



WCEL

WORLD COMMISSION ON ENVIRONMENTAL LAW
COMMISSION MONDIALE DE DROIT DE L'ENVIRONNEMENT
COMISIÓN MUNDIAL DE DERECHO AMBIENTAL

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**Global Symposium on
Soils & Water, FAO**

**“Soil Protection
Governance”**

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IUCN WCEL: IMPLEMENTING WCC SOIL RESOLUTIONS

- ▶ The IUCN World Commission on Environmental Law (WCEL) has been investigating international, regional and national law for soil since 2000
- ▶ From 2000 to 2023 the IUCN WCEL *Specialist Group for Soil and Sustainable Agriculture Law* has:
 - Carried out investigations under three IUCN World Conservation Congress (WCC) “Soil Resolutions”
 - Consulted widely and accumulated extensive knowledge and expertise on international and national legislative aspects of soils
 - Prepared publications that summarize the main outcomes and options, e.g. 1st publication of 2002 on “*Legal and Institutional Frameworks for Sustainable Use of Soil*” (EPLP 45)
 - Drafted three *Soil Protocols* for discussion
 - Assisted countries develop national soil laws
 - Established cooperative relationship with soil science institutions.
- ▶ Presentations at scientific and environmental law conferences on a wide range of soil law topics

Presentation: “Soil Protection Governance”

- I. Soil science-related requirements for legal reflections
- II. Overview: International, regional and national law
- III. Food for thought:
Soil Integrity & Transformation of the Food System

I.
**Soil science-related requirements
for legal reflections**

Soil Functions

Soil: Multitude of ecological, economic and social functions, especially the ecological functions as/for:

- **Habitat**: being the fundamental basis for terrestrial biodiversity,
- **Production**: supplying food, feed, wood and fibre,
- **Filter, buffer and storage of water**,
- **Nutrient cycling**,
- **Carbon reservoir**: having an essential function in regulating the global carbon cycle.

Soil Threats

- Decline in Organic Matter
- Biodiversity Loss
- Contamination/Pollution
- Salinisation
- Compaction
- Sealing
- Erosion, Desertification
- Waterlogging
- Floods and Landslides
- Acidification

II.
**Soil Governance on
National, regional and
international level**

1. National Instruments for Soil Protection

- Specific soil legislation
- Inclusion of soil protection provisions into a general environmental protection act
- Consideration of soil protection issues in other contexts

1. National Soil Protection Acts

Argentina

Ley XVI N° 37 (Antes Ley 3231) - Ley de conservación de suelos.

Australia

Soil Conservation Act 1938.

Soil and Land Conservation Act 1945.

Barbados

Soil Conservation (Scotland District) Act.

Bulgaria

Soils Act

Canada

Soil Conservation Act (RSA 2000, c. S-15).

China

Water and Soil Conservation Law of the People's Republic of China.

Costa Rica

Ley N° 7779 - Ley sobre uso, manejo y conservación de suelos.

Cyprus

Soil Conservation Law.

Georgia

Law of Georgia on Soil Protection (No. 490–IIS of 1994)

Germany

Federal Soil Protection Act.

Ghana

Land Planning and Soil Conservation Act.

Indonesia

Law No. 37 of the Republic of Indonesia No. 37 of 2014 concerning Soil and Water Conservation.

Namibia

Soil Conservation Act.

Nepal

Soil and Watershed Conservation Act 1982.

Netherlands

Soil Protection Act

Republic of Korea

Soil Environment Conservation Act.

Samoa

American Samoa Soil and Water Conservation District Act.

Serbia

Law on Soil Protection.

Sri Lanka

Soil Conservation Act 1951 (No. 25 of 1951).

Tunisia

Loi n° 95-70 relative à la conservation des eaux et du sol

Legal Instruments for sustainable use and protection of soils

- Planning
- Direct behaviour control
- Indirect behaviour control
- Company organisation
- Private & criminal law

2. Regional Instruments for Soil Protection

(Examples):

- 1972: African Convention for the Conservation of Nature and Natural Resources
- 1985: ASEAN Agreement on the Protection of Nature and Natural Resources
- 1998: Alpine Convention (1991) & its Soil Protection Protocol
- 2003: Revised African Convention for the Conservation of Nature and Natural Resources
- 2019 ff.: European Green Deal, Soil Health Law, Soil Monitoring Directive

3. International Instruments for Soil Protection / Soil Health

- a) Binding Legal Instruments,
mainly Rio Conventions

- b) Non-Binding Legal Instruments
Charters, Guidelines, Strategies...

