

The Model Law on Soil Management in Africa

1. Preface to the Model Law on Soil Management in Africa

1.1. Introduction

A Model Law is a comprehensive legal instrument comprising detailed provisions that reflect internationally recognised and recommended standards on a specific subject matter. It is designed to serve as a template or guide for developing, reforming, or harmonising national legislation. As a supra-national normative tool, a Model Law may be adopted in its entirety or adapted to suit the specific legal, social, and institutional contexts of individual Member States.

The African Union (AU), through its various organs, has established a strong tradition of developing Model Laws on issues of continental significance. Pursuant to its mandate under Article 11 (3) and (7) of the Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament (PAP Protocol), and in accordance with Rules 4 (d) and 4 (e) of the PAP Rules of Procedure, the Pan-African Parliament (PAP) has itself developed several Model Laws across diverse thematic areas, including the Model Law on Food and Nutrition Security in Africa.

1.2. Justification for a Model Law on Soil Management in Africa

One of the core objectives of establishing the Organisation of African Unity (OAU) was to promote the unity and solidarity of African states and to improve the well-being of their peoples. Article 2 (1)(b) of the 1963 OAU Charter affirms the commitment of Member States “to co-ordinate and intensify their co-operation and efforts to achieve a better life for the peoples of Africa.” Furthermore, Article 2 (2) calls on Member States to harmonise their general policies, particularly in the fields of nutrition, science, and technical cooperation, all of which are closely linked to the sustainable use and protection of Africa’s soil resources.

Following the attainment of political independence, African nations redirected their collective efforts toward inclusive development and environmental sustainability. This mission is reaffirmed in the Constitutive Act of the AU (2000), particularly Article 3, which sets out the Union’s objectives, including the promotion of sustainable development at the economic, social, and environmental levels.

A unified and coordinated approach is essential to ensure that AU policies and programmes translate into tangible improvements in the lives of African people. Among the most pressing priorities is the sustainable management of Africa’s soil, which is the foundation of food systems, water regulation, biodiversity, climate

adaptation, and livelihoods. Yet soil across the continent faces mounting pressures from degradation, overuse, pollution, and the impacts of climate change.

In response, the AU has initiated key continental frameworks, including the Soil Initiative for Africa (2020) and the Africa Fertiliser and Soil Health Action Plan (2023–2033), which was officially endorsed at the Africa Fertiliser and Soil Health Summit held in May 2024. These initiatives reflect a growing recognition that healthy soil is central to achieving the vision of Agenda 2063, particularly:

- Aspiration 1: A prosperous Africa based on inclusive growth and sustainable development, including healthy and well-nourished citizens, modern agriculture for increased productivity and production, and environmentally sustainable, climate-resilient economies and communities; and
- Aspiration 6: An Africa whose development is people-driven, relying on the potential of its citizens, especially women and youth.

Despite growing awareness, many African states are still developing comprehensive legal frameworks to enforce sustainable soil use, prevent degradation, and promote restoration. Effective soil governance requires coordinated legal, institutional, and financial mechanisms, alongside inclusive participation from all sectors of society. In this regard, the meaningful involvement of women, youth, and marginalised communities remains essential, not as a standalone solution, but as a necessary element of a broader, systemic approach that ensures equitable access to soil resources and decision-making processes. In this context, the Model Law on Soil Management in Africa, developed under the auspices of the PAP, provides normative guidance to AU Member States for adopting or updating national legislation. It draws on African legal traditions, scientific knowledge, and traditional knowledge systems, as well as the shared continental commitment to sustainability, equity, and long-term prosperity.

1.3. The Process of Developing the Model Law

In developing this Model Law, the drafters drew inspiration from a range of continental and international instruments, including the AU Policy Framework for Pastoralism in Africa (2010), the AU Declaration on Land Issues and Challenges (2009), and the African Charter on Human and Peoples' Rights (1981). The Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods (2014) and the aspirations of Agenda 2063—particularly those related to sustainable development, environmental stewardship, and inclusive governance—also provided critical guidance for shaping the legal and normative direction of this text.

In addition, the drafters drew from the 10-year Comprehensive Africa Agriculture Development Programme (CAADP) Strategy and Action Plan for 2026–2035, which aims to transform Africa's agrifood systems and achieve food and nutrition security,

as well as the Kampala CAADP Declaration, adopted in January 2025, which outlines a continental vision for sustainable agrifood transformation. These frameworks emphasise the promotion of sustainable land management, integrated soil fertility management, sustainable grazing practices, reforestation, and afforestation—all of which contribute to reducing erosion, enhancing soil health and agricultural productivity, sequestering carbon, and restoring degraded lands.

Further normative grounding was drawn from the revised version of the African Convention on the Conservation of Nature and Natural Resources (2003). The Convention obliges State Parties to take effective measures to prevent land degradation by adopting long-term, integrated strategies for the sustainable management of land resources, including soil, vegetation, and hydrological processes. It calls for the conservation and improvement of soil to combat erosion, misuse, and the deterioration of its physical, chemical, biological, or economic properties.

Moreover, this Model Law is informed by existing AU Model Laws and policy instruments, including the Model Law on Food and Nutrition Security in Africa (2022), as well as national legislation and regional best practices on soil management, land use, and environmental protection. It also draws on the extensive research and comparative legal analysis presented in “Legal Pathways to Sustainable Soil Management in Africa” (2025) and “African Soil Protection Law: Mapping out Options for a Model Legislation for Improved Sustainable Soil Management in Africa” (2021). Both publications—co-authored by the drafters of this Model Law together with leading experts—contain in-depth African country studies and underscore the importance of sustainable natural resource governance, food and nutrition security, climate resilience, and human rights, reinforcing the vital role of healthy soil in achieving Africa’s development vision.

In addition, a review of scholarly literature, institutional reports, and lessons from implementation experiences across Member States enriched the drafting process with critical insights, legal innovations, and context-sensitive recommendations.

1.4. Scope and Purpose of the Model Law

This Model Law on Soil Management in Africa provides a framework to facilitate Member States in developing and enhancing their national legislation and policies related to soil management.

