

Für Mensch & Umwelt

Umwelt 
Bundesamt

Model Law for Africa – sustainable soil management

Three lessons learnt

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Umweltbundesamt
1974–2024

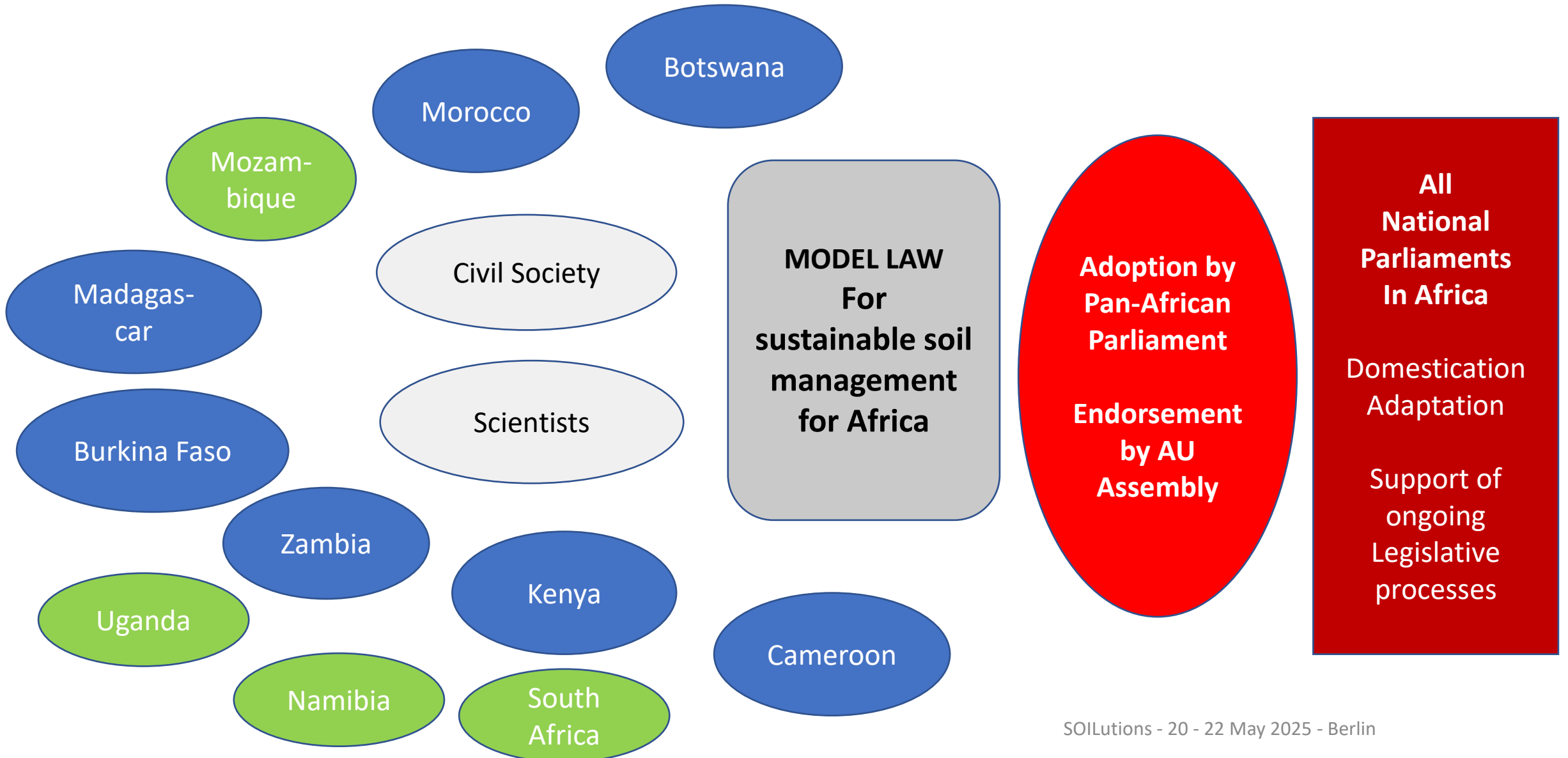
SMS for Africa – specific Challenges and Needs

- Hunger and poverty eradication and prevention
- Often neglected: Soils in urban areas
- Pluralism of modern and traditional regimes
 - Between 50 to 70 % - communal land
- Weakness of implementation systems: good laws, weak enforcement

The project: Design, mandates and status-quo



African Soil Model Law: how to get to it ?



