

**MEMORANDUM TO THE PARLIAMENT OF THE REPUBLIC  
OF GHANA**

**MINISTER:**

**HON. SAMUEL A. JINAPOR, MP**

**MINISTRY OF LANDS AND NATURAL RESOURCES**

**TITLE:**

**THE WILDLIFE RESOURCES MANAGEMENT BILL**

**10<sup>TH</sup> JANUARY 2022**

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## **1.0 PARLIAMENTARY ACTION REQUIRED**

**Parliament is requested to consider the attached Wildlife Resources Management Bill and commence processes of passing it into law.**

## **2.0 BACKGROUND INFORMATION**

The Wildlife Animal Preservation Act, 1961 (Act 43) as amended, was enacted forty-five years ago and the subsequent amendments to the Act was based on the 1974 Wildlife Conservation Policy.

At the time the Act was enacted, Game and Wildlife had not yet been established as a department of the Ministries and there was no comprehensive policy on wildlife. There have also been a number of international conventions Ghana has signed and ratified. The provision of these Conventions considered wildlife from a broader perspective and are not adequately reflected in the current Act.

The Wildlife Resources Management Bill therefore addresses the gaps and provides a framework for effective and sustainable wildlife management regime.

## **3.0 JUSTIFICATION FOR PARLIAMENTARY ACTION**

The justification for Parliamentary action is based on problems identified with the existing law and its subsidiary legislations, namely, Wildlife Reserve Regulations 710 of 1971 and Wildlife Conservation Regulation, 1971 (Act 685). These laws in their current state do not provide a legal framework for the implementation of the Forest and Wildlife Policy -2012 and the Forestry Development Master Plan (2016-2036).

The major limitations of these laws include the following:

- It does not clearly define the aims or objectives of wildlife management;
- It does not define the categories of protected areas;
- The extensive amendments and revocations of portions of the legislation over the past forty years have made the law rather incoherent and inaccessible;
- It does not incorporate various International Conventions Ghana has entered into since its enactment, and so does not provide for the enforcement of these conventions.
- It does not give wildlife officers enough discretionary powers and this stifles enforcement of the law; and
- It does not adequately prescribe deterrent sanctions for wildlife offences.
- It does not make adequate provision for community participation in wildlife resources development and management including the Community Resources Management Areas (CREMA) concept.

Also crucial is the fact that, the Bill when passed will provide for the implementation of several International Conventions on Wildlife to which Ghana is a signatory as well as provide for other related matters. Some of the International Conventions that this Bill will domesticate include the following:

- The Convention on Wetlands of International Importance Especially as Waterfowl Habitats (RAMSAR) 1971.
- The Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973
- The Convention on the Conservation of Migratory Species of Wild Animals (BONN) 1979

The domestication of these international conventions are relevant commendation indicator related actions for Ghana's Commitment to the Convention on Biological Diversity and Sustainable Development Goals (SDGs) 1, 2, 13, 14, and 15.

#### **4.0 OPTIONS AND IMPACTS CONSIDERED**

Three options were considered in the preparation of this Memorandum and the drafting of the Wildlife Resources Management Bill. The options were:

Option 1: Piecemeal Repeal and Replacement of each Wildlife Legislation

Option 2: Quick-fix Amendment

Option 3: Consolidation of Existing Legislation

##### **OPTION 1: Piecemeal Repeal and Replacement of each Wildlife Legislation**

Repealing and replacing each wildlife legislation is cumbersome, time consuming, costly and the process will lead to inconsistencies in the legislation.

##### **OPTION 2: Quick-fix Amendment**

Quick-fix amendment would have made the existing law incoherent in text since there was no need to introduce new obligations and commitments.

##### **OPTION 3: Consolidation of the laws**

Consolidation of the existing law creates the opportunity for the introduction of new obligations. For instance, the Consolidated Wildlife Bill has enhanced provisions on wildlife offences in clauses which hitherto did not have offence clauses and the provision for enhanced penalties for all offences for persons who continue to offend provisions. The offences in the Bill are further enhanced by the provision of clauses that criminalize actions of duty bearers in the Wildlife Division who connive, aid or abet in the breach of the provisions of the Bill and of Directors or Senior Officers of body corporates convicted of offences under the Bill.

### **Recommended Option:**

Through a thorough impact analysis, Option 3 was selected as the most preferred option for consideration. The analysis was based on the Economic, Social, Environmental and International and Regional Agreements and Conventions.

