Recht und Verfassung in Afrika –
Law and Constitution in Africa

Oliver C. Ruppel | Harald Ginzky [eds.]

Legislating for the Future

The Pan-African Model Law for Sustainable Soil Management

Nomos

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Preface by the editors

Healthy soils are of great importance for human survival. Without healthy soils, people in Africa cannot be provided with sufficient nutrition, prosperity cannot be achieved, and the culture, traditions, and respect among humans and towards nature may be lost.

The adoption of the Model Law on Soil Management in Africa by the Pan-African Parliament on 6 November 2025 marked the end of a long, extensive, and successful process.[1] Hopefully, it will be a turning point towards real changes in the daily realities of people in Africa.

Based on the outcomes of two workshops in Kampala, Uganda, and Nairobi, Kenya, held in 2017[2] and 2018,[3] an initial analysis was conducted to map out options for a model law on soil management in Africa.[4] After a break due to the COVID-19 pandemic, considering the findings of this analysis, the Pan-African Parliament decided in 2022 to work towards such a model law.[5] From 2023 onwards, a draft of the model law was prepared by a team of legal and soil experts for further consideration and refinement by the Parliament.[6] The two previous publications, *African Soil*

1 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.

2 See https://www.umweltbundesamt.de/system/files/medien/421/dokumente/kampala_workshop_program.pdf, accessed 23 March 2026; https://www.umweltbundesamt.de/system/files/medien/421/dokumente/kampala_outcome_document_301117.pdf, accessed 23 March 2026.

3 See https://www.umweltbundesamt.de/system/files/medien/2875/dokumente/nairobi_program_final_13_august_2018.pdf, accessed 23 March 2026; https://www.umweltbundesamt.de/system/files/medien/2875/dokumente/nairobi_outcome_document.pdf, accessed 23 March 2026.

4 See https://www.africanparliamentarynews.com/2020/03/pap-maps-first-steps-for-model.html?m=1, accessed 19 March 2026.

5 Republic of Namibia (2022), *Report of the First Ordinary Session of the Sixth Parliament of the Pan-African Parliament (PAP)*, Midrand, Johannesburg, South Africa, from 24 October to 12 November 2022, available at https://www.parliament.na/wp-content/uploads/2023/02/Report-of-the-First-Ordinary-Session-of-the-6th-Paliament-of-PAP.pdf, accessed 14 April 2026. The report noted that the Model Law for Sustainable Soil Management in Africa was presented and adopted during the session (page 16); Republic of The Gambia (2022), *Report of the National Assembly delegation to the Pan-African Parliament*, Sixth Parliament, First Ordinary Session, Midrand, South Africa, October–November 2022, available at https://www.assembly.gm/wp-content/uploads/2023/03/Report-on-the-First-Ordinary-Session-of-the-Sixth-Pan-African-Parliament.pdf, accessed 14 April 2026. The report records that, in his presentation of the draft report on the project to develop a model law on soil management, Hon. Assane Marou dit Koubou (Niger) pointed out that Kenya, Cameroon, and Zambia were the pilot countries for studying African soils, and further indicated that the study was conducted under the auspices of Stellenbosch University, South Africa (pages 23–24).

6 See https://pap.au.int/en/news/press-releases/2025-09-26/pap-analyses-draft-model-law-sustainable-soil-management-africa, accessed 19 March 2026; https://pap.au.int/en/news/press-releases/2025-10-19/consultations-central-northern-and-western-african-regions-model-la, accessed 19 March 2026.

Protection Law (2021)[7] and *Legal Pathways to Sustainable Soil Management in Africa* (2025),[8] were essential in providing the analytical foundation for the Model Law.

Now, the new book *Legislating for the Future: The Pan-African Model Law for Sustainable Soil Management*, the third in the series of publications, intends first to conclude the process and, second, enable the national domestication of the Model Law. To these ends, it makes the Model Law and the so-called Commentaries on regulatory options for specific topics of soil governance publicly accessible. The characteristics of the Model Law are critically analysed to assess whether, and to what extent, it can serve as a benchmark, blueprint, or practical toolbox for African countries and, potentially, other regions globally. The volume further includes a dedicated chapter on the colonial legacy of soil governance and explores pathways towards the decolonisation of African soils. In addition, the role of digital technologies in sustainable soil management is addressed, highlighting both emerging opportunities and associated challenges, particularly those related to artificial intelligence. Finally, the book features a chapter on soil governance and digital transformation within the African Union, offering a comparative legal analysis from a European Union perspective.

