states converge to discuss common problems confronting humans and society at large, so as to find solution, to, among other things, maintain international peace and security, cooperation and friendly relations among states, promote and protect human rights and fundamental freedoms, as well as to secure a healthy Planet.<sup>8</sup>

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nations-framework-convention-on-climate-change>; UN Conferences: Environment and Sustainable Development, 'United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3-14 June 1992' <<https://www.un.org/en/conferences/environment/rio1992>> all Accessed 10 January, 2023.

<sup>4</sup> Homepage of the UN Convention to Combat Desertification (UNCCD) <<https://www.unccd.int/>> and <<https://www2.unccd.int/>> Accessed 10 January, 2023.

<sup>5</sup> UNCCD, 'Overview of the UNCCD' <<https://www.unccd.int/convention/overview>>; homepage of the UNCCD, captioned 'UNCCD FAQ', 'What is the United Nations Convention to Combat Desertification (UNCCD)?' <<https://www.unccd.int/unccd-faq>> both Accessed 10 January, 2023.

<sup>6</sup> *Ibid*; Homepage of the UNCCD (n4).

<sup>7</sup> UN Department of Economic and Social Affairs (UNDESA), 'Transforming our world: the 2030 Agenda for Sustainable Development' <<https://sdgs.un.org/2030agenda>> Accessed 10 January, 2023.

<sup>8</sup> UN, 'Peace, Dignity and Equality on a Healthy Planet: About Us' <<https://www.un.org/en/about-us>> Accessed 10 January, 2023; The Preamble of the UN Charter, 1945, and Chapter I, Articles 1 and 2 of the Charter, captioned

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Consequently, ongoing international initiatives linking the environment and development, in the course of developmental plans, policies and programmes (including projects [PPPs]), are championed by the UN.<sup>9</sup> In the process, the UN has been convening conferences and summits, so as to achieve SD in its member states and territories around the globe, to enhance and/or ensure the wellbeing of humans and society at large. The abstract and introduction of this study indicate that the conferences and summits so far convened by the UN may be considered as the UN SRJRS Process. They also explain that the UN SRJRS refers to the cities in which various UN conferences and summits on the environment and development towards SD have hitherto been convened, and these cities are Stockholm, Rio de Janeiro, Johannesburg, Rio de Janeiro and Stockholm. These UN conferences and summits, otherwise called the UN SRJRS Process, have their outcome documents and implementation measures, which are aimed at protecting the environment in the course of development, so as to achieve SD in member states of the UN and territories around the globe, and thereby secure the vitality and viability of our Planet Earth, in the overall interest of humans and society at large. The main outcome of the UNCHE 1972, is the Stockholm Declaration, which constitutes a common outlook for common principles to inspire and guide the peoples and countries of the world to protect and conserve human environment. A decade after the UNCHE, an assembly of the world community took place in Nairobi, Kenya, where a Declaration known as the UN Nairobi Declaration, 1982, was made. Thereafter, the UNCED, 1992, produced certain major outcome documents. These major outcome documents include the Rio Declaration on Environment and Development, often simply called ‘the Rio Declaration’, which is a series of principles defining the rights and responsibilities of UN member states on issues of the environment and development. The Rio Declaration is one of the three major agreements designed to guide future approaches of the global community towards SD and one of the five outcome documents of the Rio de Janeiro Earth Summit (UNCED). Other major agreements of UNCED are the UN Agenda 21, UN Statement of Forest Principles, UNFCCC and the UNCBD.<sup>10</sup>

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‘Purposes and Principles’ of the UN; United Nations Environment Programme (UNEP), *Healthy Environment, Healthy People* (UNEP, 2016).

<sup>9</sup> UN, Conferences: Environment and Sustainable Development’ (n1).

<sup>10</sup> E. T. Bristol-Alagbariya (2020 [n1]), 122–123; E. T. Bristol-Alagbariya (2021 [n1]), 32–33; UN Conferences: Environment and Sustainable Development, ‘United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3-14 June 1992’ (n3); The International Institute for Sustainable Development (IISD), ‘SDG Knowledge HUB’ 2023 UN Climate Change Conference (UNFCCC COP 28)’ <<https://sdg.iisd.org/events/2022-un-climate-change-conference-unfccc-cop-28/>> Accessed 10 January, 2023.

Also, the main outcome document of the WSSD 2002, is the Johannesburg Declaration on SD. Accordingly, the paramount outcome document of the UNCSD (Rio+20) 2012, is entitled ‘Focused Political Outcome Document ... The Future We Want (Our Common Vision)’. Finally, there are the outcomes *vis-à-vis* recommendations of the UN Stockholm+50, captioned ‘A Healthy Planet for the Prosperity of All – Our Responsibility, Our Opportunity’.<sup>11</sup> The UN Stockholm+50 laid emphasis on a healthy planet for the prosperity of all, as the responsibility and opportunity of all countries and peoples of the world. It made recommendations and actions for renewal and trust between and among all countries and peoples around the globe.<sup>12</sup> So, key outcomes of the UN Stockholm+50 include the fact that world leaders called for bold environmental action, in order to accelerate the implementation of the UN 2030 Agenda (the UN SD Goals [SDGs]) and beyond. The recommendations of Stockholm+50 may be summarized as an action-oriented way forward, persuading governments and other stakeholders to deliver on the UN 2030 Agenda and beyond, by mobilizing the entire global community to strengthen cooperation and accelerated innovative action on the Global Goals, towards, among other things, securing a healthy Planet Earth for the prosperity of all.<sup>13</sup>

The outcome documents of the progressively ongoing UN conferences and summits on the environment and development towards SD, constitute the bedrock of international (supra-national) SD law and practices, which are prevailing in national jurisdictions of member states of the UN and territories around the globe.<sup>14</sup> Consequently, at the level of the UN, for instance, UNEP, which was established in 1972, after the UNCHE, with its headquarters in Nairobi Kenya, continues to exist as the voice of the UN system on the environment.<sup>15</sup> UNEP is the global authority that sets the environmental agenda, promotes the coherent implementation of the

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<sup>11</sup> UN Stockholm+50, ‘UN Stockholm+50: Recommendations and Actions for Renewal and Trust’ <<https://www.stockholm50.global/resources/stockholm50-recommendations-and-actions-renewal-and-trust>> Accessed 10 January, 2023.

<sup>12</sup> *Ibid*; UN Stockholm+50, ‘Recommendations and Actions for Renewal and Trust’ <<https://www.stockholm50.global/>> Accessed 10 January, 2023.

<sup>13</sup> *Ibid*; UN Stockholm+50, ‘Stockholm+50 Recommendations and Actions for Renewal and Trust’ (n11).

<sup>14</sup> E. T. Bristol-Alagbariya, ‘Sustainable Development Law and Multidisciplinary Sustainable Development-oriented Efforts towards the Wellbeing of Humans and Overall Resources of Nature’ [2020], 81, *International Affairs and Global Strategy*, 77–79 and 85–89.

<sup>15</sup> Homepage of UNEP <<https://www.unep.org/>>; UN, ‘Environmental Programme’ <<https://www.un.org/en/academic-impact/unep#:~:text=The%20United%20Nations%20Environmental%20Programme,development%20of%20the%20global%20environment>> both Accessed 10 January, 2023.

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environmental dimension of SD within the UN system and serves as an authoritative advocate for the global environment.<sup>16</sup> It provides leadership to member states of the UN on environmental issues, particularly pressing environmental issues facing our Planet Earth and it sensitizes such states to promote the wise use and SD of the global environment. UNEP has an Environment Assembly (The UN Environment Assembly), which is the governing body of UNEP.<sup>17</sup>

There is also the UN Division for SD Goals (UN DSDGs, within the Department of Economic and Social Affairs [UNDESA]), which, by virtue of the UN General Assembly (UNGA) Resolution 70/299 of 29 July, 2016, acts as the Secretariat for the UN SD Goals (UN SDGs) in the UN system. Thus, the UN Division for SD Goals (DSDG) provides substantive support and capacity-building for the goals and their related thematic issues, including water, energy, climate, oceans, urbanization, transport, science and technology, the Global Sustainable Development Report, partnerships and Small Island Developing States. This Division (the UN DSDGs) plays a key role in terms of evaluating the system-wide implementation of the UN 2030 Agenda and on advocacy and outreach activities relating to the SD Goals (SDGs).<sup>18</sup>

UNDESA brings the global community together to work towards common solutions to the world's most pressing problems. It helps countries translate their global commitments into national actions in economic, social and environmental spheres. It assists countries as they find common ground, set norms and take decisive forward steps towards SD. UNDESA is part of the UN Secretariat, which is responsible for the follow-up to major UN summits and conferences. UNDESA also renders services to the UN Economic and Social Council (UN ECOSOC) and the UNGA (through the Second and Third Committees of the UNGA).<sup>19</sup>

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<sup>16</sup> UNEP, 'About UN Environment Programme' <<https://www.unep.org/about-un-environment>> Accessed 10 January, 2023.

<sup>17</sup> E. T. Bristol-Alagbariya (2021 [n1]), 33.

<sup>18</sup> UN Department of Economic and Social Affairs (UNDESA), 'Transforming our world: the 2030 Agenda for Sustainable Development' (n7); UN, 'About Division for Sustainable Development Goals' <<https://sdgs.un.org/about#:~:text=The%20Division%20for%20Sustainable%20Development,energy%2C%20climate%2C%20oceans%2C%20urbanization>> Accessed 10 January, 2023; E. T. Bristol-Alagbariya (2020 [n1]), 123; E. T. Bristol-Alagbariya (2021[n1]), 33.

<sup>19</sup> E. T. Bristol-Alagbariya (2020 [n1]), 123; E. T. Bristol-Alagbariya (2021[n1]), 34.