The purpose of this Model Law is twofold:

- (1) to establish a framework that promotes the sustainable management of soil, recognising its critical role in ensuring food and nutrition security and resilience against climate change; and

- (2) to facilitate strategies for soil conservation, restoration, and enhancement of soil fertility and productivity, aimed at combating degradation, as well as an effective Land Degradation Neutrality (LDN) implementation.

Effective administration of soil governance is paramount; thus, this Model Law emphasises the necessity for robust implementation, continuous monitoring, and appropriate sanctioning mechanisms to ensure compliance and accountability, utilising effective data management, soil information systems, and other digital means, including Artificial Intelligence (AI).

This Model Law is cognisant of Africa's unique context, recognising the value of local knowledge, traditional practices, and the critical role of traditional leaders in sustainable soil management. It embraces the continent's diverse legal traditions and cultural specificities, fostering a collaborative approach integrating modern scientific knowledge with indigenous practices to achieve sustainable outcomes.

1.5. Use and Interpretation of the Model Law

Given the complexity of soil science and the intricacies of sustainable soil management, Commentaries were developed for possible inclusive and participatory consultation and use by national and regional parliaments and other relevant stakeholders through a process of progressive realisation, to facilitate their understanding, interpretation, domestication, and application of the Model Law.

The Commentaries do not, in themselves, constitute part of this Model Law, but may be of guidance in facilitating its understanding, use, and transposition into domestic legislation.

The Commentaries address the following subjects:

- Commentary I — Awareness Raising and Capacity Building;
- Commentary II — Sustainable Soil Management Practices for Food Production;
- Commentary III — Dispute Settlement;
- Commentary IV — Data Management;
- Commentary V — Fertilisers;
- Commentary VI — Foreign Investment;
- Commentary VII — Gender;
- Commentary VIII — Implementation and Enforcement;
- Commentary IX — Industry, Infrastructure, and Energy Transition;
- Commentary X — Mining;
- Commentary XI — Migration;
- Commentary XII — Pesticides;
- Commentary XIII — Pastoralism;

- Commentary XIV — Urbanisation;
- Commentary XV — Tenure Rights; and
- Commentary XVI — Traditional Leaders.

1.6. Conclusion

Soil is among Africa’s most valuable, yet vulnerable, and at times neglected resources. Soil is fundamental to food and nutrition security, climate resilience, and the health of ecosystems. Healthy soil is, furthermore, the indispensable bedrock for sustainable livelihoods, particularly for rural populations and smallholder farmers, and a precondition for long-term prosperity and welfare. Healthy soil contributes to inclusive development by sustaining agricultural productivity, supporting biodiversity, and mitigating the impacts of climate change. However, the full potential of soil can only be realised within a supportive legal and institutional environment that protects it from degradation and promotes its sustainable use.

To this end, effective legislation should go beyond acknowledging the importance of soil. It should provide clear rights, responsibilities, standards, and enforcement mechanisms that empower communities, farmers, and institutions to protect and restore this essential resource. This Model Law on Soil Management in Africa is intended to serve as a normative framework that supports AU Member States in developing or reforming national legislation. It reflects Africa’s legal diversity, integrates scientific and traditional knowledge systems, and affirms that soil is a shared and living foundation for sustainable development.

By enabling coherent, inclusive, and forward-looking soil governance, this Model Law aims to ensure that Africa’s soil continues to serve present and future generations while making a meaningful contribution to the realisation of the AU’s development vision under Agenda 2063.

2. Model Law on Soil Management in Africa¹

PREAMBLE

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING that Article 17 of the Constitutive Act of the African Union (AU) establishes the Pan-African Parliament (PAP) to ensure the “full participation of the African people in developing and integrating the continent”;

NOTING that Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament (PAP Protocol) and Rule 4 (a) of the Rules of Procedure of the PAP empower the PAP to facilitate regional cooperation, development, and promotion of “collective self-reliance”, as well as the “implementation of the policies, objectives and programmes” of the AU;

CONSIDERING further that Article 11 (3) of the PAP Protocol and Rules 4 and 5 of the PAP Rules of Procedure empower the PAP to work towards harmonising or coordinating the laws of Member States;

RECOGNISING that the soil in Africa is a vital and limited natural resource that sustains the continent’s food systems, livelihoods, ecosystems, and social cohesion, serving as a foundation for peace and stability, and recognising the pressing need for a comprehensive and coherent legal framework to address the challenges of soil degradation, drought, desertification, and its impact on food and nutrition security, climate mitigation, and adaptation;

RECALLING the Sustainable Development Agenda of 2015 of the United Nations and, in particular, the objective of Land Degradation Neutrality (LDN) pursuant to the Sustainable Development Goal (SDG) 15.3 and the leadership of “United Nations Convention to Combat Desertification in those countries experiencing serious drought and/or desertification, particularly in Africa” (UNCCD) to support LDN implementation at the national level;

RECALLING FURTHER the Soil Initiative for Africa of 2020, through which the AU launched a call for a long-term, continent-wide effort to systematically enhance the health and productivity of Africa’s soil, notably by scaling up proven, locally adapted technologies, including the balanced and efficient application of both

¹ Notwithstanding its adoption, for the purposes of this publication, the legislative proposal of the Model Law on Soil Management in Africa, which was tabled at the Plenary Session of the Sixth Parliament of the Pan-African Parliament (PAP) on 6 November 2025, shall be utilised. 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.

inorganic and organic fertilisers; and the adoption of the Africa Fertiliser and Soil Health Action Plan, a ten-year initiative (2023–2033) designed to address Africa’s most pressing soil fertility and fertiliser management challenges, which was officially endorsed at the Africa Fertiliser and Soil Health Summit held in May 2024;

RECALLING FURTHER the work of international institutions, such as the United Nation’s Convention on Climate Change (UNFCCC), the Food and Agriculture Organization (FAO) and the United Nation’s Environment Programme (UNEP), as well as the adoption of the Maputo Declaration on Agriculture and Food Security of 2003, and the Nairobi Declaration on Africa Fertiliser and Soil Health of 2024, which underscores the critical importance of improving soil health and enhancing the use of fertilisers to achieve sustainable agricultural growth and food and nutrition security across the continent;

NOTING that land use is distinct from land ownership or access rights and **RECOGNISING** that secure land tenure is essential for sustainable soil management, which allows communities to invest in sustainable practices that improve soil health for future generations;

