

Oliver C. Ruppel | Harald Ginzky | Ruda Murray (eds.)

Legal Pathways to Sustainable Soil Management in Africa

Insights from Botswana, Burkina Faso, Cameroon, Kenya, Madagascar, Morocco, Mozambique, Namibia, South Africa, Uganda and Zambia

[africa]



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The underlying project and the publication were financed by the German Federal Ministry for Economic Cooperation and Development (BMZ).

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The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available on the Internet at <http://dnb.d-nb.de>

1st Edition 2025

© The Authors

Published by
Nomos Verlagsgesellschaft mbH & Co. KG
Waldseestraße 3–5 | 76530 Baden-Baden
www.nomos.de

Production of the printed version:
Nomos Verlagsgesellschaft mbH & Co. KG
Waldseestraße 3–5 | 76530 Baden-Baden

ISBN 978-3-7560-0210-8 (Print)

ISBN 978-3-7489-5123-0 (ePDF)

DOI <https://doi.org/10.5771/9783748951230>



Online Version
Nomos eLibrary



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Foreword

It is with great honour that I introduce *Legal Pathways to Sustainable Soil Management in Africa*. This publication marks a significant milestone in the collective effort to strengthen soil governance across the continent, offering valuable insights into the legal frameworks of Botswana, Burkina Faso, Cameroon, Kenya, Madagascar, Morocco, Mozambique, Namibia, South Africa, Uganda, and Zambia.

As Africa grapples with the growing challenges of climate change, food insecurity, and land degradation, this work serves as both a guide and a call to action. Soil is the foundation of life. Its health is directly tied to agricultural productivity, biodiversity, water security, and climate resilience. Yet, across Africa, unsustainable land use, deforestation, overgrazing, and the expansion of extractive industries are placing unprecedented pressure on this vital resource. The consequences of soil degradation are severe, leading to declining crop yields, increasing rural poverty, forced migration, and greater vulnerability to extreme weather events. In the face of global food supply challenges and a rapidly worsening climate crisis, the need for robust legal and policy frameworks to safeguard soil has never been more urgent.

Africa has made significant strides in climate diplomacy, as seen in commitments made at COP28 and the continent's growing role in shaping global environmental governance. Initiatives such as the Loss and Damage Fund create new opportunities to finance soil rehabilitation and climate adaptation projects. Moreover, the African Union's Agenda 2063 and the United Nations Sustainable Development Goals (SDGs)—particularly SDG 15, which focuses on life on land—underscore the importance of protecting soil as a critical resource for sustainable development.

A crucial step toward this goal will be the drafting of a *Pan-African Model Law on Sustainable Soil Management*, to be endorsed by the Pan-African Parliament, to serve as a legislative blueprint for African Union member states. The Pan-African Parliament, under Article 17 of the African Union Constitutive Act, is mandated to promote “the full participation of African peoples in the development and economic integration of the continent.” It is also empowered to recommend model legislation to member states in the interest of the people, making it an essential actor in advancing soil protection across Africa.

Recognising the urgent need for legal and institutional responses to soil degradation, a landmark cooperation agreement was signed on 10 October 2019 between the Pan-African Parliament, Stellenbosch University (through its Development and Rule of Law Programme / DROP), and the German Environment Agency (Umweltbundesamt / UBA). This Memorandum of Understanding (MoU) for-

mally brought DROP and UBA into the sphere of academic diplomacy and policy development in Africa, reinforcing collaboration on environmental law and governance.

This publication builds on the foundation laid by the *African Soil Protection Law* (2021), which was the first result of the aforementioned cooperation. It expands the scope to additional countries and deepens the analysis of existing legal structures and governance mechanisms. It highlights both progress and persistent gaps in national soil policies, offering concrete recommendations for strengthening legislation to safeguard Africa's soils. More importantly, it advocates for a harmonised approach across the African Union, calling for the development of a *Pan-African Model Law on Sustainable Soil Management* to guide national governments in addressing soil degradation more effectively.