The UN Secretariat, UNGA and UN ECOSOC are three of the six main bodies, also referred to as principal organs of the UN. Other main organs of the UN are the Security Council (UNSC), the Trusteeship Council and the International Court of Justice (ICJ); these six principal organs were established under the UN Charter, when the UN was founded in 1945.<sup>20</sup>

The UN ECOSOC is responsible for coordinating the economic and social fields of the UN. It serves as the central forum for discussing international economic and social issues and formulating policy recommendations addressed to UN member states and the UN system. The ECOSOC organizes, through intergovernmental bodies, follow-up measures of major UN conferences and summits, such as the UN SRJRS process and its ongoing processes. The ECOSOC, which is a platform for fostering debate and innovative thinking, coordinates member states of the UN to translate internationally agreed goals into actual programmes in the member states. Through intergovernmental bodies, the ECOSOC organizes follow-up measures of major UN conferences and summits, and thereby sensitizes and coordinates UN member states to domesticate internationally agreed goals, such as SD initiatives, by implementing them as concrete programmes within their respective national jurisdictions. By and large, the ECOSOC brings peoples and issues together, so as to promote collective action for a sustainable world.<sup>21</sup>

Also, there is the UN Commission on Sustainable Development (UNCSD),<sup>22</sup> which was established by the UNGA in December 1992, more formally by the UNGA Resolution A/RES/47/191 of 29 January, 1993, as a functional commission of the UN ECOSOC, to ensure effective follow-up of UNCED.<sup>23</sup> The task of the UNCSD was thus to oversee the outcomes of the UNCED, 1992. From its inception, the UNCSD was highly participatory in structure and outlook, as it innovatively engages its wide range of stakeholders and partners. At the UNCSD (Rio+20), member states agreed to establish a High-Level Political Forum (HLPF) to replace the

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<sup>20</sup> Articles 7 and 8, Chapter III of the UN Charter 1945, captioned 'Organs'; E. T. Bristol-Alagbariya (2021[n1]), 34.

<sup>21</sup> UN, 'Economic and Social Council' <<https://www.un.org/ecosoc/en/home>> Accessed 10 January, 2023; E. T. Bristol-Alagbariya (2020 n1), 47; E. T. Bristol-Alagbariya (2021[n1]), 33–34.

<sup>22</sup> UNDESA, Division for SD, 'About the UN Commission on Sustainable Development (CSD)'

<[https://www.un.org/esa/dsd/csd/csd\\_aboutsd.shtml#:~:text=The%20United%20Nations%20Commission%20on,known%20as%20the%20Earth%20Summit](https://www.un.org/esa/dsd/csd/csd_aboutsd.shtml#:~:text=The%20United%20Nations%20Commission%20on,known%20as%20the%20Earth%20Summit)> Accessed 10 January, 2023.

<sup>23</sup> E. T. Bristol-Alagbariya (2020 [n1]), 47; E. T. Bristol-Alagbariya (2021[n1]), 34–35.



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UNCSD. The HLPF (established by the 2030 Agenda and UNGA Resolution 70/299) is the apex  
of the architecture for follow-up and review of the UN 2030 Agenda.<sup>24</sup>

Besides, there are such initiatives of the UN system as the UN Global Compact. This Compact, launched by the UN Secretary-General in July 2000, is a fall-out of ongoing economic globalization, premised on the efforts of the UN, to achieve SD.<sup>25</sup> On the platform of the UN Global Compact, which the World Business Council for SD (WBCSD) was fashioned after, the UN unites business to advance corporate responsibility towards greater public good, business sustainability and SD, based on the Compact's ten principles in the areas of human rights, labour, environment and anti-corruption. Particularly, even in developing countries, which are characterized by weak environmental regulatory regimes, the above-stated key outcomes and follow-up measures of various conferences and summits of the UN and other related initiatives of the UN system on SD, which are soft law mechanisms, are increasingly being incorporated and adopted into binding national environmental regulatory frameworks, such as enforceable environmental policies, laws and institutional regulatory instruments. Put differently, even in developing countries, characterized by weak environmental regulatory regimes, and lack of public sector government social responsibility (GSR) towards human wellbeing, the above-stated key outcomes and follow-up measures of various conferences and summits of the UN and other related initiatives of the UN system on SD are increasingly being implemented and/or enforced as binding national instruments.<sup>26</sup> This state of affairs presents a situation where soft law mechanisms (from the international arena) associated with the environment and development, in relation to SD, are progressively being transformed into hard law instruments, in national jurisdictions of UN member states and territories around the globe.<sup>27</sup>

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<sup>24</sup> UN, 'High-Level Political Forum on Sustainable Development' <<https://hlpf.un.org/>>; UNGA Resolution captioned 'Resolution adopted by the General Assembly on 29 July, 2016 (70/299) Follow-up and Review of the 2030 Agenda for Sustainable Development at the Global Level' <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/241/59/PDF/N1624159.pdf?OpenElement> > both Accessed 10 January, 2023; E. T. Bristol-Alagbariya (2021[n1]), 35; UN .

<sup>25</sup> Homepage of the UN Global Compact <<https://www.unglobalcompact.org/>> Accessed 10 January, 2023.

<sup>26</sup> E. T. Bristol-Alagbariya (2020 [n1]), 29–31 and 62; E. T. Bristol-Alagbariya (2021[n1]), 35–36.

<sup>27</sup> E. T. Bristol-Alagbariya, 'Sustainable Development: A Soft Law Concept Transforming SD-Oriented Initiatives of the UN System into Hard Law Instruments in UN Member-states and Promoting Partnerships around the Globe' [2020], 94, *Journal of Law, Policy and Globalization*, 40–52; E. T. Bristol-Alagbariya, 'The UN Global Compact as a Soft Law Business Regulatory Mechanism Advancing Corporate Responsibility towards Business Sustainability

**Desertification as Environmental Problem Associated with Forests and UN and Other Multilateral Conventions Relating to Forests**

Desertification is an environmental problem associated with forests and UN and other multilateral conventions relating to forests. However, given that desertification may arise from deforestation,<sup>28</sup> it is pertinent to dwell briefly on deforestation, before proceeding to consider desertification.

**Deforestation**

Forest may simply be described as a complex ecological system in which trees are the dominant life-form.<sup>29</sup> On the other hand, deforestation may be described as the decrease in forest areas across the world.<sup>30</sup> Such decrease in forest areas include destruction of forest areas, such as by cutting or clearing, which areas are consequently converted to non-forest use(s). A deforested area may, among others, be used as cropland, fallow land, industrial area or even residential area.<sup>31</sup>

The natural world (comprised of plants, animals, the landscape and other features and products of Planet Earth that exist naturally, as distinct from humans or human creations (built environment) is complex, interconnected and made of many forms of inter-dependencies, such as between plants or vegetation (plants in collectively, especially those found in a particular area or habitat) and animals.<sup>32</sup> Hence, trees serve as shade or provide shelter for animals and smaller trees or vegetation, which may not survive with the heat of direct sunlight. Trees also provide food for animals, such as the fruits, so as to survive.<sup>33</sup> Generally, forests cover about 31 per cent

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and Sustainable Development Worldwide' [2020], 94, *Journal of Law, Policy and Globalization*, 27–39; E. T. Bristol-Alagbariya (n14), 75–79.

<sup>28</sup> M. B. K. Darkoh, 'Desertification in Africa' [1989], 19, *Journal of Eastern African Research & Development*, 1–50.

<sup>29</sup> Encyclopaedia Britannica, 'forest' <<https://www.britannica.com/science/forest>> Accessed 10 January, 2023.

<sup>30</sup> UN Food and Agriculture Organization (UN FAO) and UNEP, 2020: *The State of the World's Forests: Forests, Biodiversity and People* (UN FAO and UNEP, 2020); Our World in Data, 'Deforestation and Forest Loss' <<https://ourworldindata.org/deforestation>> Accessed 10 January, 2023.

<sup>31</sup> Encyclopaedia Britannica, 'Deforestation' <<https://www.britannica.com/science/sustainability>> Accessed 10 January, 2023.

<sup>32</sup> Office of Sustainable Communities Smart Growth Program, The US Environmental Protection Agency (EPA), *Our Built and Natural Environments: A Technical Review of the Interactions Among Land Use, Transportation, and Environmental Qualities* (US EPA, 2013).

<sup>33</sup> The National Wildlife Federation, 'Benefits for Wildlife' <<https://www.nwf.org/Trees-for-Wildlife/Wildlife-Benefits>> Accessed 10 January, 2023.

Publication of the European Centre for Research Training and Development -UK of the land area on Planet Earth.<sup>34</sup> They help people to thrive and survive by, for instance, purifying water and air, as well as providing people with jobs associated with the forest sector. Also, many animals rely on forests. Forests feature as home to more than three-quarters of the world's life on land. Forests exist as home to much of the world's terrestrial biodiversity.<sup>35</sup> Besides, forests play a crucial role in terms of mitigating climate change, because they act as a carbon sink, by absorbing carbon dioxide that would otherwise be free in the atmosphere to contribute to ongoing changes in climate patterns.<sup>36</sup> Hence, according to the UN Food and Agriculture Organization (FAO) and UN Environment Programme (UNEP), forests are home to much of the world's terrestrial biodiversity. They supply water, provide livelihoods, mitigate climate change and are essential for sustainable food production. Yet, deforestation and forest degradation continue at alarming rates.<sup>37</sup>

The causes of deforestation may be natural and human factors.<sup>38</sup> The natural factors that occasion deforestation include natural forest fires (wildfire, bushfire or wildland fire) and parasitic-diseases on forests. Regarding wildfire or bushfire, it may be noted that the Earth is an intrinsically flammable planet due to its carbon-rich cover vegetation, seasonally dry climate, atmospheric oxygen and widespread lightning and volcanic ignitions. However, considering that human factors are the main causes of deforestation, human activities such as agricultural, construction of new cities, *et cetera*, urbanization, as well as mining and mineral resources extractive industrial operations (EIOs), are among the main causes of deforestation.<sup>39</sup>

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<sup>34</sup> World Wildlife Fund, 'Deforestation and Forest Degradation: Overview'

<<https://www.worldwildlife.org/threats/deforestation-and-forest-degradation>> Accessed 10 January, 2023.

<sup>35</sup> *Ibid*.

