

# The decolonisation of Africa's soils: a legal challenge of historical significance

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“African soils cannot be separated from African history because they are, in themselves, historical bodies and they have interacted with human history since its beginning.”<sup>1</sup>

## 1. Introduction: soil, justice, and decolonisation

Africa is home to a vast diversity of soils that sustain cultures, economies, and ecosystems.<sup>2</sup> For millennia, communities across the continent cultivated indigenous knowledge systems to maintain soil fertility, conserve water, and protect biodiversity. These practices, embedded in cultural traditions, ensured the long-term resilience of landscapes and the survival of societies. Africa is thus not only rich in natural resources but also in cultural heritage and wisdom that have guided sustainable land management across generations.

This wisdom is reflected in cosmologies, such as the Ethiopian Tewahido Church's belief that human beings are composed of seven elements—three of the soul (thought, communication, and eternal life) and four of the body (wind, fire, water, and soil).<sup>3</sup> In this understanding, soil is not inert matter, but an integral part of human existence itself. Similarly, *Ubuntu* and related African philosophies affirm that life is shared between humans, the non-human world, and the spirit realm: “the land of the people is the people themselves, and the people are the human face of the land.”<sup>4</sup> Such worldviews position soil as a living bond between humanity, nature, and ancestry.

The soil's resistance was also central to traditions of anticolonial struggle. Maroon communities—settlements formed by formerly enslaved Africans—drew upon the earth itself as an ally in their defiance of slavery and plantation life. As Wynter notes, they swore oaths of solidarity to one another and against the world of the plantation by “kissing the earth.”<sup>5</sup> These practices reveal how soil has long been more than a resource; it has functioned as a ground of resistance, identity, and freedom—a forgotten artefact of the continent's ancestral struggles.

Yet the story of Africa's soils cannot be told without confronting the legacies of colonialism. During the colonial era, fertile lands were expropriated, customary tenure

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1 Showers (2006: 118).

2 Ruppel & Ginzky (2024).

3 Woldeyesa & Belachew (2021: 70).

4 *Ibid.*: 67.

5 Davidson & da Silva (2024: 4).

systems disrupted, and resource use redirected to serve distant markets.<sup>6</sup> The extraction of value was not limited to minerals and crops; it extended to the very fertility of soils, mined for productivity without replenishment. This disruption of ecological and cultural systems has left enduring scars, shaping present-day patterns of land degradation, food insecurity, and environmental vulnerability.

Decolonisation, in its broadest sense, refers to the dismantling of colonial power structures and the enduring legacies they leave behind.<sup>7</sup> This includes the decolonisation of knowledge, which challenges the privileging of Eurocentric perspectives in academia and development discourse. It also extends to the decolonisation of economies by confronting perverse subsidies and financial, trade, and investment structures that perpetuate neo-colonial dependence and exploitation. In this sense, the pursuit of sustainable development may be inherently linked to decolonisation.<sup>8</sup> Many scholars argue that the historical exploitation of resources and the imposition of externally designed development models by colonial powers have left deep and lasting scars on post-colonial societies.<sup>9</sup> These legacies include environmental degradation, social inequality, and economic dependence. Decolonisation in the context of sustainable development, therefore, calls for a shift in power relations. This may require recognition of indigenous and local knowledge systems, which have long offered valuable insights into sustainable resource management and community well-being.<sup>10</sup> It also requires participatory and inclusive decision-making processes so that local voices genuinely shape sustainable development strategies.<sup>11</sup>

Decolonising the environment, therefore, requires decentring Eurocentrism—first by acknowledging the violence of slavery and colonialism, and second by centring indigenous ways of knowing and acting in relation to land and living systems.<sup>12</sup> The distinction between “Western” and “non-Western” views is not essentialist; it reflects how colonial and neo-colonial power structures made European ideas about land reasonable and enforceable, while dismissing African epistemologies as “primitive”.<sup>13</sup> At the 1884–1885 Berlin Conference, European powers carved up the continent from afar; people, animals, soils, and vegetation were treated as resources to be catalogued, extracted, and consumed. This cartographic project—the colonial map as *tabula rasa*—imposed a space-based view of Africa as a bundle of natural assets awaiting conversion into capital, detached from grounded life worlds and responsibilities.<sup>14</sup> Its

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6 Amanor (2008: 59).

7 Cordonier Segger & Olawuyi (2025: 652).

8 Ibid.: 653.

9 Ibid.: 654.

10 Ibid.: 655–656.

11 Ibid.: 658.

12 Woldeyesa & Belachew (2021: 64).

13 Ibid.: 66.

14 Ibid.

afterlives are visible in fragmented landscapes, insecure tenure, monocultures, chemical dependence, and eroding topsoils. Decolonising soil governance means reversing these logics: restoring land and decision-making authority to communities; recognising customary tenure and guardianship; requiring free, prior, and informed consent; embedding indigenous indicators of soil health alongside scientific metrics; and re-aligning policy instruments, finance, and enforcement with the protection of living soils rather than their depletion.

Precolonial Mali's agroecologies, for example, sustained major urban centres through ring cultivation that built rich anthropogenic soils, grain stores that buffered drought, flood-recession rice in the Inner Niger Delta, and Dina-style coordination of farmers, herders, and fishers.<sup>15</sup> Colonial engineering reversed these logics: the Office du Niger dam and canals introduced forced relocations, salinisation, and disrupted delta flood pulses, undermining rice, fisheries, and pastures.<sup>16</sup> When plantation cotton faltered, policy shifted to rainfed export cotton, undercutting local weaving with cheap imports.<sup>17</sup> Post-independence, a vertically integrated cotton filière deepened input dependence, acidified soils, increased pesticide and herbicide exposure, and reallocated women's labour away from nutrient-dense "sauce crops."<sup>18</sup> The result is the "Sikasso paradox": high commodity output alongside child malnutrition<sup>19</sup>—an emblem of how external models can erode soil health, diets, and agency.

Against this backdrop, the African Union's (AU) 2025 theme, "Justice for Africans and People of African Descent Through Reparations," offers a powerful lens for rethinking soil governance through a justice-based perspective.<sup>20</sup> The AU has emphasised that reparations must address the legacies of slavery, colonialism, apartheid, and genocide. These same legacies are inscribed in the soils of Africa, where depletion and dispossession have gone hand in hand with political and economic subjugation. The campaign for reparatory justice, including the AU's call for a "true new map of Africa," therefore resonates directly with the project of reclaiming soils for African people, cultures, and futures.<sup>21</sup>

At the same time, global climate change is placing unprecedented stress on African soils and ecosystems.<sup>22</sup> Droughts, floods, shifting rainfall patterns, and extreme weather events threaten to undermine food security and strain fragile governance systems. Africa, which has contributed least to global greenhouse gas emissions, is

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15 Moseley (2024: 50).

16 *Ibid.*: 51–54.

17 *Ibid.*

18 *Ibid.*: 58–59.

19 *Ibid.*: 60.

20 African Dialogue Series (2025).

21 See <https://edition.cnn.com/2025/08/15/africa/africa-real-size-world-map-campaign-intl>, accessed 22 September 2025.

22 Rhodes (2014: 105).

among the least prepared for the severity of these challenges. Soil governance is, therefore, not an abstract concern but a matter of survival, livelihood, and dignity.

In this regard, recent social justice discourse has emphasised that apparent stability often conceals deep structural inequality, and that justice requires more than the formal recognition of rights—it requires the creation of equitable conditions in which those rights can be realised.<sup>23</sup> As Baroness Valerie Amos has cautioned, “stability without equity is fragile.”<sup>24</sup> This insight is particularly salient in the African context, where contemporary patterns of soil degradation, land dispossession, and environmental vulnerability remain inseparable from historical injustice and unequal starting points.

African wisdom has long affirmed the deep connection between humanity and the land: “Upon this handful of soil our survival depends.”<sup>25</sup> Soils are not lifeless matter but vibrant living systems—cosmoses in miniature—sustaining all biological life. Nearly all the food we consume—over 95%—depends on soils for its production.<sup>26</sup> Yet these foundations are under mounting pressure. Agriculture, mining, infrastructure expansion, and urbanisation drive soil degradation at alarming rates, while poverty and insecure tenure encourage unsustainable practices. The question remains whether *Homo sapiens*—the “wise human”—can live up to its name, or whether we will continue down the path of soil depletion, ecological collapse, and social injustice.

The decolonisation of Africa’s soils is, thus, not simply a technical or scientific project. It is a moral and political imperative: to reconnect soil governance with principles of justice, equity, and dignity, and to ensure that Africa’s soils serve the needs of its people rather than external interests. The Durban Declaration and Programme of Action (2001) affirmed that slavery, colonialism, and apartheid were crimes against humanity whose legacies demand redress.<sup>27</sup> Building on this foundation, the Accra Declaration on Reparations and Racial Healing (2022) calls for a comprehensive framework of justice to address these enduring harms.<sup>28</sup> Africa’s soils, depleted and dispossessed through centuries of extractive rule, embody these legacies. Reclaiming them is not merely an environmental task—it is a reparatory act.

In line with the AU’s reparations agenda, this chapter argues that reclaiming Africa’s soils must unite science with society and anchor resource management in natural justice. Only then can Africa move from vulnerability to leadership—as a custodian of soils, biodiversity, and ecological futures, not just for itself but for the planet. To that end, this chapter begins by examining international and African frameworks that shape soil governance, highlighting both their promise and

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23 See <https://www.su.ac.za/en/news/stability-without-equity-fragile-baroness-valerie-amos-warns-7th-social-justice-lecture>, accessed 19 March 2026.

24 Ibid.

25 Montgomery (2018).

26 FAO (2023).

27 UN Department of Public Information (2002).

28 See <https://reparationscomm.org/docs/the-accra-declaration-on-reparations-and-racial-healing/>, accessed 22 September 2025.

limitations. It then turns to colonial legacies and climate justice, tracing how historical exploitation continues to structure present vulnerabilities and claims for reparations. The discussion expands to include the restitution of cultural artefacts, climate neutrality, and just transitions, situating soil within broader struggles for justice and sustainability. From there, the focus shifts to decolonising African soil law and governance, identifying strengths, weaknesses, and systemic gaps. The chapter concludes with recommendations and pathways forward that outline how soils can be reclaimed as foundations for food security, climate resilience, cultural identity, and planetary stewardship.

## 2. International frameworks and the African experience

Global and regional frameworks have become increasingly influential in shaping the governance, conservation, and restoration of soils in Africa. Many of these instruments are non-binding. Yet they carry considerable symbolic and political weight, offering both normative guidance and leverage for national and continental initiatives.

The Revised World Soil Charter (2015) remains a landmark reference point. It highlights soils as the foundation of food security, ecosystem health, and climate regulation, urging states to adopt principles of protection, restoration, and sustainable management. Similarly, the Voluntary Guidelines to Support the Progressive Realisation of the Right to Food (2004), developed with active participation from civil society, provide states with recommendations on access to natural resources, legislation, markets, and education as essential components of food security.

At the broader United Nations (UN) level, the 2030 Agenda for Sustainable Development explicitly integrates soil protection in Goal 15, which focuses on terrestrial ecosystems, forests, desertification, and biodiversity.<sup>29</sup> Within this, Target 15.3 calls for achieving a land degradation-neutral world by 2030. Other relevant goals include Goal 12 on sustainable consumption and production, Goal 13 on climate action, and Goal 17 on partnerships. The UN Convention reinforces the global agenda to Combat Desertification (UNCCD), as clarified by successive COP decisions, particularly COP12, which recognise that soil management is central to ecosystem services and food security.<sup>30</sup>

Notably, while the 2030 Agenda has significantly elevated soil-related concerns within global policy discourse, it is not, in itself, a decolonising instrument.<sup>31</sup> Indeed, critical scholarship argues that the SDGs' underlying architecture tends to work

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29 See <https://sdgs.un.org/goals>, accessed 22 September 2025.

30 See <https://www.unced.int/land-and-life/land-degradation-neutrality/overview>, accessed 22 September 2025; UNCCD-SPI Technical Series No. 01, Scientific Conceptual Framework for Land Degradation Neutrality. A Report of the Science-Policy Interface (2017).

31 Telleria (2022).

against decolonisation, remaining tethered to a notion of progress—and an unexamined commitment to economic growth—that helped to generate the very crisis the Agenda seeks to address; its inclusive language can operate as a ‘rhetorical shield’ that obscures economically driven aspirations.<sup>32</sup> Some scholars suggest that certain SDG targets and indicators implicitly prioritise individualist and consumption-driven development pathways, often measured through gross domestic product (GDP) growth, which may not align with the histories, values, and material realities of post-colonial societies.<sup>33</sup>

As a non-binding framework grounded in universal targets and indicators, the SDGs essentially abstract soil degradation from the historical and structural contexts in which it occurs. Colonial land dispossession, extractive agrarian economies, and the unequal distribution of environmental burdens are not explicitly addressed. Moreover, critics point to the underrepresentation of indigenous and local knowledge systems within the SDG framework.<sup>34</sup> Across Africa, long-standing practices such as crop rotation, intercropping, fallowing, and customary systems of land and water governance have sustained soil health, biodiversity, and community resilience for generations. Yet these knowledge systems are seldom treated as coequal sources of authority. Instead, the emphasis on standardised indicators and global metrics risks marginalising context-specific approaches and discouraging alternative development pathways that prioritise social equity, ecological sustainability, and cultural continuity over narrow economic growth.<sup>35</sup>

As critical scholarship on SDG 15 has shown, the Agenda is notably thin on questions of limits and tends to privilege indicator-driven conservation and management over distributive justice and shared decision-making.<sup>36</sup> In this sense, the Agenda risks flattening historical asymmetries and recasting deeply political questions of land and soil governance as technical challenges of management, capacity, and monitoring.<sup>37</sup> At the same time, the 2030 Agenda creates important normative openings.<sup>38</sup> By recognising land degradation neutrality, ecosystem integrity, climate–soil linkages, and participatory governance, it provides discursive and institutional footholds through which soil can be reframed as a shared ecological commons rather than a mere factor of production. However, as decolonial critiques caution, such openings remain fragile when rights, equity, and interdependencies are not explicitly embedded in the design and implementation of goals, and when participation is implied rather than legally or institutionally secured.<sup>39</sup> Whether these openings translate into

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32 Keet & Rafaely (2025: 470–474).