## **5.0 INTER-MINISTERIAL AND OTHER STAKEHOLDER CONSULTATIONS**

The Bill has been subjected to all levels of consultations with a large spectrum of stakeholders through workshops, meetings, and focused-group discussions.

The stakeholders include relevant Ministries, Departments and Agencies including:

- Environment, Science, Technology and Innovation (MESTI),
- Local Government and Rural Development,
- Ministry of Justice and Attorney-General's Department,
- Food and Agriculture,
- Ministry of Health,
- Ministry of Tourism and Creative Arts,
- Municipal/Metropolitan/District Assemblies,
- Environmental Protection Agency.
- Extensive consultation has also been conducted with the Parliamentary Select Committee on Lands and Forestry.

Other stakeholders consulted on the Bill include: the Timber Industry (Ghana Timber Millers' Organization – GTMO, Ghana Timber Association – GTA, Furniture and Wood Workers Association of Ghana – FAWAG, the Ghana Bar Association, Civil Society Groups and Community-based Organization (Forest Watch, Civic Response, Friends of the Earth, Conservation Alliance, Arocha Ghana, Tropenbos Ghana, IUCN, CREMA Groups), Research and Academic Institutions, Traditional Authorities (National and Regional House of Chiefs, Traditional Councils), the Private Sector (Wildlife Trade Exporters' Association, Wildlife Ranchers, Tour Operators, Ecotourism Facility Operators – hotels, lodges, guesthouses, Hunters' Association, Chop Bar Operators, Bush-meat Traders Association) and representatives of fringe communities in Protected Areas.

## **6.0 FINANCIAL COST IMPLICATIONS**

The enactment of a new Act on wildlife will not lead to any substantial increase in Government expenditure, since the Wildlife Division of the Forestry Commission, which is already in existence will be the implementing agency.

However, there will be the need to provide paramilitary training and equipment to the staff of the Division to enable the Division perform its field work more efficiently.

The new management structures in the proposed legislation will give legal backing to the involvement of local communities (the CREMA Groups) in wildlife development and management. This is expected to reduce the cost of managing protected areas, increase the incomes of persons living close to these areas and boost up ecotourism.

## **7.0 LEGISLATION**

The existing legislation supporting wildlife management in Ghana currently are:

- (a) Wild Animals Preservation Act, 1961 (Act 43);
- (b) Wildlife Conservation Regulations, 1971 (L.I. 685); and
- (c) Wildlife Reserves Regulations, 1971 (L.I. 710)

These laws in their current state do not support effective and sustainable wildlife management and do not provide legal framework for the implementation of the Forest and Wildlife Policy -2012 and the Forestry Development Master Plan (2016-2036).

Other International Conventions that support the Wildlife Resources Management Bill are:

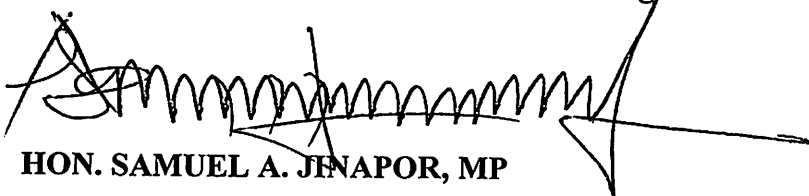
- The Convention on Wetlands of International Importance Especially as Waterfowl Habitats (RAMSAR) 1971.
  - The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973
  - The Convention on the Conservation of Migratory Species of Wild Animals (BONN) 1979
- Sustainable Development Goals 1, 2 13, 14 and 15

## 8.0 CONCLUSION

Drawing conclusions from the background information and the impact analysis conducted, it is clear that:

- The Wildlife Resources Management Bill will provide the legal framework for the implementation of the Policy on Wildlife and make provision for International Agreements and Conventions that Ghana has signed.
- The new management structure in the proposed legislation will give legal backing to the involvement of local communities in wildlife management especially Community Resources Management Areas (CREMAs) and also provide new penalties and sanction regime for wildlife offenses that makes it more deterrent for people to flout the laws.
- A wide stakeholder consultation was done and this has engendered a lot of support, inputs and good-will from all relevant actors including state and non-state actors. This provides a good indication for the successful implementation of the Bill when approved.

Parliament is therefore respectfully requested to consider and commence the necessary processes for the passage of the Wildlife Resources Management Bill into law.

A handwritten signature in black ink, appearing to read 'Samuel A. Jinapor', is written over a horizontal line. The signature is stylized and somewhat cursive.

**HON. SAMUEL A. JINAPOR, MP**

**MINISTER FOR LANDS AND NATURAL RESOURCES**