<sup>36</sup> *Ibid*; R.W. Gorte and P. A. Sheikh, *Deforestation and Climate Change* (CreateSpace Independent Publishing Platform, 2010); Earth Science Communications Team, NASA's Jet Propulsion Laboratory, California Institute of Technology, 'Responding to Climate Change: Solutions, Mitigation and Adaptation'

<<https://climate.nasa.gov/solutions/adaptation-mitigation/>> Accessed 10 January, 2023.

<sup>37</sup> UN FAO and UNEP (n30).

<sup>38</sup> World Wide Fund For Nature, 'Deforestation Causes'

<[https://wwf.panda.org/discover/our\\_focus/forests\\_practice/deforestation\\_causes2/](https://wwf.panda.org/discover/our_focus/forests_practice/deforestation_causes2/)> Accessed 10 January, 2023.

<sup>39</sup> E. Dufresne, *Mining and Deforestation* (KidHaven Publishing, 2019); J. C. Espejo *et al.*, 'Deforestation and Forest Degradation Due to Gold Mining in the Peruvian Amazon: A 34-Year Perspective' [2018], November, *Remote Sensing*, 2–17; R. Spilsbury, *Deforestation (Development or Destruction?)* (Rosing Publishing, 2012); R. Spilsbury, *Deforestation (Development or Destruction?)* (Wayland, 2011); C. H. Wood and R. Porro (eds), *Deforestation and Land Use* (University Press of Florida, 2002); M. Mainguet, *Desertification: Natural Background and Human Mismanagement* (Springer-Verlag, 1994).

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Deforestation is an environmental problem, as it adversely affects the environment in such forms as resilience of forests and thus the degradation, devastation, despoliation and destruction of terrestrial ecosystems and ecosystem services, which ultimately degenerate resilience of the carrying capacity and ecological base of the Planet Earth.<sup>40</sup>

Ecology may simply be described as the branch of biology that deals with the relations of organisms to one another and to their physical surroundings. That means how organisms interact with one another and with their physical environment. It is therefore the study of the relationships between living organisms, including humans, and their physical environment.<sup>41</sup> Ecology considers organisms at the individual, population, community, ecosystem, and biosphere level. Biosphere is the regions of the surface and atmosphere of the earth or another planet occupied by living organisms, namely where life exists.<sup>42</sup>

The resilience of human food systems and the capacity of humans to adapt to change depend on certain factors, such as biodiversity involving shrub and tree species, as well as ecosystems, which prevent soil erosion as well as resilience of mangrove forest areas against flooding in coastal areas.<sup>43</sup> As climate change occasions or exacerbates risks to food systems, the role of forests in capturing and storing carbon dioxide, and thereby mitigating climate change is becoming increasingly important for the agricultural sector of society. As indicated above, it may be emphasized that forests absorb carbon dioxide from the atmosphere and store it in different repositories, called carbon pools, which include trees (both living and dead), root systems, undergrowth, the forest floor and soils. Essentially, live trees have highest carbon density,

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<sup>40</sup> A. Hapke (ed), *Deforestation and Forest Degradation: Impacts, Mapping and Preventions* (ML Books International, 2015); R. Spilsbury, *Deforestation: Can the Earth Cope?* (Wayland, 2008).

<sup>41</sup> New World Encyclopedia, 'Ecology' <<https://www.newworldencyclopedia.org/entry/Ecology>> Accessed 10 January, 2023.

<sup>42</sup> National Geographic Society, 'Biosphere' <<https://education.nationalgeographic.org/resource/biosphere>> Accessed 10 January, 2023.

<sup>43</sup> UN FAO and UNEP (n30); A. DuVal *et al.*, *The Contribution of Biodiversity for Food and Agriculture to the Resilience of Production Systems: Thematic Study for The State of the World's Biodiversity for Food and Agriculture* (UN Commission on Genetic Resources for Food and Agriculture, UN FAO, 2019).

Publication of the European Centre for Research Training and Development -UK followed by soils and the forest floor. By and large therefore, deforestation impacts negatively and thereby inhibits environmental sustainability and sustainable development.<sup>44</sup>

### **Desertification, which May Result from Deforestation, as Environmental Problem Associated with Forests and UN and Other Multilateral Conventions Relating to Forests**

Desert may be described as any large, extremely dry area of land with sparse vegetation.<sup>45</sup> It is one of Planet Earth's major types of ecosystems, supporting a community of distinctive plants and animals.<sup>46</sup> In other words, deserts are areas which receive very little precipitation. As such, they are extremely dry localities, places or regions that serve as homes to certain plants and animals associated with such localities, places or regions. The main types of deserts include hot and dry deserts, semi-arid deserts, coastal deserts and cold deserts.<sup>47</sup>

Desertification, also called desertization, is a type of land degradation whereby relatively dry land regions (such as arid, semi-arid and dry sub-humid regions) become increasingly arid, thereby losing its water bodies, vegetation and wildlife.<sup>48</sup> It is a habitual feature in land deterioration in arid, semi-arid and dry sub-humid areas. It is the process by which fertile land becomes desert, typically as a result of drought, deforestation or inappropriate agriculture, as well as other factors induced or occasioned by humans (that means man-made factors).<sup>49</sup>

Desertification is a broad term, which may be defined in different but related ways. One of such definitions is that desertification is land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities.<sup>50</sup>

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<sup>44</sup> D. K. Vajpeyi (ed), *Deforestation, Environment and Sustainable Development: A Comparative Analysis* (Praeger Publishers, 2001); Conserve Energy Future, 'Deforestation – Causes, Effects and Solutions To Clearing of Forests' <<https://www.conserve-energy-future.com/causes-effects-solutions-of-deforestation.php>>; UN, 'World Day to Combat Desertification and Drought, 17 June' <<https://www.un.org/en/observances/desertification-day/background>> both Accessed 10 January, 2023.

<sup>45</sup> Encyclopaedia Britannica, 'desert' <<https://www.britannica.com/science/desert>> Accessed 10 January, 2023.

<sup>46</sup> *Ibid.*

<sup>47</sup> National Geographic Society, 'desert' <<https://www.nationalgeographic.org/society/search/desert/#site-search>> and <<https://education.nationalgeographic.org/resource/desert-biome>> both Accessed 10 January, 2023.

<sup>48</sup> Encyclopaedia Britannica, 'Desertification: Description, Causes and Consequences' <<https://www.britannica.com/science/desertification>> Accessed 10 January, 2023.

<sup>49</sup> Intergovernmental Panel on Climate Change (IPCC), 'Special Report: Special Report on Climate Change and Land: Desertification' <<https://www.ipcc.ch/srccl/chapter/chapter-3/>> Accessed 10 January, 2023.

<sup>50</sup> European Commission Joint Research Centre European Soil Data Centre (ESDAC), 'Desertification' <<https://esdac.jrc.ec.europa.eu/themes/desertification#:~:text=Desertification%20is%20a%20very%20broad,climati>>

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Desertification is essentially the conversion of former moist and fertile land into arid desert area.<sup>51</sup> It means land degradation in typically dry areas or dry lands and semi-arid areas or lands, arising from various factors, such as climatic variations and human activities.<sup>52</sup> So, while answering its frequently asked question captioned ‘What is Desertification?’, the UNCCD states as follows:

Desertification is not the natural expansion of existing deserts but the degradation of land in arid, semi-arid, and dry sub-humid areas. It is a gradual process of soil productivity loss and the thinning out of the vegetative cover because of human activities and climatic variations such as prolonged droughts and floods. What is alarming is that though the land's topsoil, if mistreated, can be blown and washed away in a few seasons, it takes centuries to build up. Among human causal factors are overcultivation, overgrazing, deforestation, and poor irrigation practices. Such overexploitation is generally caused by economic and social pressure, ignorance, war, and drought.<sup>53</sup>

Accordingly, the UN defines desertification, which is an advanced stage of land degradation, as a diminution or destruction of the biological potential of the land which can lead ultimately to desert-like conditions.<sup>54</sup>

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c%20variations%20and%20human%20activities%E2%80%9D>; K. Ambalam (E-International Relations), ‘United Nations Convention to Combat Desertification: Issues and Challenges’ (April 2014) <<https://www.e-ir.info/pdf/49072> and <https://www.e-ir.info/2014/04/30/united-nations-convention-to-combat-desertification-issues-and-challenges/>> both Accessed 10 January, 2023.

<sup>51</sup> Encyclopaedia Britannica, ‘Desertification: Description, Causes and Consequences’ (n48); Intergovernmental Panel on Climate Change (IPCC), Special Report: Special Report on Climate Change and Land: Desertification’ <<https://www.ipcc.ch/srccl/chapter/chapter-3/>>; Y. Zhu *et al.* (eds), *Deserts and Desertification* (IntechOpen, 2022).

<sup>52</sup> Carbon Brief, ‘Explainer: ‘Desertification’ and the role of climate change’ <<https://www.carbonbrief.org/explainer-desertification-and-the-role-of-climate-change/#:~:text=The%20UNCCD%20set%20out%20a,climatic%20variations%20and%20human%20activities%E2%80%9D>> Accessed 10 January, 2023.

<sup>53</sup> Homepage of the UNCCD, captioned ‘UNCCD FAQ’, ‘What is Desertification?’ <<https://www.unccd.int/unccd-faq>> Accessed 10 January, 2023.

<sup>54</sup> Population Reference Bureau (PRB), ‘Resource Library: What’s Behind Desertification?’ <<https://www.prb.org/resources/whats-behind-desertification/#:~:text=The%20UN%20has%20defined%20desertification,sap%20the%20land's%20productivity%20until>> Accessed 10 January, 2023.

Desertification is caused by a variety of factors, such as natural processes and adverse human activities. Desertification may be caused by natural process of soil erosion, global warming and climate change, deforestation as well as such human activities as overexploitation of soil in the course of agricultural activities and mining and minerals resources EIOs.