RECALLING Resolution PAP.6/PLN/RES/19/NOV.22 of the Pan-African Parliament on the Development of a Model Law on Soil Management, which, among others, the Committee on Rural Economy, Agriculture, Natural Resources and Environment and the PAP Alliance on SDGs to lead the formulation of a Model Legislation on Sustainable Soil Management, taking into account the diverse legal traditions within the African continent, and to present the said Model Legislation for consideration by the Plenary of the PAP;

CONVINCED that a Model Legislation on Sustainable Soil Management in Africa by the Pan-African Parliament can significantly contribute to improving and protecting soil in the continent, as well as advancing the realisation of the Agenda 2063 aspirations and the “land degradation neutrality” objective of the Sustainable Development Goals;

CONVINCED FURTHER that a Model Law on Soil Management can also be an effective tool for harmonising laws and policies governing soil health and management among the AU Member States, taking into account the cross-cutting and multi-sectoral nature of soil, and the diverse legal traditions of African states;

IN ACCORDANCE WITH Rule 5 (b), (c), and (d) of the Rules of Procedure of the PAP, empowering it to, *inter alia*, make recommendations and resolutions on matters relating to the AU and its organs, Regional Economic Communities (RECs), Member States, and their respective institutions.

HEREBY ADOPTS THE FOLLOWING
MODEL LAW ON SOIL MANAGEMENT IN AFRICA:

Part I: Preliminary Provisions

Article 1 — Title of the Law

This Law may be cited as the “Law on Soil Management in Africa.”

Article 2 — Purpose and Objectives of the Law

- (1) The purpose of this Law is to guide and inspire AU Member States in the governance of soil through sustainable soil management, preserving and enhancing its ecological, economic, social, and cultural services, particularly food and nutrition security, and achieving the objective of LDN.
- (2) To this end, the objectives of this Law shall be to:
 - (a) Provide rules and mechanisms for the sustainable management of soil to foster sustainable development.
 - (b) Provide a basis or tool for policy guidance of all stakeholders to ensure harmonisation of regulations, policies, and administrative practice for effective and sustainable soil management.

Article 3 — Scope of Application of the Law

This Law shall apply to all forms of soil degradation and to all activities that have, or may have, detrimental effects on soil, as well as to activities undertaken to conserve, maintain, enhance, restore, or otherwise promote soil health and services.

Article 4 — Definitions

In this Law, unless the context otherwise requires:

- (1) ‘**Artisanal Mining**’ — Means traditional and customary mining operations, using mainly rudimentary methods and manual tools to mine minerals available on the surface and at shallow depths.
- (2) ‘**Competent Authority**’ — Means the authority determined to be responsible for specific tasks under this Law.
- (3) ‘**Environmental Impact Assessment**’ — Means a process to identify, evaluate, and communicate the potential environmental impacts, *inter alia* on soil, water, air, biodiversity, and ecosystems, of a proposed activity to inform decision-making.
- (4) ‘**Food and Nutrition Security**’ — Means a situation that exists when all

people at all times have physical, social and economic access to food, which is safe and consumed in sufficient quantity and quality to meet their dietary needs and food preferences and is supported by an environment of adequate sanitation, health services and care, allowing for a healthy and active life.

- (5) **‘Industrial Mining’** — Means mining by industrial means and techniques.
- (6) **‘Land’** — Means, as per the relevant international instrument, the terrestrial bio-productive system that comprises soil, vegetation, and other biota, and the ecological and hydrological processes that operate within the system.
- (7) **‘Land Degradation Neutrality’** — Means, as per the relevant international instrument, a state whereby the amount and quality of land resources necessary to support ecosystem services and services to enhance food and nutrition security remain stable, or increase, within specified temporal and spatial scales and ecosystems.
- (8) **‘Land Grabbing’** — Means 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) by 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, as per the definition formulated by the Food and Agriculture Organization of the United Nations.
- (9) **‘Land Take’** — Means the conversion of natural land into land used as a platform for constructions and infrastructure or as a direct source of raw material.
- (10) **‘Risk of Significant Degradation’** — Means the likelihood or potential that soil quality, structure, or services may be adversely affected by, among others, erosion, contamination, compaction, loss of organic matter, salinisation, sealing, or biodiversity loss.
- (11) **‘Soil Contamination’** — Means the occurrence of pollutants in soil above a certain level, causing a deterioration or loss of one or more soil services.
- (12) **‘Soil Degradation’** — Means the deterioration of soil quality, resulting in the failure of the soil to provide essential services effectively. It encompasses a range of physical, chemical, and biological impairments, including, but not limited to, erosion, contamination, compaction, salinisation, desertification, and the depletion of biodiversity.
- (13) **‘Soil Health’** — Means the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans.
- (14) **‘Soil Impact Assessment’** — Means a structured evaluation process that identifies and analyses the potential effects of proposed activities on soil health, structure, and services. It includes the assessment of direct and indirect impacts across environmental, social, cultural, and economic dimensions. It incorporates the comparison of alternative options, co-benefits, trade-offs, and

mitigation or adaptation measures. SIAs may be conducted independently or as part of broader environmental impact assessments.

- (15) **‘Soil Management’** — Means the application of operations, practices, treatments, and processes to protect, maintain, and enhance soil and its services. It includes soil conservation, protection, soil amendment, and restoration.
- (16) **‘Soil Quality Standards’** — Means the maximum capacities of negative impact on the soil with regard to the various forms of soil degradation. The soil quality standards shall be legally binding.
- (17) **‘Soil Rehabilitation Measures’** — Means undertaking measures to restore soil health and their services to achieve a healthy status of soil.
- (18) **‘Soil Sealing’** — Means the covering of the soil surface with impervious materials.
- (19) **‘Soil’** — Means the upper layer of the earth’s crust, extending from the surface to the bedrock, composed of mineral particles, organic matter, water, air, and living organisms. Soil is a basic and non-renewable natural resource that provides essential ecological, economic, social, and cultural services, including food and biomass production, water regulation, climate moderation, carbon storage, biodiversity conservation, and a physical platform for human activity.
- (20) **‘Spatial Instruments’** — Means land-use planning and regulatory tools established under national legislation to designate, manage, or restrict the use of soil, particularly in areas of environmental, agricultural, or cultural value. These instruments aim to coordinate the spatial impacts of sectoral policies, ensure the sustainable provision of soil services and fertility, and promote a rational, equitable, and integrated approach to land use and territorial development.
- (21) **‘Sustainable Development’** — Means, as per the relevant international instrument, development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
- (22) **‘Sustainable Soil Management’** — Means the responsible use and management of soil, their functions, and services in a manner that ensures their long-term capacity to support human well-being, environmental health, and economic development. It aims to maintain and enhance soil services for current and future generations.
- (23) **‘Use of Soil’** — Means any activity that is conducted by means or utilisation of soil or elements thereof, whether or not such activity may have a positive or negative impact on soil.

