

## BUCHBESPRECHUNGEN / BOOK REVIEWS

*Oliver C. Ruppel, Harald Ginzky (eds.), African Soil Protection Law. Mapping out options for a model legislation for improved sustainable soil management in Africa – a comparative legal analysis from Kenya, Cameroon and Zambia*, Nomos, Baden-Baden 2021, 528 pages, EUR 138.00, ISBN 978-3-8487-6693-2

The book "African Soil Protection Law", edited by Prof. Dr. Oliver C. Ruppel (University Stellenbosch, South Africa) and Dr. Harald Ginzky (Federal Environmental Agency, Germany), published in 2021 as the 41st volume of the Nomos series "Recht und Verfassung in Afrika - Law and Constitution in Africa", explores the legal protection of soil in Africa, using three African states as examples.

The 528-page book, that resulted from the GIZ-financed project „Mapping out options for a model legislation for improved sustainable soil management in Africa“ (2018-2020) is divided into seven chapters, although they are not explicitly named as such. The Executive Summary (pp. 31-52) is followed by detailed country reports from Cameroon (pp. 53-176), Kenya (pp. 177-294) and Zambia (pp. 295-378) including national analyses of each country's legal instruments for soil protection. Generalisable recommendations for action are then derived from the individual results and outlined in the form of a "model legislation for sustainable soil management" (pp. 379-452). The country reports and their analyses as well as the recommendations in the chapter on the model law are the main focus of the book. This is followed by a cursory cross-sectional view of some other African countries, thus broadening the thematic horizon accordingly (pp. 453-484). The work is rounded off by two shorter chapters, each of which touches on new aspects: The first one focuses on the role of the Pan-African Parliament and its efforts on the path to sustainable development (pp. 485-498) while the second chapter concentrates on the connection between soil protection and discusses the "right to food" with reference to world trade law (pp. 499-528).

The three country reports from Cameroon, Kenya and Zambia are introduced with basic information and data about the country in question. This provides fundamental knowledge and explains the geographical, (national) economic, socio-cultural, state-organisational, etc. contexts that are important for the country-specific situation. Some of these explanations, however, seem a little encyclopaedic in their generality (e.g. the section on religion) and might have benefited from a somewhat narrower focus on soil conservation as the underlying theme.

After the introductory paragraph, all three country reports address the environmental problem of soil degradation, the main drivers of which are unanimously identified as agriculture (see p. 63 or p. 190 or p. 316) and mining (see p. 64 or p. 192 or p. 315). Existing structural problems such as insecure tenure systems, lack of know-how, and unequal power relations in the context of (foreign) investment are also addressed. This is followed by an examination and assessment of legal soil protection at all levels - the consti-

tutional framework, national (environmental and agricultural) law, relevant provisions in international treaties and objectives in other international (political) documents. In addition to substantive soil protection law, the reports present provisions on participation and access to information and justice. This includes issues concerning the assertion, implementation and enforcement of the laws and regulations in question.

The parallelism in the structure of the chapters enables a quick and direct comparability of individual details in the countries studied. At the same time, certain redundancies occur due to recurring elements, since, e.g. the causes and effects of soil degradation do not significantly differ between said countries. There is also avoidable repetition in the presentation of international instruments (especially international treaties) with references to soil protection (cf. p. 77 ff. or p. 219 ff. or p. 355 ff.). In this respect, at times, the texts do not appear to be optimally coordinated in terms of content. It might have been advisable to include these aspects in a separate section on international law, in order to reference them in the country reports. Beyond the general parallel structure, national specifics are also highlighted: In the Cameroon report, for example, the ministries and other state institutions with responsibilities in the field of soil protection are presented - also because their broad distribution of competences can pose an obstacle for effective work. In addition, the country report contains a very detailed breakdown of the regulations that affect the main drivers of soil degradation in Cameroon. In the Kenyan context a brief historical introduction to the genesis of some regulations is given, as well as the jurisprudence of various courts on land and environmental protection. Overall, the reports provide a thorough and wide-ranging overview of the efforts for the legal protection of soil in the three selected African countries.

The conclusions of the three country reports ("lessons learned") and the concrete recommendations formulated for the expansion of measures to soil protection are particularly promising. These are abstracted and further developed in the proceeding chapter as a "model legislation for sustainable soil management". This part of the work, jointly written by the two editors and the three lead authors of the country reports, Prof. Dr. *Christopher F. Tamasang* (Cameroon), Prof. Dr. *Patricia Kameri-Mbote* (Kenya) and Dr. *Pamela Towela Sambo* (Zambia), is a summary and compilation of the individual reports' findings. The text again follows the familiar structure. It starts with a list of the primary threats to African soils, followed by a brief description of the legal framework. The central part of the chapter is the subsumption of the recommendations under the thematic areas, that were identified as problematic (e.g. agriculture, mining and tenure systems). Institutional and procedural issues as well as the role of science and society on the way to improved soil and land management are addressed additionally. Finally, the options and forums for cooperation currently available on the African continent are highlighted. Through the incorporation of instruments that already exist in the studied countries as well as globally, practical and feasible proposals are developed. Even for fundamental problems in certain areas, such as tenure systems and the handling of foreign investment, at least general recommendations are made. Overall, this provides a comprehensive and coherent picture of what a model

law should contain, even though the relevant section of the book does not yet provide a concretely formulated outline of such a law.

The following chapter provides an overview of soil protection instruments in six further African countries (Namibia, Uganda, Mozambique, Nigeria, Ghana and South Africa) and discusses which international instruments related to soil protection apply across the continent. It concludes with a commentary on the challenges of soil protection, which largely coincide with the problems addressed in the country reports on Cameroon, Kenya and Zambia. The last two chapters on the Pan-African Parliament and the right to food in the context of world trade law mainly provide background information. The Pan-African Parliament is interesting as an institution in which a model law on sustainable land management could potentially be developed. The final chapter of the book adopts a global perspective and discusses how soil protection is anchored in the right to food and the climate protection regime. At the same time, it provides a brief insight into the need for sustainable agriculture and its connection with world trade law.

Domestic soil protection law receives comparatively little attention in science and policy and the same applies to relevant regulations and laws from other parts of the world. This book aims to look beyond the proverbial horizon and intends to illustrate both the status and the development perspectives of soil protection law on the African continent in a very accessible way. It thus joins a remarkable series of relevant publications in this thematic area, the two editors contributed to: on (African) environmental law in general, among others, in the series *Law and Constitution in Africa*, as well as on soil protection law through contributions in the *International Yearbook of Soil Law and Policy*, especially in the regional special issue *Legal Instruments for Sustainable Soil Management in Africa* (2020). The free online accessibility (open access) and the publication in English ensure availability to a wide readership.

All contributions, especially the three country reports, benefit greatly from the expertise of the high-calibre local scholars the project has been able to attract. At the same time, their close cooperation with the editors prevents possible criticism of a too Eurocentric or even neo-colonialist approach to the topic of "soil conservation in Africa" by a German book. The additional involvement of local politicians and practitioners gives the analysis the practical relevance that is distinct for this publication. This lays the theoretical foundation for a model legislation for a (more) sustainable land management that could possibly be developed in the Pan-African Parliament in the future.

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