



World Commission  
on Environmental Law

Commission Mondiale de  
Droit de l'Environnement | Comisión Mundial  
de Derecho Ambiental

## Year in Review 2016

### Soil, Desertification and Sustainable Agriculture Specialist Group

**Chair: Ian Hannam**

**Deputy Chair: Irene Heuser**

The Specialist Group focused on the parameters set out in an IUCN World Conservation Congress resolution adopted in 2000 requesting the IUCN 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 mandate continues to provide a consistent programme that increasingly contributes in new ways across national, regional and international levels. Deeper engagement within IUCN included serving as member of the core group collaborating with the Global Drylands Initiative (GDI), convening a session on “Soils, Biodiversity and Forest Ecosystems during the World Environmental Law Congress in April 2016 in Rio de Janeiro, and holding a Knowledge Cafe titled “Developing a Global Soil Regime” at the 2016 IUCN World Conservation Congress.

Continuing investigation and discussion of various options for an international instrument for soil is strongly linked to the concept of land degradation neutrality (LDN) and its implementation under SDG 15. As global interest continues to grow in the legal aspects of LDN, it is a subject of [ongoing discussions](#) with the UN Convention on Desertification (UNCCD), international environmental law groups, and soil science groups. In this regard, SG members have been active at the global level (e.g., Global Soil Week) and the regional level (e.g., European area), and there has been interaction with a number of organizations including the European Commission (DG Environment), the Federal German Environment Agency, the Institute of Advanced Sustainability Studies Potsdam, World Association of Soil and Water Conservation, and the European Soil Conservation Society.

Members represented at a number of global events during 2016 including contributions to the [IUCN Technical Brief on Land Degradation Neutrality](#) (with the IUCN Dryland Initiative) and a chapter on “Pastoral Land Law for the Food and Agriculture of the United Nations (FAO) [Technical Guide to Governance of Pastoral Land](#)” (compiled by the IUCN Dryland Initiative, Nairobi). Additional participation included contributions to the French part of the legislative inventory on soil launched by the European Commission with the Ecologic institute, co-

organizing the French World Soil Day at the French Parliament; and reviewing the strategic plan of the World Association of Soil and Water Conservation.

At the national level, the principal areas of interest include Northeast and Central Asia, with special interest in China and Mongolia. For example, the SG contributed to the workshop on China's Soil Contamination Law held in July 2016 and was part of the working group on soil for the Environmental Code project of Cambodia. In September, SG members assisted the Icelandic government with drafting its revised Soil Conservation Law. Expertise in reviewing and assisting with drafting of national soil law was applied further in the preparation of reports on spatial planning completed for various countries for an IUCN ELC project on integrated spatial planning.

Communication and promotion of soil legislative reform, along with the preparation of indicative publications included:

- Ben Boer, Actors on International Law Making on Natural resources in Morgera, E. and Kulovesi, K. (eds), *Research Handbook on Natural Resources and International Law* (Edward Elgar, 2016) available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2817699](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2817699)
- Desrousseaux M, Ugo E (2016) *Legal approach of the diffuse pollution of soil of Marseilleveyre forest*, Mercier V. (dir.), PUAM, 164 p.
- Desrousseaux M (2016) *The legal protection of soil quality*, LGDJ, 502 p.
- David Grinlinton (2016) "Horizontal and Vertical Integration of Sustainability into Policymaking, Planning and Implementation of Renewable Energy Projects – The New Zealand Model", in Volker Mauerhofer (ed), *Legal Aspects of Sustainable Development: Horizontal and Sectorial Policy Issues* (Springer, Cham, Switzerland, 2016), pp 423-448.
- David Grinlinton (2016) "Rights of Property as an Aspect of Environmental Governance", in Douglas E Fisher (ed), *Research Handbook on Fundamental Concepts of Environmental Law* (Edward Elgar, Cheltenham, UK, 2016).
- David Grinlinton (2016) "National Policy Statement on Urban Development" Capacity 2016", (2016) 11(16) *Butterworths Resource Management Bulletin* pp 205-209.
- Ian Hannam (2016) 'International Pastoral Land Law', in Steier G and K. Patel (eds), *International Farm Animal, Wildlife and Food Safety Law*. Food Law International New York, Washington, pp 599-628
- Bernard Vanheusden (2016) 'Phytoremediation and the Legal Study of Soil, Animals and Plants', in Steier G and K. Patel (eds), *International Farm Animal, Wildlife and Food Safety Law*. Food Law International New York, Washington, pp 575-598
- Vanheusden, B and Squintani, L. (eds.), *EU Environmental and Planning Law Aspects of Large-Scale Projects*, Vol. 2, European Environmental Law Forum Series, Cambridge-Antwerp-Portland, Intersentia, 2016, pp394