Article 5 — Services of Soil

- (1) Soil is a limited and fragile natural resource that shall be conserved, maintained,

- and protected against all forms of degradation to preserve its ecological, economic, social, and cultural services for present and future generations.
- (2) Within the meaning of this Law, ecological soil services are:
 - (a) the basis of life and habitat for humans, animals, plants, and soil organisms, as well as the basis of soil biodiversity;
 - (b) a medium for decomposition and compensation due to its filtering, buffering, and material conversion properties, especially for the protection of groundwater;
 - (c) a sink for greenhouse gases as a vital tool to counteract climate change, and promote economic and social resilience of ecosystems and economies; and
 - (d) establishing areas for promoting climate adaptation, including in urban areas.
 - (3) Within the meaning of this Law, economic soil services include, among others, the provision of food, fibre, fuel, construction materials, minerals, and the use of land as a foundation for human buildings and infrastructure.
 - (4) Within the meaning of this Law, social soil services refer to the role of soil in supporting human well-being, livelihoods, and social cohesion, including through food production, promotion of human health, employment, equitable access to resources, and the resilience of communities and society.
 - (5) Within the meaning of this Law, cultural soil services provide numerous material and non-material benefits, including the preservation of cultural heritage, traditional practices, sacred sites, and archaeological remains embedded in or associated with soil.

Article 6 — Guiding Principles

- (1) Sustainable soil management, as regulated under this Law, shall be guided by the following principles:
 - (a) **Accountability** — Ensure responsibility of authorities, societal actors, stakeholders, and individuals for their respective actions and activities.
 - (b) **Effective Participation** — Ensure the free, fair, informed, full, and effective participation of stakeholders, including women, men, elders, youth, persons with disabilities, and vulnerable groups, in decision-making, implementation, and monitoring processes related to sustainable soil management.
 - (c) **Gender Equity and Equality** — Ensure equal and equitable rights for women and men concerning the use of soil.
 - (d) **Non-discrimination and Social Justice** — Ensure that soil is used non-discriminately and foster social justice.
 - (e) **Precaution** — Apply a precautionary approach to all soil uses to prevent unnecessary detrimental effects and consider and manage risks even if no

complete evidence can be provided.

- (f) **Prevention** — Avoid any unnecessary harm to or impairment of soil or the services of soil.
 - (g) **Proportionality** — The measures taken to address soil degradation shall be proportionate to the severity of the harm caused, the scale of the degradation, and the available resources.
 - (h) **Protection of Soil Biodiversity** — Measures shall be taken to conserve the biodiversity of soil ecosystems, including organisms that contribute to soil health, structure, and productivity, and fauna dependent on soil habitats.
 - (i) **Degradation Responsibility Principle** — The individual or entity causing, contributing to, or benefiting from pollution or soil degradation shall bear the costs of managing such impacts, including the expenses associated with preventing, mitigating, or remedying the damage. This includes the responsibility for financing soil rehabilitation efforts.
 - (j) **Subsidiarity** — Decisions concerning sustainable soil management shall be taken at the lowest competent and effective level, ensuring that local and sub-national actors, including communities, traditional authorities, and local governments, have the opportunity to participate meaningfully. Higher-level authorities shall make decisions, if necessary, at this level and provide support, coordination, and oversight where necessary, particularly in cases requiring broader technical capacity, financing, or cross-regional integration.
 - (k) **Sustainability** — Consider all dimensions of sustainability, economic, ecological, social, and cultural, ensuring maximum benefits for current and future generations while minimising risks for human beings and the environment.
 - (l) **Transparency** — Ensure that the process and outcome of decision-making at every stage concerning soil management are clearly defined, and adopt a context-sensitive strategy for communication with all stakeholders.
- (2) In interpreting and applying this Law, competent authorities may have regard to other relevant, widely recognised principles of international law that may further its purpose.

Article 7 — Interface with other Sectoral Provisions

- (1) Insofar as other national sectoral provisions regulate the use of soil, the requirements of this Law shall be complied with.
- (2) In cases of overlap or conflict, the requirements of this Law shall prevail over other sectoral laws, unless the other sectoral laws provide higher protection standards.

Article 8 — Relation to Land Laws

- (1) Land laws shall be implemented with due consideration for the provisions of this Law to foster sustainable soil management and sustainable development in the national territory.
- (2) Land laws shall also be designed to provide equal and non-discriminatory access to, and use of, soil, land, and associated rights.

Article 9 — Interpretation Clause

- (1) When interpreting this Law, due consideration shall be given to the principles and purpose of this Law, and consideration may be given to relevant international, regional, and constitutional instruments as interpretive guidance, where appropriate.
- (2) In so doing, the rights and obligations in this Law shall be interpreted, so far as possible, in the manner that best furthers its purpose.

Part II: Linkages to Sustainable Development

Article 10 — Soil, Sustainable Agriculture, and Food and Nutrition Security

- (1) Soil shall be protected, maintained, and enhanced as the basis for sustainable agriculture and food and nutrition security. A policy on soil, sustainable agriculture, and food and nutrition security should be established and aligned with the provisions and recommendations of relevant AU Model Laws, allowing for increased agricultural production.
- (2) Preference shall be given to natural, organic, and biological methods for maintaining soil fertility and managing pests.
- (3) Fertilisers and pesticides shall be used in a manner that avoids harm to living organisms that live in, depend on, or interact with the soil, and that ensures the protection, maintenance, and enhancement of all soil services. Pesticides shall only be applied when necessary.
- (4) The National Soil Management Authority, pursuant to Article 31 (1), shall establish and regularly update a list of fertilisers and pesticides, which may have detrimental effects on soil health, human health, and water resources.
- (5) Fertilisers and pesticides may only be used if the competent authority has granted permission.
- (6) Seed autonomy shall be promoted to enhance sustainable agriculture and the sustainable management of soil. A precautionary approach shall be applied to the use and introduction of genetically modified organisms (GMOs), ensuring that their potential impacts on soil health, biodiversity, and traditional seed systems are carefully assessed and regulated.