33 Cordonier Segger & Olawuyi (2025: 657–658).

34 *Ibid.*: 662.

35 *Ibid.*

36 For a discussion, see Krauss (2021).

37 Hall (2019).

38 Porter & Cook (2023).

39 Triki (2022).

decolonising outcomes depends on how the Agenda is interpreted and operationalised, particularly whether indigenous knowledge systems are treated as co-equal sources of authority, whether soil data and indicators remain locally governed, and whether implementation is linked to tenure reform, distributive justice, and community stewardship.

Beyond the UNCCD, the Food and Agriculture Organization of the UN (FAO) has spearheaded soil-specific initiatives. The Global Soil Partnership (GSP), established in 2011, mobilises governments, academia, civil society, and the private sector to advance sustainable soil management.<sup>40</sup> Its outputs include the Voluntary Guidelines for Sustainable Soil Management (VGSSM), providing structured guidance for policymakers and practitioners, as well as the International Code of Conduct for the Sustainable Use and Management of Fertilisers (2019), which addresses nutrient imbalances and soil pollution while promoting regulation, labelling, education, and responsible use throughout the fertiliser chain.

At the continental level, the AU's Agenda 2063—"the Africa We Want"—outlines a long-term vision for inclusive growth and sustainable development, including secure land tenure, agroforestry, and conservation agriculture. However, soils are not always explicitly mentioned.<sup>41</sup> The 2003 Maputo Declaration on Agriculture and Food Security (Assembly/AU/Decl. 7(II)) committed Heads of State to allocating at least 10% of their national budgets to agriculture and rural development and to implementing the Comprehensive Africa Agriculture Development Programme (CAADP). Under CAADP, Pillar I on "sustainable land and water management" promotes integrated soil fertility management to conserve and enhance soil health. The Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods (Assembly/AU/Decl. 1(XXIII), June 2014) set time-bound targets—including ending hunger by 2025—thereby placing soil health and conservation at the heart of productivity and resilience.

The African Soil Partnership (AfSP), launched in 2015, represents a coordinated effort to unlock Africa's soil potential, enhancing agricultural productivity and improving food security.<sup>42</sup> Its Regional Implementation Plan (2016) prioritises food security, land restoration, and climate resilience, acknowledging that by 2030, population growth will place unprecedented pressure on soils and rural livelihoods.

Several AU declarations and frameworks further integrate soil into broader agricultural and climate strategies.<sup>43</sup> The Framework and Guidelines on Land Policy

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40 See <https://www.fao.org/global-soil-partnership/en/>, accessed 22 September 2025.

41 See also the Comprehensive African Agricultural Development Programme (CAADP), which is an Agenda 2063 continental initiative designed to promote agricultural development and food security across Africa. It was established by the AU in 2003 as part of the New Partnership for Africa's Development (NEPAD) and is endorsed by African heads of state and government.

42 See <https://www.fao.org/global-soil-partnership/regional-partnerships/africa/en/>, accessed 22 September 2025.

43 Kassner & Ruppel (2025).

in Africa (2010), developed in collaboration with the UN Economic Commission for Africa (UNECA) and the African Development Bank (AfDB), provide an analytical foundation for secure tenure and sustainable land use. Earlier, the Sirte Declaration (2004) underscored the interdependence of water and agriculture, calling for integrated responses to soil and water degradation. More recently, the AU Climate Change and Resilient Development Strategy and Action Plan (2022–2032) emphasises building resilience through governance reform and adaptation, highlighting soil biodiversity and soil organic carbon as essential to productivity, erosion control, and carbon mitigation.

The AU has also begun to institutionalise soil health as a continental priority. The Soil Initiative for Africa (SIA), launched in 2020, envisions long-term improvements through coordinated policies, programmes, and institutional frameworks.<sup>44</sup> This momentum was reinforced at the Africa Fertiliser and Soil Health Summit (2024) in Nairobi.<sup>45</sup> Under the theme “Listen to the Land”, heads of state adopted the Nairobi Declaration, committing to boosting fertiliser production, strengthening smallholder livelihoods, and combating soil degradation. Its ten-year Action Plan now provides a concrete roadmap for governments and stakeholders across Africa.

Taken together, these global and African frameworks increasingly position soil governance at the nexus of food security, climate resilience, and sustainable development. Yet as the country studies in the previous volume of this book demonstrated, the challenge lies less in the absence of policies than in their implementation.<sup>46</sup> International commitments often remain rhetorical, with limited impact on soils and the communities that depend on them.

The UNCCD, often referred to as “Africa’s Convention”, is perhaps the most directly relevant international instrument for soils. Yet its record is mixed. It has been dubbed the “Cinderella Convention”—“the one that did not make it to the ball”—because of limited attention and funding compared to other environmental treaties, despite its centrality to land management.<sup>47</sup> National Action Plans are often disconnected from mainstream policies, while institutional fragmentation hinders their implementation.<sup>48</sup> Although participation is formally emphasised, local communities—the true custodians of soils—are still too often marginalised.<sup>49</sup> Similar shortcomings mark the UN’s sister conventions on climate change and biodiversity, where weak coordination, unreliable funding, and largely declaratory outcomes remain the norm.<sup>50</sup> Global processes, thus, absorb scarce political and financial resources

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44 See <https://faraafrica.org/soil-initiative-for-africa/>, accessed 22 September 2025.

45 See <https://au.int/en/AFSH-2024>, accessed 22 September 2025.

46 Ruppel et al. (2025).

47 Laurens (2023: 41).

48 UNCCD (2019: 54).

49 *Ibid.*: 47–52.

50 Akhtar-Schuster et al. (2024).

while concrete action on the ground lags, leaving millions exposed to the daily realities of soil and land degradation.

The consequences are stark. Only around 8% of Africa's land area is covered by soils relatively free from natural constraints to agriculture.<sup>51</sup> Much of the land under cultivation lies in areas unsuitable for farming, while other seemingly suitable areas remain underutilised. Degradation has accelerated as inappropriate practices, often driven by short-term economic pressures, ignore ecological limits. These pressures are compounded by rural poverty, which limits farmers' ability to adopt sustainable practices. The outcome is sobering: an estimated 65% of arable land, 30% of grazing land, and 20% of forests are already degraded across Africa.<sup>52</sup> This widespread decline undermines not only agricultural productivity but also ecological resilience, threatening food security and livelihoods for millions.

This dense web of global and regional frameworks has successfully elevated soil health onto the international policy agenda. Yet as the stark statistics on degradation confirm, charters, declarations, and voluntary guidelines have proven insufficient to reverse the tide, highlighting a broader failure to match political rhetoric with tangible resources and political will. Thus, the future of soil governance in Africa depends on its ability to move beyond the conference room and into the field. This means directly aligning global funding and continental strategies with national and local priorities, empowering communities as central actors in restoration, and ensuring that newer initiatives are measured not by their adoption but by their ability to bridge this very gap.

### 3. Rethinking the challenge: colonial legacies, climate justice, and restitution

In recent years, soil has become a significant concern in social theory, with scholars examining how its materiality interacts with social institutions and cultural imaginings.<sup>53</sup> Far from being an ahistorical substrate, soil is continuously reshaped by human activity and nonhuman forces alike, from the work of earthworms to the application of fertilisers.<sup>54</sup>

For much of the nineteenth and twentieth centuries, "Africa" was narrated through European experience, bureaucratic circulation, and expert reporting. Colonial services rotated officers across territories; as impressions hardened into consensus, London was briefed in the form of generalities.<sup>55</sup> Expert reports often privileged opinion over data,

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51 Tetteh (2019: 3).

52 Ibid.

53 Krzywoszyńska & Marchesi (2020); Tironi et al. (2021).

54 Meulemans (2020); Clark & Foster (2012).

55 Showers (2006: 121).

laying the groundwork for what Roe later called “crisis narratives.”<sup>56</sup> Soil sat at the centre of these stories—laterisation, desertification, fertility decline—frequently blamed on African land users.<sup>57</sup> Late-century debates about “nutrient mining” in the Sahel replicated the pattern: coarse erosion estimates, semi-quantitative nutrient data with wide error margins, and then regional upscaling presented as scientific fact.<sup>58</sup>

A more extended history ties these narratives to systems of exploitation. In *Capitalism and Slavery*, Williams demonstrated that intensive monocrop cultivation in the Caribbean, particularly of tobacco and sugar, led to the rapid depletion of fertile soils. He described this dynamic as the “law of slave production”: slavery relied on a cheap, subordinated labour force, discouraging innovations such as crop rotation or scientific farming, while accelerating land depletion.<sup>59</sup> Slavery’s most significant defect, Williams observed, was that it “quickly exhausts the soil.”<sup>60</sup> No region escaped this logic, as plantation agriculture systematically degraded vast tracts of fertile land.

Rodney extended this analysis in *How Europe Underdeveloped Africa*, emphasising that underdevelopment was not merely economic but also ecological and social.<sup>61</sup> Before colonialism, Africans had cultivated sophisticated ecological knowledge, understanding soils, climates, plants, and their interrelations.<sup>62</sup> This supported diversified agriculture that maintained fertility and ecological balance. Colonialism, however, imposed monocultures—such as rubber in Liberia, cocoa in Ghana, cotton in Uganda, coffee in Angola, and sisal in Tanzania—that steadily impoverished the land.<sup>63</sup> Rodney noted that these crops were “very demanding on the soil,” and their widespread cultivation directly contributed to desertification in regions such as Senegal, Niger, and Chad.<sup>64</sup>

Together, Williams and Rodney identify three features of colonial soil degradation. First, the primary divide was not between town and country, as in Europe, but between metropole and colony: Caribbean and African soils were sacrificed for European prosperity, only to be abandoned later.<sup>65</sup> Second, soil exhaustion in the colonies did not provoke a crisis for the colonisers.<sup>66</sup> While Africans faced hunger and malnutrition, European markets remained supplied and profits secure.<sup>67</sup> Third, whereas soil shortages in Europe spurred scientific innovation, such as the development of fertilisers, colonial authorities suppressed comparable improvements in Africa,

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56 Roe (1991); Roe (1995).

57 Showers (2006: 122).

58 Ibid.

59 Williams (1944: 145).

60 Ibid.: 7.

61 Davidson & da Silva (2024: 8–9).

62 Rodney (1981: 40).

63 Davidson & da Silva (2024: 9).

64 Rodney (1981: 219).

65 Davidson & da Silva (2024: 10).

66 Williams (1944: 7).

67 Rodney (1981: 236).

devoting negligible resources to agricultural research.<sup>68</sup> The result was a dual process: Africa's economic underdevelopment and the environmental degradation of its soils, each reinforcing the other.<sup>69</sup> Colonial soil regimes exemplify how racial capitalism depleted not only human life but also the very ground beneath it.

These dynamics were particularly stark in South Africa. Before colonisation, African communities practised small-scale mixed farming on communally owned land, producing crops and livestock for subsistence and trade. Before apartheid-era restrictions, the productivity gap between black and white farmers was minimal.<sup>70</sup> Subsequent laws, however, reserved 87% of arable land for white commercial agriculture, confining the African majority to just 13%.<sup>71</sup> Overcrowding made African farming increasingly unsustainable and severed communities from their traditional modes of soil stewardship.

The structural effects of this dispossession persist at the continental scale. According to an African Development Bank survey, 64% of Africa's total land area is currently owned by the state and other institutions, while 36% is privately owned.<sup>72</sup> Much of this state land is leased to farmers through concessions, a system that directly descends from colonial frameworks of expropriation and state control. This ownership pattern illustrates how colonial logics of land alienation and bureaucratic allocation continue to shape access to land, reinforcing tenure insecurities and inequities.

Today, Africa's soil governance challenges remain as much legal and institutional as ecological. Many states still operate under outdated frameworks that fail to integrate indigenous systems of stewardship or reflect contemporary realities.<sup>73</sup> This "colonisation of the law" has resulted in fragmented responsibilities, conflicting tenure regimes, and a weak recognition of soil health in environmental legislation. Meanwhile, foreign investment laws often privilege extractive industries—such as mining, oil, and industrial agriculture—over conservation, perpetuating the exploitative patterns of the colonial era.

These dynamics are increasingly mirrored in contemporary global development frameworks. Related critiques highlight how the SDGs, despite their universal ambitions, may inadvertently reproduce forms of neo-colonial economic dependence. Their emphasis on foreign investment, trade liberalisation, and market-based reform can reinforce reliance on external capital and global markets, often enabling foreign actors to extract value from land, labour, and natural resources while local communities experience limited benefits.<sup>74</sup> In some contexts, this has been associated with ecological degradation, social displacement, gender-based violence, and the

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68 Clark & Foster (2012); Rodney (1981: 221).