It was our honour to coordinate this unique and somewhat historic project over the years. It was a pleasure and a privilege to support the Pan-African Parliament in its noble task. The adoption of the Model Law could only be achieved through the collaborative spirit of the Committee on Rural Economy, Agriculture, Natural Resources, and Environment of the Pan-African Parliament. Moreover, continuous support has been provided by several international organisations, such as the United Nations Environment Programme (UNEP), the Food and Agriculture Organization (FAO), the United Nations Convention to Combat Desertification (UNCCD), the African Soil Partnership, and the African Ministerial Conference on the Environment (AMCEN).[9]

We would also like to cordially thank the team of African legal experts for their hard work and commitment to this project over the years. Without all their inputs, the Model Law could not have been materialised. Finally, it is highlighted that the financial support of the German government made the whole endeavour possible. While the workshops held in Kampala, Uganda, and Nairobi, Kenya in 2017 and 2018, were jointly funded by the Konrad Adenauer Foundation's Climate Policy and Energy

7 See https://www.nomos-shop.de/en/p/african-soil-protection-law-gr-978-3-8487-6693-2, accessed 23 March 2026.

8 See https://www.nomos-shop.de/en/p/legal-pathways-to-sustainable-soil-management-in-africa-gr-978-3-7560-0210-8, accessed 23 March 2026.

9 This collaboration was further formalised through Memoranda of Understanding between the United Nations Environment Programme (UNEP), the German Environment Agency, and Stellenbosch University's Development and Rule of Law Programme (DROP) (2021–2023; 2024–2027), which, *inter alia*, supported the development of the Model Law, capacity-building workshops, and knowledge production on soil governance. Additional institutional backing was reflected in Letters of Intent issued by the African Soil Partnership (ASP) and the Food and Agriculture Organization (FAO) (25 February 2022), as well as the African Ministerial Conference on the Environment (AMCEN) (8 July 2022).

Security Programme for Sub-Saharan Africa, the German Environment Agency (UBA), and the German Gesellschaft für Internationale Zusammenarbeit (GIZ), the first project phase (2018-2020) was funded by GIZ and the second project phase (2023-2025) was funded by the German Ministry for Economic Cooperation and Development (BMZ). Regarding the project's administration, we cordially thank the professional staff of the Development and Rule of Law Programme (DROP), which is affiliated with both the Faculty of Law and the School for Climate Studies at Stellenbosch University (SU) in South Africa.

Ultimately, we need to thank all the partners, legislators, parliamentarians, diplomats, traditional leaders, soil scientists, government officials, members of civil society, religious leaders, students, women and men, both at the grassroots level and in the cities, where we held consultations over the years. With this Model Law, Africa takes a decisive step towards ensuring that the continent's soils, one of its most fundamental natural resources, remain alive, productive, and protected for generations to come. Its reality represents a historic step towards harmonised soil governance across Africa and affirms the Pan-African Parliament's growing legislative maturity and leadership in environmental and agricultural policy.

The protection of soil is not merely an environmental issue—it is an act of justice, a moral duty, and an investment in Africa's future. More still needs to be done: In particular, the national transposition of the Model Law will require will, determination and commitment. More so, its implementation on the ground. Yet we are convinced that it was and will be worth every effort. Time is of essence in the interest of the people. Therefore, the work needs to be continued.

Oliver C. Ruppel — *Harald Ginzky*

Stellenbosch (South Africa) — Dessau (Germany)

April 2026

Preface by the Pan-African Parliament

The process of developing a standard, whether legislative or otherwise, is subject to certain criteria for its adoption. These criteria determine its effectiveness and efficiency.

Some authors believe that the adoption of a successful standard must necessarily address social needs and integrate social practices.[1] In general, certain dimensions are often required for a standard to be valid: it must be adopted in strict compliance with the procedures laid down for this purpose; it must meet the criteria of legitimacy by not only conforming to social values but also being in line with customs and taking into account the plurality of social beliefs; and it must be effectively applied by the social actors who have internalised it.

In general, the adoption of the standard must result from a process involving several stakeholders, particularly through consultation and participation.