- (7) All forms of agricultural practices, such as crop cultivation, forestry, livestock, and pastoralism, shall be carried out according to good soil use practices, taking into account guidance provided by relevant international bodies.
- (8) When implementing sectoral provisions concerning agricultural practices and food and nutrition security, the provisions of this Law, in particular Articles 14, 15, 18, and 19, shall be complied with.

Article 11 — Soil and Climate Mitigation and Adaptation

- (1) Soil shall be recognised as an essential tool in addressing climate change mitigation and as a critical enabler of climate adaptation.
- (2) Its services as a sink for greenhouse gases shall be preserved and enhanced through sustainable soil management practices in accordance with relevant international instruments.
- (3) The competent authority shall take measures to protect, maintain, and enhance soil services in climate adaptation, including through the protection of biodiversity, the improvement of water retention, and the regulation of temperature, to strengthen ecosystem resilience under climate variability.
- (4) Natural marshes, swamps, wetlands, and peatlands shall be protected and maintained as reservoirs and sinks for greenhouse gases.
- (5) Degraded marshes, swamps, wetlands, and peatlands shall be managed to avoid further greenhouse gas emissions, particularly through rewetting programmes and activities.

Article 12 — International Trade

The National Soil Management Authority, pursuant to Article 31 (1), shall ensure that transnational trade in commodities, goods, equipment, or services promotes sustainable soil management and does not have a detrimental impact on the soil.

Article 13 — Foreign Investment

- (1) Foreign investors shall comply with national legislation, in particular with the obligations pursuant to this Law. Respective sanctions shall be implemented for violations of soil use.
- (2) The competent authority shall take appropriate measures to ensure that large-scale land acquisitions, including land grabbing, or utilisations by foreign investors do not undermine soil health or local land rights.
- (3) In consultation with the competent authority, foreign investors shall consider the interests of local communities.

Part III: Soil Use Regulation and Planning

Article 14 — Obligation to Minimise and Compensate Detrimental Effects on Soil

- (1) Soil shall be used in such a manner as to avoid, to the extent possible, any impairment of the services outlined in Article 5. In case of unavoidable impairments of those services, they have to be equally compensated by soil restoration measures in accordance with the principle of proportionality.
- (2) Any use of soil that may pose a risk of significant degradation requires permission from the competent authority. Permission can only be granted if the operator of the soil use demonstrates that negative impacts on the soil are minimised, taking into account the standards of Article 23, and that adverse effects that cannot be avoided are equally compensated by soil restoration measures.
- (3) Where restoration is impossible, financial compensation shall be paid to the competent authority. The monetary income is to be used to restore soil in other locations.
- (4) Pursuant to paragraph (3), in cases where smallholder farmers or vulnerable communities are unable to bear the costs of soil restoration or compensation for degradation, the competent authority shall provide support, including financial assistance or technical aid, to ensure that these groups are not unduly burdened. This support shall be proportionate to the scale of their operations and the degree of degradation, aiming to protect their livelihoods while promoting sustainable soil management practices.
- (5) The National Soil Management Authority, pursuant to Article 31 (1), shall determine the specific soil uses for which permission is required, as outlined in paragraph (2) of this Article.

Article 15 — Soil Impact Assessment (SIA) as part of Environmental or Strategic Impact Assessment

- (1) A Soil Impact Assessment (SIA) shall be conducted as part of an Environmental Impact Assessment (EIA) whenever a proposed activity poses a risk of significant detrimental effect on soil, and where necessary, before granting permission to use the soil.
- (2) The SIA shall be carried out by a body determined by the National Soil Management Authority.
- (3) The SIA shall examine the extent to which there may be negative impacts on soil and its services, as set out in Article 5 (2) and (4). The SIA shall recommend measures to mitigate the potential adverse effects, taking into account the soil quality standards outlined in Article 23.
- (4) National regulation concerning the responsibilities to undertake and finance the

EIA shall also apply to SIA.

- (5) Where there is no national provision, the applicant for a specific use of soil shall be responsible for undertaking and financing the SIA.

Article 16 — Obligation to Reduce Land Take and Soil Sealing

- (1) Any person and entity shall avoid land take and soil sealing. The National Soil Management Authority, pursuant to Article 31 (1), shall develop national strategies to reduce land take and soil sealing.
- (2) To achieve land degradation neutrality, the following shall apply:
 - (a) Reduction of further land take and soil sealing as much as possible; and
 - (b) Offsetting unavoidable land take and soil sealing by restoration measures in another place, considering the quality and quantity of the land take and the soil sealing.

Article 17 — Mining

- (1) Any person or company who intends to carry on any artisanal or industrial mining, small-scale mining, or large-scale mining shall apply to the National Soil Management Authority, pursuant to Article 31 (1), for an appropriate mining licence in the prescribed manner and form upon payment of a prescribed fee.
- (2) Before commencing mining operations following issuance of a license under paragraph (1), a person or company shall first apply for and receive the permission referred to under Articles 14 (2) and 15.
- (3) Any prospecting or mining operation must be conducted in accordance with good international mining industry practice.
- (4) The holder of a small-scale or large-scale mining licence shall assist in the development of mining communities affected by its operations to promote sustainable development, enhance the general welfare and the quality of life of the inhabitants, and shall recognise and respect the rights, customs, traditions, and religion of local communities.
- (5) A mining licence holder shall maintain records of all geological information obtained by, or on behalf of, the holder, including data on soil properties.
- (6) The holder of a mining licence shall ensure that their mining area is well maintained and rehabilitated from time to time and ultimately reclaimed, so far as is practicable, in a manner acceptable to the competent authority.

Article 18 — Zoning of Uses of Soil

- (1) The competent authority may divide land into different zones according to the value of its soil with respect to the services provided and its need for

protection to implement sustainable soil management and maintain and enhance soil services.