69 Davidson & da Silva (2024: 9).

70 Davis (2022: 195).

71 Ibid.

72 See <https://african.land/blog/article/africas-land-ownership-who-owns-most-of-the-land-b91>.

73 Ruppel et al. (2025).

74 Cordonier Segger & Olawuyi (2025: 661).

erosion of cultural heritage, while profits are repatriated abroad. At the same time, neoliberal policy approaches linked to development reform may deepen internal inequalities, as privatisation and liberalisation reduce access to essential resources and expose small-scale farmers and local producers to unfair competition from subsidised imports.<sup>75</sup> Informal economies and subsistence systems—central to livelihoods across much of Africa—are frequently undervalued within such frameworks.

The manner in which the SDGs are implemented further reinforces these concerns. Implementation is often characterised as top-down, driven by international institutions and national governments rather than grounded in genuine local ownership. This risks reproducing colonial dynamics in which development is done to communities rather than with them.<sup>76</sup> In addition, the SDGs' reliance on technocratic and measurement-based models of progress privileges quantitative indicators, despite significant challenges in data collection across many post-colonial contexts. More fundamentally, this emphasis may obscure qualitative dimensions of development, including cultural well-being, dignity, social cohesion, and lived experience, while failing to capture the value of indigenous knowledge and community-based practices.<sup>77</sup>

Land grabbing has emerged as a modern extension of these historical injustices. The FAO defines land grabbing as “the control (whether through ownership, lease, concession, contracts, quotas, or general power) of larger than locally typical amounts of land by any persons or entities (public or private, foreign or domestic) via any means (‘legal’ or ‘illegal’) for purposes of speculation, extraction, resource control or commodification at the expense of agroecology, land stewardship, food sovereignty and human rights.”<sup>78</sup> Public spending on agriculture in developing countries is limited, especially in Africa, and bank lending to the sector is likewise modest.<sup>79</sup> To close this financing gap, many governments have sought to attract foreign direct investment into agriculture, aiming to facilitate technology transfer, create jobs, improve infrastructure, increase domestic output, and enhance product quality.<sup>80</sup> Yet these gains have not consistently materialised. Across Africa, this practice often mirrors the extractive logics of colonial dispossession, as vast tracts of fertile land are transferred to transnational corporations or elites under the guise of investment or development.<sup>81</sup> Such acquisitions frequently marginalise smallholder farmers, erode customary tenure systems, and disrupt local agroecological practices, thereby deepening rural poverty and accelerating soil degradation. According to the Land Matrix (2020), there are 1,805 concluded deals commonly labelled as “land grabbing,” covering more than 50

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75 Ibid.

76 Ibid.: 662.

77 Ibid.

78 See [https://agrovoc.fao.org/browse/agrovoc/en/page/c\\_cc39a497?clang=en](https://agrovoc.fao.org/browse/agrovoc/en/page/c_cc39a497?clang=en), accessed 26 October 2025.

79 Tulone et al. (2022: 1).

80 Ibid.

81 Ashukem & Ngang (2022).

million hectares worldwide; 32.8% of these are located in Africa.<sup>82</sup> Mozambique, Ethiopia, and Ghana are the most affected, together accounting for over a third of African deals—205 out of 592—spanning just under 4 million hectares, including about 2 million hectares in Mozambique alone.<sup>83</sup>

The colonial past was marked by violent subjugation, expropriation, and ecological devastation. Some injustices are visible in looted cultural artefacts still housed in European museums; others, such as soil exhaustion or the overuse of the global carbon budget by industrialised states, are less tangible but equally destructive. The connection between colonialism and present-day climate vulnerability is increasingly recognised. Climate indices reveal that the most climate-vulnerable countries are overwhelmingly former colonies.<sup>84</sup> Likewise, the Intergovernmental Panel on Climate Change's (IPCC) Sixth Assessment Report emphasises that “historical and ongoing patterns of inequity such as colonialism” have exacerbated exposure and diminished adaptive capacity.<sup>85</sup> In this sense, both climate change and colonialism distribute risks and vulnerabilities along unjust historical lines.

To respond effectively, it is necessary to move beyond narrow framings such as “desertification” and recognise the broader spectrum of soil degradation: erosion, nutrient depletion, compaction, salinisation, and the loss of organic matter. Most of these processes are anthropogenic, and even natural dynamics are now intensified by human-induced climate change. Addressing them requires a synergistic, adaptive approach that recognises soils as interconnected with water, biodiversity, culture, and livelihoods.

At the same time, soil has always carried meanings that exceed its role as a resource. Herder observed that just as plants thrive in their native soil but wither when transplanted, so too do people draw identity, belonging, and vitality from the ground in which they are rooted.<sup>86</sup> Soil, in this sense, is constitutive of cultural life, shaping and reshaping both human and nonhuman worlds.<sup>87</sup> Cabral developed this insight in explicitly anticolonial terms. For him, soil embodied both the planet's deep geological time and the immediate struggles of politics and production.<sup>88</sup> While colonialism devastated it through cash-crop extraction, Cabral insisted that soil must be treated as a “perennial good,” enriched by each generation for the prosperity of the next.<sup>89</sup> More than a passive backdrop, soil was a ground of renewal: as he famously declared, the

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82 Tulone et al. (2022: 2).

83 Ibid.

84 Osorio / Manuel / Irwin (2025).

85 IPCC (2022: 12).

86 Herder (2004).

87 Césaire (2012: 33).

88 Cabral (1988: 92); Davidson & da Silva (2024: 12–15).

89 Cabral (1988: 155).

struggle for liberation itself had “created a new man and a new woman on the soil of the African fatherland.”<sup>90</sup>

### 3.1. Reparations in the context of climate justice

The UN has long recognised the principle of “common but differentiated responsibilities” in both mitigation and adaptation. Yet many Global North countries, particularly the US, have consistently resisted language that suggests “liability” for climate-related loss and damage.<sup>91</sup> Until COP27 in Sharm el-Sheikh, where parties finally agreed to establish a funding facility for “Loss and Damage,” often framed as climate reparations, explicit references to reparations were largely absent from the United Nations Framework Convention on Climate Change (UNFCCC) negotiations. Instead, discussions were couched in the technocratic language of “support” or “solidarity,” carefully avoiding the politically charged notion of compensation for historical responsibility.<sup>92</sup>

Although climate change affects all countries, its consequences are not experienced in proportion to their impact.<sup>93</sup> The COVID-19 pandemic and the Russian invasion of Ukraine deepened Global South vulnerabilities, compounding debt crises even as extreme climate events became more frequent and destructive.<sup>94</sup> These converging pressures have made reparations claims increasingly urgent, not only as historical redress but also as an essential response to current global inequalities. A growing synergy has, therefore, emerged between the reparations agenda and resistance to what has been described as “climate apartheid”: a world where the wealthy insulate themselves from ecological harms while the poor suffer their full force.<sup>95</sup> Despite being responsible for the bulk of historical and ongoing carbon emissions, the Global North has externalised the most severe impacts onto the Global South.<sup>96</sup> Sultana terms this “climate coloniality”: the entanglement of Eurocentric hegemony, neocolonialism, racial capitalism, and military domination in producing climate impacts that disproportionately harm racialised and marginalised populations.<sup>97</sup>

A notable feature of global reparations demands, despite their diversity, is their consistent direction towards the same set of countries. Whether the issue concerns slavery and the Atlantic slave trade, colonialism, racial discrimination, genocide, or climate injustice, reparations are overwhelmingly sought from the centres of global

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90 Cabral (1973: 25).

91 Fitz-Henry & Klein (2024: 2).

92 Ibid.

93 Malherbe & Oladejo (2025).

94 Fischer & Storm (2023).

95 Long (2024).

96 Hickel (2020).

97 Sultana (2022: 4).

wealth and power. These include Western Europe, the US, Canada, Australia, and New Zealand—countries whose prosperity has historically been built on systems of exploitation and colonisation. Japan is generally included only in relation to broader claims addressed to the “Global North” or “rich countries,” such as debt cancellation or climate reparations, rather than specifically in connection with slavery or colonialism.<sup>98</sup> As Acemoglu, Johnson, and Robinson demonstrate, colonial institutions play a central role in these asymmetries. While the North’s development pathways fostered strong political and economic institutions, the South inherited extractive systems that entrenched dependency, led to export-oriented economies, and deepened inequalities. These legacies persist, amplifying climate vulnerability and limiting adaptive capacity.<sup>99</sup> A recent study finds that, irrespective of the form or timing of colonisation, it is a significant predictor of a country’s climate vulnerability.<sup>100</sup>

One striking feature of reparations debates is their selectivity. Not every historical injustice gives rise to reparations claims today. We do not, for instance, see German calls for compensation for the Allied bombings of Dresden, nor American claims for Pearl Harbour, nor restitution demands for the British burning of the White House in 1814.<sup>101</sup> These events are acknowledged as historical wrongs but are not perceived to structure present inequalities. Reparations gain traction only where past harms continue to shape current distributions of rights, resources, and opportunities. Reparations in such contexts are not backwards-looking charity, but forward-looking repair measures that unwind durable causal chains (such as unjust enrichment and continuing violations) and align the remedy with the current locus of advantage and disadvantage.

Today, such claims have gained prominence to the point that world leaders can no longer dismiss them. Just before COP28 in 2023, John Kerry, then US Climate Envoy, declared that the US would not “under any circumstances” pay climate reparations.<sup>102</sup> In Europe, governments have made modest acknowledgements of slavery and colonial violence, but carefully avoid the term “reparations” and the legal obligations it implies.<sup>103</sup> Consider Germany’s engagement with Namibia over colonial atrocities against the Ovaherero and Nama, widely recognised as the first genocide of the twentieth century.<sup>104</sup> Since its independence in 1990, Berlin has established a ‘special relationship’ based on moral and historical—rather than legal—responsibilities, providing some of the highest per-capita development assistance in its African partnerships.<sup>105</sup> In 2021, Germany formally acknowledged the genocide and

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98 Sylla et al. (2024: 586).

99 Acemoglu et al. (2001).

100 Osorio et al. (2025).

101 Wenar (2006: 402).

102 See [www.bbc.com/news/world-us-canada-66197366](https://www.bbc.com/news/world-us-canada-66197366), accessed 22 September 2025.

103 Sylla et al. (2024).

104 Graf (2025: 4).

105 Ibid.

announced a EUR 1.1 billion, 30-year “reconciliation and development programme,” explicitly avoiding the terms “reparations” or “compensation.”<sup>106</sup> These initiatives have been criticised as tokenistic and entangled with strategic interests, such as Germany’s ambitions in Namibia’s green hydrogen sector.<sup>107</sup>

Notably, the main public international law obstacle to classifying the atrocities committed against the Herero and Nama by Germany as “genocide” lies in the principle of intertemporal law—the rule that legal acts must be assessed according to the law in force at the time they occurred.<sup>108</sup> When the events took place between 1904 and 1908, no treaty or customary international norm prohibiting genocide yet existed. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide codified the term only after Raphael Lemkin coined it in 1944.<sup>109</sup> Thus, while the crimes clearly satisfy the material elements of genocide under contemporary standards, they cannot be retroactively prosecuted or give rise to state responsibility, as international law generally prohibits *ex post facto* application of criminal norms.<sup>110</sup> Moreover, neither the *ius in bello* applicable at the time nor the 1885 Berlin Congo Act, which merely required colonial powers to protect indigenous populations, created a legally enforceable duty that would have established liability for Germany.<sup>111</sup> Consequently, the atrocities fall outside the binding scope of the 1948 Convention, despite their political recognition as genocide.

Rather than accepting liability, leaders in the Global North have positioned aid as the primary means of achieving climate justice.<sup>112</sup> Yet this framing risks depoliticising reparations by recasting them as charity rather than obligation, while perpetuating neocolonial dependency.<sup>113</sup> Aid, far from being neutral, often functions as conditional finance, entrenching donor leverage.<sup>114</sup> The suspension of US aid to South Africa in early 2025—framed as opposition to land reform but widely seen as political coercion—illustrates how vital programmes can be weaponised, turning dependency into a diplomatic tool.<sup>115</sup>

Aid also deepens debt. Assistance often arrives in the form of loans, requiring repayment through volatile primary commodity exports, which siphon wealth back to the Global North and narrow policy space in the South.<sup>116</sup> Development is then

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106 See <https://www.bbc.com/news/articles/cy0jkynynln2o>, accessed 22 September 2025.

107 De Vita & Goschler (2025); Gabor & Sylla (2023).

108 Ruppel & Schweighofer (2024).

109 Melber (2024: 5).

110 Ruppel & Schweighofer (2024).

111 Ibid.

112 Malherbe & Oladejo (2025).

113 Holmes (2012); Morvaridi (2012).

114 Malherbe & Oladejo (2025); Amin (2009).

115 See <https://www.theguardian.com/us-news/2025/mar/06/aid-trump-south-africa>; and also <https://iss-safrica.org/iss-today/trump-s-funding-cuts-will-hurt-south-africa-and-the-region>, accessed 22 September 2025.

