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## **THE SOIL USE FROM ETHIC TO NORMS AND POLICIES**

1. The initial question of crucial meaning for planners, stakeholders and law-makers could be: what is the distinction between land use and soil use with a soil being one of the critical concerns in the World nowadays? The answer could be defined like this:

The land use is dealing with distributing functions on the ground while the soil use is focusing on the system behavior underneath. Since the land use is dealing with economy (oikos + nomos = house + reason of legal), the soil use is having concern with ecology (oikos + logos = house + reason of logics). That could be an explanation why the soil use in planning acting and administering in urban and rural areas should get the new and increased attention of all. If so, the reason of logics for human existence, where the soil has paramount role, should be matter of education and learning from the youngest ages (kindergarten) and thus become part of the genetic feelings, something to become life-long bred, developed and practically applied as an particle within the human ethical structure with the same relevance as water and air and their use.

2. For many reasons this statement is not easy to implement, with so many different habits, lack of understanding and free market forces concentrated on land as economic commodity and commercial matter. Based on already existing world or European agendas and declarations European communities will inevitably have to regulate the **soil use** in more articulate way, distinguishing it from the **land use** in the proper way. But regulation without understanding and adequate breeding and education will be of no rational use. Implementing dialogue, organizing public workshops, involving within children-education programme, giving incentives to NGOs and spurring mass media will be inevitable task prior to regulate this sensitive issue.

3. Coming from ethical to normative framework the basic objective will be legislative codification, i.e. vertical and horizontal coordination of the soil matter in a number of different legal acts, laws and by-laws. The problem nowadays, at least in transitional communities, is where the soil is severely attacked by free market forces and pressures and where liberal or non-existent care for the soil is changed for the fast financial recovery of lagging communities by privatization of big state-owned agricultural companies. Different legal acts are usually without appropriate coordination and, instead, with sectoral land use regulation (laws on agriculture, wetlands, forest land, roads, building etc.). The soil is not protected as a public good but giving to absolute private rights to handle the soil according to individual interest (selling/baying...).

4. The soil should be treated as any natural resource (air, water, natural habitat), well protected and controlled by measures and instruments of public interest protection. This would be done by:

- Distinguishing **land use** (economic instruments) and **soil use** (ecological instruments), where the first would distribute activities but with careful approach to keeping ecological structure and possible multifunctional use of soil.
- Treating the soil use as primary aim in the whole legal system and with its protection, regulation and proper development and secondly given the right to use in agriculture, forestry, sealing etc.
- Supporting the sustainable soil use with appropriate tax incentives (and sanctions), subsidies in agriculture primary, and other economic and financial instruments
- Raising local government and general public awareness, organizing adequate information system on the soil and its use and increasing mass media interest
- The mediation between the soil use experts, local/regional governments and developers/stakeholders should be led and organized by local/regional governments and their institutions.

5. One of the crucial points in the process of privatization in particular, is balancing private/municipal land ownership with their rights and duties and the public concern and interest. Two of them should not be juxtaposed and confronted but coordinated through the public – private partnership in the soil use matters. Dominance of the private interest will jeopardize the soil as up till date, and superposition of the public interests could rehabilitate former socialist formula of nationalization and expropriation by legal force. Both dominations could further discriminate the use of the soil as a matter of general concern. Their cohabitation and coexistence of the two interests is indispensable.

6. Different EU charters, declarations and strategies (Landscape Convention, Lisbon Strategy) together with world agendas (Biodiversity Convention, Kyoto Declaration, Agenda 21 etc.), will inevitably be used as a foundation for national legislative framework on the soil use, but also for numerous regional and interregional strategies. The EU Territorial Agenda and the Framework programme 2007-2013 are supporting regional competitiveness based on specific identity. This should be understood by explaining two terms: **competitiveness** and **competition**.

- a) Competitiveness is (regional) capacity to compete with others. The level of regional capacity will contribute to regional power to compete with other regions (economic or cultural power).
- b) Competition is rather play (or struggle) between two or more actors (regions) where one could be winner and the other could be a loser. Depending on the way of playing (struggling), either offensive or defensive a region can win or lose with no excuse.

The EU policy is oriented more to competitiveness, articulating EU as a societal structure with attention to balance and to take care of less developed, compared to USA where

competition is a basic principle in national/regional development (J. Rifkin, European Dream, 2004).

7. Looking at Europe with its enormous natural and cultural diversities, the next European spatial development principle is becoming more and more important to the competitiveness of the Continent in global competition. That is **identity**, i.e. abundance of regional identities in any country. The nature and natural system are contributing to identities and the soil is the key reason for that, combined with different cultures and tradition in soil cultivation. The diversity of regional identities based on the soil and its deliveries is severally endangered by market and big landlords, buying land now especially in transitional countries with low prices of land in underdeveloped and deserted areas, and overusing or underusing it for commercial reasons. The soil is the major victim and destroyed regional identity is a major consequence. Loosing its identity a region is finally loosing its competitiveness as well, with landowners profit growing up until the soil is destroyed.

Educating students through European educational programmes (ERASMUS, SOCRATES...) is convenient way for better understanding the soil problem and the use of soil issues. But simultaneously, local/regional governments will inevitably have to raise their awareness and their capacities to the soil use matters. The “learning region” principle is a basic step to more efficient dealing with the soil abuse or misuse.

8. The EU Territorial Agenda 2007-2013 is about “increasing competitiveness and dynamic, knowledge-based economy, capable of sustainable economic growth and greater social cohesion”<sup>1</sup>. In this, increasing so called “**territorial capital** will be leading to productivity gains and generating growth by sustainable exploitation”<sup>2</sup> of it. What is territorial capital?

As explained in the Agenda it is regionally specific potentials, distinct from other area and determined by objective and subjective factors. The soil belongs to objective factors (economic potential, resource) but also to subjective ones (customs in the soil use, local or regional tradition etc.) protecting and enhancing the soil and building its identity on multifunctional and sustainable soil use a region can expect added value in its capacity and better standpoint for its competitiveness Europe-wide, with preserving and developing safety and quality of soil as one of the basic natural values. Adapting criteria of the soil use to local/regional specific conditions would be a major task to spatial planning, but also with the soil use as a crossbred and even transnational issue. National and regional policies should therefore be oriented to this European policy of better effectuating territorial capital and the soil as one of the key objective and subjective factors.

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<sup>1</sup> The EU Territorial Agenda, Brussels, 2006

<sup>2</sup> Ibid