The increasing recognition of regenerative agriculture and agroecology signals a shift towards nature-based solutions as key strategies for restoring degraded landscapes. Large-scale initiatives such as the Great Green Wall and emerging soil carbon projects further illustrate the need for sustainable soil management as a pillar of Africa's climate resilience. However, without strong regulatory frameworks, monitoring and enforcement mechanisms, these initiatives risk being fragmented and underfunded.

The insights presented in this publication are the result of rigorous research and collaboration among legal experts, policymakers, scientists, and civil society organisations. The analysis also benefited from the close cooperation with the Committee on Rural Economy, Agriculture, Environment, and Natural Resources of the Pan-African Parliament (PAP), as well as with the African Ministerial Conference on the Environment (AMCEN), the United Nations Environment Programme (UNEP), the Food and Agriculture Organization (FAO), and the African Soil Partnership.

The approach integrates legal analysis with practical realities, ensuring that recommendations are both actionable and grounded in the lived experiences of communities across Africa. This is particularly urgent in regions affected by conflict, where instability disrupts land use, agricultural productivity, and soil conservation efforts. The environmental toll of mineral extraction and resource-driven conflicts further exacerbate soil degradation, underscoring the need for stronger governance mechanisms to mitigate long-term damage.

As we move forward, broad stakeholder engagement—including traditional leaders, farmers, environmental advocates, and government institutions—will be essential in shaping policies that reflect Africa's diverse socio-economic and environmental contexts. The path to sustainable soil management is a shared responsibility, requiring coordinated efforts at all levels.

I extend my deepest appreciation and congratulations to the editors, authors, and funding partners (particularly the German Ministry for Development Cooperation / BMZ), who have contributed to this important work. This publication stands as a

testament to our collective resolve to protect Africa's soils, ensuring their productivity and resilience for generations to come.

Professor Sibusiso Moyo

Stellenbosch University, Deputy Vice-Chancellor: Research, Innovation and Postgraduate Studies

Stellenbosch, February 2025

Editor's preface

Healthy soils are crucial for building sustainable societies, ensuring food security, driving economic prosperity, and fostering social justice. They also play a crucial role in mitigating climate change, supporting climate adaptation, and maintaining essential ecosystem services.

This is particularly true for Africa, where agriculture remains the backbone of many economies and livelihoods. However, soil fertility across the continent is in decline, threatening food security and efforts to eradicate hunger and poverty. Reversing this trend is both urgent and complex. Numerous challenges stand in the way, including limited technical, human, and financial resources, outdated soil data, and administrative inefficiencies that hinder effective soil management.

At the heart of the solution lies the law. Strong legal frameworks are essential for shaping soil governance—prohibiting harmful practices, promoting sustainable agriculture, and ensuring the responsible use of land. However, laws must go beyond setting standards; they must also define clear responsibilities for governments, private actors, farmers, and civil society. Effective implementation and enforcement mechanisms are crucial to translating legal provisions into meaningful action.

This book presents a comprehensive analysis of soil legislation across eleven African countries, offering a unique and regionally representative perspective. Covering all five regions of Africa, the studies examine legal provisions at constitutional, legislative, and technical levels while also addressing institutional challenges. The research highlights key drivers of soil degradation, including unsustainable agricultural practices, rapid urbanisation, mining, foreign investments, and insecure land tenure. Additionally, chapters on the African Union's soil policy, the Pan-African Parliament's role, and the intersection of international trade, food security, and soil management provide valuable insights into the broader governance landscape.

We hope this book will raise much-needed public awareness about soil governance. More importantly, we aspire for it to lay the groundwork for drafting a Model Law on Sustainable Soil Management for the entire African continent. This legal framework, set to be developed in 2025, aims to be adopted by the Pan-African Parliament and recommended to national legislatures as a foundation for domestic adaptation and implementation.

Our ultimate vision is that this model law will create lasting momentum—driving legal reforms, strengthening institutions, and ensuring that soils are recognised and protected as the very foundation of life and prosperity, not just in Africa but worldwide.

Finally, we extend our deepest gratitude to the German Ministry for Development Cooperation / BMZ for supporting this project and to all those who contributed to this

Editor's preface

book—the authors, reviewers, participants in civil society discussions, and, in particular, Dr Katharina Schlichting, whose editorial efforts were invaluable.