The UNCCD indicates that four human activities causing desertification are overcultivation, overgrazing, deforestation and poorly drained irrigation systems.<sup>55</sup> As such, various nooks and crannies of our Planet Earth within sovereign states and territories around the globe, especially areas suffering from erosion and soil degradation, particularly areas within the African Continent (which is most adversely affected in this regard), continue to lose land, including agricultural croplands, due to desertification.<sup>56</sup>

Desertification threatens land integrity, hinders the improvement of livelihoods, restricts global economic development and affects social stability.<sup>57</sup> It remains potentially the most threatening ecosystem change impacting the socio-economic conditions of millions of people living in the drylands, which account for a significant proportion of the Earth's land.<sup>58</sup> Given that agriculture is vital to food security in many developing countries, desertification occasions malnutrition and hunger.<sup>59</sup> Also, desertification may occasion land degradation<sup>60</sup> as well as impact negatively on the environment in many ways, such as in the form of degradation, devastation, despoliation and destruction of the environment, deterioration and desolation of ecology and ecosystems (such as

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<sup>55</sup> UN Press, 'Meetings Coverage and Press Releases: Convention to Combat Desertification Approaches Legal Reality' (17 June, 1996, Press Release ENV/DEV/368) <<https://press.un.org/en/1996/19960617.envdev.368.html>>; UNCCD, 'Fact Sheet 1: An introduction to the United Nations Convention to Combat Desertification' <[https://catalogue.unccd.int/935\\_factsheets-eng.pdf](https://catalogue.unccd.int/935_factsheets-eng.pdf)> both Accessed 10 January, 2023; W. C. Burns, 'The International Convention to Combat Desertification: Drawing a Line in the Sand?' [1995], 16 (3), *Michigan Journal of International Law*, 831–882.

<sup>56</sup> Y. Zhu *et al.* (eds) (n51).

<sup>57</sup> Intergovernmental Panel on Climate Change (IPCC), Special Report: Special Report on Climate Change and Land: Desertification' <<https://www.ipcc.ch/srccl/chapter/chapter-3/>> Accessed 10 January, 2023.

<sup>58</sup> K. Ambalam (E-International Relations), 'United Nations Convention to Combat Desertification: Issues and Challenges' (April 2014) <<https://www.e-ir.info/pdf/49072> and <https://www.e-ir.info/2014/04/30/united-nations-convention-to-combat-desertification-issues-and-challenges/>> Accessed 10 January, 2023.

<sup>59</sup> UNDESA: Sustainable Development, 'Food Security and Nutrition and Sustainable Agriculture' <<https://sdgs.un.org/topics/food-security-and-nutrition-and-sustainable-agriculture>> Accessed 10 January, 2023.

<sup>60</sup> I. D. Hannam and B. W. Boer, *Land Degradation and International Environmental Law* (CRC Press, 2001); P. M. Johnson *et al.* (eds), *Governing Global Desertification: Linking Environmental Degradation, Poverty and Participation* (Routledge, 2016).

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biodiversity loss and biodiversity conservation), as well as wreckage of ecosystem services, all of which impact negatively on our Planet Earth.<sup>61</sup> It may therefore be asserted that while desertification may be described as one of the greatest environmental challenges of our time, climate change is making it worse.<sup>62</sup>

From the foregoing, it is obvious that deforestation involves the decrease, deterioration or removal of forest cover, such as trees, in a land area (which is why the UN describes it as the removal of trees that bind the soil to the land), while desertification is a process by which fertile land becomes a desert, typically as a result of drought, deforestation and other factors. Hence, deforestation may result to desertification.

Deforestation and desertification are environmental problems associated with forests.<sup>63</sup> There are thus certain UN and other multilateral conferences and conventions, as well as applicable international agreements and efforts, which have generated soft law mechanisms regulating forests, particularly the environmental problem and challenges of deforestation. These include the (i) UN Statement of Forest Principles, 1992; (ii) UNFCCC, 1992; (iii) UNCBD, 1992; and (iv) UN Convention on Desertification, 1994. Other significant multilateral conventions on forests encompass the (v) Ramsar Convention on Wetlands, 1971; (vi) World Heritage Convention, 1972; (vii) Convention on International Trade in Endangered Species, 1973; (viii) Ozone Layer Convention, 1985; (ix) Indigenous and Tribal Peoples Convention, 1989; (x) International Tropical Timber Agreement, 1994; and (xi) relevant efforts of the World Trade Organization, 1994.<sup>64</sup> Concerning desertification, so far, the most fundamental legally binding international agreement, is the UNCCD, 1994.<sup>65</sup>

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<sup>61</sup> M. H. Glantz, *Desertification: Environmental Degradation in and Around Arid Lands* (CRC Press, 2019); M. S. Reed and L. C. Stringer, *Land Degradation, Desertification and Climate Change: Anticipating, Assessing and Adapting to Future Change* (Routledge, 2016).

<sup>62</sup> M. S. Reed and L. C. Stringer (n61); B. Spooner and H. S. Mann (eds), *Desertification and Development: Dryland Ecology in Social Perspective* (Academic Press Inc., 1982); Carbon Brief (n52).

<sup>63</sup> C. Brezina, *Disappearing Forests: Deforestation, Desertification, and Drought (Extreme Environmental Threats)* (Rosen Publication Group, 2009).

<sup>64</sup> B. M. G. S. Ruis (n3); UN Climate Change, 'What is the United Nations Framework Convention on Climate Change?' (n3); UN Climate Change, 'What is the United Nations Framework Convention on Climate Change?' (n3); UN Conferences: Environment and Sustainable Development, 'United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3-14 June 1992' (n3).

<sup>65</sup> Homepage of the UNCCD (n4).



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**The UN Convention to Combat Desertification as An International Environmental Regulatory Framework for Protecting and Restoring the World's Land towards a Safer, More Just and Sustainable Future**

In order to discuss the UNCCD, as an international environmental regulatory framework, for protecting and restoring the world's land towards a safer, more just and sustainable future, it may be pertinent to briefly consider the Convention in a historical context, up to its ongoing process

**A Glance at the UN Convention to Combat Desertification: In a Historical Context and Its Ongoing Process**

The UNCCD is the global voice for land, championing land stewardship to avoid, reduce and reverse land degradation and to ensure ongoing efforts towards the availability of land-based resources, which are vital to human survival<sup>66</sup> and a safer, more equitable, and greater prosperous and sustainable future.<sup>67</sup>

The history of the UNCCD may be traced to the first UN Conference on Desertification, held in Nairobi, Kenya in 1977. However, lack of support, based on administrative and financial limitations, crippled attempts to efficiently tackle the problem of desertification at the time. Nevertheless, as a way forward, the first UN Conference on Desertification adopted a Plan of Action to Combat Desertification.<sup>68</sup> Eventually, in the 1990s, along with recognizing that land degradation and desertification were and still are major economic, social and environmental concerns to many countries and territories around the world, it was observed that the problem of land degradation in arid, semi-arid and dry sub-humid areas had intensified.<sup>69</sup> In the process, efforts at the level of the UN aimed at tackling desertification were intensified during the UNCED, when the Conference made a recommendation that called upon the UNGA to establish

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<sup>66</sup> UNCCD, 'The Convention: The History of UNCCD' <<https://www.unccd.int/convention/history-unccd>> Accessed 10 January, 2023.

<sup>67</sup> *Ibid*; UNDESA, 'Sustainable Development: The 17 Goals' <<https://sdgs.un.org/goals/goal15>> Accessed 20 January, 2023; Goal 15 UN SDGs, captioned 'Life on Land', which is designed to protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss'.

<sup>68</sup> Homepage of the UNCCD, captioned 'UNCCD FAQ', 'What is the United Nations Convention to Combat Desertification (UNCCD)?' <<https://www.unccd.int/unccd-faq>> Accessed 10 January, 2023; UNCCD, 'The Convention: The History of UNCCD' (n66).

<sup>69</sup> UNCCD, 'The Convention: The History of UNCCD' (n66).

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an Intergovernmental Negotiating Committee to prepare a Convention to Combat Desertification, by June 1994.<sup>70</sup> In December 1992, the UNGA agreed and adopted its resolution 47/188, which propelled the convening of the UNCCD in 1994. Consequently, 197 countries and the European Union are now Parties to the Convention.<sup>71</sup> Hence, it is important to remark that whereas the UNCCD has been described as the first and only internationally legally binding agreement,<sup>72</sup> initiated to combat desertification, in a manner that connects the environment and development to sustainable land management, the Convention originated from the UN system in response to a clarion call made at the UNCED, 1992, for the global community of states to hold negotiations for an international legal agreement on desertification.<sup>73</sup>

It may be pertinent to indicate that the UNCCD may be considered in the context of ongoing multilateral and globalized efforts, associated with institutionalized policy, legislative and regulatory measures, coupled with those of local non-governmental organizations, in sovereign states, towards combating the persisting environmental problems and challenges of deforestation and desertification. This is particularly so, in the context and framework of ongoing globalized efforts, championed by the UN, towards SD. At the level of the UN, for instance, there are certain relevant institutionalized annual world days, which are dedicated to Forests as well as to Combat Desertification. These are namely the annual International Day of Forests, which is 21 March,<sup>74</sup> and the World Day to Combat Desertification *vis-à-vis* Desertification and Drought Day, which is 17 June.<sup>75</sup> In effect, the world celebrates the International Day of Forests on March 21, which began from March 21, 2012, when the UNGA proclaimed that day to celebrate and raise awareness of the importance of all types of forests, so as to mark the significance of sustaining and protecting woodlands and trees, which are vital to economies, livelihoods and the environment. Accordingly, the UNGA declared the ‘World Day to Combat Desertification and Drought’, based on the Assembly’s Resolution A/RES/49/115, in order achieve the following: (i) promote public awareness of the issue of desertification and drought; (ii) enable people know

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<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid*; homepage of the UNCCD, captioned ‘UNCCD FAQ’, ‘What is the United Nations Convention to Combat Desertification (UNCCD)?’ <<https://www.unccd.int/unccd-faq>> Accessed 10 January, 2023.

<sup>72</sup> UNCCD, ‘Overview of the UNCCD’(n5).

<sup>73</sup> UN Press (n55); Carbon Brief (n52).

<sup>74</sup> UN, ‘International Day of Forests 21 March’ <<https://www.un.org/en/observances/forests-and-trees-day>> Accessed 10 January, 2023.

