

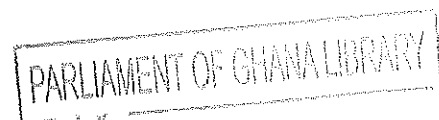
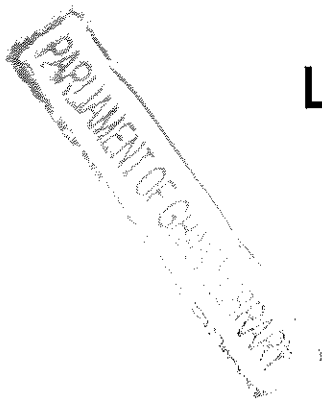
**IN THE FOURTH SESSION OF THE
SIXTH PARLIAMENT OF THE FOURTH REPUBLIC**

REPORT OF THE COMMITTEE ON

LANDS AND FORESTRY

ON THE

WILDLIFE RESOURCES MANAGEMENT BILL, 2014



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1.0 INTRODUCTION

The Wildlife Resources Management Bill was presented to Parliament on behalf of the Hon. Minister of Lands and Natural Resources by Hon. Minister for Local Government and Rural Development, Alhaji Collins Dauda on Thursday, 26th March, 2015.

The Rt. Hon. Speaker referred the Bill to the Committee on Lands and Forestry for consideration and report in accordance with Article 106 (4) and (5) of the 1992 Constitution and Order 177 of the Standing Orders of the Parliament of Ghana.

2.0 REFERENCES

The Committee made reference to the following documents during its deliberation:

- i. The 1992 Constitution of the Republic of Ghana
- ii. The Standing Orders of the Parliament of Ghana
- iii. The Wild Animals Preservation Act 1961 (Act 43)
- iv. The Wildlife Conservation Regulations 1971 L.I.685
- v. The Wildlife Reserves Regulations 1971 L.I.710

3.0 DELIBERATIONS

The Committee held a number of meetings and workshops with relevant stakeholders and Civil Society Organizations such as the Ghana Bar Association, Traditional Rulers, Tropenbos International Ghana, Business Sector Advocacy Challenge (BUSAC) Fund, Civic Response and Achichire-Sureso-Pebaseman Crema Co-operative Association.

The Committee considered written memoranda received from them. The Deputy Minister, Hon. Barbara Serwaa Asamoah, the Chief Director and officials from the Ministry, the

Chief Executive of the Forestry Commission and his technical team attended the Committee's meetings to assist in its deliberations.

4.0 ACKNOWLEDGEMENT

The Committee is grateful to the Hon. Deputy Minister and the Chief Executive of the Forestry Commission and all others who attended upon the deliberations of the Committee for providing technical assistance during the consideration of the Bill.

5.0 BACKGROUND

The primary legislation on Wildlife, the Wild Animals Preservation Act 1961 (Act 43) as amended, was enacted forty-four years ago. This Act was based on the Wild Animal Preservation Ordinance (cap 246) and the Wild Animals Preservation (amendment ordinance 1952) number 10 and its main purpose was to firmly secure wildlife resources through conservation of representative samples of the varied ecosystems in the country. At the time Act 43 was enacted, Game and Wildlife had not yet been established as a Department of the Ministry of Lands and Natural Resources and there was no comprehensive policy on Wildlife.

The Wildlife conservation policy of this country was first published in 1974 which recognised the socio-economic and cultural importance of wildlife resources to the nation. However, there has been the need to engage the local Communities in areas endowed with Wildlife resources in the management of those Protected Areas to enhance their development.

Since the enactment of Act 43 and the publication of the Wildlife Conservation Policy in 1974, there has also been a number of International Conventions which Ghana has signed and ratified. Some of these are the African Convention on the Conservation of Nature and Natural Resources (ACCNNR), the Convention on International Trade in Endangered

Species of Wild Fauna and Flora (CITES) and the Bonn Convention. The provisions of these Conventions considered wildlife from a broader perspective but these were not adequately reflected in the Act.

It is also worthy of note to mention that in 1988, the country's Environmental Action Plan identified the need to revise and update the various Wildlife legislations due to the inadequacies of the existing laws, such as the Wildlife Reserves Regulations 1971 L.I. 710 and Wildlife Conservation Regulations 1971 L.I.685

6.0 OBJECT OF THE BILL

The purpose of the bill is to consolidate and revise the laws relating to wildlife and protected areas and to incorporate the provisions of the various International Conventions relating to wildlife which Ghana has ratified into the domestic legislation.

The bill also seeks to bring wildlife administration abreast with current management structures and best practices; and to involve the various wildlife host communities in the management of wildlife resources.

7.0 CONTENT OF THE BILL

The Bill contains a total of Thirty-Nine Clauses and Two Schedules.