- (2) The competent authority may determine prohibited activities in specific zones.
- (3) Stakeholders shall be consulted before a decision is taken on defining the zones and regulating soil uses.

Article 19 — Protection of Particularly Valuable Soil by Spatial Measures

- (1) Soil that is particularly valuable for its services, *inter alia*, the fertility of soil, shall be protected by spatial instruments.
- (2) Such spatial instruments shall be established through legally binding mechanisms pursuant to national legislation. These legal mechanisms shall determine the prohibited or regulated soil uses within these areas.
- (3) Stakeholders shall be consulted before establishing spatial instruments, pursuant to paragraph (1) of this Article.

Article 20 — Soil in Urban Areas

- (1) The competent authority shall take measures to maintain and develop healthy soil in urban and peri-urban areas, support climate adaptation, enhance ecosystem functions such as cooling, and improve the well-being of the population. Public participation shall be ensured in the planning and implementation of such measures.
- (2) Urban planning shall be implemented to avoid unnecessary soil sealing for infrastructure and buildings, ensure the maintenance and development of green spaces in urban areas, and identify options for de-sealing projects.

Part IV: Soil Data, Monitoring, and Innovation

Article 21 — Data Management and Monitoring

- (1) The National Soil Management Authority, pursuant to Article 31 (1), shall establish a national soil database (soil information system) to collect data concerning the soil's physical, chemical, and biological properties to analyse its environmental quality.
- (2) Soil data management entails three processes:
 - (a) Soil data gathering, including *in situ* measurements;
 - (b) Assessment and synthesis of the soil data; and
 - (c) Disseminating soil information, including making it publicly accessible.
- (3) Soil data is defined as it entails the following data and information:
 - (a) Data on the chemical, physical, and biological properties of soil in a specific location;

- (b) Information on the current soil use; and
 - (c) Information on tenure rights on the relevant land.
- (4) The purposes of soil data management are as follows:
- (a) Determination of the status quo of soil in a specific location regarding the chemical, physical, and biological properties;
 - (b) Development and determination of soil quality standards concerning all forms of soil degradation pursuant to Article 23;
 - (c) Use of the soil data for zoning approaches, pursuant to Article 18; and
 - (d) The establishment of a soil-protected area, pursuant to Article 19.
- (5) The soil data and information entailed shall be accessible to all competent authorities implementing soil-related provisions.
- (6) The landowner or the person or entity with a right to land must allow the competent authority to undertake *in situ* measurements of soil on the respective land or mandate a third party to do so.
- (7) The collected data, pursuant to paragraph (1) of this Article, shall be assessed with regard to the general health of the soil, the risks and levels of degradation, as well as the risks it generates for its services laid out in Article 5 (2) and (4) of this Law.
- (8) Soil information shall be made publicly accessible, ensuring transparency and availability for all relevant stakeholders. Confidential or private data shall be protected and inaccessible to the general public.
- (9) Pursuant to paragraph (8), the soil information shall be updated regularly. The National Soil Management Authority, pursuant to Article 31 (1), is obliged to regularly publish a soil protection report online or through other appropriate means of communication. The report includes the results of soil quality monitoring, an analysis of the risks of contamination or degradation, an assessment of preventive and improvement measures and their costs, and the nation's soil maps in the respective country.
- (10) The National Soil Management Authority, pursuant to Article 31 (1), shall take the necessary measures to promote scientific and technical research into the monitoring, protection, and sustainable environmental management of soil.
- (11) The National Soil Management Authority, pursuant to Article 31 (1), shall establish a system of extension services for farmers and other users of soil in close cooperation with the responsible authorities at regional and local levels.

Article 22 — Digitalisation and Sustainable Soil Management

- (1) The National Soil Management Authority, pursuant to Article 31 (1), shall take measures to coordinate the effective use of digital means, including artificial intelligence (AI), with regard to sustainable soil management, taking into account the following principles:
- (a) Ensuring non-discriminatory access to digital means, in particular for

- women;
 - (b) Ensuring the privacy of data;
 - (c) Enable local communities and small-scale farmers to make use of the digital means; and
 - (d) Inform and enable extension services to be facilitators for the use of digital means.
- (2) The policies shall align with the AU's digitalisation and AI strategies.
 - (3) The National Soil Management Authority, pursuant to Article 31 (1), shall promote the use of digital means in sustainable soil management.

Article 23 — Development of Soil Quality Standards

- (1) Based on the data obtained in accordance with Article 21, soil quality standards for all forms of soil degradation should be developed in a reasonable time.
- (2) The soil quality standards may be defined for the various zones pursuant to Article 18, as appropriate.
- (3) The National Soil Management Authority, pursuant to Article 31 (1), shall submit a draft of the standards to the relevant ministry, which shall then approve and publish them.

Article 24 — Good Practices

- (1) The National Soil Management Authority, pursuant to Article 31 (1), shall compile good practices for sustainable uses of soil, taking into account relevant international guidance.
- (2) The compilation shall be published in the national soil information system, pursuant to Article 21 (1). It should be regularly revised and updated.
- (3) The National Soil Management Authority, pursuant to Article 31 (1), should inform the national extension services regularly with regard to good practices for the agricultural sector.

Part V: Public Participation and Knowledge Systems

Article 25 — Public Participation

- (1) The competent authority shall ensure the free, fair, informed, and effective participation of stakeholders, including women, men, elders, youth, indigenous peoples, persons with disabilities, farmers, and other vulnerable or marginalised groups, in soil-related governance.
- (2) The participation referred to in paragraph (1) includes, but is not limited to, the development, implementation, monitoring, and evaluation of laws,

policies, programmes, and decisions relating to the sustainable use, protection, and rehabilitation of soil.

- (3) Participation processes shall be inclusive, transparent, and accessible, taking into account local languages, customary practices, and traditional knowledge systems, supported by adequate information, consultation mechanisms, and feedback procedures.