<sup>75</sup> UNCCD, ‘17 June: Desertification and Drought Day’ <<https://www2.unccd.int/actions/17-june-desertification-and-drought-day>> Accessed 10 January, 2023.

Publication of the European Centre for Research Training and Development -UK that desertification and drought can be effectively tackled, based on strengthened participation and cooperation of stakeholders at all levels; and (iii) strengthen implementation of the UNCCD in countries and territories of the world experiencing serious drought and/or desertification, particularly those within Africa.

The UNCCD, 1994, is a fundamental internationally legally binding agreement, established to address desertification and the effects of drought, in a way that connects the environment and development to sustainable land management, so as to ensure the availability of land-based resources,<sup>76</sup> which are vital to human survival<sup>77</sup> and a safer, fairer, as well as a more prosperous and sustainable future.<sup>78</sup> This is particularly because proponents of and other stakeholders associated with the Convention realize, among other things, that when land is degraded or plagued by drought, it loses its capacity to sustain life, and thereby occasions a range of adverse consequences from crop failure to migration and conflict.<sup>79</sup> The Convention is thus a multilateral commitment, which is designed to mitigate the impact of land degradation, and protect our land, towards providing and sustaining food, water, shelter and economic opportunity to all people around the world.<sup>80</sup> It therefore unites governments, scientists, policymakers, the private sector and communities around a shared vision to restore and manage the world's land, to ensure the sustainability of our Planet Earth and the prosperity of future generations. It specifically addresses arid, semi-arid and dry sub-humid areas, known as the drylands, where some of the most vulnerable ecosystems and peoples can be found,<sup>81</sup> particularly those areas within developing countries, especially areas within Africa that are most adversely affected by desertification.<sup>82</sup> Hence, the Convention's 197 parties work together to improve the living

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<sup>76</sup> P. M. Johnson *et al.* (eds) (n60).

<sup>77</sup> UNCCD, 'The Convention: The History of UNCCD' (n66).

<sup>78</sup> *Ibid*; UNDESA, 'Sustainable Development: The 17 Goals' (n67); P. M. Johnson *et al.* (eds) (n60); Goal 15 UN SDGs, captioned 'Life on Land'.

<sup>79</sup> UNCCD, 'Overview of the UNCCD' (n5).

<sup>80</sup> *Ibid*.

<sup>81</sup> UN Women, 'United Nations Convention to Combat Desertification' <<https://www.unwomen.org/en/how-we-work/intergovernmental-support/climate-change-and-the-environment/united-nations-convention-to-combat-desertification>> Accessed 10 January, 2023.

<sup>82</sup> Africa Renewal, 'Desertification a Threat to Africa's Development: Exclusive interview with Luc Gnacadja, Head of UN Desertification Convention' <<https://www.un.org/africarenewal/web-features/desertification-threat-africa%E2%80%99s-development>>; African Development Bank, 'COP15: African Heads of State mobilize against drought, call for land restoration at conference in Abidjan' <<https://www.afdb.org/en/news-and-events/press-releases/cop15-african-heads-state-mobilize-against-drought-call-land-restoration-conference-abidjan-51519>>;

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conditions for people in drylands, to maintain and restore land and soil productivity, and to mitigate the effects of drought.<sup>83</sup>

The 10-year strategic plan and framework to enhance the implementation of the Convention for 2008-2018 outlined a clear vision to forge global partnerships to reverse and prevent desertification and land degradation. This strategic plan provided a worldwide framework to support the development and implementation of national and regional policies and implementation frameworks to contribute to the reduction of poverty.<sup>84</sup> The new UNCCD 2018-2030 Strategic Framework is the most comprehensive global commitment to achieve Land Degradation Neutrality, in order to restore the productivity of vast expanses of degraded land, improve the livelihoods of more than 1.3 billion people and reduce the impacts of drought on vulnerable populations to build.<sup>85</sup>

The UNCCD is particularly committed to a bottom-up approach, encouraging decentralization and participation of local people in combating desertification and land degradation.<sup>86</sup> As such, the Secretariat acts as an advocate for land, ensuring land-related issues, from land degradation neutrality to drought resilience are put front and centre on the development agenda.<sup>87</sup> The Secretariat champions for healthy, productive and accessible land around the world, and thereby facilitates cooperation between developed and developing countries, particularly around knowledge and technology transfer for sustainable land management.<sup>88</sup>

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UNCCD, 'Our Work & Impact: Land Degradation Neutrality, The Drought Initiative, Great Green Wall Initiative' <<https://www.unccd.int/our-work/ggwi>> all Accessed 10 January, 2023; Y. Zhu *et al.* (eds) (n51).

<sup>83</sup> UNCCD, 'The Convention: UNCCD National Reporting Process' <<https://www2.unccd.int/convention/unccd-national-reporting-process>> Accessed 10 January, 2023.

<sup>84</sup> UNCCD, 'The Convention: The History of UNCCD' (n66).

<sup>85</sup> *Ibid.*

<sup>86</sup> IISD, 'UN Convention to Combat Desertification – UNCCD' <<https://enb.iisd.org/negotiations/un-convention-combat-desertification-unccd>> Accessed 10 January, 2023.

<sup>87</sup> UNCCD, 'The Convention: The Secretariat' <<https://www.unccd.int/convention/secretariat>> Accessed 10 January, 2023; Goals 16 and 17 of the UN SD Goals (SDGs); Goal 16 of the UN SDGs is captioned 'Peace, Justice & Strong Institutions', which is designed to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels; Goal 17 of the UN SDGs is captioned 'Partnerships for the Goals', which is devised to strengthen the means of implementation and revitalize the global partnership for SD.

<sup>88</sup> UNCCD, 'The Convention: The Committee on Science and Technology (CST)' <<https://www2.unccd.int/convention/committee-science-and-technology-cst>>; UNCCD, 'The Convention: The Secretariat' <<https://www.unccd.int/convention/secretariat>>both Accessed 10 January, 2023.

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As the dynamics of land, desertification is closely linked with global climate change and loss of biodiversity. Hence, the UNCCD collaborates with the other two Rio Conventions; the UNCBD, 1992, and the UNFCCC, 1992, to work together at all levels, so as to guarantee sound coordination of their respective efforts.<sup>89</sup> On this note, in 2001, these three conventions established a Joint Liaison Group, to coordinate their secretariats, in order to enable them to efficiently function by collecting and sharing information about their respective programmes and other operational processes.<sup>90</sup>

Also, the UNCCD has organs, such as the Conference of the Parties (COPs), which meets biennially since 2001,<sup>91</sup> and the Committee for the Review of the Implementation of the Convention (CRIC), which meets regularly to advance the aims and objectives of the Convention, to implement them by achieving progress,<sup>92</sup> in the course and context of specific national, regional and sub-regional programmes.<sup>93</sup> There is also the Committee on Science and Technology (CST), whose role is to provide information and advice on scientific and technological matters relating to combating desertification and mitigating the effects of drought.<sup>94</sup> While using bottom-up approach to encourage the participation of local people to combat desertification and land degradation, the UNCCD engages stakeholders, such as civil society, comprised of civil society organizations (CSOs), community-based organizations, youth population and women, as well as the private sector, to support and emphasize the importance of

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<sup>89</sup> UNCCD, 'Rio Conventions: Partners' <<https://www.unccd.int/convention/partners/rio-conventions>> Accessed 10 January, 2023.

<sup>90</sup> Homepage of the UNCCD, captioned 'UNCCD FAQ', 'What is the relationship with other environmental conventions?' <<https://www.unccd.int/unccd-faq>>; The Rio Conventions: Action on ADAPTATION (2012, Convention on Biological Diversity, UNCCD and UN Framework Convention on Climate Change) <[https://unfccc.int/resource/docs/publications/rio\\_20\\_adaptation\\_brochure.pdf](https://unfccc.int/resource/docs/publications/rio_20_adaptation_brochure.pdf)>; Convention on Biological Diversity, 'The Rio Conventions' <<https://www.cbd.int/rio/>> all Accessed 10 January, 2023.

<sup>91</sup> UNCCD, 'The Convention', 'Conference of the Parties' <<https://www.unccd.int/convention/governance/cop>> Accessed 10 January, 2023.

<sup>92</sup> UNCCD, 'The Convention', 'Committee for the Review of the Implementation of the Convention' <<https://www.unccd.int/convention/governance/cric>>; UNCCD, 'The Convention: The Committee for the Review of the Implementation of the Convention (CRIC)' <<https://www2.unccd.int/convention/committee-review-implementation-convention-cric>> both Accessed 10 January, 2023.

<sup>93</sup> UNCCD, 'The Convention: Action Programmes: National, Regional and Sub-Regional Programmes' <<https://www2.unccd.int/convention/action-programmes>> Accessed 10 January, 2023.

<sup>94</sup> UNCCD, 'The Convention: The Committee on Science and Technology (CST)' <<https://www.unccd.int/convention/governance/cst>> Accessed 10 January, 2023.

Publication of the European Centre for Research Training and Development -UK optimum participation in its processes.<sup>95</sup> Thus, CSO representatives organize the agenda and set up a scenario to exchange with the Parties, UN agencies and Intergovernmental Organizations on issues that are of relevance to civil society.<sup>96</sup>

### **The UNCCD and International Environmental Policy, Law, Institutional Frameworks and Practices towards SD, Particularly a Safer, More Just and Sustainable Future**

From the foregoing, it may be considered that the UNCCD is a fundamental contribution to international environmental policy, law, institutional regulatory schemes and practices, among others, in the realm of ecosystem conservation, promotion of ecosystems services and sustenance of human livelihoods, towards achieving relevant numbers of the UN SDGs. This is particularly because of the key role of forests, forest species, ecosystems and ecosystems services in terms of sustaining human livelihoods, especially the livelihoods of indigenous peoples and local communities having historic connection to forested and forest-adjacent areas, some of which are increasingly becoming deserts.<sup>97</sup>

Scholars have identified that a basic feature of bad governance in developing countries is that it gives rise to policy failure in these countries.<sup>98</sup> Nevertheless, international environmental policy,

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<sup>95</sup> K. W. Danish, 'International Environmental Law and the "Bottom-Up" Approach: A Review of the Desertification Convention' [1995], 3 (1), *Indiana Journal of Global Legal Studies*, 133–176; UNCCD, 'The Convention: Civil society organizations' <<https://www2.unccd.int/convention/civil-society-organizations>>; UNCCD, 'Land & Life: Youth: Overview' <<https://www.unccd.int/land-and-life/youth/overview>>; NGO Branch, UNDESA, 'Integrated Civil Society Organizations System' <<https://esango.un.org/civilsociety/login.do>> all Accessed 10 January, 2023.