- i. Clauses 1 to 4 of the bill deals with ownership of wildlife, the implementation agency and the object and functions of the agency with regard to wildlife.
- ii. Clauses 5 to 15 provides for the establishment of Protected Areas
- iii. Clauses 16 to 18 throws light on the management of wildlife outside the protected areas.
- iv. Clauses 19 to 24 focuses on licences and permits.

- v. Clauses 25 to 27 addresses issues concerning management of wildlife in captivity.
- vi. Clauses 28 to 29 spells out the provisions on International Conventions.
- vii. Clauses 30 to 39 deals with the administration and miscellaneous provisions.
- viii. The First Schedule provides the information on animals that completely needs to be protected.
- ix. The Second Schedule also provides information on animals that need to be protected between 1st August and 1st December in any year and the protection of their young or adult at all times of the year.

8.0 OBSERVATIONS

- i. The Committee observed with satisfaction that provision has been made in the Act to give powers to the Minister to establish protected areas in consultation with the local authority and the landowners. The Protected Areas could be a National Park, a Resource Reserve, a Wildlife Sanctuary and a Ramsar Site.
- ii. The Committee further observed that there was the need to involve the private sector in wildlife management. In this regard, private individuals, organisations or Communities may establish a private zoological garden or private wildlife sanctuary if such persons or organisations could secure a permit or licence for that purpose.
- iii. The Committee noted that 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 effectively.
- iv. The Act also recognizes the creation of the National Management Authority and the National Scientific Authority for the purposes of achieving the objectives of the

Convention on International Trade in Endangered Species of Wild Fauna and Flora.

- v. The Committee further noted that there is also the need for Community participation in the management of wildlife resources outside the protected areas. It also emphasizes the central role to be played by traditional authorities in the identification, establishment and management of Community Resource Management Areas by a locally elected Management Area Executive Committee.
- vi. The Committee also observed that the new management structures in the proposed legislation will give legal backing to the local communities in wildlife development and management. It is the expectation of the Committee that the new structure will reduce cost of managing the protected areas, increase the income of persons living close to these areas and also boost up ecotourism.

9.0 PROPOSED AMENDMENTS

The Committee after careful consideration of the provisions of the Bill proposes the following:

- 1) **Clause 1** - Amendment proposed – Sub-clause (2) paragraph (a) line 3 substitute “generic” with “genetic”.
- 2) **Clause 1** – Amendment proposed – Sub-clause (3) line 1 substitute “acquired” with “obtained”.
- 3) **Clause 3** – Amendment proposed –paragraph (a) line 1 – substitute “establish” with “advise the Minister on and give effect to the establishment of protected areas and”.
- 4) **Cause 3** – Amendment proposed –paragraph (d) line 3 – substitute “acceded” with “ratified”.
- 5) **Clause 4** - Amendment proposed - Sub-clause (1) paragraph (c) line 1 – insert the phrase “in consultation with stakeholders” before the beginning of the sentence.

- 6) **Clause 4** – Amendment proposed – Sub-clause (1) paragraph (h) line 1 – substitute “protected areas” with “Community Resource Management Area”.
- 7) **Clause 4** – Add a new paragraph as “k” to read as follows: “review the decision of the Division to suspend or revoke a licence”.
- 8) **Clause 4** – Amendment proposed – sub-clause (1) paragraph (i) line 5, delete “and”.
- 9) **Clause 4** – Amendment proposed – Sub-clause (1) paragraph (j) line 2, insert “and” after “initiative”.
- 10) **Clause 4** – Amendment proposed – Sub-clause (2) paragraph (b) line 1, delete “at any time” and insert “on notice to a Community Resource Management Area”.
- 11) **Clause 4** – Amendment proposed – Sub-clause (2) paragraph (b) line 2, delete “Executive Director” and insert “Commission”.
- 12) **Clause 4** – Amendment proposed – Sub-clause (3) paragraph (b) line 2, delete “capturing” and insert “and capturing of wildlife”.
- 13) **Clause 4** – Amendment proposed – Sub-clause (4) paragraph (a) delete “acceded” and insert “ratified”.
- 14) **Clause 4** – Amendment proposed – Sub-clause (4) paragraph (a) (ii) line 2, insert “(CITES)” after “Flora”.
- 15) **Clause 4** – Amendment proposed – Sub-clause (4) paragraph (c) line 3, insert “(CITES)” after “Flora”.
- 16) **Clause 5** – Amendment proposed – Sub-clause (2) paragraph (b) (i) insert “prompt” before “payment”.
- 17) **Clause 5** – Amendment proposed – Sub-clause (2) paragraph (iii) line 2 after “area” insert “on suitable alternative land with due regard for their economic wellbeing and social and cultural values”.
- 18) **Clause 7** – Amendment proposed – add a new paragraph as “f” to read as follows: “Strict Nature Reserve”.

19) Clause 8 – Amendment proposed – Sub- clause (4) paragraph (b) line 1, insert “of” after “conservation”.

20) Clause 8 – Amendment proposed – Sub-clause (4) insert the words “and seek the approval of the Ramsar Site Secretariat” as a closing phrase after paragraph (b).

