

2.59 Legal aspects of the sustainable use of soils

RECALLING that one of the objectives of the International Union for the Conservation of Nature and Natural Resources (IUCN) since its founding in 1948 was the establishment of laws and treaties for the protection of nature;

RECOGNIZING the important contributions made by the IUCN since 1965 towards establishing the field of environmental law;

AWARE that environmental law has become a field of law whose scope is exceptionally broad, ranging from the legal systems of local authorities and the customary law of traditional societies and indigenous peoples, through to the laws of States and the international law among States;

NOTING the significant cooperation and support that exists among the soil science community for the improvement of environmental law and policy for the sustainable use of soils, particularly in regard to the ecological functions of soil for the conservation of biodiversity and the maintenance of human life, including:

- (a) the production of biomass and the filtering, buffering and transformation activity between the atmosphere, ground water and plant cover;
- (b) soils as a biological habitat and gene reserve;
- (c) soils as a spatial base for technical, industrial and socio-economic structures and their development; and
- (d) soils as a source of raw materials;

CONVINCED that the future ecological benefits of the world's soils will depend on the existence of adequate global, regional, and national legal strategies to enable individual nations to make sound land use and land management decisions, and on building capacity to communicate these strategies;

CONCERNED that there is a need to study further and make recommendations concerning the synergy among several international environmental instruments of relevance to soils and the patterns of their implementation through national legislation; and

ACKNOWLEDGING that whilst there is a range of international instruments addressing aspects of soil conservation, there is at present no specific global environmental law instrument for the sustainable use of soils;

The World Conservation Congress at its 2nd Session in Amman, Jordan, 4–11 October 2000:

1. WELCOMES the initiative of the Environmental Law Programme to form a Working Group on the Legal Aspects of the Sustainable Use of Soils to prepare guidelines and explanatory material relating to principles and elements of national legislation and policy to assist States to manage their specific soil degradation and land degradation problems, and to investigate the need for and feasibility of further developing international environmental law in this field, in particular through an international instrument for the sustainable use of soils;

2. INVITES IUCN members to provide all possible support to the Environmental Law Programme in developing guidelines on the essential elements to include in environmental legislation and policy for the sustainable use of soils, and its investigation of a global instrument for the sustainable use of soils;
3. REQUESTS the Environmental Law Programme, in its development of legal guidelines and explanatory material, and investigation into a global legal instrument for the sustainable use of soils, to pay particular attention to the ecological needs of soil and their ecological functions for the conservation of biodiversity and the maintenance of human life.

This Resolution was adopted by consensus. The delegation of the United States abstained from adoption of this Resolution by consensus. The US delegation also provided a formal Statement for the Record, indicating that while the US was supportive of the first part of the first operative paragraph, it was not convinced of the feasibility or utility of an international instrument on the sustainable use of soils. The Statement is reproduced in full in the Congress Proceedings.