Africa is a reservoir of arable land, representing 60% of the world's unexploited land. It is home to a significant share of the world's biodiversity and stores a large proportion of the world's carbon, helping regulate the climate and purify water. In Africa, given its multifunctionality, soil is one of the main tools for reducing poverty.

However, Africa is facing accelerated soil degradation and depletion. Sustainable soil management is therefore a priority for the development and survival of its people. This explains the growing interest of African legislators.

A group of experts working at a research centre called the Development and Rule of Law Programme (DROP) at Stellenbosch University, one of the universities in an African Union member country, namely South Africa, conducted extensive research on soil management in Africa over several years. Researchers from several African universities took part in this study, which covered countries in all sub-regions, including:

- In East Africa: Kenya, Uganda
- In Southern Africa: South Africa, Zambia, Namibia, Mozambique
- In Central Africa: Cameroon
- In West Africa: Ghana, Burkina Faso
- In North Africa: Morocco
- Island countries: Madagascar

Following this study, the group of experts noted disparities in legislative standards for soil management across African countries. To this end, they suggested drafting a model law on soil management.

The Pan-African Parliament (PAP) is one of the organs of the African Union (AU). Its role, among others, is to draft model laws. These laws are not binding.

1 Jean (1976); Ost & Van de Kerchove (2002).

Following meetings between the DROP expert group and members of the Standing Committee on Rural Economy, Agriculture, Natural Resources, and Environment between 2020 and 2022, the PAP adopted the decision to draft a preliminary model law on soil management.

This adoption was made effective by the adoption in 2022 of Resolution PAP.6/PLN/RES/19/NOV.22 of the Pan-African Parliament on the development of a model law on sustainable soil management, which, among other things, instructs the Committee on Rural Economy, Agriculture, Natural Resources, and Environment to lead the development of a model law on soil management, taking into account the diverse legal traditions of the African continent, and to submit the model law to the plenary of the Pan-African Parliament for consideration.

Following this resolution, the relevant Committee held technical meetings to exchange and share ideas with the drafters of the preliminary draft, first in Midrand, South Africa (November 2024), then in Nairobi, Kenya (December 2024), with a view to preparing a draft for the Committee's plenary session.

On 27 February 2025 in Midrand, the draft bill was presented and adopted at the Commission's plenary session. To this end, the Commission's plenary session recommended holding a consultative meeting to finalise the model law. This meeting was held on 28 and 29 April 2025 in Stellenbosch.

On 30 July 2025, the draft model law was presented to the PAP plenary by the Chair of the Commission, followed by comments from the DROP experts. By its resolution PAP.6/PLN/CREANRE/RES/08/JUL.25 of 31 July 2025, the PAP plenary voted on the first reading of the Model Law on Soil Management, and by the same resolution, the plenary requested the Committee on Rural Economy, Agriculture, Natural Resources, and Environment to conduct further consultations across the continent with all relevant stakeholders, with a view to incorporating their views into the Model Law before its final adoption by the PAP plenary. Two major regional consultations were organised in Africa:

- In Midrand, on 25 and 26 September 2025 (for Southern and Eastern Africa); and
- in Cairo, Egypt, on 15 and 16 October 2025 (for Northern, Western, and Central Africa).

For each consultation, several stakeholders from different backgrounds, including academics, the Food and Agriculture Organization (FAO), the African Union Development Agency-NEPAD (AUDA-NEPAD), the Southern African Development Community (SADC), Pan-African Climate Justice Alliance (PACJA), Alliance for Food Sovereignty in Africa (AFSA), Seed and Knowledge Initiative (SKI), and civil society, actively participated in and contributed to the text.

The draft model law was resubmitted to the plenary session on 6 November 2025 for general debate and article-by-article voting. Thus, on 6 November 2025, the PAP plenary adopted the Model Law on Soil Management.[2]

Following the Pan-African Parliament's adoption of the Model Law, the resolution adopting it is forwarded to the AU Assembly of Heads of State and Government for final approval. The law approved by the AU is then sent to and disseminated among national parliaments and the public. As indicated in the resolution of 6 November 2025, the role of the PAP will be to follow up with states to assess the status of implementation.