116 Malherbe & Oladejo (2025); Tandon (2011).

narrowly defined in economic terms—GDP growth, exports, liberalisation—while more equitable, community-based models are sidelined.<sup>117</sup> In this sense, climate aid represents continuity rather than rupture: most climate finance remains tied to Official Development Assistance mechanisms, despite agreements that it should be additional.<sup>118</sup>

This framing also sustains paternalistic narratives. Donor states and NGOs often depict Africa as “the last Eden,” a place requiring external guardianship, while obscuring the North’s dependence on Southern resources and ecosystems.<sup>119</sup> As Sultana observes, climate aid discourse positions donor countries as “saviours” or sole proprietors of climate solutions.<sup>120</sup> This framing enables them to determine what constitutes a solution, who is deemed worthy of assistance, and under what conditions, while simultaneously obscuring the Global North’s historical and ongoing complicity in the climate crisis.<sup>121</sup> As Amin observed, the fundamental asymmetry lies in the opposite direction: the North is dependent on the South for raw materials, labour, and ecological space.<sup>122</sup> Such narratives conceal the structural reality that the Global North itself depends on the extraction of resources from, and the dumping of waste into, the Global South. Recognising this opens the possibility of South–South solidarity—building coalitions that resist climate coloniality and hold governments in the Global South accountable for their commitments to grassroots struggles.<sup>123</sup>

Still, Amin cautions against abrupt withdrawal from aid structures, which would carry severe short-term consequences for dependent states.<sup>124</sup> The challenge, then, is to develop reparative alternatives that avoid reproducing dependency. Reparations, unlike aid, are not acts of charity but mechanisms of justice: structural efforts to repair and redress harms rooted in colonialism, neocolonialism, and climate coloniality.<sup>125</sup> For Kelley, reparations mean redistributing wealth, remaking institutions, and fostering socio-economic arrangements that prioritise autonomy and equity.<sup>126</sup> For Táíwò, any “politically serious reparations project (...) must focus on climate justice,” given the centrality of climate change to today’s global order.<sup>127</sup>

The principles of reparations, however, remain contested. Current frameworks often rely on descriptive baselines of harm—recognising only those demonstrably worse off than before—rather than normative baselines of what could legitimately be

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117 Amin (2009).

118 Malherbe & Oladejo (2025); Okoth (2023); Langan (2018); Wu et al. (2021).

119 Nsah (2023); Vasko (2022).

120 Sultana (2022).

121 Malherbe & Oladejo (2025).

122 Amin (2009).

123 Malherbe & Oladejo (2025); Ndlovu-Gatsheni et al. (2018: 127).

124 Amin (2009).

125 Malherbe & Oladejo (2025).

126 Kelley (2002).

127 Táíwò (2022: 157).

expected.<sup>128</sup> This risks excluding structural and intergenerational harms. Narrow accounts nonetheless find support in backwards-looking rationales (repairing moral disruption) and forward-looking rationales (detering future violations, restoring victims' life chances).<sup>129</sup> Yet the most compelling accounts frame reparations not simply as restitution but as transformation.

Táiwò identifies three conceptualisations: reparations as reconciliation (relationship repair), as restitution or retribution (harm repair), and as transformation (worldmaking).<sup>130</sup> The latter, he argues, is most urgent in the climate context: reparations must reconfigure the global racial empire created by colonialism and slavery. This means cancelling illegitimate debts, transferring resources to marginalised communities, divesting from fossil fuels, restructuring global tax regimes, and creating decentralised, community-owned energy systems.<sup>131</sup> Reparations here are not backwards-looking compensation, but forward-looking world-making—projects of equity, solidarity, and planetary repair.

This worldmaking vision requires dismantling systems of unequal distribution, addressing what Achiume calls “global racial sacrifice zones”—lands and communities rendered uninhabitable through extraction and pollution.<sup>132</sup> It demands attention to long colonial histories and to future generations, insists on transnational approaches that transcend methodological nationalism, and embraces pluriversality—the idea of “a world in which many worlds can be embraced.”<sup>133</sup>

The Cochabamba People's Agreement of 2010 provided an early expression of this vision, advancing demands related to climate debt, the decolonisation of the atmosphere, and the establishment of a Climate Justice Tribunal.<sup>134</sup> Importantly, it emphasised that reparations must not be limited to financial transfers but must also encompass restorative justice for soils, forests, water, and ecosystems.<sup>135</sup>

Monetary reparations remain essential, but structural reforms must accompany them.<sup>136</sup> From a social justice perspective, reparations confront the legacies of racism, slavery, and colonialism. From a climate justice perspective, they address ecological debt by compensating the Global South for the disproportionate harms it has suffered and enabling a just transition.<sup>137</sup> These claims have been further bolstered by the IPCC's findings, which underscore the uneven vulnerabilities and responsibilities within the global climate regime.<sup>138</sup> Small Island Developing States such as Barbados

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128 Wenar (2006).

129 Ibid.

130 Taiwo (2022).

131 Ibid.

132 Ibid.: 74; Achiume (2022).

133 Fitz-Henry & Klein (2024: 7).

134 Ibid.

135 Aji (2021).

136 Schmelzer (2022).

137 Sylla et al. (2024).

138 IPCC (2022).

have been particularly vocal, linking slavery's historical injustices with contemporary debt and climate vulnerability.<sup>139</sup>

These claims also resonate with earlier Pan-African initiatives. As early as 1992, the Organisation of African Unity (OAU), the AU's predecessor, established a Group of Eminent Persons to spearhead reparations, framing debt cancellation as partial compensation for the legacy of slavery and colonialism.<sup>140</sup> The Abuja Pan-African Conference on Reparations (1993) and the Truth Commission Conference in Accra (1999)<sup>141</sup> further linked reparations to processes of truth-telling and historical reckoning. Reparations in climate politics thus form part of a much deeper continuum of struggles for justice in the Global South.

Beyond these normative and instrumental justifications, some scholars highlight the strategic power of reparations claims. As Tan argues, "arguments about reparation can supplement arguments about global equality by providing additional motivation for compliance with the demands of egalitarian justice."<sup>142</sup> The principle of reparation appeals more directly to people's moral sensibilities than the abstract duty of justice to assist distant others, making it more effective at motivating both the public and policymakers to take action. However, as Engerman argues, regret and apology fall short without concrete redress.<sup>143</sup> Reparations extend beyond symbolic gestures; they are concrete mechanisms of redress, framed as debts that can be repaid through monetary payments, institutional reforms, or structural transformations. Conceptually, reparations differ from social reforms in that the latter entail ongoing responsibilities to restructure institutions until genuine equity is achieved. Lahiri and Darity concur, noting that development assistance in areas such as health, education, infrastructure, technology transfers, and preferential trade schemes is better understood as international economic support rather than "reparations."<sup>144</sup> Such measures address some visible consequences of inequality but do not systematically redress the historical injustices at its root. Nonetheless, they argue that these supply-side measures can deliver more sustainable outcomes—a potential "win-win"—compared to purely monetary payments, which risk being consumed without altering underlying structures and may be offset by substitution and price effects.<sup>145</sup>

Significantly, climate reparations should not be reduced to economic or financialised terms, as in climate aid, which strips them of their political content.<sup>146</sup> Reparations may include debt repudiation, halting the Global North's ongoing "atmospheric colonisation," and eco-industrialisation oriented towards meeting

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139 Sylla et al. (2024).

140 Ibid.

141 Howard-Hassmann (2004).

142 Tan (2007).

143 Engerman (2009).

144 Lahiri & Darity Jr. (2024).

145 Ibid.

146 DuFord (2022).

people's needs rather than generating profit.<sup>147</sup> It also necessitates an end to environmentally destructive industrial expansion and militarism, much of which is driven by Global North states and corporations.<sup>148</sup>

Ultimately, reparations must be understood not as aid or charity, but as recognition of a social and ecological debt.<sup>149</sup> They demand structural change: the repudiation of illegitimate debt, the halting of atmospheric colonisation, and the creation of economies oriented toward life rather than profit. They also demand legislative transformation—remaking law itself to centre planetary repair and justice.<sup>150</sup> To call for reparations in the climate context is to reject the depoliticised logic of aid and to affirm an emancipatory politics in which soils, ecologies, and communities lie at the heart of global climate justice.

### 3.2. Restitution of cultural artefacts

“African heritage can no longer be the prisoner of European museums.”<sup>151</sup> Today, it is estimated that up to 90% of Sub-Saharan Africa's cultural heritage is held outside the continent.<sup>152</sup> Germany's Berlin museums are among the most extensive repositories, holding about 75,000 objects of colonial provenance.<sup>153</sup> Paris and London also stand out: the Musée du Quai Branly houses roughly 70,000 items, and the British Museum houses about 69,000.<sup>154</sup> In Tervuren, near Brussels, the Royal Museum for Central Africa houses approximately 180,000 pieces from the Belgian colonial era.<sup>155</sup>

Seen in cultural-historical terms, the issue is larger than the number of custody counts. If we understand historical culture as the “practically effective articulation of historical consciousness in the life of a society,” then debates over the restitution of objects taken under colonial rule touch every dimension of that culture.<sup>156</sup> These debates reveal that a society's historical culture is formed in—and altered by—its past and present interactions with others.<sup>157</sup> In contesting shared histories, a transnational historical culture emerges, one with tangible global effects. Yet it is not consensual by

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147 Sultana (2022); Bond & Sharife (2009).

148 Bigger et al. (2023).

149 Hunt-Hendrix & Taylor (2024).

150 Malherbe & Oladejo (2025).

151 Hunt (2019: 1).

152 See <https://africasacountry.com/2024/11/why-are-african-artifacts-everywhere-but-africa>, accessed 22 September 2025.

153 Sandkühler et al. (2023: 22).

154 Ibid.

155 Ibid.

156 Ibid: 24.

157 Ibid.

default: the historical cultures of different societies shape one another asymmetrically, sometimes fostering mutual understanding and recognition, and sometimes not.<sup>158</sup> At the UN General Assembly in 1973, for example, Zaire's president, Mobutu Sese Seko, advocated a UN resolution on restitution:

During the colonial period, we suffered not only from colonialism, slavery, economic exploitation, but also and above all from the barbarous, systematic pillaging of all our works of art. In this way the rich countries appropriated our best, our unique works of art, and we are therefore poor not only economically but also culturally (...) I would also ask this General Assembly to adopt a resolution requesting the rich Powers which possess works of art of the poor countries to restore some of them so that we can teach our children and our grandchildren the history of their countries.<sup>159</sup>

The call for restitution has gained growing momentum over the past two decades. In 2007, the UN Declaration on the Rights of Indigenous Peoples (Article 11) urged states to restore “cultural, intellectual, religious and spiritual property” taken without the free, prior, and informed consent of indigenous peoples.<sup>160</sup> Concrete demands soon followed. In 2009, Egypt requested that the Louvre return fragments from the tomb of Tetaki.<sup>161</sup> In 2012, Nigeria sought the repatriation of 32 objects from the Museum of Fine Arts, Boston—artefacts looted during Britain's 1897 raid on the Royal Palaces of Abomey.<sup>162</sup> In 2017, Nigeria renewed its appeals to the British Museum for the celebrated Benin Bronzes, following Benin's formal petition to France the previous year.<sup>163</sup> At the heart of these claims lies a simple principle: people should be able to encounter their cultural heritage in its place of origin, to engage with it directly, and to transmit it to future generations.

In the capital of the West African country Burkina Faso, Ouagadougou, French President Emmanuel Macron declared on 28 November 2017, the eve of the Africa-Europe Summit at the University of Ouagadougou:

I refuse to (...) refer back to [always] the same perceptions of the past (...) I am from a generation of French people for whom the crimes of European colonization cannot be disputed and are part of our history (...) The first remedy is culture. In this area, I cannot accept that a large share of several African countries' cultural heritage [is] kept in France (...) African heritage cannot solely exist in private collections and European museums (...) Within five years, I want the conditions to exist for temporary or permanent returns of African heritage to Africa.<sup>164</sup>

Among the treasures taken from Southern Africa are royal regalia, sacred objects, ceremonial masks, and ancestral remains—seized during military campaigns or obtained through exploitative means.<sup>165</sup> Though now housed abroad, these items

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158 Ibid.

159 Ibid.: 19.

160 Among other international instruments, see Klesmith (2014).

161 Hunt (2019: 2).

162 Ibid.

163 Ibid.

164 Sandkühler et al. (2023: 1).

165 See <https://www.unesco.org/en/articles/reframing-return-and-restitution-cultural-property-southern-africa-healing-new-bold-step-toward>, accessed 22 September 2025.

remain vital to cultural continuity and spiritual life. Their removal fractured identities and interrupted traditions, leaving wounds that endure:

Above all else, we need to acknowledge that returning artefacts to their rightful owners is not just about the politics of value. It is a process that is meant to rehumanise what had been classified as objects. True justice lies in granting these communities the autonomy to determine how their artifacts are preserved, interpreted, and engaged with globally. This self-determination is not merely a right; it is the foundation of healing.<sup>166</sup>

The Benin Bronzes epitomise this struggle. Crafted by Edo artisans to symbolise royal authority, religion, and history, they were violently seized during the British punitive expedition of 1897 and dispersed to museums across Europe and North America.<sup>167</sup> Their absence marked a profound rupture in collective memory. Today, they remain in institutions such as the British Museum, the Metropolitan Museum of Art, and the Humboldt Forum. In such settings, scale is not neutral. The scale of a holding conditions its interpretation: with a few dozen objects, each piece can be encountered on its own terms; once a collection runs to several hundred, storage and rotation are unavoidable, and curatorial design begins to script the narrative—its themes, intended audiences and the meanings assigned to the works.<sup>168</sup> Flower Manase summed it up so aptly: “You have the objects, we have the knowledge.”<sup>169</sup> Campaigns for their return, framed not as property recovery but as historical redress and cultural renewal.<sup>170</sup> As critics observe, “because they are in Europe rather than in their place of birth, misinterpretation is easy.”<sup>171</sup> Misattribution, distortion, and the imposition of Western aesthetic categories have perpetuated a cultural enslavement that restitution seeks to undo.<sup>172</sup>

Thus, when it comes to the restitution of objects from colonial collections, it is more than a legal transaction; it is a matter of justice and moral reparation.<sup>173</sup> Cultural heritage—whether monuments, artworks, or ritual objects—matters not only as an educational resource or commodity but as a living bond between past and present.<sup>174</sup> For African nations, these bonds became especially urgent after decolonisation, with artefacts embraced as sources of pride, identity, and continuity.<sup>175</sup> Against this, cultural internationalism—the claim that heritage belongs to “all humanity” and can be stewarded anywhere—reveals its flaws.<sup>176</sup> Its proponents add that there was no historical legal obligation to restitution; that “universal” museums hold objects in trust

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166 Ibid.