- Vanheusden, B (2016) "[Bedrijventerreinen: recente ontwikkelingen vanuit het milieurecht](#)", in GHYSELS, J. and TOURY, J. (eds.), *Bedrijventerreinen*, Antwerpen-Cambridge, Intersentia, 2016, 107-129
- Vanheusden, B (2016) "[Bedrijventerreinen en het Brownfieldconvenantendecreet](#)", in GHYSELS, J. and TOURY, J. (eds.), *Bedrijventerreinen*, Antwerpen-Cambridge, Intersentia 131-154

Editorial and Advisory board responsibilities were assumed for the production of the 2016 *International Yearbook on Soil Law and Policy* (Springer), edited by Harald Ginzky, Irene L. Heuser, Tianbao Qin, Oliver C. Ruppel and Patrick Wegerdt:

- Ben W. Boer, Harald Ginzky, and Irene L. Heuser (2016) *International Soil Protection Law: History, Concepts and Latest Developments*, International Yearbook of Soil Law and Policy, Springer International Publishing Switzerland 2016
- Maylis Desrousseaux, Janne S. Kotiaho, and Florent Kohler (2016) *Are Soils Taken into Consideration by the IPBES Assessment on Land Degradation and Restoration?* International Yearbook of Soil Law and Policy, Springer International Publishing Switzerland 2016
- Ian Hannam (2016) *National Developments in Soil Protection in Mongolia*, International Yearbook of Soil Law and Policy, Springer International Publishing Switzerland 2016
- Tianbao Qin and Fang Dong (2016) *Legislative Progress on Soil Contamination Prevention and Control in China*, International Yearbook of Soil Law and Policy, Springer International Publishing Switzerland 2016

The following chapters appear in the Maylis Desrousseaux, Janne S. Kotiaho, and Florent Kohler (2016) *Are Soils Taken into Consideration by the IPBES Assessment on Land Degradation and Restoration?* International Yearbook of Soil Law and Policy, Springer International Publishing Switzerland 2016

- Ian Hannam (2016) *National Developments in Soil Protection in Mongolia*, International Yearbook of Soil Law and Policy, Springer International Publishing Switzerland 2016
- Tianbao Qin and Fang Dong (2016) *Legislative Progress on Soil Contamination Prevention and Control in China*, International Yearbook of Soil Law and Policy, Springer International Publishing Switzerland 2016

Presentations and cooperation at environmental law forums, seminars, and workshops further demonstrate contributions:

- World Environmental Law Congress on 27-29 April 2016 in Rio de Janeiro: WCEL Specialist Group on Sustainable Soils and Desertification convened a session on "Soils, Biodiversity and Forest Ecosystems"

