

#### 4.093 Legal aspects of the sustainable use of soils

RECALLING that one of the objectives of IUCN, since its founding in 1948, has been the establishment of laws and treaties for the protection of nature;

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

AWARE that despite continuing improvements in awareness and technology to control and manage soil degradation and desertification, the ecological condition of soils and land continues to worsen globally and growing world food shortages are leading to greater pressure being applied to land resources;

NOTING the urgent need to improve the synergies between the UN Framework Convention on Climate Change (UNFCCC), Convention on Biological Diversity (CBD) and the UN Convention to Combat Desertification (UNCCD), so as to provide benefits for the sustainable use of soils;

ALSO NOTING the concerns amongst the environmental law and soil science communities to operationalize synergies between these instruments;

AWARE of the significant and substantial work done by the IUCN Environmental Law Programme (ELP), through the IUCN Commission on Environmental Law's Specialist Group on Sustainable Use of Soil and Desertification in implementing Resolution 2.59 *Legal aspects of the sustainable use of soils* adopted by the 2nd IUCN World Conservation Congress (Amman, 2000) and Resolution 3.072 *Legal Aspects of the Sustainable Use of Soils* adopted by the 3rd IUCN World Conservation Congress (Bangkok, 2004), and in cooperation with the soil science community, for the improvement of environmental law and policy for the sustainable use of soils and desertification, particularly in regard to the ecological functions of soil for the conservation of biodiversity and the maintenance of human life, including:

- (a) publication of IUCN Environmental Policy and Law Paper (EPLP) No. 45 - *Legal and Institutional Frameworks for Sustainable Soils*;
- (b) publication in 2004 of EPLP No. 52 - *Drafting Legislation for Sustainable Soils: A Guide*;
- (c) communicating widely the outcomes of the IUCN ELP's Sustainable Use of Soil and Desertification programme among the international environmental law and soil science communities and receiving significant support and encouragement for the introduction of a global instrument for the sustainable use of soil; and
- (d) having undertaken sufficient investigation work to proceed now to the preparation of various options for an international instrument for the sustainable use of soil; and

ACKNOWLEDGING the need for further investigation of a specific global environmental law instrument for the sustainable use of soils;

**The World Conservation Congress, at its 4th Session in Barcelona, Spain, 5-14 October 2008, provides the following guidance concerning implementation of the IUCN Programme 2009-2012:**

REQUESTS the Director General to:

- (a) continue to work with IUCN members to finalize the various options for a global legal instrument on the sustainable use of soils, as set out in Section 5 of EPLP No. 45;
- (b) continue the implementation of the guidelines from EPLP 52 through efforts with interested countries for the development of national legislation for sustainable use of soil, in particular working with developing nations on the introduction or reform,

as appropriate, of national soil legislation, contributing to institutional capacity building and assisting in the development of national soil policies and strategies;

- (c) prepare further legal guidelines on the maintenance of the ecological functions of soils as a component of the conservation of biodiversity and the maintenance of human life; and
- (d) continue the effective communication of the outcomes of the Sustainable Use of Soil and Desertification programme among the environmental law and soil science communities.

State and agency members of the United States voted against this motion.