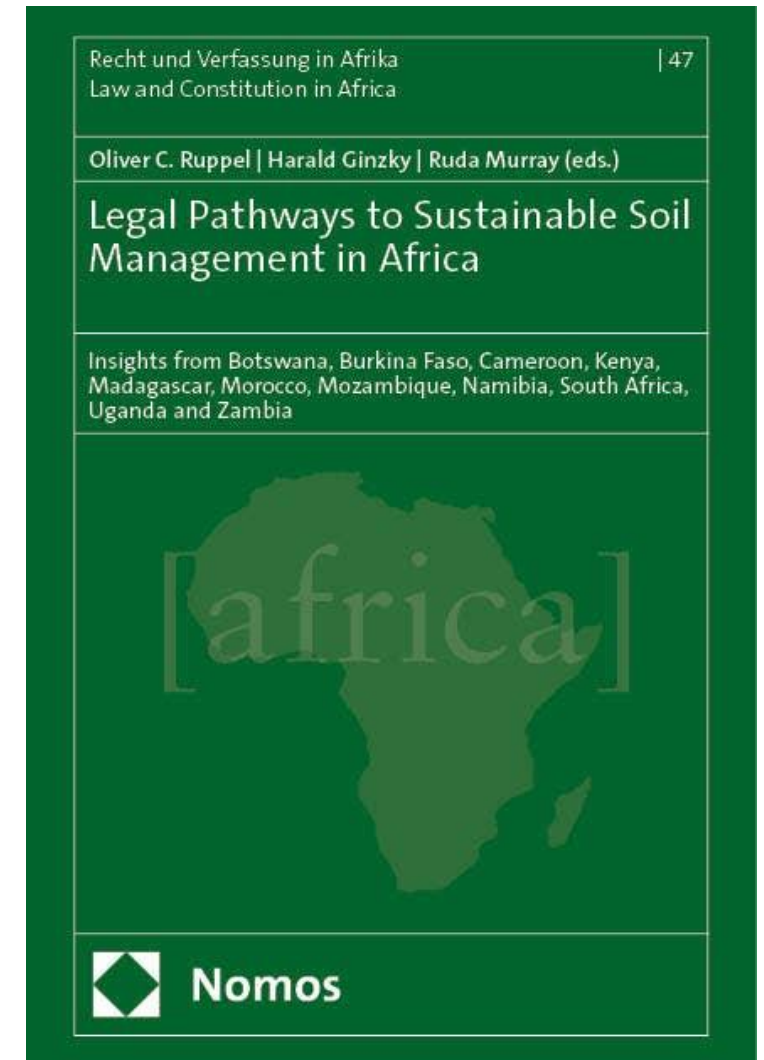
Political Mandates

- Resolution of PAP – End 2023
 - Develop Model Law on sustainable soil management
 - Welcomes the support by DROP and UBA
- Letters of Intent by
 - African Ministerial Conference on the Environment
 - Food and Agriculture Organization
 - African Soil Partnership
- Funded by German Ministry on Technical Cooperation
 - 6/2023 – 12/2025



Status of project

- First deliverable out of project – April 2025
 - Around 850 pages
 - Open access and hard copies
- Most comprehensive compilation on soil governance in Africa
 - Eleven country studies
- Basis for development the model law
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- Next steps- First reading, regional consultation
Final reading and adoption



Structure, contents and recommendations of the model law



Model law and 16 Commentaries

- **Model law**
 - Recitals
 - Legal text: 42 articles – 20 pages
 - Overarching provisions
- **16 Commentaries on sectoral governance topics – each 10 pages (drafts)**
 - No legal effect, no part of model law
 - Facilitation – guidance, toolbox – for national transposition
 - Sectoral governance topics, inter alia
 - Agriculture (Fertilizers, Pesticides, Crop Cultivation, Pastoralism)
 - Urbanisation, Mining, Industry, infrastructure
 - Indigenous knowledge, traditional leaders, tenure rights, foreign investment
 - Implementation and enforcement, data management
 - Gender

Model Law: Core legal instruments/mechanisms

- (1) Soils are a natural resource which provides essential social and ecological services
- (2) Addressing all forms of soil degradation
- (3) Permission procedure for potentially detrimental activities
 - (1) Soil specific impact assessment
 - (2) Environmental standards – legally binding
- (4) Mechanisms to rehabilitate soil qualities
- (5) Soils and agriculture and food security
- (6) Climate mitigation and adaptation

Model Law: Core legal instruments/mechanisms

(8) Spatial mechanisms – protection of valuable soils, in particular fertile soils