Article 26 — Public Sensitisation and Awareness Raising

The National Soil Management Authority, pursuant to Article 31 (1), shall undertake to:

- (1) Develop and implement public education and sensitisation programmes to promote understanding of the value of soil and the importance of its sustainable use, protection, and restoration across all sectors of society.
- (2) Raise awareness on the responsibilities of all persons in relation to sustainable soil management.
- (3) Determine the structure and modalities of cooperation with the private sector, local communities, and civil society.
- (4) Design and disseminate information on sustainable soil practices in accessible formats and local languages, ensuring that, among others, farmers, rural communities, and vulnerable groups can participate meaningfully in soil conservation efforts.
- (5) Promote inclusive participation of women, youth, indigenous peoples, and marginalised communities in soil-related programmes and initiatives, recognising their traditional knowledge.
- (6) Support soil science, including indigenous knowledge, in national education systems, vocational training, and agricultural extension services to build long-term capacity in sustainable land management.
- (7) Encourage media, non-state actors, including civil society, and research institutions to contribute to public discourse on soil degradation and restoration.
- (8) Strengthen institutional and human capacity for sustainable soil management through appropriate measures, which may include, *inter alia*, training, technical support, and facilitation of knowledge exchange and research collaboration among relevant authorities, extension services, and local community structures.
- (9) Recognise efforts by individuals, communities, or organisations that contribute to soil protection and rehabilitation.

Article 27 — Indigenous Knowledge

- (1) Indigenous knowledge shall be regarded as a valuable source of information for guiding sustainable soil management, particularly in the respective local communities.

- (2) The National Soil Management Authority, pursuant to Article 31 (1), is responsible for regularly collecting indigenous knowledge and disseminating it to the local communities and other relevant authorities and entities. It shall also publish the information in the soil information system, pursuant to Article 21 (1).
- (3) Local research centres shall be funded to identify and validate indigenous knowledge and develop innovative, context-specific solutions for sustainable soil use and management.
- (4) In cases where foreign investors intend to use indigenous knowledge, an appropriate payment system shall be established.
 - (a) The income due to the payment system shall be made available for the respective local communities.
 - (b) International regulations have to be respected, particularly those concerning benefit sharing under the relevant international instrument.

Article 28 — Role of Traditional Leaders

- (1) Where applicable, traditional leaders shall be acknowledged as custodians of sustainable soil management, serving as vital representatives for their communities.
- (2) Traditional leaders shall be encouraged to promote sustainable practices, disseminate information, and advocate for soil conservation efforts locally.
- (3) Traditional leaders shall collaborate closely with competent authorities at regional and local levels to implement this Law, participating in joint initiatives and regular consultations to enhance community engagement in soil management.
- (4) Traditional leaders shall be involved in establishing educational programmes for sustainable soil management, local soil governance, and conflict resolution. These programmes shall cover essential topics such as soil conservation techniques, community mobilisation strategies, negotiation skills, and community internal conflict-solving mechanisms to address local soil-related challenges effectively.
- (5) Local community representatives, including traditional leaders, shall be effectively involved and consulted in relevant decision-making procedures.

Article 29 — Gender Equity and Equality

- (1) The National Soil Management Authority, pursuant to Article 31 (1), shall ensure that women and men enjoy equal rights in access to, use, and management of soil and soil-related resources. Measures related to soil governance shall recognise gender-specific barriers and take steps to promote equitable participation, decision-making, and benefit-sharing.

- (2) Before permission is granted pursuant to Article 14, the competent authority shall undertake an assessment of the implications for gender and other vulnerabilities.

Part VI: Rehabilitation and Administrative Governance

Article 30 — Rehabilitation of Current Soil Degradations: Responsibilities, Requirements, Costs, and Competent Authorities

- (1) The National Soil Management Authority, pursuant to Article 31 (1), shall identify existing soil degradation.
- (2) The person or entity responsible for the degradation or the owner of the property from which the degradation originates is accountable for rehabilitating soil contamination or soil degradation that has occurred.
- (3) The National Soil Management Authority, pursuant to Article 31 (1), shall determine the level of soil rehabilitation to be achieved by the person or entity responsible according to paragraph (2) of this Article, considering the principle of proportionality.
- (4) If the person or entity responsible for the degradation or the owner of the property from which the degradation originates fails to undertake the required rehabilitation, they shall bear the costs of rehabilitation by third parties.

Article 31 — Institutional Supervision, Monitoring, and Enforcement

- (1) A National Soil Management Authority responsible for sustainable soil management is to be established, which shall closely cooperate with the competent authorities at the regional and local levels.
- (2) The National Soil Management Authority, pursuant to paragraph (1), may establish a Sustainable Soil Management Coordination Mechanism as an inter-sectoral and multi-stakeholder platform with advisory, consultative, and/or decision-making responsibilities to promote effective coordination of sustainable soil management.
- (3) Competent authorities may be established at the regional and local levels, as appropriate, to enforce the provisions of this Law.
- (4) The National Soil Management Authority, as well as regional and local competent authorities, shall receive adequate resources, facilities, and training to improve their effectiveness and integrity in enforcing the provisions of this Law.

Article 32 — Monitoring and Surveillance

- (1) The National Soil Management Authority, pursuant to Article 31 (1), shall

ensure an effective monitoring and surveillance by its services, including the regional and local competent authorities, on the compliance with the obligations of this Law.

- (2) In pursuance of the monitoring and surveillance provided for under Paragraph (1) of this Article, the National Soil Management Authority shall, within three months of the promulgation of this Law, issue regulations that define criteria and mechanisms for effective soil monitoring and surveillance.
- (3) The National Soil Management Authority and the competent authority at the local and regional level, where applicable, shall regularly monitor and survey the compliance with the obligations of this Law in their respective areas, taking into account the criteria and mechanisms mentioned in paragraph (2).
- (4) Where required, a renewed SIA, pursuant to Article 15, shall be undertaken to evaluate ongoing or modified activities that may affect the health of the soil, particularly where monitoring and surveillance reveal significant changes in the condition of the soil or compliance with this Law.

Article 33 — Transnational Cooperation in Africa

- (1) Without prejudice to the responsibilities of the relevant Government Ministry, the National Soil Management Authority, pursuant to Article 31 (1), shall provide technical and policy support to the state authority in charge of international cooperation with other respective authorities in Africa.
- (2) The transnational cooperation shall focus on, *inter alia*:
 - (a) Exchange of soil data;
 - (b) Dissemination of good practices;
 - (c) Joint endeavour concerning capacity building; and
 - (d) Transboundary soil projects.
- (3) Any transboundary soil dispute should, as far as possible, be settled amicably through negotiations, conciliation, or mediation.
- (5) Mutually agreed solutions shall be made publicly available. However, the version disclosed to the public may not contain any information that a disputing party has designated as confidential.
- (6) Reports specifying progress on sustainable soil management, any gaps in implementation, and necessary adjustments shall be submitted to the relevant AU organs.