167 Idugie & Onochie (2025: 71).

168 Sandkühler et al. (2023: 43).

169 Habermas (2023: 111).

170 Idugie & Onochie (2025).

171 Agorsah (1977: 306).

172 Ibid.

173 Habermas (2023).

174 Klesmith (2014).

175 Ibid.

176 Ibid.

for world heritage rather than for any one nation; and that removal to Northern collections “saved” many items from neglect or destruction.<sup>177</sup> Yet visitors in London, Paris, or New York may learn something about African cultures, while citizens of the originating states are denied access to the very artefacts that embody their histories. The question is unavoidable: how can a people preserve their culture if they are deprived of its most tangible expressions?

The demand for restitution extends beyond artefacts to other enduring symbols of colonial extraction. South Africa has repeatedly called for the return of diamonds embedded in the British Crown Jewels. Chief among these are stones cut from the Cullinan diamond (the largest gem-quality rough diamond ever discovered), unearthed in 1905 and presented to King Edward VII two years later by the settler-dominated Transvaal government.<sup>178</sup> Britain insists the gift was voluntary. According to Savoy and Sarr, however, all African cultural property should ultimately be repatriated, albeit in phases; provenance—whether military seizure, market purchase, or scholarly collection—does not change the fact that dealings under stark power imbalances are inherently unjust.<sup>179</sup> The decision to “gift” the diamond was divisive even at the time. The Transvaal Legislative Assembly ultimately voted in favour of making the gift by a margin of 42 votes to 19. Still, opposition came not only from African communities, who were wholly excluded from political participation, but also from sections of the Afrikaner population bitter about Britain’s role in the devastating South African War. As Lord Selborne later noted to the King, many had spoken and voted with “heavy hearts.”<sup>180</sup> Read through that lens, assessing whether such transfers were “gifts” or acts of coercion demands more than labels: it requires a context-sensitive inquiry that scrutinises the scientific, legal, historical, and ethical frameworks—and the comparison practices—that shaped how legitimacy was defined at the time.<sup>181</sup> The Cullinan diamonds thus occupy a grey zone between gift and coercion, a contested legacy that remains at the heart of present debates.

Any credible approach must take into account the context. It is not acceptable to ignore the scale and character of colonial violence in a particular case simply because a given transfer was formally “non-violent.”<sup>182</sup> Recognising that background, restitution can function as reparation—helping to make amends and to address colonial injustice—but only if it forms part of a comprehensive, trustworthy process backed by the descendants of those affected.<sup>183</sup> Such processes obligate states and engage entire societies, yet the institutions that hold colonial-era collections bear a special duty to

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177 Habermas (2023).

178 See <https://theconversation.com/south-african-diamonds-adorn-the-crown-of-king-charles-why-theyre-unlikely-to-be-returned-205597>, accessed 22 September 2025.

179 Nietzel (2023: 161).

180 Guest (2007: 120).

181 Habermas (2023).

182 Hackmack & Kaleck (2023: 411).

183 *Ibid.*

act credibly.<sup>184</sup> They may face difficult choices and sometimes find restitution imperative. This, in turn, requires cooperation with societies of origin, non-bureaucratic access to information, and attention to remembrance and commemoration.<sup>185</sup>

Still, as regards other objects, momentum is shifting. More than 1,000 Benin Bronzes have now been repatriated to Nigeria.<sup>186</sup> In 2024, the UK announced the return of 32 treasures looted from the Asante King to Ghana.<sup>187</sup> French museums have restored El Hadj Oumar Tall's sabre to Senegal and 26 artefacts to Benin.<sup>188</sup> In 2021, the Dutch government committed to the unconditional return of objects removed from former colonies.<sup>189</sup> These gestures mark real progress, but countless artefacts remain scattered across the globe, withheld from the communities to which they belong.

Crucially, no museum currently operates under an automatic return policy.<sup>190</sup> In the absence of binding national laws, restitution has depended on piecemeal, often hesitant moral responses.<sup>191</sup> Institutions frequently propose long-term loans or co-curation arrangements rather than permanent return. These compromises are presented as a form of reconciliation, but in practice, they amount to bargaining over justice.<sup>192</sup> African states continue to insist that only permanent restitution is acceptable, and even some curators now acknowledge that piecemeal solutions are insufficient.<sup>193</sup> What is needed is a coherent framework for identification, resourcing, and safe return.

Decolonisation is not only about retrieving bronzes from museums or diamonds from crowns. It is also about reclaiming Africa's soil. Just as cultural treasures were removed, rebranded, and misrepresented, so too were Africa's soils alienated, depleted, and commodified under colonial regimes.<sup>194</sup> The looting of artefacts and the exhaustion of soils are inseparable: both reflect a worldview in which African value—material and spiritual—was uprooted and exported for imperial enrichment and must be reclaimed all the same. Mbembe's pointed question—"Do we really want to live in a world where everyone and everything has to go back home?"<sup>195</sup>—takes on a new layer of meaning when applied to the soil. Colonial powers have always insisted that Africans, as people, should 'stay home' or 'go back home', while simultaneously ensuring that the wealth of that 'home'—from artefacts to diamonds to the fertility of

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184 Ibid.

185 Ibid.

186 See <https://africasacountry.com/2024/11/why-are-african-artifacts-everywhere-but-africa>, accessed 22 September 2025.

187 Ibid.

188 McAuliffe (2021: 680).

189 Ibid.

190 Ibid.: 679.

191 Ibid.

192 Ibid.

193 Ibid.

194 Makki (2018: 84); Wise (2021: 200-201).

195 Sandkühler et al. (2023: 31).

the soil itself—travels back to Europe. Decolonising the soil, therefore, is about reversing this flow. It is about insisting that the wealth generated from the soil must ‘go back home’ and remain there to nourish the communities from which it was taken. Read in this way, decolonising soil is not merely about participation or conservation, but about restitution in material form: reorienting soil governance away from extractive, export-oriented regimes and towards value retention, local benefit, and long-term stewardship within African communities.

### 3.3. Climate neutrality and just transitions

Abram et al have called for more “whole systems approaches” to decarbonisation—frameworks that move beyond policy silos to integrate all four dimensions of justice: distributive, procedural, recognition, and restorative.<sup>196</sup> Crucially, such approaches are not confined to managing socio-technical innovation efficiently; they also advance a transformational agenda to reshape the underlying structures of inequality and power. The urgency is stark. In 2022 alone, more than 110 million people across Africa were directly affected by weather-, climate-, and water-related hazards, with economic losses estimated at over USD 8.5 billion.<sup>197</sup> Official figures report around 5,000 fatalities, nearly half (48%) linked to drought and 43% to flooding, but the actual toll is likely much higher given chronic under-reporting in disaster monitoring systems.<sup>198</sup> Agriculture-based livelihoods are particularly exposed due to their reliance on climate-sensitive farming and low adaptive capacity, itself rooted in historical dispossession and structural poverty.<sup>199</sup> Current adaptation measures—whether existing, planned, or anticipated through mitigation benefits—remain inadequate to meet the unprecedented conditions ahead.<sup>200</sup>

Entrenched inequalities compound these vulnerabilities. Climate change threatens to reverse hard-won development gains by diverting resources from health, education, and infrastructure, reducing GDP in resource-dependent sectors, and destabilising fragile economies. Adaptation finance remains far below need. Even if commitments double to USD 40 billion annually by 2025, Africa will receive only around USD 180 billion by 2035.<sup>201</sup> Worse still, more than half of recent adaptation finance was delivered as debt, forcing states to repay funds intended to support their resilience rather than enabling adaptation; such financing risks deepening dependency and inequality.<sup>202</sup>

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196 Abram et al. (2022).

197 African Climate Policy Center of the United Nations Economic Commission for Africa (2024: 15).

198 Ibid.

199 Mapfumo et al. (2025).

200 Ibid.

201 African Climate Policy Center of the United Nations Economic Commission for Africa (2024: 16).

202 Ibid.

These inadequacies are not incidental but structural. As the Independent Expert Group on Just Transition and Development underscores, three deficits—food sovereignty, energy sovereignty, and low-value-added exports—feed chronic trade gaps, weaken currencies, and push African states into foreign-currency debt, thereby shrinking their fiscal space for adaptation and mitigation.<sup>203</sup> A biased global trade-finance architecture then amplifies the squeeze: African sovereigns face perception-driven risk premia and borrow at multiples of the Organisation for Economic Cooperation and Development (OECD) rates (even when debt ratios are lower). At the same time, commodity dependence positions countries at the lowest rungs of value chains and exposes them to volatile flows.<sup>204</sup> The result is underinvestment where it matters most: energy investment has tilted toward fossil fuels, with only a thin slice allocated to renewables, and adaptation finance arrives largely as loans rather than grants—effectively asking vulnerable countries to repay resilience.<sup>205</sup>

Against this backdrop, the concept of a *just transition* has gained prominence. As Lane notes, “justice has been a major—perhaps the major—focus of political theorists working on climate change.”<sup>206</sup> The transition to a low-carbon, climate-resilient economy is both inevitable and urgent, but it must be managed fairly.<sup>207</sup> A just transition seeks to protect vulnerable groups—especially workers, communities, and regions dependent on carbon-intensive or climate-sensitive sectors—while maximising the social and economic benefits of decarbonisation. It recalls core international principles, including the polluter-pays principle enshrined in the 1992 Rio Declaration, as well as the principle of equity and common but differentiated responsibilities outlined in the UNFCCC.<sup>208</sup>

The International Labour Organisation (ILO) has broadened the just transition concept to explicitly address environmental challenges, defining it as “greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind.”<sup>209</sup> This requires not only maximising opportunities, but also safeguarding fundamental labour rights and ensuring inclusive participation in decision-making. Similarly, the UNFCCC underscores equity as a guiding principle, affirming that parties must protect the climate system “for the benefit of present and future generations (...) on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.”<sup>210</sup>

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203 Sokona et al. (2023).

204 African Climate Policy Center of the United Nations Economic Commission for Africa (2024).

205 Ibid.

206 Lane (2016: 109).

207 Mapfumo et al. (2025).

208 Ibid.

209 Ruiz- Campillo (2025: 271).

210 Sardo (2023: 28).

Yet international frameworks remain cautious. The Paris Agreement (2015) mentions the just transition only once—in the preamble—narrowly framing it as the creation of “decent work and quality jobs in accordance with nationally defined development priorities.”<sup>211</sup> Meeting the Paris goal of limiting the global temperature rise to well below 2°C requires a rapid transformation of the worldwide energy system. However, this shift is complicated by the fact that developmental priorities are still tied to carbon-intensive growth.<sup>212</sup> Early retirement of coal, for instance, promises enormous environmental and social benefits but also presents significant political and economic challenges.<sup>213</sup> Here, the lens of *energy justice* offers a helpful framework. Jenkins et al, Sovacool, and Dworkin emphasise three interrelated tenets:<sup>214</sup> Distributional justice—addressing how the benefits and burdens of energy transitions are shared. For example, coal-dependent communities face disproportionate costs from plant closures.<sup>215</sup> Recognition-based justice—asking which groups are excluded or misrepresented. Indigenous peoples, minorities, and older populations often lose both voice and recognition. Procedural justice—focusing on who participates in decision-making, under what conditions, and with what influence. Together, these principles frame *just transitions* not only as economic restructuring but also as projects of fairness, accountability, and participation.

The same dimensions apply to soils, but in ways that are structurally rooted in colonial land and agrarian regimes. Distributional injustices emerge when fertile soils continue to be channelled into extractive industries, large-scale carbon offset projects, or export-oriented monocultures, while smallholders and communal land users absorb the costs of erosion, contamination, and declining food security.<sup>216</sup> Recognition-based injustices persist when indigenous and local soil knowledge, developed through long-term stewardship and place-based practice, is marginalised in favour of technocratic, donor-driven models that prioritise yield, carbon metrics, or short-term restoration targets.<sup>217</sup> Procedural injustices arise when land-use planning, climate adaptation, and soil restoration programmes are designed without meaningful participation by those whose livelihoods and identities are bound to the land.<sup>218</sup> In this sense, decolonising soil governance is not merely adjacent to just transition agendas but constitutive of them. A transition cannot be just if it reproduces the colonial treatment of soils as extractable substrates or sacrifice zones for global environmental objectives. Integrating soils into just transition frameworks, therefore, requires concrete institutional shifts: securing communal and customary tenure as a foundation for soil

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211 Fitz-Henry & Klein (2024: 1).

212 Spencer et al. (2018).

213 Hägele et al. (2024).

214 Jenkins et al. (2016); Sovacool & Dworkin (2015); McCauley & Heffron (2018).

215 Mapfumo et al. (2025).

216 Martínez-Alier (2018: 16); Chemhuru (2021: 232).

217 Molnár et al. (2023).

218 Effiong (2025).

stewardship; embedding free, prior, and informed consent in land and restoration projects; redirecting public finance toward agroecological and regenerative practices controlled by local communities; and recognising soil governance as a site of reparative justice rather than technical management. In this respect, arguments for the incorporation of indigenous jurisprudence do not advance a parallel normative agenda but rather identify legal and institutional mechanisms by which these just-transition commitments can be made operative, particularly in contexts where customary law continues to structure authority, compliance, and ecological knowledge.<sup>219</sup> Only through such mechanisms can transitions redistribute both the benefits and burdens of environmental change while breaking with the colonial logics that continue to shape soil use.

