

Studying of Legal aspects of Soil Conservation

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Abstract

The definition of soil is partly difficult because its formation is difficult and precise definition of the physical chemical and biological forces is difficult. Soil Forms the most superficial part of the solid crust of the Earth which covers, like a loose and thin cover, Rocks that have not been yet destroyed. Formation of soil is slow and complex. The impacts of soil problems are felt not only locally, but also globally: food and water insecurity, biodiversity loss, climate change, and the economic, political, and humanitarian consequences of all of these and more. It is recommended that certain laws be established in the soil and ecological roles especially in the areas of biodiversity and the preservation of human life be considered in soil.

Keywords: legal, conservation, soil

1-Introduction

Agricultural operations are effective on the soil in two directions, on the one hand they can be one of those operational groups which improve the soil In the agricultural production, or they can be one of those groups lead to the soil degradation. For centuries, the soil reconstructs only a small part of the destroyed part. Today the pressures of population, economic, health and local shifts has led to massive soil degradation. For centuries, the soil reconstructs only a small part of the destroyed part. This suggests that many of the changes in soil are largely irreversible. This suggests that many of the changes in soil are largely irreversible.

By the same token, many legal documents, to global, regional, and optional binding insist on the protection of natural resources. So that from the early 1900s, more than 200 agreements, environmental agreements and protocols have been approved In order to manage and protect natural resources.

2- Definition of soil

The definition of soil is partly difficult because its formation is difficult and precise definition of the physical chemical and biological forces is difficult. For the better we can protect the soil, we should recognize it. Soil Forms the most superficial part of the solid crust of the Earth which covers, like a loose and thin cover, Rocks that have not been yet destroyed. The thickness of the cover (soil), in normal circumstances, is 1 / 2 to 2 meters. This thin layer in fact is located between the atmosphere and lithosphere, which is still not being influenced by climatic factors and not destroyed (the atmosphere). Although the coating thickness (soil) is very low to the atmosphere and lithosphere but because it is a fertile source of income and production, it is the location all living organisms on earth and so is the material basis of all civilization, (Kardvani, 2010). It is the soil which enables plants and animals to survive and is one of the components for production of raw material for some supplies for human life So that the pollution, would endanger the lives of all creatures.

3- Soil legal frameworks

Soil is somewhat difficult to define, but one useful definition is: The natural dynamic system of unconsolidated mineral and organic material at the earth's surface Soil materials include organic matter, clay, silt, sand and gravel mixed in such a way as to provide the natural medium for the growth of land plants. Soil comprises organized profiles of layers more or less parallel to the earth's surface and formed by

the interaction of parent material, climate, organisms and topography over generally long periods of time.(Hannam,2002)

Formation of soil is slow and complex. An inch of soil can take centuries or even millennia to form, depending on the location and conditions. (Montgomery, 2007)

The impacts of soil problems are felt not only locally, but also globally: food and water insecurity, biodiversity loss, climate change, and the economic, political, and humanitarian consequences of all of these and more.

Moreover, the annual amount of agricultural land converts to urban buildings and other facilities and on the other hand, due to the accumulation of municipal solid waste, municipal waste and waste water plants, the percentage of soil contamination ascends. (Ghavam 1375).

Population pressures, economic pressures, and global and local changes now drive massive soil transformation and degradation. Soil can take centuries to re-form once lost or degraded. (Montgomery, 2007)

Since the early 1900's, over 200 multilateral environmental treaties, agreements and protocols have been developed to manage and protect the world's natural environments and natural resources (UNEP, 1996, *Handbook of Environmental Law*).

As Kiss and Shelton note, “[A]t the international level, cooperation started later than in other sectors of environmental protection, because it was generally considered that the soil conservation was mainly a domestic problem without international implications (Kiss and Shelton. 2005).”

3-1- The Rio Conventions

The 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, Brazil, known to many as

“Rio,” was a watershed moment in international environmental law.