The Editors

Oliver C. Ruppel, Harald Ginzky & Ruda Murray

Stellenbosch, February 2025

About the authors

Issa Martin BIKIENGA (contributing author)

Agro-economist and international consultant with extensive experience in leading agricultural and agro-industrial development projects in Burkina Faso. He has authored several books and has held prominent positions, including Minister of Agriculture and Deputy Executive Secretary of the Permanent Interstate Committee for Drought Control in the Sahel. Mr Bikienga is also a member of the Soil Science Society and the National Academy of Sciences, Arts, and Letters of Burkina Faso, contributing significantly to the development and policy discussions in the agricultural sector.

Ikhlas BOUANAN (contributing author)

PhD candidate in Biology.

Dr Emma CHITSOVE (lead author)

A qualified lawyer and a registered attorney in Zimbabwe and Botswana, with a career spanning thirteen years. Over the past five years, she has focused on natural resource management in Botswana, specialising in sustainable wildlife management and community-based natural resource practices. Since 2016, she has been a lecturer in law at the University of Botswana. She is an accomplished legal researcher, having published a monograph and numerous articles in academic journals on topics related to environmental protection and other areas of law. Dr Chitsove is an active member of the Law Society of Botswana and the Association of Environmental Law Lecturers in African Universities, contributing significantly to developing and disseminating environmental legal knowledge in Africa.

Dr Laila DALAA (contributing author)

Legal Advisor to the Regional Council of Guelmim-Oued Noun, Morocco.

Prof Riyad FAKHRI (lead author)

A Professor of Law and Director of the Business Law Research Laboratory at Hassan First University, Morocco. He is an expert consultant evaluator for the Moroccan National Centre for Scientific and Technical Research and co-editor of Biodiversity and Nature Conservation Law and Policy in the Middle East and North Africa Region. He has also contributed to works on water resource protection in North Africa and institutional responses to climate change in the MENA region, published in Climate Change Law and Policy in the Middle East and North Africa Region. Additionally, he serves as Vice-President of the Association of Environmental Law Lecturers in Middle East and North African Universities.

Hugo FERRIER (lead author)

Obtained his LLM degree in 2024 at Stellenbosch University, during which he also served as a researcher for the Development and Rule of Law Programme (DROP) Soil Project. Mr Ferrier graduated with honours from the University of Strasbourg in France, earning a master's degree in business law with a specialisation in Banking and Financial Law, and he also holds a Bachelor of Laws (LLB) from the University of Strasbourg.

Dr Harald GINZKY (editor and lead author)

Lawyer with 30 years of expertise in environmental law. He has authored over 120 scientific papers covering diverse environmental law topics. Since 2003, he has been affiliated with the German Environment Agency, contributing to German delegations at various international environmental treaties and organisations, including the International Seabed Authority, International Maritime Organization, UNCCD, OSPAR, HELCOM, FAO, and the Global Soil Partnership. Additionally, he has extensive experience in technical cooperation, particularly in Africa. Dr Ginzky serves as the editor-in-chief of the International Yearbook of Soil Law and Policy (Springer) and has overseen two special issues on "Soil Governance" in the journal Soil Security (Elsevier).

Prof Patricia KAMERI-MBOTE (contributing author)

Professor of Law, former Dean, School of Law, University of Nairobi, Kenya; Chair: Association of Environmental Law Lecturers in African Universities (ASSELLAU). She is currently the Director of the Law Division of the United Nations Environment Programme (UNEP).

Irene KAMUNGE (contributing author)

Director Legal Services at the National Environment Management Authority, Kenya. She holds a Master of Law in Environment and Natural Resources, a Bachelor of Law of the University of Nairobi, and a Diploma in Law from Kenya School of Law and is an advocate of the High Court.

Linda KABNER (lead author)

Completed her LLM degree in 2024 under the supervision of Prof Ruppel at Stellenbosch University. During that time, she also served as a researcher for the Development and Rule of Law Programme (DROP) Soil Project. Before these endeavours, she pursued law studies at Heidelberg University in Germany and furthered her studies at the University of Lausanne in Switzerland.

