

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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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.

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Oliver C. Ruppel, Harald Ginzky & Ruda Murray

Stellenbosch, February 2025

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