The international climate process has increasingly taken up this agenda. At COP24 in Katowice, 50 countries signed the Just Transition Silesia Declaration (2018), committing to protect workers and create decent jobs.<sup>220</sup> COP26 in Glasgow set a precedent with the launch of South Africa's Just Energy Transition Partnership (JETP), which combines finance and policy support to accelerate the phase-out of coal.<sup>221</sup> Most recently, the Just Transition Work Programme took centre stage at COP29 in Baku, reaffirming that net-zero pathways must safeguard workers, communities, and industries.<sup>222</sup>

Beyond the UNFCCC, according to ILO guidance,<sup>223</sup> national just-transition frameworks prioritise inclusive social dialogue, ex-ante employment/impact assessments, skills and active labour-market measures (including gender-responsive green job creation and support for workers in transition), strong social protection, and technology/knowledge cooperation with developing countries to enable responsible investment.

These measures reveal that just transitions are not only about managing technological change but also about restructuring economies and societies in democratic and equitable ways. The same imperative applies to soils: just as the energy transition cannot succeed without justice, soil governance cannot succeed without addressing colonial legacies, power imbalances, and exclusionary practices that continue to shape who benefits from Africa's most fundamental resource.

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219 Anonymous. (forthcoming 2026). "From Fragility to Resilience: Indigenous Jurisprudence as an Institutional Technology for Hybrid Climate Governance in Sub-Saharan Africa". *Journal of Environmental Law* (manuscript under review).

220 Mapfumo et al. (2025).

221 Ibid.

222 Ibid.: 2.

223 ILO (2023).

#### 4. Decolonising African soil

If colonial exploitation and climate injustice are interconnected, then so too must their remedies be. Meaningful reparations, whether through climate finance, the Loss and Damage Fund, or cultural restitution, are central to building trust and enabling cooperation in the pursuit of global sustainability. At the same time, forward-looking models of just transition must be grounded in fairness, reciprocity, and solidarity. Concepts such as *Ubuntu* offer guiding values rooted in mutual recognition and shared humanity rather than in exploitation.<sup>224</sup> Yet as Sarr and Savoy caution, healing remains incomplete if it relies only on the other side's acknowledgement of harm. Restitution must also be a process of self-rescue: a community-led reappraisal of its own history and renewal of the practices, institutions, and meanings that make repair durable.<sup>225</sup>

As Crosby's *Ecological Imperialism* reminds us, the expansion of the West relied on the domination of nature through force and fraud, generating crises that the Global South disproportionately bore.<sup>226</sup> These dynamics endure today. Historical land dispossession has been compounded by contemporary forms of "rent theft" and capital flight, which continue to drain African economies.<sup>227</sup> Between 1970 and 2018, illicit financial outflows and accumulated interest totalled USD 2.4 trillion—three times the amount of debt owed by the same countries.<sup>228</sup> These outflows weaken African states while fuelling metropolitan prosperity, sustaining property markets in London, Paris, New York, and Lisbon.<sup>229</sup> This ongoing ecological imperialism makes reparations not only a moral imperative but an economic necessity. Translated to soils, self-rescue means rebuilding endogenous capability—community tenure and guardianship, locally governed soil data and labs, extension that centres indigenous practice, and budget floors for restoration—so that external funds amplify, rather than substitute for, local stewardship.

From a European perspective, the territory of the colonised was cast as *terra nullius*—"no one's land"—awaiting appropriation.<sup>230</sup> Decolonisation, therefore, is not merely about political independence; it is about reclaiming the ground beneath people's feet. As Chitonge argues, Africa has yet to fully decolonise itself. The persistence of unresolved land and agrarian questions, coupled with the absence of profound structural transformation, underscores the incompleteness of the decolonial project.<sup>231</sup> Too often, decolonisation has been framed narrowly as the end of colonial

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224 Oelofsen (2015: 137).

225 Habermas (2023).

226 Crosby (2009).

227 Obeng-Odoom (2021).

228 Obeng-Odoom (2022: 3).

229 Ibid.

230 Hackmack & Kaleck (2023: 413).

231 Chitonge (2018).

rule, while leaving intact the categories and legal structures through which colonial power was exercised.<sup>232</sup> Nowhere is this more evident than in the treatment of soil.

As the New Map Campaign underscores, inherited projections continue to shape Africa's relative size, centrality, and value; revising such mappings is closely tied to revising the legal categories that render soil invisible.<sup>233</sup> "It's not just a geography issue or just a map (...) It's a narrative issue about pride and identity (...) Ultimately, changing the map is about changing mindsets."<sup>234</sup> The same is true of soil.

We now add another element to the teaching and learning and discussing of soils. Maps. Mapping in a cultural, traditional context are a key part of the soil discussion for it is the land that holds the laws. Maps are clearly part of storying domination and ownership.<sup>235</sup>

Colonialism became viable only after land was secured through conquest, dispossession, and exploitative treaties.<sup>236</sup> Yet in law, "land" was redefined in European terms, fusing soil, water, and air into a single object of private property. This collapsed the long-recognised distinctions in African thought between the soil (*solum*) and what grew upon it.<sup>237</sup> "Soil, perse, often was and remains shrouded in mystery and ritual, the subject of a vocabulary that made very little distinction between it and creatures which live upon it."<sup>238</sup> In many African customary systems, soil and land were not objects of absolute individual ownership but were held collectively under regimes of communal trusteeship.<sup>239</sup> While individuals and families enjoyed defined rights of use and cultivation, ultimate authority rested with the community, and chiefs or heads of families acted as custodians rather than proprietors, allocating access and safeguarding the land on behalf of both present and future generations.<sup>240</sup> Land was thus embedded in a temporal and spiritual continuum, linking ancestors, the living, and those yet to come, while remaining largely inalienable.<sup>241</sup>

Post-colonial governments dismissed customary tenure as backwards, reducing land reform to technical tenure regularisation and centralising administration in distant capitals.<sup>242</sup> As a result, soil remains mostly subsumed under "land" in law, with little recognition of its ecological specificity or cultural significance.<sup>243</sup> Historically, the dominant legal response to soil degradation took the form of soil conservation law, a body of legislation that emerged in the early twentieth century with a narrow focus on

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232 Ndlovu-Gatsheni (2012).

233 See <https://www.swp-berlin.org/publikation/mta-spotlight-59-africas-place-on-the-world-map>, accessed 27 September 2025.

234 See <https://www.aa.com.tr/en/africa/-correct-the-map-africa-takes-on-centuries-old-biggest-lie-in-world-geography/3689488>, accessed 27 September 2025.

235 Poitras (2022: 4).

236 Chitonge (2018).

237 Okoth-Ogendo (1989).

238 Tafira & Ndlovu-Gatsheni (2017: 16).

239 Abdulai & Antwi (2005: 305).

240 van der Linden (2014: 41-47).

241 For a discussion, see Lentz (2013: 112).

242 Chitonge (2018: 31).

243 Fox (2024).

controlling wind and water erosion. These laws were primarily concerned with regulating land use rather than protecting soil as an ecological system in its own right, and they frequently used the term “land degradation” to capture problems arising from soil mismanagement.<sup>244</sup> Such conservation regimes were widely introduced across colonial Africa, Australia, New Zealand, the United States, and parts of Europe and Asia, reflecting a shared modernist and colonial legal logic that treated soil as an instrument of productivity rather than as a living resource requiring stewardship. By the late twentieth century, it became increasingly clear that erosion control alone was insufficient and that sustainable soil management could not be achieved through isolated conservation statutes.<sup>245</sup> Instead, it required a broader assemblage of legal, policy, and institutional measures—spanning national and local legislation, land-use planning, agricultural regulation, education, and incentive-based programmes. A review of national legal frameworks worldwide confirms this shift: rather than a single, coherent soil law, states have relied on a multiplicity of legal instruments—acts, regulations, codes, ordinances, by-laws, and administrative measures—addressing soil indirectly through planning, resource access, agricultural practices, nitrate controls, and restoration schemes.<sup>246</sup> In federal or multi-level systems, such as those of the United States, Australia, and China, this complexity is further amplified by overlapping federal and subnational regimes.<sup>247</sup> The cumulative result has not been integrated soil governance, but a dense yet fragmented legal landscape in which soil protection is dispersed across multiple sectors and scales. A comparative review of European legal systems illustrates that even jurisdictions with dense environmental regulation rarely govern soil as a distinct legal object. Across EU Member States, soil protection is typically addressed indirectly, through agricultural policy (CAP compliance, fertiliser and nitrate regulations), spatial planning and land-use controls, water and waste legislation, biodiversity frameworks, or remediation regimes for contaminated sites.<sup>248</sup> Detailed analysis of the United Kingdom’s legal framework confirms this structural deficiency: despite extensive regulation of agriculture, water, waste, and pollution, soil is not governed through a comprehensive or coherent set of rules, and protection remains incidental to other regulatory objectives rather than an end in itself.<sup>249</sup> A similar review of soil governance in Uzbekistan identifies significant gaps in the legal framework, including the absence of dedicated regulations for biologically based soil surveys, quality control of soil laboratories, and explicit legal recognition of soil’s carbon storage capacity and its role in climate change mitigation and adaptation. Despite multiple normative legal acts addressing land and natural resources, soil protection remains fragmented, technically under-specified, and

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244 Hannam (2006: 225-226).

245 Ibid.

246 Ibid.

247 Ibid.

248 Ronchi et al. (2019); Leite (2025).

249 Demir (2021).

institutionally marginal, with limited integration of scientific data, climate objectives, and civil society participation.<sup>250</sup> Only a handful of states, most notably Germany and the Netherlands, have adopted soil-specific framework legislation, and even there, soil governance remains closely entangled with land-use planning, pollution control, and property regimes.<sup>251</sup> The prevailing pattern is fragmentation rather than integration: erosion is addressed through agricultural good-practice codes; contamination through waste or water laws; sealing through urban planning instruments; and biodiversity loss through nature conservation statutes. Soil thus appears not as a living system with its own functions and vulnerabilities, but as a residual concern, protected only insofar as it affects water quality, agricultural productivity, construction safety, or pollution control. In most cases, soil enters the legal field only once it has already been degraded—classified as “contaminated land,” “waste,” or “land requiring remediation”—rather than being governed proactively as a finite and non-renewable resource.<sup>252</sup>

Until soil is acknowledged as a distinct resource—requiring its own governance, standards, and stewardship—the decolonisation of Africa cannot be considered complete. The conflation of land and soil is not semantic but a structural barrier to genuine sovereignty, justice, and ecological resilience. As the New Map Campaign reminds us, representation itself has political effects: “It’s the world’s longest misinformation and disinformation campaign, and it just simply has to stop.”<sup>253</sup> The same imperative applies to law’s inherited categories—revising the map goes hand in hand with revising the legal frames that render soil invisible.

The Bété people of Côte d’Ivoire classify soils in ways that unsettle outside assumptions about what counts as “scientific.” While these forest communities use just three colour classes—dark, light, and bright/red—they also listen to the soils to distinguish textures, discerning grittiness by the sound a handful makes when handled.<sup>254</sup> To understand such knowledge, we have to read it on its own terms and resist ethnocentrism: local classifications are embedded in place, practice, and purpose, not in outsider taxonomies.<sup>255</sup> Crucially, such classifications are not merely agronomic but are embedded in wider socio-cultural, spiritual, and cosmological orders. Across many African societies, land, soil, and earth are inseparable from moral authority and ancestral presence, giving rise to taboos and injunctions against environmental destruction, the pollution of sacred sites, or acts said to “offend” the soil.<sup>256</sup> Fertility is understood as contingent not only on technique, but on ritual

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250 Kholdorov et al. (2023).

251 Ronchi et al. (2019).

252 Ibid.

253 See <https://www.theguardian.com/world/2025/aug/15/african-union-true-size-world-map-replace-mercator-version>, accessed 27 September 2025.

254 Showers (2006: 127).

255 Ibid.

256 Tafira & Ndlovu-Gatsheni (2017: 16–18).

observance, social conduct, and reciprocity with the living and the dead.<sup>257</sup> This epistemic humility should shape policy. Decolonising soil governance, therefore, requires more than the removal of colonial rulers; it demands transforming the inherited systems that commodify land, while reviving indigenous knowledge that sustained fertility through communal and diversified practices. Soil, in this sense, is both the material and cultural foundation of decolonisation: restoring it means restoring autonomy, identity, and ecological integrity—so that governance listens not only to instruments and indices, but also to the land and the people who know how to hear it.<sup>258</sup>

In practice, transnational governance must avoid reproducing colonial hierarchies. Partnerships between North and South should move beyond donor–recipient models and towards co-determination, ensuring that benefits and responsibilities are shared equitably. True decolonisation must address both backwards-looking demands for justice—such as compensation, restitution, and reparations—and forward-looking imperatives of just transitions, climate neutrality, and sustainability. Reclaiming agency in soil governance entails: integrating indigenous knowledge into soil management alongside modern science; revitalising cultural connections to land, recognising African traditions as assets in sustainable resource use; ensuring local participation in defining, monitoring, and addressing soil degradation, ending the exclusion of communities from decision-making; aligning development with African priorities, rather than donor-driven agendas.

Africa is too often depicted through external narratives of disease, poverty, and war. Yet in ecological terms, it remains one of the least degraded continents, rich in biodiversity, beauty, and soil resources, and home to resilient communities. Even our world maps have reinforced those narratives—hence the New Map Campaign, which contests cartographies that shrink Africa's ecological and geopolitical presence. With proper governance, Africa could become the “green lung of the world” and a vital global carbon sink, contributing not only to its own renewal but also to planetary sustainability.