Dr Delwendé Innocent KIBA (lead author)

A Soil Scientist at the National Centre for Scientific and Technological Research in Burkina Faso. He currently serves as the President of the Soil Science Society of Burkina Faso and is a former Minister of Agriculture. As a co-author of numerous publications on soil fertility management, he has significantly contributed to advancing soil science. He has also mentored and trained many students in the field. In recognition of his expertise, Dr Kiba is affiliated with the African Academy of Science for the 2021-2025 term.

Wendpayangdé Inès Carolle KIBA (contributing author)

Intern Assistant at the United Nations Industrial Development Organization (UNIDO) in Burkina Faso, where she plays a key role in drafting strategic projects focused on food security, stabilisation, and industrial development. She holds a master's degree in Agricultural Economics and Policies and is passionate about youth involvement in environmental and agricultural issues. Ms Kiba is also the Co-founder and Deputy Coordinator of the Global Youth Biodiversity Network in Burkina Faso, where she advocates for biodiversity conservation and sustainable development.

Eng. Laban Kipkorir KIPLAGAT (lead author)

Registered engineer with a Bachelor's in Agricultural Engineering from Egerton University and a master's in project planning and management from the University of Nairobi. Kiplagat has served as Director of Agriculture, Land and Environment Management at the Ministry of Agriculture and Livestock Development and is the Steering Committee Chairman of the Inter-Sectoral Forum on Agroecology and Agrobiodiversity (ISFAA). He is also a member of the Engineer's Board and the Institution of Engineers of Kenya.

Prof Youness LAZRAK HASSOUNI (contributing author)

A Professor of Business Law at Hassan First University, Settat, Morocco, with expertise in dispute resolution methods, litigation involving public law entities, public economic law, and sports law. Before academia, he served as an executive and head of the Department of Legal Studies at the Judicial Agency of the Kingdom, where he provided legal studies, consulting, and project support. He is a member of the Association of Environmental Law Lecturers in Middle East and North Africa Universities and chairs its Environmental Dispute Resolution Committee. He is also a member of the scientific committee and editorial boards of several specialised journals.

Falk MATTHIES (lead author)

He pursued his legal education at the University of Cologne, Germany, and the China University of Political Science and Law in Beijing, China. He also obtained an Advanced Legal Education Diploma from Goethe University Frankfurt, Germany. In

2024, he completed his LLM degree under the supervision of Prof Ruppel at the University of Stellenbosch. During this time, Mr Matthies was a researcher for the Development and Rule of Law Programme (DROP) Soil Project.

Dr Rachid MOUSSADEK (contributing author)

Senior Scientist specialising in Soil and Sustainable Intensification. He is a Joint Researcher at ICAR-DA/INRA and Chair of the FAO-Global Soil Partnership for the NENA region, collaborating with a research consortium that includes ICARDA, INRA, GSP, and UM6P. He holds a PhD in Sustainable Land Management from Ghent University, a DES in Agro-climatology from Liège University, and a Master's in Soil Sciences from IAV HII. With over 25 years of experience, Dr Moussadek coordinates several national and international projects and is an expert for organisations such as the World Bank, GIZ, and IFAD on Climate-Smart Agriculture.

Ruda MURRAY (editor and lead author)

A qualified lawyer and doctoral candidate at Stellenbosch University in South Africa, under the supervision of Prof Ruppel. She is also a researcher for the Development and Rule of Law Programme (DROP) at Stellenbosch University. She earned her Bachelor of Laws (LLB) from Stellenbosch University. Ms Murray pursued further studies at the University of Cape Town, where she received her Master of Laws (LLM) in Marine and Environmental Law.

Georgina E.T. NALUZZE (lead author)

She pursued her LLM degree in 2024 under the supervision of Prof Ruppel at Stellenbosch University. Concurrently, she was a researcher for the Development and Rule of Law Programme (DROP) Soil Project. Before this, she completed her Bachelor of Laws (LLB) Hons at Uganda Christian University in 2022 and is actively pursuing her post graduate diploma in Legal Practice from the Law Development Centre, Kampala.

