

Für Mensch & Umwelt

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# Introduction to Model Law for sustainable soil management in Africa

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# Draft Model Law

- Developed with a core writing team of about 10 African experts
  - Co-ordination Prof. Ruppel (University Stellenbosch) and Dr. Ginzky (German Environment Agency)
- Continuous coordination with PAP committee
- First reading and adoption by PAP: July 2025

# Concept of Model Law

- Content: Addressing all dimensions of soil governance
  - Social and environmental value of soils, tenure rights, digitalisation, gender, foreign investment, international trade
- Mechanisms to ensure compliance
  - Permission procedures, SIA as part of EIA, spatial planning, zoning mechanisms
  - Soil quality standards
  - Good practices

# Concept of model law

- Implementation and Enforcement
  - Data management and digitalisation
  - Responsibilities within the administration
  - Interface with traditional governance systems
  - Transnational cooperation in Africa
- Reliance on societal actors
  - Public participation
  - Indigenous knowledge
- Dispute settlement mechanisms
- Miscellaneous provisions

# Parts of Model Law

- Preamble
- Part 1: Preliminary Provisions
- Part 2: Linkages to Sustainable Development
- Part 3: Soil Use Regulation and Planning
- Part 4: Soil Data, Monitoring, and Innovation
- Part 5: Participation and Knowledge Systems
- Part 6: Restoration and Administrative Governance
- Part 7: Enforcement and Remedies
- Part 8: Miscellaneous Provisions
- Part 9: Commentary or Explanatory Notes

# Article 2 — Purpose of the Law

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- (1) The purpose of this Model Law is to guide and inspire AU Member States in the governance of soils through sustainable soil management, preserving and enhancing their ecological, economic, social, and cultural services, particularly food security, and achieving the objective of LDN.
- (2) The sustainable management of soils shall foster sustainable development in the respective implementing Member States of the AU.

# Article 3 — Scope of Application of the Law

This Model Law shall apply to all forms of soil degradation and to all activities that may have detrimental effects on soils

# Article 5 — Services of Soils

- (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 Model 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
  - (d) establishing areas for promoting climate adaptation, in particular in urban areas.

# Article 5 — Services of Soils

- (1) Within the meaning of this Model Law, **economic soil services** include, among others, the provision of food, fiber, fuel, construction materials, minerals, and the use of land as a foundation for human buildings and infrastructure.
- (2) Within the meaning of this Model Law, **social soil services** refer to the role of soils 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.
- (3) Within the meaning of this Model 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

Sustainable soil management as regulated under this Law shall be guided by the following principles:

- (1) **Accountability** — ....
- (2) **Effective Participation** — ...
- (3) **Gender Equity and Equality** — ...
- (4) **Non-discrimination and Social Justice** — ...
- (5) **Precaution** — ...
- (6) **Prevention** — ...
- (7) **Proportionality** — ...
- (8) **Protection of Soil Biodiversity** — ...
- (9) **Degradation Responsibility Principle** — ...
- (10) **Subsidiarity** — ...
- (11) **Sustainability** — ...
- (12) **Transparency** — ...

# Article 13 — Obligation to Minimise and Compensate Detrimental Effects on Soils

- (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(2) and (4)**, with compensation provided for any unavoidable impairments, 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 22, and that **adverse effects that cannot be avoided are equally compensated by soil restoration measures.**
- (3) **If restoration is impossible, financial compensation shall be paid to the competent authority.** The monetary income is to be used to restore soils in other locations.

# Definition „Commentaries“

**‘Commentaries’** — Means supplementary guiding documents that accompany this Model Law and provide additional information, context, and interpretive guidance on specific topics related to sustainable soil management.

Many thanks for your  
attention

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