#### 4.1. Soil law and governance: pathways forward

The governance of soil in Africa stands at a crossroads. On one side is growing recognition of soil's central role in food security, livelihoods, and climate resilience. On the other hand, outdated legal frameworks, fragmented institutions, and extractive economic structures persist, undermining soil health by treating it either as part of or

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257 Ibid.

258 Oelofsen (2015).

as a subset of “land”. Moving forward requires building on Africa’s existing strengths while addressing systemic weaknesses:<sup>259</sup>

#### 4.1.1. Strengths

##### 4.1.1.1. Growing political recognition of soil’s importance

Although there is an urgent need for decolonised legal frameworks, reform is not straightforward. Political resistance remains a major challenge. Powerful corporations, investors, and political actors who benefit from the existing system may resist reforms that threaten their control over resources or constrain profitable activities.<sup>260</sup> Meaningful transformation, therefore, requires political will and a genuine commitment to decolonisation.

Soil is increasingly recognised not merely as an environmental concern but as a strategic asset for development. Governments and regional bodies, such as the AU, now emphasise the importance of soil health for food security, climate change adaptation, and rural development. This political visibility lays the foundation for stronger legal and institutional frameworks.

##### 4.1.1.2. Deep cultural ties to land

Across Africa, soil is more than a productive resource—it is a vital anchor of identity, spirituality, and heritage. These ties make stewardship not merely a policy choice but a duty across generations, placing soil alongside other cultural artefacts that require restoration and protection for the future.

##### 4.1.1.3. Community-based knowledge of sustainable practices

African communities have long maintained soil fertility through practices such as mixed farming, terracing, crop rotation, and communal grazing. While often marginalised in formal law, this indigenous knowledge remains a living resource, offering context-specific strategies for sustainable soil governance.

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259 Ruppel & Ginzky (2024).

260 Cordonier Segger & Olawuyi (2025: 663).

#### 4.1.2. Weaknesses and gaps

##### 4.1.2.1. Outdated laws and conflicting tenure systems

Many states still rely on colonial-era land and agricultural laws that fail to integrate indigenous systems of stewardship. Conflicts between customary and statutory tenure regimes foster insecurity and discourage long-term investment in soil conservation.

##### 4.1.2.2. Fragmented governance responsibilities

Absent recognition of soil as a distinct policy field, responsibilities are scattered across multiple ministries—agriculture, environment, water, and mining—resulting in duplication, gaps, and diluted accountability. Lacking a central coordinator, the system defaults to piecemeal, crisis-driven responses.

##### 4.1.2.3. Weak or absent soil standards

Few countries have legal standards for soil health, monitoring, or remediation. Where such standards exist, enforcement is rare due to capacity constraints. This regulatory vacuum enables unchecked degradation, contamination, and overexploitation.

##### 4.1.2.4. Inadequate financing and unchecked foreign investments

Soil protection is chronically underfunded, while foreign investment regimes often prioritise extractive industries—such as mining, large-scale monoculture, and oil—over conservation. Without safeguards, these investments accelerate soil degradation and reinforce dependency on external interests.

##### 4.1.2.5. Exclusion of local communities

Despite their knowledge and reliance on soils, local communities are too often excluded from decision-making. Top-down governance models often overlook the voices of those they govern, resulting in policies that lack legitimacy and long-term sustainability.

## 4.2. Recommendations

A deeper problem with “return” is that it frames it as a mere transfer of title. Is it even possible to give African art “back” to its creators if the modern category of “art”—which separates objects from the practices that animate them—is not universal?<sup>261</sup> Masks, for instance, cannot simply be restituted into the ritual actions that once gave them meaning.<sup>262</sup> In this view, restitution is never only about objects: African art is a living practice that uses specific things but cannot be reduced to them. Communities know this; hope is less about seeing the exact items again than about restoring the conditions in which meaning is made.<sup>263</sup> Similarly, soil cannot be “returned” as a mere carbon metric or parcel. Soil health is a living practice—fallowing and rotations, grazing rules, water harvesting, composting, seed and knowledge exchange—embedded in tenure, culture, and local institutions. Decolonising soil governance, therefore, means restoring the conditions that make stewardship possible: secure and equitable tenure (including commons), community decision-making and guardianship, extension and research that centre on indigenous knowledge, locally governed soil data, enforceable soil-health standards, and budgets to sustain them.

Accordingly, building effective soil governance in Africa requires not only technical reforms but also bold legal and institutional innovation. The following recommendations outline pathways to strengthen soil protection, ensure justice, and align national and regional efforts with global sustainability goals.<sup>264</sup> Echoing civic movements across Europe and the Global South that decolonise public space by removing colonial-era monuments and street names to disrupt inherited racism,<sup>265</sup> soil governance must likewise decolonise its legal landscape—retiring extractive-era rules, correcting skewed tenure, and centring community stewardship and indigenous knowledge.

This transformation also resonates with broader calls for justice in an unsettled age. As Baroness Valerie Amos has argued, meaningful change begins with confronting the truth of history: colonialism and dispossession are not past events but enduring structures that continue to shape access to land and resources.<sup>266</sup> It further requires centring marginalised voices—particularly those of smallholder farmers, pastoralists, and indigenous communities—whose knowledge and practices have long sustained soil systems but remain undervalued in formal governance frameworks. Building effective soil governance will depend on forging coalitions across differences, bridging legal, scientific, and community perspectives, and resisting the fragmentation

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261 Förster (2023: 192-193).

262 Ibid.

263 Ibid.

264 See Ruppel et al. (2025).

265 Sandkühler et al. (2023: 33).

266 See <https://www.su.ac.za/en/news/stability-without-equity-fragile-baroness-valerie-amos-warns-7th-social-justice-lecture>, accessed 22 March 2026.

that often undermines reform. It also demands a long-term commitment: soil restoration and governance reform are not short-term interventions but generational projects requiring sustained institutional and financial support. Finally, it calls for a form of grounded hope—not naïve optimism, but a deliberate commitment to act in the present, despite complexity and uncertainty, to secure the ecological foundations upon which future justice depends.<sup>267</sup>

#### 4.2.1. Adopt soil-specific policies and laws

Across Africa, neither national nor regional frameworks have historically provided dedicated legal protection for soils. Under the leadership of the Pan-African Parliament (PAP), an iterative process was undertaken to address this gap. The drafting of the Model Law on Soil Management proceeded in parallel with research and consultations across multiple African jurisdictions. Experts and stakeholders were engaged during studies conducted in Botswana, Burkina Faso, Cameroon, Kenya, Madagascar, Morocco, Mozambique, Namibia, South Africa, Uganda, and Zambia. Although these studies did not cover all 55 member states of the African Union (AU), they represent a substantial cross-section of the continent, spanning northern, southern, eastern, western, central, and island regions. Regional consultations further expanded participation and consistently confirmed similar governance gaps regarding soil protection and sustainable land use.

The Model Law emerging from this process provides a comprehensive framework to guide national soil governance. It establishes the objective of sustainable soil management, recognising that soils must be managed in the interest of people and ecosystems alike—supporting the eradication of poverty and hunger, ensuring food security, promoting economic prosperity, and contributing to climate change mitigation and adaptation. The Model Law introduces modern governance mechanisms, including permitting procedures, soil impact assessments, spatial and land-use planning tools, and environmental quality standards. It also addresses the full spectrum of soil degradation—from contamination, erosion, and compaction to soil sealing and salinisation—while integrating broader socio-economic considerations, including tenure security, gender equality, digitalisation, foreign investment, and social justice. Importantly, the framework promotes a collaborative governance model that engages public authorities, traditional leadership structures, scientific institutions, civil society, and economic actors.

This co-production with scientists, policymakers, and civil society ensured that the Model Law is both evidence-based and adaptable. The next and most critical step is domestication. African states are encouraged to translate the principles and

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267 Ibid.

mechanisms of the Model Law into national legislation, policies, and institutional arrangements that reflect their specific legal systems, ecological conditions, and development priorities.

Moving beyond treating soil as a subsidiary concern within environmental or agricultural legislation is therefore essential. Dedicated soil legislation would explicitly regulate soil use and protection across sectors such as agriculture, urbanisation, mining, and infrastructure development. Such laws could establish clear standards for soil health, mandate monitoring and data collection systems, and create enforceable mechanisms to prevent degradation and restore damaged soils.

A national soil policy can serve as an important first step in this process. By setting out an overarching framework for the protection, restoration, and sustainable use of soils, such policies can guide legislative reform, coordinate institutions, and mobilise stakeholders. Governments alone cannot achieve soil health. Farmers, researchers, civil society organisations, and local institutions must all play active roles in collaborative action, coordinated governance, and continuous learning.

Domestication, therefore, represents the bridge between a shared continental vision and practical implementation. The Model Law provides a flexible legal toolbox through which countries can incorporate core duties—protect, prevent, restore, and report—into their national frameworks while adapting the instruments to their institutional capacities and policy priorities. Through this process, African states can progressively build coherent soil governance systems that safeguard soil resources for future generations.

#### 4.2.2. Enshrine constitutional protections

To secure lasting safeguards, the right to a healthy environment—including healthy soils—should be recognised in constitutional frameworks. Constitutional guarantees strengthen the legal basis for citizens to demand accountability from governments and corporations, elevate soil governance beyond ordinary policy discretion, and align it with broader principles of human rights, intergenerational equity, and ecological integrity.

Article 60 of the Nicaraguan Constitution (1987 (rev. 2014)) attributes dignity to “Mother Earth” (*madre tierra*), recognising the Earth and its life-sustaining natural processes, including healthy soils, as living entities to be loved, protected, and regenerated. It imposes duties of responsible production and consumption grounded in solidarity, social equality, and ecological integrity. It explicitly aligns with the Universal Declaration of the Common Good of the Earth and Humanity.<sup>268</sup> This constitutional framing represents a profound ontological shift away from soil as mere

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268 See <https://www.humiliationstudies.org/documents/HoutartUniversalDeclarationoftheCommonGoodofHumanity.pdf>, accessed 7 April 2026.

property or productive substrate toward soil as a living foundation of collective life. At the same time, Nicaragua also demonstrates the limits of constitutional recognition in the absence of legal and institutional translation. Despite its advanced constitutional language, soil protection remains poorly operationalised in ordinary law, dispersed across general environmental regulation, and triggered only after degradation has already occurred.<sup>269</sup> The lesson is therefore twofold: constitutional protection is a necessary foundation for decolonised soil governance, but it is not sufficient on its own. Without implementing legislation, dedicated institutions, enforceable standards, and community-centred stewardship mechanisms, even the most progressive constitutional commitments risk remaining aspirational.

#### 4.2.3. Integrate soils into climate and biodiversity law

Soils are critical carbon sinks and biodiversity reservoirs, yet they remain marginal in climate and biodiversity strategies. Explicitly incorporating soils into Nationally Determined Contributions (NDCs), climate change legislation, and biodiversity action plans would ensure that soils play a central role in both mitigation and adaptation.

#### 4.2.4. Strengthen governance frameworks

The fragmentation of responsibilities across ministries often undermines soil governance. Governments should establish centralised authorities or inter-ministerial bodies to coordinate soil policy, backed by adequate funding, technical expertise, and reliable monitoring systems. Without such institutional coherence, legal reforms risk remaining symbolic.

#### 4.2.5. Guarantee public participation

Capacity-building is also essential. Legal and institutional reform cannot succeed without strengthening the capacities of local governments, civil society organisations, and communities to participate effectively in governance processes.<sup>270</sup> In addition, reforms must often be harmonised carefully with existing international legal obligations, including trade and investment agreements. The challenge lies in balancing these commitments with the need to create fairer, more locally grounded, and ecologically sustainable legal orders. Ultimately, decolonising governance

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269 Stubenrauch et al. (2018).

270 Cordonier Segger & Olawuyi (2025: 664–665).

structures requires a fundamental shift towards equity, participation, and plurality in decision-making. This includes moving beyond top-down centralised models inherited from colonial rule and embracing decentralisation, participatory governance, and context-sensitive institutional design.<sup>271</sup> Stronger local government, meaningful community participation, and capacity-building can help create governance systems that reflect local priorities and enable genuine collaboration.

Local communities and farmers are the frontline stewards of soils. Their participation must be a legal requirement in decision-making, not a discretionary consultation. Embedding participatory governance ensures legitimacy, harnesses indigenous knowledge, and empowers those most affected by degradation to shape sustainable solutions.

#### 4.2.6. Harmonise at the regional level

Soil degradation transcends national borders and demands continental responses. The Pan-African Parliament (PAP) has adopted the Model Law on Soil Management.<sup>272</sup> The task has therefore shifted from designing a regional instrument to domesticating it: member states should adapt and enact the Model Law through national legislation, regulations, and programmes, with AU/PAP support to harmonise approaches, ensure public participation, and mobilise capacity and finance for soil restoration.

The PAP Model Law can contribute to the decolonisation of African soils, but not automatically. Its decolonial force depends less on the text alone than on how domestication is carried out—and, in particular, whether domestication is treated as translation into local constitutional, customary, and ecological realities, rather than as a copy-paste exercise into inherited statutory frameworks. In key respects, the Model Law marks a structural move away from colonial logics that reduced the earth to a platform for extraction. It defines “soil” in an explicitly ecological, social, and cultural register (Article 4(19)); recognises soil services that include cultural heritage and sacred and archaeological sites (Article 5(5)); and applies broadly to all forms of degradation and all activities that may harm soil (Article 3). Together, these provisions render soil legally visible as more than a productive input subsumed under “land”. The Model Law also embeds justice-oriented governance principles that contest the colonial pattern of distant decision-making justified through “expert” authority. Its Guiding Principles include non-discrimination and social justice (Article 6(1)(d)),

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271 Ibid.