<sup>96</sup> *Ibid*; UNCCD, 'The Convention', 'Partners' <<https://www.unccd.int/convention/partners>>; homepage of the UNCCD, captioned 'UNCCD FAQ' <<https://www.unccd.int/unccd-faq>> both Accessed 10 January, 2023.

<sup>97</sup> UN, 'High-Level Political Forum on Sustainable Development: United Nations Convention to Combat Desertification (UNCCD)' <<https://hlpf.un.org/inputs/united-nations-convention-to-combat-desertification-unccd-1>>; UN, Sustainable Development Goals: 15 Life on Land' <<https://www.un.org/sustainabledevelopment/biodiversity/>> both Accessed 10 January, 2023; Goal 15, UN SDGs, captioned 'Life on Land'.

<sup>98</sup> F. M. Pelicice, 'Weak Democracies, Failed Policies, and the Demise of Ecosystems in Poor and Developing Nations' [2019], 12, *Tropical Conservation Science*, 1–9; J. K. Gamman, *Overcoming Obstacles in Environmental Policymaking: Creating Partnership through Mediation*, (State University of New York Press, 1994); A. Gillespie, *International Environmental Law Policy and Ethics* (Oxford University Press, 2000); P. S. Chasek, 'The Convention to Combat Desertification: Lessons Learned for Sustainable Development' [1997], 6 (2), *The Journal of Environment & Development*, 147–169; N. Mirovitskaya and W. L. Ascher (eds), *Guide to Sustainable Development and Environmental Policy* (Duke University Press, 2001); J. Otto and J. Cordes, *The Regulation of Mineral Enterprises: A Global Perspective on Economics, Law and Policy* (Rocky Mountain Mineral Law Foundation

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legal and institutional regulatory frameworks and practices are soft law mechanisms emanating from the international realm into the domestic arena of sovereign states *vis-à-vis* national jurisdictions of UN member states and territories around the world, where these soft law mechanisms are adopted, specifically incorporated and practised,<sup>99</sup> towards the protection and conservation of the environment<sup>100</sup> and thus sound, sustainable and successful management of land resources on Planet Earth.<sup>101</sup> Soft law mechanisms include norms, guidelines and standards

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(RMMLF), 2002); W. Ascher, *Why Governments Waste Natural Resources: Policy Failures in Developing Countries* (John Hopkins University Press, 1999); The International Union for Conservation of Nature (IUCN/The World Conservation Union) Environmental Law Programme, *An Introduction to the African Convention on the Conservation of Nature and Natural Resources: IUCN Environmental Law and Policy Paper No. 56* (IUCN, 2004); N. Carter, *The Politics of the Environment: Ideas, Activism, Policy* (Cambridge University Press, 2004); W. Ascher and N. Mirovitskaya (eds), *Guide to Sustainable Development and Environmental Policy* (Duke University Press, 2001); W. Ascher and R. Healy, *Natural Resources Policymaking in Developing Countries: Environment, Economic Growth, and Income Distribution* (Duke University Press, 1990); J. L. MacDonnell and S. F. Bates (eds), *Natural Resources Policy and Law: Trends and Directions* (Island, 1993); A. L. Clark and C. J. Johnson, *Mineral Resource Assessment for National Planning and Policy Formulation* (Resource System Institute East-West Centre, 1988); R. G. Eggert (ed.), *Mining and the Environment: International Perspectives on Public Policy* (Resources for the Future, 1994).

<sup>99</sup> Section 12 (1), 1999 Constitution of the Federal Republic of Nigeria ([CFRN] as amended); Section 12 of the 1999 CFRN (as amended), is captioned ‘Implementation of Treaties’; P. J. Cooper and C. M. Vargas, *Implementing Sustainable Development: From Global Policy to Local Action* (Rowman & Littlefield Publishers, 2004); V. Barral, ‘Sustainable Development in International Law: Nature and Operation of an Evolutive Legal Norm’ [2012], 23 (2), *European Journal of International Law*, 377–400; S. Baker *et al.* (eds), *The Politics of Sustainable Development: Theory, Policy, and Practice within the European Union* (Routledge 1997); E. T. Bristol-Alagbariya, ‘Sustainable Development: A Soft Law Concept Transforming SD-Oriented Initiatives of the UN System into Hard Law Instruments in UN Member-states and Promoting Partnerships around the Globe’ (2020 [n27]), 40–52; E. T. Bristol-Alagbariya, ‘The UN Global Compact as a Soft Law Business Regulatory Mechanism Advancing Corporate Responsibility towards Business Sustainability and Sustainable Development Worldwide’ (2020 [n27]), 27–39; E. T. Bristol-Alagbariya (n14), 75–79.

<sup>100</sup> IUCN, UNEP and World Wide Fund for Nature (WWF), *Caring for the Earth: A Strategy for Sustainable Living* (Earthscan, 2009); IUCN Environmental Law Programme, *An Introduction to the African Convention on the Conservation of Nature and Natural Resources: IUCN Environmental Law and Policy Paper No. 56* (IUCN, 2004); homepage of the IUCN <<https://www.iucn.org/>>; African Convention on the Conservation of Nature and Natural Resources (Algiers Convention [adopted 15 September, 1968, in Algiers, and entered into force on 16 June, 1969]) <<https://au.int/en/treaties/african-convention-conservation-nature-and-natural-resources>> both Accessed 10 January, 2023.

<sup>101</sup> UNCCD, *Sustainable Land Management Contribution to Successful Land Based Climate Change Adaptation: A Report of the Science-Policy Interface* (UNCCD, 2017); J. Rosales, *Sustainable Management of Land Resources* (Society Publishing, 2017); Goal 15, UN SDGs, captioned ‘Life on Land’.

Publication of the European Centre for Research Training and Development -UK of various sectors of the global economy, which are governing these sectors, especially in the ongoing era of economic globalization.<sup>102</sup> These sectors include those of the global extractive industry,<sup>103</sup> the global minerals industrial sector<sup>104</sup> and the global petroleum sector,<sup>105</sup> in order to regulate operations of these sectors and thereby enlist their contributions towards SD. Some soft law mechanisms are international benchmarked regulatory measures, which are increasingly being adopted and practised by governments and the private sector, especially multinational companies, in the ongoing era of globalization, to promote SD in sovereign states and territories around the world.<sup>106</sup>

From the foregoing, it may be emphasized that international benchmarked soft law mechanisms may be transformed into domestic (national) jurisdiction of a resource-rich state in one of two ways: by enactment into law or by outright state practice. Where they involve treaties, they may be implemented/enforced in favour of a state party to the treaty by being enacted into law in the domestic jurisdiction of the state party concerned. So, in Nigeria, the National Assembly may

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<sup>102</sup> *Ibid*; P. King and S. King, *International Economics, Globalization, and Policy* (Mcgraw Hill Higher Education, 2008); D. Rodrik, *Has Globalization Gone Too Far?* (Institute for International Economics, 1997).

<sup>103</sup> International Institute for Environment and Development (IIED) and WBCSD, *Breaking New Ground: Mining, Minerals, and Sustainable Development: The Report of the MMSD Project* (Earthscan, 2002); World Bank Group, 'Striking a Better Balance – The World Bank Group and Extractive Industries: The Final Report of the Extractive Industries Review, World Bank Group Management Response' <<http://documents.worldbank.org/curated/en/961241468781797388/pdf/300010GLB.pdf>>; homepage of the International Association of Oil & Gas Producers (IOGP) <<https://www.iogp.org/>>; homepage of the International Petroleum Industry Environmental Conservation Association (IPIECA) <<https://www.ipieca.org/>>; all Accessed 11 January, 2023.

<sup>104</sup> Homepage of the Global Mining Guidelines Group <<https://gmgroup.org/>>; homepage of the Global Mining Institute <<https://home.kpmg/xx/en/home/industries/mining.html>> both Accessed 11 January, 2023.

<sup>105</sup> International Quality and Productivity Center (IQPC), 'Introduction to Oil and Gas Industry: Learn about the three key sectors in oil and gas, the current state of the industry and future outlook' <<https://www.oilandgasiq.com/strategy-management-and-information/articles/oil-gas-industry-an-introduction>> Accessed 11 January, 2023; I. L. Worika, *Environmental Law & Policy of Petroleum Development: Strategies & Mechanisms for Sustainable Management in Africa* (Anpez for Environment and Development, 2002); J. M. Davis *et al.* (eds), *Fiscal Policy Formulation and Implementation in Oil-Producing Countries* (International Monetary Fund, 2003).

<sup>106</sup> E. T. Bristol-Alagbariya and U. Etemire, 'International Benchmarked Environmental Democracy and Impact-Benefit Agreements towards Sustainable Community and Petroleum Development in Nigeria's Oil Producing Communities and Sustainable Development in Nigeria at Large' [2021], 9 (8), *Global Journal of Politics and Law Research*, 32–33 and 44; Y. You *et al.*, 'Comparative Study of Desertification Control Policies and Regulations in Representative Countries of the Belt and Road Initiative' [2021], 27, *Global Ecology and Conservation*, 1–12.