The Model Law on Soil Management in Africa complied with all the adoption procedures set out in the AU Constitutive Act, its Protocol on the PAP, and the PAP Rules of Procedure. The technical and public consultations were conducted to the great satisfaction of the participants and the general public. It is hoped that its integration into national laws and its implementation will be satisfactory.

Prof Garry Sakata Tawab
Professor at the University of Kinshasa (Democratic Republic of the Congo)
Member of the PAP and Chair of the Committee for Rural Economy, Agriculture, Natural Resources, and Environment

Kinshasa (Democratic Republic of the Congo), March 2026

2 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.

Foreword by the BMZ

The adoption of the "Model Law on Soil Management in Africa" by the Pan-African Parliament (PAP) on 6 November 2025 marks a significant milestone.[1] The adoption underscores the essential role of healthy soils in addressing the core challenges of the people of Africa. Healthy soils are central to eradicating hunger and poverty, enabling sustainable economic development, strengthening climate resilience, and securing a safe future for Africa's population. In addition, the adoption emphasises that political leaders must take responsibility for establishing a framework to protect and sustainably manage soils through legislative decisions, capable administrative institutions, awareness-raising mechanisms, and sufficient funding.

The Model Law is the result of an exemplary development cooperation project, a partnership between African and German institutions in the common interest. A key enabler was the scientific analysis using a participatory, bottom-up approach, involving African and German experts, African political leaders, civil society and communities on the ground, and, in particular, cooperation with the PAP and the responsible Committee on Rural Economy, Agriculture, Environment, and Natural Resources. All of this makes the whole process a real success story for Africa, the PAP, and cooperation between Africa and Germany.

The process started in 2017 and 2018, when two conferences on the sustainable management of soils in Africa were held in Kampala, Uganda, and Nairobi, Kenya, involving African experts, international organisations such as FAO and UNCCD, and international experts. This laid the foundation for the Model Law, which is based on scientific analysis, as documented in the two published books: "African Soil Protection Law" (2021) and "Legal Pathways to Sustainable Soil Management in Africa" (2025).

The Federal Ministry for Economic Cooperation and Development in Germany (BMZ) has promoted this endeavour from the very beginning through funding, as well as political and technical support, to leverage sustainable soil management to strengthen food security, rural development, and resilience in Africa. In doing so, BMZ advances strategic partnerships and promotes implementation in partner countries, in line with BMZ's 2023 Africa strategy, "Shaping the Future with Africa," and the German government's 2025 Africa Policy Guidelines, "Shaping Partnerships Together in a Changing World".

The Model Law on Soil Management adopted by the PAP is a pioneering sign for Africa's efforts to reconcile environmental sustainability, tenure rights, digitalisation, gender equality, and foreign investment rules. It includes modern mechanisms, such

1 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.

as soil impact assessments, compensation for degradation, and zoning approaches. It emphasises proper implementation and enforcement tools. This makes it a benchmark for modern soil governance worldwide.

Therefore, we welcome this book, "Legislating for the Future: The Pan-African Model Law for Sustainable Soil Management," which includes the Model Law on Soil Management, as well as the Commentaries and helpful explanatory chapters, all of which are accessible to a wider audience. Much remains to be done, especially the domestication of the Model Law now in all African states. BMZ remains committed to working with its partners to advance ambitious action for sustainable soil management.

We extend our sincere appreciation to all actors involved in the process, in particular to the PAP Committee on Rural Economy, Agriculture, Environment, and Natural Resources for its leadership throughout the formulation of the Model Law, as well as to the German Environment Agency (UBA), and to the Development and Rule of Law Programme (DROP) of Stellenbosch University, South Africa for the joint coordination of the project since 2019.

Dr Ariane Hildebrandt
Federal Ministry for Economic Cooperation and Development in Germany (BMZ)
Director General for Global Health, Equality of Opportunities, Digital Technologies, and Food Security

Bonn (Germany), 4 February 2026

Foreword by the UNCCD

The United Nations Convention to Combat Desertification (UNCCD) is the Rio Convention that operates as "the global voice for land" and has a particular origin, identity, and historical connection with Africa. Within the Convention's mandates, healthy land is the foundation of resilient and prosperous economies, communities, and societies.

There is no healthy land without healthy soils. Soil is the natural medium that connects groundwater and plants on the land's surface. Soil is a living entity and, when healthy, hosts rich biodiversity, acts as the largest natural reservoir of water, and provides nutritious food. Without healthy soils, UNCCD cannot accomplish its mandate and mission.