272 See <https://pap.au.int/en/news/press-releases/2025-11-06/african-parliamentarians-adopt-continents-first-model-law>, accessed 19 March 2026; <https://www.fao.org/partnerships/parliamentary-alliances/news/news-article/en/c/1754895/>, accessed 19 March 2026; <https://www.su.ac.za/en/news/pan-african-parliament-adopts-continents-first-model-law-sustainable-soil-management>, accessed 19 March 2026.

subsidiarity (Article 6(1)(j)), and effective participation (Article 6(1)(b)). Read decolonially, these provisions shift communities from being objects of administration to being recognised, at least normatively, as subjects of soil governance. In a similar vein, the law treats indigenous knowledge as a valuable source for sustainable soil management. It requires the collection and dissemination of such knowledge, the funding of local research centres, and, critically, a payment/benefit system in which foreign investors intend to use such knowledge (Article 27(4)). This directly addresses an epistemic-colonial dynamic: extraction of local knowledge without consent, recognition, or return. The Model Law further confronts contemporary continuities of colonial concessionary rule by defining land grabbing robustly (Article 4(8)) and obliging competent authorities to ensure that large-scale acquisitions do not undermine soil health or local land rights (Article 13(2)). Finally, it internalises responsibility for harm through the degradation responsibility principle (Article 6(1)(i)) and guards against an anti-decolonial outcome—offloading repair costs onto the already dispossessed—by requiring support where smallholders and vulnerable communities cannot bear restoration or compensation burdens (Article 14(4)).

Accordingly, the Model Law provides a continental scaffold capable of unwinding key colonial afterlives in soil governance—soil invisibility, exclusion, investor dominance, and epistemic extraction. Yet the same framework can also be domesticated in ways that reinscribe state-centric, technocratic, and property-centric control, primarily where implementation relies on authorisation regimes, standards, and institutions that do not meaningfully redistribute decision-making power. Whether the Model Law decolonises African soils, therefore, turns on domestication as a political practice: not simply adopting rules, but reworking the inherited legal grammar so that soil governance is shaped by African norms, institutions, and lived relationships to land.

#### 4.2.7. Link neutrality and justice

Achieving land degradation neutrality must go hand in hand with social and environmental justice. Soil-related initiatives should ensure equitable benefit-sharing, fair financing, and restitution for communities that have been historically dispossessed. Without such safeguards, soil governance risks replicating extractive patterns rather than breaking from them.

Together, these recommendations chart a pathway from fragmented policies to a coherent framework that positions soils at the heart of Africa's development vision. By treating soil as both a legal and cultural foundation for food security, climate resilience, and identity, they lay the groundwork for national reforms and a Pan-African legal architecture that secures soils for future generations.

In this spirit, *ubuntu*—“I am because we are”—offers a normative anchor for soil governance: it frames soil not as a commodity but as the communal ground of life, memory, and livelihood.<sup>273</sup> It denotes a conception of humanness grounded in relationality. Although it resists easy translation within Western epistemological frameworks, it expresses the idea that personhood is realised through relationships with others.<sup>274</sup> Identity, on this view, is not autonomous but constituted through the well-being of the community as a whole. *Ubuntu*, therefore, articulates a relational ontology in which individual flourishing is inseparable from collective welfare. At its normative core lie values such as solidarity, mutual care, sharing, respect, compassion, and human dignity.<sup>275</sup> As a meta-concept rooted in African social and philosophical traditions, *ubuntu* affirms the interdependence of community members and, in contrast to individualist paradigms, accords priority to communal life and responsibility.<sup>276</sup> Beyond a worldview, *ubuntu* functions as a lived ethical practice and code of conduct, grounding justice, equality, and mutual responsibility as everyday obligations rather than abstract ideals.<sup>277</sup> While the term *ubuntu* comes from isiZulu and isiXhosa in South Africa, the idea is Pan-African. Many Sub-Saharan cultures use cognate words for the same ethic of shared personhood: Sesotho/Setswana speak of *botho*; Shona of Zimbabwe call it *hunhu* (often *unhu/hunhu*); in Kiswahili it is *utu*; and in the Great Lakes region, Kirundi (Burundi) and Kinyarwanda (Rwanda) use forms such as *ubuntu/ubumuntu*.<sup>278</sup> An *ubuntu*-aligned approach prioritises reciprocity and care: restoring degraded lands, securing communal and customary tenure, sharing benefits fairly, and ensuring that those most affected help shape decisions.<sup>279</sup> It links ecological stewardship to dignity and reparative justice, recognising that healing soils and healing communities are inseparable tasks. Practically, it calls for participatory institutions, culturally grounded safeguards, and intergenerational duties so that today’s use of soil strengthens, rather than erodes, the collective well-being of tomorrow.

## 5. Conclusion: towards a just soil future

Soil is often cast as Nature preceding Culture: a dark, formless substrate on which human cultivation inscribes meaning.<sup>280</sup> It is at once origin and remainder—the humus from which we are made and the matter to which we return—the basic kinaesthetic

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273 Nxumalo (2025: 2 & 15).

274 Letseka (2012: 48).

275 Ibid.

276 Ibid.

277 Nussbaum (2003: 2).

278 Shange (2024: 1).

279 Nxumalo (2025: 2).

280 Tironi et al. (2020).

experience of having our feet planted on the earth".<sup>281</sup> In this register, soil appears as both essence and residue: what comes before exploitation and what remains after it.<sup>282</sup> Images of erosion make this stark, depicting depleted soil as the ultimate remainder of a civilisation's passing. Myths of autochthony link people directly to the soils from which they spring. At the same time, as Li shows, the axe, spade, plough, title deed, tax register, maps, graphs, satellite images, ancestral graves, and mango trees do not merely record land; they assemble it as a resource for different actors.<sup>283</sup> This is equally evident at the geopolitical scale. The New Map Campaign illustrates how Africa's position on the world map is not a neutral depiction, but a cartographic intervention that reorders relations of power and belonging.<sup>284</sup> Just as soil is constituted through implements and representations, so too is Africa's place in the global order reshaped by the lines, scales, and projections that render it visible. Both soil and maps remind us that what appears as background or substrate—the ground beneath our feet or the outline of a continent—is always being made, assembled, and contested through political and cultural practices.

Law is one of the most powerful of these "implements". The decolonisation of African soil is a legal challenge precisely because law itself is not neutral terrain. Modern African land and environmental law is inherited mainly from colonial legal orders designed to enable conquest, extraction, and control rather than stewardship, reciprocity, or care.<sup>285</sup> Colonial law transformed soil from a living commons into an object of administration, measurement, and commodification.<sup>286</sup> Through cadastral surveys, title deeds, concessions, and zoning regimes, soil was abstracted from its social, spiritual, and ecological relations and rendered legible primarily to the colonial state and external markets.<sup>287</sup> These legal architectures did not merely regulate land use; they reordered African relationships to territory, authority, and time. That inheritance persists, making decolonisation both historically urgent and institutionally difficult. Many postcolonial legal systems continue to rely on categories that subsume soil under "land" as a unit of property, reduce tenure to ownership or lease, and prioritise extractive productivity over regeneration. Customary systems of guardianship, intergenerational responsibility, and communal decision-making were marginalised or frozen into administrative caricatures, recognised only insofar as they did not disrupt state control or commercial interests.<sup>288</sup> As a result, soil governance remains fragmented, technocratic, and often hostile to the very practices that

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281 Clark (2011).

282 Tironi et al. (2020).

283 Li (2014).

284 See <https://www.swp-berlin.org/publikation/mta-spotlight-59-africas-place-on-the-world-map>; <https://correctthemap.org/>, accessed 27 September 2025.

285 Kameri-Mbote & Cullet (1997).

286 Mauro & Sant (2020).

287 Braun (2008: 52).

288 Seutloali (2024: 9–24).

historically sustained fertility and resilience. Africa cannot be meaningfully “freed” while the legal strings of the past continue to structure the present: colonialism did not end with the lowering of flags; it sedimented itself into institutions, property regimes, investment laws, and environmental governance frameworks that still shape access to soil, exposure to degradation, and vulnerability to climate change. In this sense, soil becomes a material archive of colonialism. Its erosion, nutrient depletion, and contamination record centuries of extraction without repair, productivity without replenishment, and governance without consent.<sup>289</sup> To decolonise soil law is thus to interrupt durable causal chains between past dispossession and present insecurity, between historical enrichment elsewhere and contemporary vulnerability in Africa, so that sovereignty is not merely formal, but ecological, legal, and lived.

Against such reductions, soil emerges as a milieu in which the social becomes-with: an entangled, co-dependent field of relations. The fact that soil’s internal dynamics are complex to perceive is itself an onto-political issue, not a barrier to politicisation.<sup>290</sup> Soils retain a creative, irreducible power that brings things, affects and relations into being; they are, in this sense, a force of their own.<sup>291</sup> In Meulemans’s account of “living soils,” their relational vitality animates otherwise inert minerals and calls forth practices of care and co-labouring.<sup>292</sup> Decolonising soil, then, means more than restoring parcels: it entails cultivating a sense of belonging to soils—being attuned to their radical autonomy—while recognising reciprocal responsibilities between soil worlds and social worlds.<sup>293</sup>

“The African continental surface is ancient, as is human experience on it.”<sup>294</sup> The governance of Africa’s soils is inextricably linked to the continent’s broader struggles for justice, sovereignty, and sustainability. From colonial dispossession to contemporary forms of ecological imperialism, soils have been repeatedly commodified, depleted, and rendered invisible in law and policy. Yet they remain the foundation of food security, cultural identity, and ecological resilience. Read through the AU’s own Africanization lens—“African solutions to African problems”—soil governance should be organised through continent-level norm-setting and enforcement, not by transplanting external models.<sup>295</sup>

This chapter has shown how global and regional frameworks increasingly recognise soils as vital to achieving sustainability goals, yet too often fall short in implementation. That shortfall mirrors a broader pattern the AU literature flags: rapid continental “legalization” and “judicialization” must be matched by credible enforcement and accountability—while remaining alert to continent-level parameters

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289 Liboiron (2021).

290 Tironi et al. (2020).

291 Ibid.

292 Meulemans (2020).

293 Tironi et al. (2020).

294 Showers (2006: 133).

295 Wiebusch (2024).

that can unintentionally narrow domestic policy space.<sup>296</sup> Similarly, reparations debates—whether around climate finance, loss and damage, or cultural restitution—highlight that the legacies of extraction and exploitation are not merely historical but continue to structure present inequalities. An Africanized approach asks, at a minimum, what is to be remedied? Who benefits? Who loses?—and insists that problem-framing (“problematization”) and solution design (“solutionization”) be done in African terms, not through inherited categories.<sup>297</sup>

Decolonising soil governance, therefore, requires a double movement: confronting the backwards-looking demands of justice through restitution, reparations, and redress, while also advancing forward-looking imperatives of climate neutrality, just transitions, sustainable development, and new maps. Operationally, performance should be tracked beyond simple “compliance” through indicators that span norms (standards and distributive effects), actors (who are constituted and resourced), and processes (decision-making and implementation)—with explicit cautions about the politics and blind spots of these indicators.

This involves legal innovation—such as adopting soil-specific legislation, embedding constitutional protections, and integrating soils into climate and biodiversity regimes—as well as institutional reform to overcome fragmented governance and ensure meaningful community participation. Strategy-wise, a bottom-up/top-down (“guerrilla lawfare”) pathway links community stewardship to AU-level mandates, keeping up constructive pressure to shift the dominant order.<sup>298</sup>

Beyond legal and institutional reform, capacity development is pivotal. FAO’s Global Soil Partnership initiative, Capacity Development on Sustainable Soil Management in the Global South, launched in Zimbabwe in 2025, strengthens soil laboratories, mapping, and practitioner skills while fostering South–South learning and uptake of science-based practices—an approach that aligns with the AU’s Africanisation lens and community-centred governance.<sup>299</sup> This kind of continental capacity infrastructure helps translate norms into implementable, locally led programmes.

It also requires shifting partnerships away from donor–recipient hierarchies towards genuine co-determination, guided by principles of equity, reciprocity, and *Ubuntu*. And because “Africa” is not a single essence but a contested construct, the continental frame must allow regional variation (Sahel, humid tropics; communal, freehold) rather than impose one-size-fits-all templates.<sup>300</sup>

Ultimately, reclaiming Africa’s soils is not only an environmental task but also a reparatory act: restoring autonomy, dignity, and ecological integrity to communities

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296 Ibid.

297 Ibid.

298 Ibid.

299 See <https://www.fao.org/global-soil-partnership/resources/highlights/detail/en/c/1740896/>, accessed 26 October 2025.

300 Wiebusch (2024).

that have been historically dispossessed of both land and livelihood. This also means acknowledging the epistemic conflict at the heart of soil governance: whose knowledge defines the value of soils, whose measurements set standards, and whose narratives render soils visible or invisible in law. How specific knowledge is privileged and other knowledge is obscured—this should be part of that repair. It requires not just technical solutions but also epistemic justice—valuing diverse knowledge systems and ensuring that a narrow set of actors does not monopolise the framing of problems and solutions. If pursued boldly, Africa can lead in articulating a new paradigm of soil governance—one that treats soil not as inert matter, but as living heritage, a source of sustenance, and a shared foundation for a just and sustainable future.