(9) Implementation and organisational aspect

(1) Data gathering and dissemination

(2) Who is in charge ? Interministerial cooperation at central level

(3) Local administration

(4) Courts

(11) Digitalization

(12) Tenure rights, traditional leaders

(12) Gender

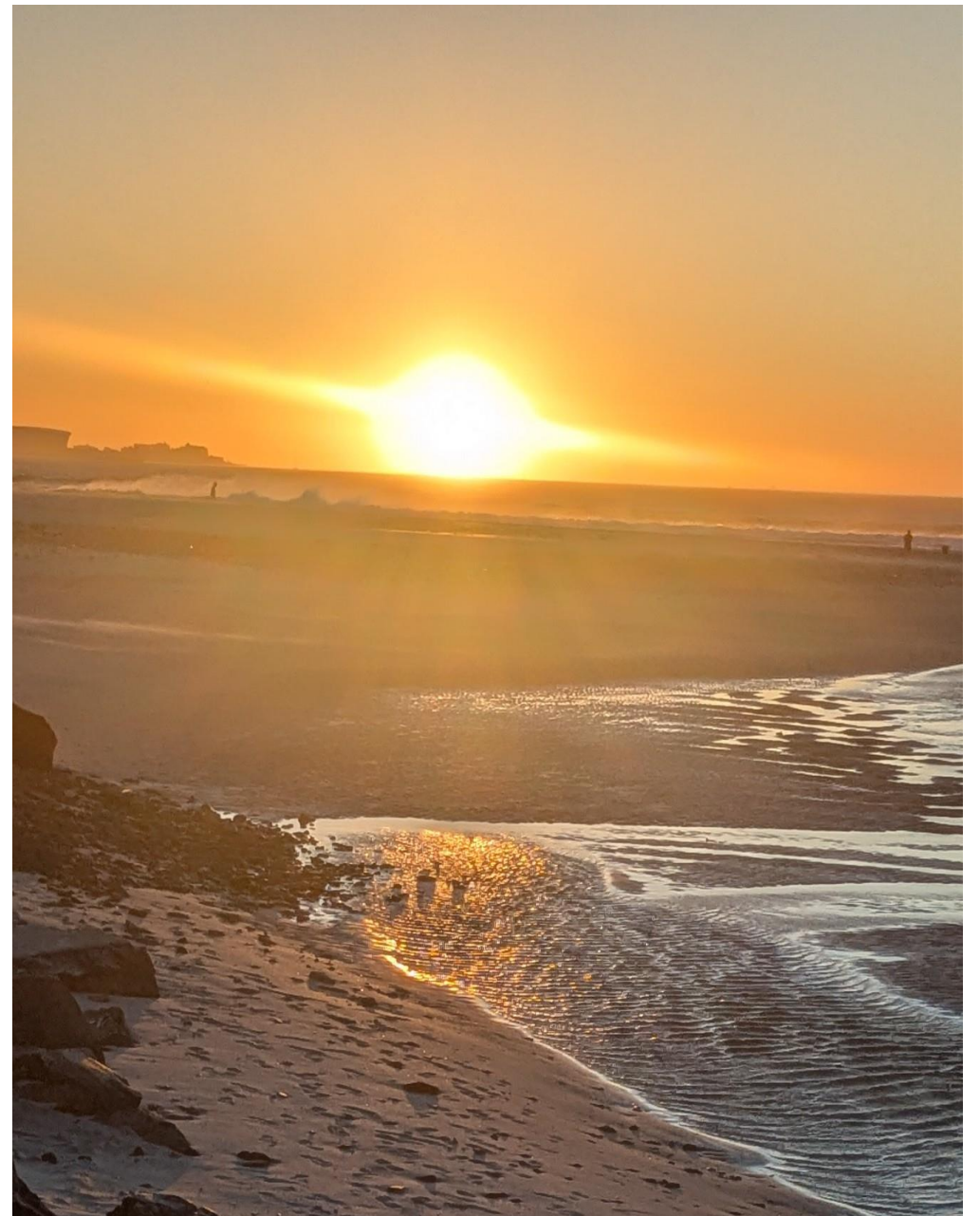
(13) Dispute settlements and courts

Model law and next steps

- Model law and the commentaries
 - Insightful and instrumental recommendations
 - Flexible enough for adaptation – not over –prescriptive
- Guidance and toolbox – for national transposition of model law
- National Ownership is key for national transposition and implementation

Three lessons learnt

amongst many
others



LL 1: Fragmentation is unavoidable

- Sustainable soil management – cross –cutting and multisectoral challenge
 - Agriculture (Fertilisers, Pesticides, Pastoralism, Forestry)
 - Urbanisation
 - Mining
 - Tenure rights, foreign investment and traditional leaders
- Not only one **soil law**
- **Need to address several other sectoral legislation**
- **Soil management law and revisions of sectoral pieces of legislation**
 - Fragmentation is unavoidable

LL 2: Soil Management for more Prosperity

- **Three dimension of sustainability**
 - Ecologically sound – on the long-term – future generations
 - Socially just – for the welfare of all
 - Economically reasonable
- Not only protection of the environmental qualities
- **Soils for the benefits of human beings – long-term prosperity strategy**
 - Intensification of agriculture – use of fertilisers
 - Capacity building
 - Resilient economies – climate change – geopolitical challenges

LL 3: Legal clarification of responsibilities

- **Fundamental challenge: improved implementation and enforcement**

TASKS OF SMS GOVERNANCE

- Data management
 - Collection of field data
 - Determination of environmental standards
- Permission procedure concerning potentially detrimental soil uses
 - Soil impact assessment
- Town planning
- Zoning mechanisms, including soil protected areas
- Monitoring of compliance
- Public participation processes

LL 3: Recommendations

- Clarification of responsibilities of ministries by law
 - Leading ministry
 - Determination of decision taking procedure
- Clarification of responsible level of administration by law
 - central, regional, local, community level
 - Collection of field data ?
 - Permission procedure ?
- Clarification of science/policy interface by law
- Clarification of cooperation with traditional leaders by law

LL 3: Benefits of legally clarified responsibilities

- Accountability, reliability and transparency
- Less resource intensive
- Level playing field of all actors, including foreign investors
- Reputation as reliable state/government, both nationally and internationally

Many thanks for your
attention

• **Harald Ginzky**

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