For this reason, the adoption of the "Model Law on Soil Management in Africa" by the Pan-African Parliament on 6 November 2025 is a landmark moment.[1] This Model Law will be instrumental in improving living conditions across Africa and enabling food and water security, resilience, and prosperity.

The Model Law takes a holistic approach, incorporating modern governance instruments and provisions to facilitate effective implementation and enforcement. It also addresses critical issues such as land tenure, gender equality and equity, and the need for foreign investments. All of those are essential to ensure that soils are sustainably managed in the interests of present and future generations.

In 2015, the world community adopted the 2030 Agenda for Sustainable Development, including the important objective in SDG 15 to strive towards Land Degradation Neutrality (LDN). According to UNCCD, 1.5 billion hectares of land globally will need to be restored by 2030 to achieve this target. Through this Model Law, Africa is demonstrating global leadership by showing how to develop effective instruments to protect, restore, and manage its land, particularly agricultural land, which is recognised as a critical asset for generating jobs, nutritious food, and thriving investments and inclusive growth.

UNCCD extends its deep appreciation and gratitude to the Pan-African Parliament for its visionary leadership and commitment on the matter. Sincere thanks also go to the two coordinating institutions, the German Environment Agency (UBA) and the Development and Rule of Law Programme (DROP) of Stellenbosch University, South Africa, as well as to the many African experts and stakeholders who contributed their expertise and insights, and to the German Federal Ministry for Economic Cooperation and Development (BMZ) for its continued technical and financial support.

1 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.

Together we can work to ensure that healthy land and soils become the foundation for prosperous, resilient, and inclusive African economies and societies.

Yasmine Fouad
Under-Secretary-General to the United Nations & Executive Secretary of the United Nations Convention to Combat Desertification (UNCCD)

Bonn (Germany), 27 February 2026

Foreword by the FAO

Healthy soils are fundamental to life on this planet. They underpin food and nutrition security, agricultural productivity, climate resilience, and the natural systems that sustain plant, animal, and human life. Yet soil is a finite and fragile resource. Across regions, including in Africa, soil degradation continues to threaten livelihoods, ecosystems, and the long-term sustainability of agrifood systems. Recognising the central role of soils, the Food and Agriculture Organization of the United Nations (FAO) places sustainable soil management at the heart of its Strategic Framework 2022–2031 and its vision of achieving the *Four Betters*: better production, better nutrition, a better environment, and a better life for all. Healthy soils are indispensable to each of these objectives. They support productive, resilient agriculture, safe, nutritious food, environmental sustainability, and people's resilience and livelihoods.

While knowledge on sustainable soil management continues to grow, experience shows that lasting progress depends on how this knowledge is reflected in laws, institutions, and policies. Legal and policy frameworks translate knowledge into rights and responsibilities, shape land-use decisions, and ensure accountability over time. For this reason, FAO, through its Legal Office's Development Law Service, supports members in strengthening the legal foundations for sustainable natural resource management, including soils, by assisting them in developing national measures that take into account their respective legal traditions and institutional frameworks. In this context, the PAP Model Law on Soil Management outlines key elements identified by FAO as essential building blocks for effective legislative and policy frameworks to support sustainable soil management.

Over the years, FAO has developed several resources to assist countries in reinforcing their legal frameworks in this critical area. The Voluntary Guidelines for Sustainable Soil Management (VGSSM) were developed through an inclusive process under the Global Soil Partnership as an internationally agreed reference for sustainable soil management. They are complemented by FAO's legal knowledge platforms, notably FAOLEX and SoiLEX, which provide access to national legal and policy instruments related to soil protection and soil degradation, and enhance legal understanding of sustainable soil management. FAO will continue to work closely with members and regional institutions to support inclusive and informed law-making. This engagement reflects FAO's conviction in the vital role of coherent, effective, and context-appropriate legal responses in promoting sustainable soil management as a cornerstone of sustainable development and the foundation of the well-being of present and future generations.

Donata Rugarabamu Rome (Italy), 27 February 2026
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and the World Commission on Environmental Law. Furthermore, he is the Vice Chairperson of the Association of Environmental Law Lecturers from African Universities (ASSELLAU).