3. a) Binding Legal Instruments on International Level

- 1992: Convention on Biological Diversity (CBD)
- 1992: UN Framework Convention on Climate Change (UNFCCC)
- 1994: UN Convention to Combat Desertification (UNCCD)

SOIL AND THE RIO CONVENTIONS

| | UNFCCC | CBD | UNCCD |
|------------|--|---|--|
| Strengths | <ul style="list-style-type: none"> ▪ Link soil management with climate change ▪ Soil as major global carbon “sink” ▪ Fundamental role of organic matter decline ▪ Use UNFCCC NAMA process to protect soil ▪ Climate Change Fund for Global South to access for mitigation actions | <ul style="list-style-type: none"> ▪ Soil recognized as “ecosystem” ▪ Focus on ecological aspects of soil ▪ Recognize “soil biodiversity” ▪ Soil as a key habitat for many living organisms ▪ Soil integrated with other ecological elements ▪ “Soil Biodiversity Initiative” | <ul style="list-style-type: none"> ▪ UNCCD focused on land degradation (DLDD) ▪ Soil degradation is critical aspect of LDN ▪ LDN Process ▪ Soil security is key to food security ▪ Establish rules for national soil legislation ▪ Links between UNCCD and global soil strategies |
| Weaknesses | <ul style="list-style-type: none"> ▪ Major focus of UNFCCC is on GHG emissions ▪ Soil issues overshadowed by other climate change issues ▪ Soil carbon sequestration not part of CDM mechanism | <ul style="list-style-type: none"> ▪ Soil has to “compete” with all other aspects of ecosystems ▪ Important soil issues overshadowed by other biodiversity issues ▪ Lack of implementation (although Aichi targets mention soil fertility, erosion control) | <ul style="list-style-type: none"> ▪ Soil not been recognized as ecological element (def. of land degradation) ▪ Limited regional scope ▪ UNCCD obligations are demanding on States ▪ Implementation of national soil law is slow ▪ UNCCD process has not provided guidance on national legislation |

3. b) Non-Binding Instruments

- ❖ 1972: (European Soil Charter) Stockholm Declarat.
- ❖ 1980: World Conservation Strategy
- ❖ 1982: FAO World Soil Charter, UNEP World Soils Policy, World Charter for Nature
- ❖ 1983: UNEP Guidelines (for national soil policies)
- ❖ 1992: Rio Declaration and Agenda 21 (+ 3 conv.)
- ❖ 1996: Nairobi Declaration
- ❖ 2000 ff: UN Millennium Dev. Goals, IUCN Resolutions
- ❖ 2001: UNEP Montevideo Program III (Obj. 12 “Soils”)
- ❖ 2002: WSSD Plan of Implementation & Johannesburg Declaration

3. b) Non-Binding Instruments/2

- ❖ 2002: World Soils Agenda of IUSS
- ❖ 2004: UNEP Strategy on Land Management and Soil Conservation
- ❖ 2007: UNCCD 10 Year Strategy 2008-2018
- ❖ 2011: UN FAO Global Soil Partnership, Global Soil Biodiversity Initiative
- ❖ 2011: Berlin Call for Action
- ❖ 2011: Africa Consensus Statement to Rio+20
- ❖ 2012: UNCSD: Rio+20 Outcome document
- ❖ 2012: FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of national food security

3. b) Non-Binding Instruments/3

- ❖ 2015: Revised World Soil Charter of FAO
- ❖ 2015: UN General Assembly: 2030 Agenda for Sustainable Development with its SGDs, esp.
SDG 2: Zero Hunger
SDG 15: Life on land (LDN Target)
- ❖ 2015: Paris Agreement
- ❖ 2017: Voluntary Guidelines for Sustainable Soil Management of FAO
- ❖ 2022: UNFCCC COP: Draft Soil Health Resolution
- ❖ 2023: Mid-term review of Agenda 2030



SUSTAINABLE DEVELOPMENT GOALS



2030 Agenda for Sustainable Development / SDG 2

End hunger,
achieve food security and
improved nutrition and
promote sustainable
agriculture



2030 Agenda for Sustainable Development / SDG 15

“Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.”



2030 Agenda / SDG Target 15.3

“By 2030, combat desertification, and restore degraded land and soil including land affected by desertification, drought and floods, and strive to achieve a land-degradation neutral world.”



LDN Target Setting Programme

- UNCCD/Global Mechanism: support for countries in their national voluntary LDN target setting processes
- Systematical analysis of the causes and effects of land degradation
- Objective: enable parties to define national baselines
- 2016/17: Guideline for implementation
- 130 participating countries, 107 successful projects till 02/2023
- 2nd phase: improve integrated land use planning processes

III.
Food for thought:
Transformation of the Food
system

III. Transformation of the Food System and our way of dealing with Soils

- Role of soils for food security
- Changes in the food system: human health - soil health
- Rising food prices as trigger for conflicts and migration
- Land scarcity – land acquisitions/„land grabbing“
- Global food system as a model of inequality - “Neo-Agro-colonialism”
- Food security – sustainable agricultural practices
- How many harvests?
- Planetary Boundaries Framework
- Finding perspective in ancient traditions

Planetary Boundaries Framework



Vedas (Sanskrit Scripture, 1500 BC)

Upon this handful of soil our survival depends. Husband it and it will grow our food, our fuel and our shelter and surround us with beauty. Abuse it and the soil will collapse and die, taking humanity with it.

Old Kenyan Proverb

Treat the Earth well.

It is not inherited from your
parents; it is borrowed from
your children.

Thank you very much for your attention!



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