3-2- UNCCD

UN Convention to Combat Desertification (UNCCD) Of all of the treaties to arise from Rio, the Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, known as the UNCCD, most directly addresses soil conservation and management—but only with respect to a subset of the world's soils, soil functions, and soil threats (United Nations Convention to Combat Desertification)

3-3- UN Convention on Biological Diversity (CBD)

“Most of the land's biodiversity lives in the soil, not above ground,”¹²⁸ but in the UN Convention on Biological Diversity (CBD), in force since 1993,¹²⁹ soil biodiversity is nearly invisible.¹³⁰ The near total absence of soil as a CBD issue is rather striking, given the structural setup of the treaty. In recognizing the concept of biodiversity as a “common concern of humankind,” the CBD provides important theoretical justification for *global* responsibility for soil protection, justifying international action regarding resources generally occurring within national boundaries while still acknowledging state sovereignty. (Hunter, and Zaelke2007)

3-4- Kyoto Protocol

Under the Kyoto Protocol regime, “Annex I” parties, comprising industrialized nations (not including the non-party United States), collectively committed to net emissions reductions 5% below the 1990 baseline by 2008–2012, with a “cap-and-trade” approach adding flexibility in the manner of reaching that goal.(The Kyoto Protocol to the Convention on Climate Change, 1997)

3-5-Regional Instruments

Europe has been a leader in regional environmental law instruments specifically targeting soil. In 1972, the Council of Europe adopted a European Soil Charter, the only regional non-binding instrument of its type for soil (Comm. of Ministers, Council of Eur., *European Soil Charter*, Resolution)

Africa, with roughly seventy percent of its land either desert or dry lands (Hunter, and Zaelke2007) has understandably been a leader in regional environmental law relating to its fragile soils as well The ASEAN (Association of Southeast Asian Nations) Agreement on the Conservation of Nature and Natural Resources (Ass'n of Southeast Asian Nations)

3-6-Some legal documents in soil protection

- The **European Soil Charter** 1972 was adopted by the Committee of Ministers of the Council of Europe
- The **World Soil Charter** was published in 1981 by the UN Food and Agriculture Organization
- The **World Charter for Nature** of 1982 was the subject of a United Nations resolution.
- In 1983 UNEP prepared **Environmental Guidelines for the formulation of National Soil Policies.**
- The Food and Agricultural Organization published an **International Code of Conduct on the Distribution and Use of Pesticides** in 1985.
- The **1991 Alpine Convention**
- The Council of Europe Committee of Ministers adopted **Recommendation 92(8) on Soil Protection** in 1992.
- In 1992, **Agenda 21**, adopted at the Rio Conference on Environment and Development, included reference to a range of aspects of soil, including matters relating to deforestation, desertification, mountain development, sustainable agriculture and rural development.
- The **1992 Convention on Biological Diversity**
- The **1992 Framework Convention on Climate Change (UNFCCC)**
- The **Kyoto Protocol** of 1997 under the UNFCCC was adopted in 1997
- In 1994, the **United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (CCD)** was opened for signature
- In 2001, **Montevideo Programme III on the Periodic Review of Environmental Law**

4- Conclusion

At the present soil has been depleted, toxic and has been used incorrectly globally, more than ever. Soil, is not a lifeless mass but there are also air and water, living organisms such as bacteria, fungi, earthworms in addition to its organic and inorganic materials. These organisms, in both physical and chemical properties of soil, are very effective. Since there should always be biological equilibrium between soil organisms and their environment, i.e. soil, If you disrupt this balance, it effect on environmental conditions and its living things' activities and in extreme circumstances may even lead to their destruction and loss of soil fertility. Effects of soil degradation will be felt not only locally but also has consequences in the Global scale including: lack of food and water security, biodiversity loss, climate change and other challenges to its economic, political and human. Practical and political effects of food insecurity have led global efforts to solve the problem of soil degradation and sustainable land use and deliberate. Now the law has not been particularly developed in the soil. One of the unintended consequences of lack of particular national or regional international law

In soil is severe soil degradation and change of fertile land to barren land. It is recommended that certain laws be established in the soil and ecological roles especially in the areas of biodiversity and the preservation of human life be considered in soil. Another proposal is that in this legislation, the cooperation

of experts in the field of soil science societies also is considered because of increasing population, increasing food needs only scientific method can be a lasting benefit of the soil and yet does not lead to the destruction of soil.

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