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domesticate a treaty (to which Nigeria is a party) by specifically enacting (incorporating and adopting) the same into law, as prescribed by the provisions of Section 12 (1) of the 1999 Constitution of the Federal Republic of Nigeria (CFRN) (as amended).<sup>107</sup> Regarding outright domestication, global and other international soft law mechanisms may be domesticated via state practice, as well as by actual direct implementation by private sector organizations. Thus, Nigeria domesticated Principle 17 of the Rio Declaration on Environment & Development, 1992, by promulgating the EIA Decree, Decree No. 86 of 1992, and thereby formally institutionalized EIA in the country.<sup>108</sup> Also, Nigeria domesticated the UN Agenda 21 by developing Nigeria's National Agenda 21.<sup>109</sup> Besides, private sector organizations may out rightly adopt and practise such international benchmarked soft law mechanisms as the Environmental and Social (E&S) Performance Standards and Practices of the International Finance Corporation (IFC), which are key aspects of the IFC's Sustainability Framework, designed to enhance projects and corporate financing partnerships in developing countries. Such projects and corporate financing partnerships are Private Sector Partnerships (PSPs) and Public-Private Sector Partnerships (PPSPs), which are designed by the IFC to advance corporate responsibility (corporate social responsibility, business sustainability and overall SD in developing countries).<sup>110</sup> The IFC may out rightly implement its E&S Performance Standards and Practices and overall Sustainability Framework projects and corporate financing frameworks in developing countries through various forms of economic development agreements (EDAs), such as petroleum (oil and gas) development project EDA, based on PSP EDA and PPSP EDA.<sup>111</sup>

<sup>107</sup> Section 12 (1), 1999 CFRN (as amended).

<sup>108</sup> E. T. Bristol-Alagbariya (2020 [n1]), 79.

<sup>109</sup> E. T. Bristol-Alagbariya (2020 [n1]), 79–80; E. T. Bristol-Alagbariya, 'Duties in Permanent Sovereignty over Natural Wealth and Resources and Petroleum Development in Nigeria: Need to Domesticated Benchmarked International Standards and Practices in the Country' [2019], 92, *Journal of Law, Policy and Globalization*, 95–107; E. T. Bristol-Alagbariya, 'Duties Inherent in Permanent Sovereignty over Natural Wealth and Resources: A Case for Domestication of Benchmarked Regulatory Standards and Practices Governing Petroleum Development in Nigeria' (2019), 11 (1), *Journal of Property Law and Contemporary Issues*, 134–152.

<sup>110</sup> E. T. Bristol-Alagbariya, 'IFC Environmental & Social Performance Standards: Soft Law Project & Company Financing Partnerships towards Good Environmental Governance, Business Sustainability and Sustainable Development in Developing Countries' [2020], 81, *International Affairs and Global Strategy*, 51–68.

<sup>111</sup> *Ibid*; N. Onu, 'Economic Development Agreements and Legal Regimes Governing Such Agreements' [2022], 2 (2), *The Journal of International Trade Law & Contemporary Issues*, 45–60; N. S. Okogbule, *Legal Status of Economic Development Agreements* (Davis Printing & Packaging Co., 2004); M. Al-Saeed, 'Legal Protection of Economic Development Agreements' [2002], 17 (2), *Arab Law Quarterly*, 150–176; E. E. Smith, 'International Petroleum Development Agreements' [1993], 8 (2), *International Natural Resources, Energy, and Environmental Law*, 37–39; C. J. Olmstead, 'Economic Development Agreements: Part II. Agreements between States and Aliens;

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The UNCCD is certainly an innovative document, which breaks new ground in international environmental law. It is described as a multilateral agreement between developed and developing countries on the need for a global coalition to address desertification, which differs from previous efforts in this regard because it is legally binding.<sup>112</sup> State parties to the Convention oblige themselves to undertake national commitments for practical action, particularly at the local level, where desertification must primarily be fought. It places great emphasis on the machinery, such as its institutional schemes, like the Secretariat, COPs, CRIC and CST, which are required for monitoring its implementation process and overall progress.<sup>113</sup>

Essentially, the need to combat deforestation and desertification in the context of international law and national environmental law, in relation to environmental policy and decision-making processes towards careful, prudent, sound and sustainable management and protection of the environment is crucial. On this note, for instance, such principles and practices of international and national environmental law, as the precautionary principle, principle of public participation (citizens engagement, especially environmental democracy) and the concept and principle of SD are significant, as they should be employed to combat deforestation and desertification, so as to conserve ecosystems, promote ecosystems services and sustain human livelihoods, in order to achieve relevant items of the UN SDGs.<sup>114</sup>

Combating deforestation and desertification is important in the realm of international environmental law, for example, with regard to the UN Agenda 21,<sup>115</sup> particularly Section Two (Chapters Nine to Twenty Two) of the UN Agenda 21, captioned ‘Conservation and Management of Resources for Development’. On this note, Chapter Ten of the UN Agenda 21, is

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Choice of Law and Remedy’ [1961], 49 (3), *California Law Review*, 504–516; C. J. Olmstead, ‘Economic Development Agreements: Part I. Agreements between States and Aliens; Choice of Law and Remedy’ [1960], 48 (424), *California Law Review*, 424–437.

<sup>112</sup> UN Press (n55); UNCCD, ‘Overview of the UNCCD’ (n5).

<sup>113</sup> *Ibid*; UNCCD, ‘The Convention: Executive Secretary’ <<https://www.unccd.int/convention/executive-secretary>> Accessed 11 January, 2023.

<sup>114</sup> C/f P. Birnie *et al.*, *International Environmental Law & The Environment* (Oxford University Press, 2009); S. Bell *et al.*, *Environmental Law* (Oxford University Press, 2013); Y. Kerbrat and S. Maljean-Dubois (eds), *The Transformation of International Environmental Law* (A. Pedone and Hart Publishing, 2020), 73–88; G. V. Calster and L. Reins, *EU Environmental Law* (Edward Elgar Publishing, 2017), especially 17–39.

<sup>115</sup> UN Sustainable Development, ‘United Nations Conference on Environment & Development Rio de Janeiro, Brazil, 3 to 14 June 1992, AGENDA 21’ <<https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>> Accessed 11 January, 2023.

Publication of the European Centre for Research Training and Development -UK captioned 'Integrated Approach to the Planning and Management of Land Resources', Chapter Eleven is titled 'Combating Deforestation', while Chapter Twelve is headed 'Managing Fragile Ecosystems: Combating Desertification and Drought'. Other aspects of the UN Agenda 21 associated with deforestation and desertification include Chapter Seven on 'Promoting Sustainable Human Settlement Development', Chapter Eight on 'Integrating Environment and Development in Decision-making', and Chapter Four on 'Changing Consumption Patterns'. The rest are Chapter Three of the UN Agenda 21 on 'Combating Poverty', and Chapter Two on 'International Cooperation to Accelerate Sustainable Development in Developing Countries and Related Domestic Policies'.<sup>116</sup> These Chapters and aspects of the UN Agenda 21 are designed to regulate the intertwined and interwoven relationship of the environment to development, towards SD.<sup>117</sup>

By and large, the UN Agenda 21 is a global plan of action designed to promote and actualize SD around the globe.<sup>118</sup> It is a comprehensive, otherwise put, very exhaustive plan, which outlines necessary actions to be taken globally, nationally and locally, by organizations of the UN system, particularly governments and major groups within the system, in every area of endeavour of the humankind that impacts on the environment, in the course of development, in order to promote and achieve SD.<sup>119</sup> Agenda 21 may also be described as a master plan, road-map and blueprint *vis-à-vis* greenprint for global partnership, which aims at a high quality environment and a healthy economy for all peoples around the globe. It focuses on critical issues confronting the entire global community, such as continuing damage to ecosystems, worsening poverty, hunger and ill health, increasing global population and illiteracy. It is comprised of 40 Chapters, which identify each challenge and propose simple and realistic solutions towards SD. From the UN Agenda 21, member states of the UN were to design and develop, and did, in fact, design and develop their respective Agenda 21, as their distinct and separate instruments towards SD. Thus, there is, for instance, Nigeria's National Agenda 21, which was developed in 1999 from the UN Agenda 21.<sup>120</sup>

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<sup>116</sup> *Ibid.*

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

<sup>119</sup> UNDESA, 'Agenda 21' <<https://sdgs.un.org/publications/agenda21>> Accessed 11 January, 2023; Federal Environmental Protection Agency (FEPA), *Nigeria's National Agenda 21* (FEPA, 1999); E. T. Bristol-Alagbariya (n14), 75; E. T. Bristol-Alagbariya (2020 [n1]), 79; E. T. Bristol-Alagbariya (2018/2020 [n1]), 63–64.

<sup>120</sup> Federal Environmental Protection Agency (FEPA), *Nigeria's National Agenda 21* (FEPA, 1999); E. T. Bristol-Alagbariya (n14), 75; E. T. Bristol-Alagbariya (2020 [n1]), 79; E. T. Bristol-Alagbariya 2018/2020 [n1]), 63–64.

Essentially also, to combat deforestation and its resultant desertification is significant in the parlance of international environmental law and practice, and doing so aligns with, as well as promotes the UN SDGs, particularly the SDGs 1, 2, 12, 13, 15, 16 and 17.<sup>121</sup> Thus, in the context of the UN SDG 15, the UNCCD may be considered as a global effort towards a future that avoids, minimizes and reverses desertification, as well as mitigates the effects of drought in all affected areas, in order to achieve a land degradation-neutral world, consonant with the UN 2030 Agenda for SD.<sup>122</sup> In fact, by and large, the splendid manner of implementing the regulatory framework of UNCCD, in the form of relevant policies, laws and institutional regulatory mechanisms in national jurisdictions of UN member states and territories around the globe, further demonstrates how soft law mechanisms (from the international arena) on the environment and development towards SD, in this context of desertification,<sup>123</sup> are increasingly being

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<sup>121</sup> UNDESA, 'Make The SDGs A Reality' <https://sdgs.un.org/> Accessed 11 January, 2023; UN SDG 1, captioned 'No Poverty', is mapped-out to promote as well as bring an end to poverty, in all its forms everywhere; UN SDG 2, headed 'Zero Hunger', which is designed to end hunger, achieve food security and improved nutrition and promote sustainable agriculture; UN SDG 11, captioned 'Sustainable Cities & Communities', is designed to make cities and human settlements inclusive, safe, resilient and sustainable; UN SDG 12, captioned 'Responsible Consumption & Production', is intended to ensure sustainable consumption and production patterns; UN SDGs 13, captioned 'Climate Action', is devised to take urgent action to combat climate change and its impacts; UN SDG 15, captioned 'Life on Land'; Goal 16, is captioned 'Peace, Justice and Strong Institutions', is intended to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels; UN SDG 17, captioned 'Partnerships for the Goals', is mapped-out to strengthen the means of implementing and revitalizing various forms of partnerships towards sustainable development around the globe.