Article 34 — Programmes and Measures to Promote Sustainable Soil Management

The National Soil Management Authority, pursuant to Article 31 (1), in consultation with local and regional authorities, shall provide programmes and measures of incentives that promote sustainable soil management by those using the land and soil.

These programmes and measures shall be regularly submitted to the relevant ministry for adoption.

Part VII: Offences, Penalties, Sanctions, and Dispute Settlement

Article 35 — Criminal Offences, Penalties, and Sanctions

- (1) The following conduct shall be considered criminal offences under this Law and shall be subject to appropriate penalties and sanctions under national law:
 - (a) **Deliberate or negligent contamination of soil:** The unauthorised release or discharge of substances that lead to the deterioration of soil quality or its services.
 - (b) **Use of prohibited fertilisers or pesticides:** The production, sale, or application of substances listed by the competent authority, pursuant to Article 10 (4), as detrimental to soil health.
 - (c) **Unauthorised land take or soil sealing:** Converting land or sealing soil surfaces in contravention of national zoning regulations, pursuant to Articles 18 and 19, or without permission required under this Law.
 - (d) **Non-compliance with soil protection or rehabilitation orders:** Failure to undertake legally mandated measures to restore or prevent further degradation of soil.
 - (e) **Destruction or alteration of protected soil areas:** Engaging in prohibited activities within areas designated under spatial instruments, pursuant to Article 19, or other legal mechanisms for soil conservation.
 - (f) **Falsification, concealment, or obstruction of soil data:** Deliberately providing false information or obstructing soil assessments, monitoring, or inspections carried out under this Law.
 - (g) **Failure to conduct required SIAs:** Commencing or continuing soil use activities that require prior assessment, pursuant to Article 15, without having undergone the required process.
 - (h) **Illegal mining or prospecting activities:** Conducting, authorising, or participating in artisanal or industrial, small-scale, or large-scale mining operations without a valid licence or permission pursuant to Article 17 (1) and (2), or in contravention of conditions established by the competent authority, including failure to rehabilitate or reclaim affected soil areas as required under Article 17 (6).
 - (i) **Non-compliance by foreign investors:** Engaging in soil-related activities or large-scale land acquisitions (land grabbing) that violate the provisions of Article 13 on foreign investment, including failure to comply with obligations under this Law, neglecting the rights and interests of local communities, or undertaking investments that undermine soil health or local

land rights.

- (j) **Violation of procedural or substantive requirements:** Failure to comply with, or deliberate breach of, any procedural or substantive obligations established under this Law, including omissions or actions contrary to prescribed processes.
- (2) The National Soil Management Authority, pursuant to Article 31 (1), may determine penalties and sanctions for the offences listed in paragraph (1) in accordance with their national legal frameworks. In doing so, they shall ensure that such measures are effective, proportionate, and dissuasive, taking into account the nature of the offence, the harm caused to the soil, and any relevant aggravating or mitigating factors.

Article 36 — Administrative Offences

- (1) In addition to the criminal offences set out under Article 35, the National Soil Management Authority, pursuant to Article 31 (1), shall determine conduct which shall constitute administrative offences under this Law and shall be subject to appropriate administrative penalties under national law, including but not limited to warnings, fines, suspension of authorisations, or nullification of approvals.
- (2) Where such administrative offences materially undermine the rights of affected communities or the integrity of decision-making processes, the competent authority may suspend or revoke the related permit, authorisation, or decision as per national law.

Article 37 — Dispute Settlement

- (1) Existing administrative or non-judicial bodies shall be utilised, or new ones established where necessary, to settle disputes concerning the application of this Law.
- (2) Where applicable, traditional leaders and local communities shall be invited to participate in the settlement of soil management disputes by the administrative or non-judicial bodies referred to in paragraph (1) of this Article.
- (3) For such participation as referred to in paragraph (2) of this Article, clear procedural roles and responsibilities shall be established.
- (4) Specialised courts or tribunals in existing court structures may be established for disputes concerning the use of soil.
- (5) People(s) and communities affected by soil degradation shall have unhindered access to such procedures, courts, or tribunals.
- (6) Judges, administrators, and extrajudicial officers shall be trained in the scientific background of sustainable soil management and its legal provisions.
- (7) Nothing in this Article shall preclude the utilisation or establishment of other

appropriate means of dispute settlement, consistent with national law and the objectives of this Law.

- (8) A mechanism for public compliance control may be established to which all persons and entities shall be entitled to raise issues of compliance.

Part VIII: Miscellaneous Provisions

Article 38 — Regulations

- (1) The competent authority may, by statutory instruments, make regulations to prescribe anything required under this Law and for the effective implementation of the provisions of this Law.
- (2) The National Soil Management Authority, pursuant to Article 31 (1), may submit to the competent authority proposals for regulations or other policy measures, as may be required under this Law, and for the effective implementation of the provisions of this Law.

Article 39 — Revision or Amendment of the Law

- (1) This Law may be amended or revised in accordance with applicable legislative procedures.
- (2) Where this Law is repealed, it shall be without prejudice to the legal status of all acts carried out under the repealed Law.
- (3) Any amendments to this Law may not be retrogressive and affect acquired rights.

Article 40 — Safeguard Clause

- (1) No provision in this Law shall be construed as derogating from the principles and values contained in other relevant instruments for the realisation of the sustainable management of soil.
- (2) In the event of a contradiction between two or more provisions of this Law, the interpretation that favours the sustainable management of soil shall prevail.

Article 41 — Entry into Force

This Law shall enter into force at such time as the national authority responsible shall determine.

Article 42 — Authentic Texts

- (1) This Law shall be translated into the relevant national official languages.
- (2) In the event of a conflict of interpretation, the English version of the Pan-African

Parliament's Model Law on Soil Management shall be used as the authoritative reference.

- (3) This Law shall also, as soon as practicable, be translated into the languages most understood and used by persons with disabilities.

END OF TEXT