Dr Andriantahina RAKOTONDRALAMBO (contributing author)

An agronomist and fisheries engineer, he is the Director of the National Association for Environmental Actions and a Professor of Agroecology and Agroforestry at the Higher School of Agricultural Sciences, University of Antananarivo, Madagascar. He manages an NGO specialising in water and soil conservation and sustainable land management. From 2009 to 2013, he coordinated a regional project for the Indian Ocean Commission, promoting agroecology with a focus on sustainable soil and water management. Over the years, he has worked as a consultant for organisations such as the FAO, IFAD, UNEP, and the World Bank.

Tsaroana Harizay RAKOTONIARY (contributing author)

A sociologist and lawyer by training, she is a seasoned civil servant with fifteen years of experience in land administration in Madagascar. Currently serving as the General Coordinator of Projects at the Ministry of Decentralisation and Regional Planning, she plays a pivotal role in monitoring, coordinating, and designing strategic projects and reforms. She began her career in decentralised land management, contributing to the implementation of Madagascar's first land reforms. Her extensive expertise includes the drafting and reflection on legal texts addressing critical land issues, such as untitled private property, expropriation for public utility, digitalisation of land data and procedures, and the management of the state's private domain.

Félicie RALALAHARIMIADANA (lead author)

CEO of Tontolo Maharitra Research and Consultancy Cabinet, she is a legal consultant and project leader with extensive expertise in sustainable development. She has completed sixteen major studies and contributed to drafting laws on tourism, biosafety, urban planning, land, and blue economy in Mauritius. She holds advanced degrees in law, public administration, urban management, sustainable tourism, and environmental law. Her career includes roles as Director of Tourism, Environment, and Spatial Planning, and Advisor to ministers in justice, environment, and urban planning. She has consulted for organisations such as the World Bank, UNICEF, and UNDP, AFD (*Agence française de développement*) focusing on environment, protected areas, tourism codes, urban planning, and biosafety.

Prof Oliver C. RUPPEL (editor and lead author)

Professor of Public and International Law and Director, Development and Rule of Law Programme (DROP), Faculty of Law, Stellenbosch University, South Africa and Director, Research Centre for Climate Law (ClimLaw: Graz), Institute for Public Law and Political Science, University of Graz, Austria. He is a Professor Extraordinaire at the University of Central Africa (UCAC), Yaoundé, Cameroon; Strathmore Law School, Nairobi, Kenya; the China-Africa Institute for Business and Law, Xiangtan University, China; and the European Faculty of Law, Nova University, Slovenia. He served as Founding Director, Climate Policy and Energy Security Programme for sub-Saharan Africa, Konrad Adenauer Stiftung, Germany and as founding WTO Chairholder, World Trade Organization (WTO) and the University of Namibia.

Dr Pamela Towela SAMBO (lead author)

Holds a PhD in Environmental Law from the University of Manchester, a Master of Laws in Environmental Law from the University of KwaZulu-Natal, and a Bachelor of Laws from the University of Zambia. With 24 years of extensive experience in legal practice and policy research, she is a licensed lawyer specialising in environmental law. Her research focuses on critical issues such as legislating for sustainable soil

management in Africa, the nexus between soils and climate change, climate justice, and human rights. Dr Sambo collaborates with the Centre for International Sustainable Development Law, a global think tank advancing law and governance for sustainable development and climate change. In addition to her research contributions, she serves as Chairperson of the Zambia Human Rights Commission and lectures in law at the University of Zambia.

Prof Christopher Funwie TAMASANG (lead author)

Holds a PhD in Environmental Law from the University of Yaoundé II in Cameroon and is a Professor of Law in its Faculty of Laws and Political Science. He is the first Vice Dean of the Faculty, responsible for Programming and Academic Activities, and coordinates the Masters 2 program in English Law. Additionally, he directs the Interdisciplinary Research Laboratory on Environment, Natural Resources, and Sustainable Development Law at the university. As a Senior International Legal Consultant on environmental and natural resource issues, he has authored numerous scholarly publications in Environmental and Natural Resource Law. He belongs to a good number of international learned societies, notably the Academy of Environmental Law and the World Commission on Environmental Law. Furthermore, he is the Vice Chairperson of the Association of Environmental Law Lecturers from African Universities.

James Kipkerebulit YATICH (contributing author)

Director at the Department of Land Reclamation, Ministry of Agriculture, Livestock and Irrigation, Kenya.