<sup>122</sup> UNCCD, 'The Convention: About the Convention' <<https://www2.unccd.int/convention/about-convention>>; UNCCD, Forests and Trees at the Heart of Land Degradation Neutrality (UNCCD)

<<https://www.unccd.int/sites/default/files/documents/2019-08/Forest%20brochure%20-%20web.pdf>> both Accessed 11 January, 2023; UNDESA 'Transforming our world: the 2030 Agenda for Sustainable Development' (n7); UNDESA, 'Sustainable Development: The 17 Goals' (n67); Goal 15 UN SDGs, captioned 'Life on Land'.

<sup>123</sup> Federal Republic of Nigeria Official Gazette, No. 40, Vol. 98, of 3rd May, 2011, Lagos, Nigeria, captioned 'National Environmental (Desertification Control and Drought Mitigation) Regulations' (The Federal Government Printer, Abuja, Nigeria) <<https://gazettes.africa/archive/ng/2011/ng-government-gazette-dated-2011-05-03-no-40.pdf>> and <<https://www.fao.org/faolex/results/details/en/c/LEX-FAOC195013/>>; Federal Ministry of Environment of Nigeria, 'National Action Programme to Combat Desertification' <<https://www.unccd.int/sites/default/files/naps/nigeria-eng2001.pdf>>; Federal Ministry of Environment of Nigeria, 'National Drought Plan, November 2018'

<[https://www.unccd.int/sites/default/files/country\\_profile\\_documents/1%2520FINAL\\_NDP\\_Nigeria.pdf](https://www.unccd.int/sites/default/files/country_profile_documents/1%2520FINAL_NDP_Nigeria.pdf)> all Accessed 11 January, 2023.

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transformed into hard law instruments, in national jurisdictions of UN member states and territories around the globe.<sup>124</sup>

From the foregoing, it may be asserted that so much has been achieved and so much is progressively ongoing on the threshold of the UNCCD, even though much more remains to be done.<sup>125</sup> Much more should therefore be achieved, for the UNCCD to, with the aid of its member states and COPs, consolidate on its progressive strategies to boost its efficacy, in order to protect and restore the world's land, towards a safer, more just and greater sustainable future.<sup>126</sup> Doing so, would boost and strengthen the implementation of international environmental soft law regulatory mechanisms, which include policy and institutional regulatory frameworks, as well as practices in the domestic arena of sovereign states<sup>127</sup> and territories around the globe, so as to ensure sustainability of Planet (Mother Earth), for the prosperity of future generations of humans and society at large on the Planet.<sup>128</sup>

## CONCLUSION

May we, so far, conclude that this study has demonstrated that the UN is an international and the world's only truly all-encompassing organization, which has become the foremost forum for

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<sup>124</sup> E. T. Bristol-Alagbariya, 'Sustainable Development: A Soft Law Concept Transforming SD-Oriented Initiatives of the UN System into Hard Law Instruments in UN Member-states and Promoting Partnerships around the Globe' (2020 [n27], 40–52; E. T. Bristol-Alagbariya, 'The UN Global Compact as a Soft Law Business Regulatory Mechanism Advancing Corporate Responsibility towards Business Sustainability and Sustainable Development Worldwide' (2020 [27]), 27–39; E. T. Bristol-Alagbariya (n14), 75–79.

<sup>125</sup> UNCCD, 'The Convention: The History of UNCCD' (n66).

<sup>126</sup> *Ibid*; W. C. Burns (n55).

<sup>127</sup> Federal Republic of Nigeria Official Gazette, No. 40, Vol. 98, of 3rd May, 2011, Lagos, Nigeria, captioned 'National Environmental (Desertification Control and Drought Mitigation) Regulations' (The Federal Government Printer, Abuja, Nigeria) (n123); Federal Ministry of Environment of Nigeria, 'National Action Programme to Combat Desertification' (n123); Federal Ministry of Environment of Nigeria, 'National Drought Plan, November 2018' (n123); M. O. Ikeke, 'Ethical Challenge of Desertification in Northern Nigeria' [2016] ,17 (2), *AJAH: UNIZIK Journal of Arts and Humanities*, 47–62.

<sup>128</sup> UNCCD, 'Overview of the UN CCD' <<https://www.unccd.int/convention/overview>>; UN, 'International Mother Earth Day 22 April' <<https://www.un.org/en/observances/earth-day>> both Accessed 11 January, 2023; Principle 1, Rio Declaration on Environment and Development, 1992, which states that 'human beings are at the centre of concerns for sustainable development'.

Publication of the European Centre for Research Training and Development -UK addressing issues that transcend national boundaries. On the platform of the UN, its member states meet to discuss common problems confronting humans and society at large, so as to find solution, to, among other things, maintain international peace and security, cooperation and friendly relations among states, promote and protect human rights and fundamental freedoms, as well as to secure a healthy Planet.

Based on the purposes and principles of the UN stated in the UN Charter, 1945, this study has endeavoured to examine the UNCCD, 1994, as the sole internationally legally binding agreement linking environment and development to sustainable land management. The Convention is a multilateral agreement between developed and developing nations on the need for a global coalition to address desertification, but differs from previous efforts in this regard because it is legally binding. It is the global voice for land, championing land stewardship to avoid, reduce and reverse land degradation and to ensure the ongoing availability of land-based resources vital to human survival. It specifically addresses arid, semi-arid and dry sub-humid areas, known as the drylands, where some of the most vulnerable ecosystems and peoples can be found, particularly those areas within developing countries, especially areas within Africa that are most adversely affected by desertification.

We described desertification, also called desertization, as advanced stage of land degradation involving gradual process of soil productivity loss and the thinning out of the vegetative cover soil, occasioned by natural causes (such as soil erosion, global warming and climate change) and human activities (such as overcultivation, overgrazing, poor irrigation practices, and deforestation, occasioned by overcultivation, construction of new cities, et cetera, urbanization and mining and mineral resources extractive industrial operations [EIOs]).

We discussed the UNCCD as a multilateral commitment as well as an internationally shared vision and commitment of the global comity of states, under the UN system, consummated by developed and developing countries to combat desertification in member states of the UN and territories around the world, especially those areas suffering from erosion and soil degradation, particularly areas within the African Continent (which is most adversely affected in this regard), and thereby continually losing land, such as agricultural croplands and other areas of human livelihoods associated with life on land, as conceived and being addressed in the context of the UN SDG 15.

Among other things, we explained that the UNCCD built synergy with the Rio Conventions (i.e., the Convention on Biological Diversity [UNCBD], 1992, and the UN Framework Convention on Climate Change [UNFCCC], 1992) by establishing a Joint Liaison Group in 2001, in order to consolidate on common grounds, towards progressively ensuring efficient coordination of related efforts of the trio. In these and many other ways, the regime of the UNCCD is designed for a future that avoids, minimizes and reverses desertification, as well as mitigates the effects of drought in all affected areas, in order to efficiently protect and restore the world's land, so as to achieve a land degradation-neutral world, towards a safer, more just and sustainable future, in consonance with the UN 2030 Agenda for SD.

Thus, the study describes the UNCCD as a fundamental contribution to international environmental policy, law, institutional regulatory schemes and practices, among others, in the realm of ecosystem conservation, promotion of ecosystems services and sustenance of human livelihoods, so as to achieve relevant items of the UN SDGs. It emphasizes the Convention as a worldwide shared vision, voice and mission, as well as a comprehensive multilateral commitment, reinforced by strategic implementation measures, concerning sound, sustainable and successful management of land resources on Planet Earth, in the rubrics of the ongoing and increasingly advancing efforts of the UN to promote and enhance SD, especially the UN SDGs 1, 2, 12, 13, 15, 16 and 17. This is particularly significant, considering Goal 15 captioned 'Life on Land', in relation to the key role of forests, forest species, ecosystems and ecosystems services, in terms of sustaining human livelihoods, especially the livelihoods of indigenous peoples and local communities having historic connection to forested and forest-adjacent areas, some of which are increasingly becoming deserts. Clearly therefore, the formidable and impressive manner of implementing the regulatory framework UNCCD, in the form of applicable policies, laws and institutional regulatory mechanisms in national jurisdictions of UN member states and territories around the globe, demonstrates how soft law mechanisms (from the international arena) associated with the environment and development, in relation to SD, in this case desertification, are increasingly being transformed into hard law instruments, in national jurisdictions of UN member states and territories around the globe.

Consequently, we emphasize that the Convention is a multilateral commitment initiated and being strongly, energetically and aggressively addressed to mitigate the negative consequences of land degradation, so as to protect land in the bid to provide and sustain food, water, shelter and economic opportunity to all people around the world. It unites governments, scientists, policymakers, the private sector and communities around a shared vision to restore and manage

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the world's land, towards a safer, more just and sustainable future, in the process of ongoing efforts of the UN to ensure sustainability of our Planet and the prosperity of future generations.

We have, in a scholarly manner, therefore showcased the UNCCD as an international shared vision and environmental regulatory implementation framework, initiated to combat desertification, through relevant implementation measures, such as national policies, laws, institutional regulatory frameworks and practices of sovereign states and territories around the globe, in order to protect and restore the world's land towards a safer, more just and more favourable sustainable future, particularly towards achieving the aforementioned numbers of the UN SDGs. We however wish to finally conclude and recommend that although much has been achieved and so much is progressively ongoing on the threshold of the UNCCD, much more remains to be done and thus should still be done in this regard, towards greater protection and better restoration of the world's land, so as to guarantee a much more safer, more just and more favourable sustainable future, as itemized in the UN SDGs.