- Ben Boer (2016) Research Institute of Environmental Law Wuhan University, Workshop on China's Soil Contamination Law; July 2016
  - Ben Boer (2016) World Conservation Congress, September 2016 Hawai'i, Soil Law Knowledge Café
  - Harald Ginzky (2016) Soil conference, 5<sup>th</sup> of December 2016, Brussels
  - Harald Ginzky (2016) Workshop on LDN indicators, 6<sup>th</sup> of December 2016, Brussels
  - David Grinlinton (2016) "Horizontal and Vertical Integration of Sustainability into Policymaking, Planning and Implementation of Renewable Energy Projects", 14th IUCNAEL Colloquium 2016, University of Oslo, Oslo, Norway, 20-24 June 2016
  - David Grinlinton (2016) "Integrating Sustainability into the Judicial Process: The Role of Specialist Environment Courts", 14th IUCNAEL Colloquium 2016, University of Oslo, Oslo, Norway, 20-24 June 2016
  - David Grinlinton (2016) "The Continuing Relevance of Common Law Property Rights and Remedies in Addressing Environmental Challenges", McGill Law
  - Journal Symposium, *Environment, People, Power, and the Law: Reconceiving Relationships*, Montreal, 9 March 2017
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- Maylis Desrousseaux (2016) Legal and ecological approaches of the management of polluted soils in the National Park of Les Calanques in Marseille, France, with A. Heckenroth, Laval University, Quebec, Canada, June 15th of 2016
  - Maylis Desrousseaux (2016) Are soils taken into consideration by the IPBES assessment? 1st IUCN International environmental law Congress, Supreme Court of Rio, 27th-29th April of 2016
  - Maylis Desrousseaux (2016) Legal and ecological approaches of the management of polluted soils in the National Park of Les Calanques in Marseille, France, with A. Heckenroth, University of Bordeaux, Study days of the ecological restoration network (REVER), 19th-21th January of 2016
  - Maylis Desrousseaux (2016) Legal perspectives of the availability of urban space for and agricultural use, Conference "cultivate the city", Paris city hall, January 5th of 2016
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- Ian Hannam (2016) *National Soil Protection Legislation: Mongolia*, World Environmental Law Congress, Rio de Janeiro 27-29 April 2016
  - Ian Hannam (2016) *Governance of Pastoral Lands - Developing Legislation and Policy Frameworks for Grazing*, Grazing in a Changing Nordic Region, Reykjavik, Iceland, 12-15 September 2016
  - Irene Heuser (2016) *Sustainable Soil Governance: Towards a Global Regime for the Protection and Sustainable Use of Soils*, World Environmental Law Congress Rio de Janeiro 27-29 April 2016
  - Irene Heuser (2016) Participation in Conference of the Institute of Advanced Sustainability Studies (IASS): "Jump-starting the SDGs in Germany: Natural Resources and Sustainable Consumption and Production" from 2-4 May 2016 in Berlin, Germany

- Irene Heuser (2016) IUCN World Conservation Congress in Hawaii, USA, from 1 to 10 September 2016: The SGSSD organized a Knowledge Café on "Developing a Global Soil Regime" (WCC 10324) where we discussed various options for a global instrument for soil.
- Participation in several other seminars and sessions, e.g.,
  - the Knowledge Café - "Life on Land: Challenges and Opportunities for Achieving Land Degradation Neutrality" and other parts of the "life on Land Journey",
- Participation at the Environmental Law Journey, "A planet under siege", "judges and nature", "Ethics and Law",
  - the Conservation Campus session on "The economics of land degradation - Estimating the benefits of conservation and sustainable land management"
- Maylis Desrousseaux (2016) Since September 2015 until 2018, a fellow for the IPBES Thematic assessment on Land degradation and restoration. Work on Chapter 2 on "concepts and perceptions of LDR".
- Maylis Desrousseaux (2016) Part of the working group on soil on the Environmental Code project of Cambodia, coordinated by the Vishnu law group in Phnom Penh.
- Maylis Desrousseaux (2016) Participation to the French part of the Legislation inventory on soil launched by the European Commission with the Ecologic institute.
- Maylis Desrousseaux (2016) Board member of the French association for Soil Study (AFES) and I co-organized the French World Soil Day at the French Parliament on December 8th of 2016.
- Ian Hannam (2016) review of the strategic plan of the World Association of Soil and Water Conservation.
- Irene Heuser (2016) further consultancies and discussions about SDG 15 Indicators on LDN, especially the GEF LDN project
- Irene Heuser (2016) support of the European Citizens' Initiative "PEOPLE4SOIL" which is a formal request to the European Commission to propose a legislation on soil protection and has a duration of 12 months, from 12 September 2016 to 11 September 2017
- Bernard Vanheusden (2016) Flemish Public Waste Agency, workshop for the Horizon 2020 project "Inspiration", Venice, Italy