

# **International Yearbook of Soil Law and Policy**

**Series editor**

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The *International Yearbook of Soil Law and Policy* is a book series that discusses the central questions of law and policy with regard to the protection and sustainable management of soil and land. The Yearbook series analyzes developments in international law and new approaches at the regional level as well as in a wide range of national jurisdictions. In addition, it addresses cross-disciplinary issues concerning the protection and sustainable management of soil, including tenure rights, compliance, food security, human rights, poverty eradication and migration. Each volume contains articles and studies based on specific overarching topics and combines perspectives from both lawyers and natural scientists to ensure an interdisciplinary discourse.

The *International Yearbook of Soil Law and Policy* offers a valuable resource for lawyers, legislators, scholars and policymakers dealing with soil and land issues from a regulatory perspective. Further, it provides an essential platform for the discussion of new conceptual approaches at the international, national and regional level.

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# International Yearbook of Soil Law and Policy 2017



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# Preface

Soil has often been referred to as the neglected medium. This book series, the *International Yearbook of Soil Law and Policy*, is intended to draw more attention to it and provide a platform for discourse on soil governance topics as a useful tool by and for academics, legislators, and policy makers. Thus, it is supposed to underline the notion that society acknowledges the indispensable services provided by soils.

One major driver of detrimental effects on soils is unsustainable agriculture. Numerous soil threats, such as erosion, loss of organic carbon, and biodiversity, as well as compaction and salinization, are often the result of unsustainable agricultural practices. A substantial percentage, however, of land is dedicated for agriculture, which is in particular true for developing countries whose economies depend on cultivation.

Accordingly, the second volume of the *International Yearbook of Soil Law and Policy* is dedicated to “Soil and Sustainable Agriculture.” Part I begins with introductory greetings, while Part II, entitled “The Theme,” comprises nine chapters on the topic of agriculture and soils from very different perspectives.

Volume 2 of the *International Yearbook of Soil Law and Policy* continues further with the following three parts:

- Part III: Recent Developments of Soil Regulation at International Level
- Part IV: National and Regional Soil Legislation
- Part V: Cross-Cutting Topics

This general structure, beginning with Part I with Introductory Greetings and Part II on “The Theme,” a compilation of various chapters from different perspectives and disciplines, followed by the fore-mentioned parts will also be used for the upcoming volumes. This structure of the Volumes permits the presentation of one specific “Theme” in more depth and to offer factual information with regard to developments both at international level and in national or regional contexts. In the part “Cross-Cutting Topics,” papers with novel, controversial, or—one could say—courageous themes will feature. Therefore, this latter part should, in particular, provide food for thoughts for ongoing discussions.

In Part II of the second volume, the first chapter by Robert Rees *et al.* explores the suitability of the concept of “sustainable intensification,” which aspires to cope with the need of growing food production without increasing the land and soil input. In the second chapter, Rainer Baritz *et al.* explain the Voluntary Guidelines for Sustainable Soil Management, which was recently adopted by Food and Agricultural Organization. This Guideline informs about conceptual approaches for sustainable agriculture that are generally applicable. The following three chapters provide a different angle and outline the current legislation in three Asian jurisdictions, namely China, Kyrgyzstan, and Tajikistan on soil-related provisions for sustainable agriculture. The authors of these three chapters are Bob Zhao (China), Maksatbek Anarbaev (Kyrgyzstan), and Murod Ergashev and Islomkhudzha Olimov (Tajikistan). Next, Ian Hannam looks at a specific topic of sustainable agriculture: how to effectively regulate pastoralism, taking into account environmental needs, as well as ensuring effective tenure of land. The three remaining chapters consider more general but nonetheless important aspects. Jesse Richardson demonstrates, using the example of US law, how tenure rights could impede sustainable agriculture. In their chapter, Luca Montanarella and Panos Panagos stress the need for data on sustainable agriculture, which are especially pertinent to determine suitable indicators and to establish an effective monitoring program. Finally, Andrea Schmeichel analyzes, from a legal perspective, whether and how import restrictions could be employed to incentivize sustainable agricultural practices abroad.

Part III contains a contribution by Stephanie Wunder *et al.* on how to implement the objective of “land degradation neutrality” in Germany, covering information on general approach and the selection of indicators.

Part IV on national and regional soil legislation put together a variety of interesting contributions, starting with reports on national soil legislation in Iceland and Greece, followed by several contributions on specific legal approaches in the various legislation, and finally an analysis of the soil conservation protocol of the Alpine Convention, which highlights why such an innovative regulation was possible to be achieved.

In Part V on “Cross-Cutting Topics,” Robert Kibugi questions whether an African instrument could be useful and how it should be put in place. Next, Anja Eikermann puts forward a comparison of international forest law and international soil protection law, where she concludes that a more coherent and coordinated approach of the existing regimes is of need. Harald Ginzky, then, provides arguments that the sustainable management of soils should be regarded as common concern of humankind. The chapter of Irene Heuser demonstrates the development of soil awareness in Europe and other regions, arguing for an ethical approach that takes into account the crucial importance of soil function. Detlef Grimski *et al.* conclude this part with a chapter on the European research project “INSPIRATION,” aimed at defining a strategic research agenda for Europe.

As the editors of the second volume of the *International Yearbook of Soil Law and Policy*, we hope that both the structure of this volume as well as the selections

of topics and perspective meet the interest and expectations of our readers and that this volume contributes to raising soil awareness and to identifying appropriate solutions at international, regional, and national levels.

We would like to thank all the authors for their contributions, the members of the advisory board for helping us with the review process, and finally the publishing house SPRINGER for technical assistance. Finally, it remains to be announced that the theme for volume 3 of the *International Yearbook of Soil Law and Policy* will be “urbanization and sustainable management of soil,” which covers another very significant driver of soil degradation.

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Urbandale, IA, USA  
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Kampala, Uganda  
Bremen, Germany  
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