21) Clause 8 - Amendment proposed -- add a new Sub-clause (5) as follows:

The Minister in declaring an area to be a Strict Nature Reserve shall take into consideration the need to

- a. Conserve regionally, nationally and globally ecosystems, species and geodiversity features and protect them from degradation or destruction by human impact;
- b. Secure examples of the national environment for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded;
- c. Minimize disturbance through careful planning and implementation of research and other approved activities; and
- d. Preserve cultural and spiritual values associated with nature.

22) Clause 9 – Amendment proposed – Sub-clause (1) line 1 after “the” delete “highest”.

23) Clause 11 – Amendment proposed, sub-clause (1), paragraph (a) line 1, substitute “explosive” with “explosives”

24) Clause 11 – Amendment proposed, sub-clause 1, paragraph (a) line 1, insert “Chainsaw” after “explosive”

25) Clause 11 – Amendment proposed, sub-clause (1), paragraph (b), line 3, substitute “excuse” with “authority”

26) Clause 11 – Amendment proposed – Insert a new paragraph (k) to read as follows:
“undertake any other activity which may compromise the ecological functions and values of the protected area”.

- 27) **Clause 11** – Amendment proposed – Sub-clause (2) paragraph (b) lines 2 and 3, substitute “Executive Director or a wildlife officer authorized to grant the permit” with “Commission”.
- 28) **Clause 11** – Amendment proposed – Sub-clause (6) paragraph (c) on lines 1 and 2 delete the words ‘in a manner directed by the Commission’ and insert the words “as determined by a court of competent jurisdiction”.
- 29) **Clause 12** – Amendment proposed – the Committee is proposing a new clause 13 with a Headnote - “Allowances”: after clause 12:-
“Allowances – Members of the Protected Area Management Advisory Board and Protected Area Management Advisory Unit shall be paid allowances determined by the Minister in consultation with the Minister for Finance and the Commission”.
- 30) **Clause 13** – Amendment proposed, sub-clause (1) paragraph (L) line 1, substitute “tradition” with “indigenous”.
- 31) **Clause 13** – Amendment proposed sub-clause (3) line 2 substitute ‘immediately adjacent’ with “within five kilometers”.
- 32) **Clause 13** – Amendment proposed – sub-clause (4) line 1 after “area” insert “as prescribed in Regulations”.
- 33) **Clause 14** – Amendment proposed – A new sub-clause is to be added as (6) as follows: “A Management Plan shall conform with the provisions of this Act.”
- 34) **Clause 16** – Amendment proposed – sub-clause 1 line 2 after “resources” insert the words “or has the potential to develop resources”.
- 35) **Clause 19** – Amendment proposed – Sub-clause (4) lines 2 and 3 substitute “Executive Director” with “Commission”.
- 36) **Clause 22** - Amendment proposed - Sub-clause 1(b) line 2 substitute “specie” with “species”

- 37) **Clause 22** – Amendment proposed – Sub-clause (4) line 3 insert “less than two hundred and fifty penalty units or not” after “not”.
- 38) **Clause 23** – Amendment proposed – Sub-clause (1), line 2, substitute “division” with “Commission”
- 39) **Clause 23** – Amendment proposed – Sub-clause (3), line 1, substitute “division” with “Commission”
- 40) **Clause 25** – Amendment proposed – Sub-clause (3), line 2, substitute “Executive Director” with “Commission”.
- 41) **Clause 25** – Amendment proposed Sub-clause (4), line 3, substitute “Executive Director” with “Commission”.
- 42) **Clause 27** – Amendment proposed – Sub-clause (1) line 3, substitute “Executive Director” with “Commission”.
- 43) **Clause 27** - Amendment proposed – Sub-Clause (2) line 1, substitute “Executive Director” with “Commission”
- 44) **Clause 32** – Amendment proposed –Sub-clause (1), line 4 – substitute “Commission” with “Division”.
- 45) **Clause 32** –Amendment proposed – Sub-clause (2) line 1 substitute “Commission” with “Division”.
- 46) **Clause 33** – Amendment proposed, sub-clause (1), line 3, delete “if”
- 47) **Clause 33** – Amendment proposed, sub-clause (1), delete paragraphs (a), (b) and (c)
- 48) **Clause 34** – Amendment proposed sub-clause (2), line 2, after “aid” insert “by the Commission”.
- 49) **Clause 35** – Amendment proposed, substitute sub-clause 2 with the following:
“A person who contravenes a provision of subsection (1) is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not

more than two thousand penalty units or to a term of imprisonment of not less than three years and not more than five years or to both”

- 50) **Clause 36** – Amendment proposed - sub-clause 1, paragraph (a), line 2, insert “Area” after “Management”
- 51) **Clause 36** – Amendment proposed – sub-clause 1, paragraph (f), line 2, substitute “rearing” with “breeding”
- 52) **Clause 36** – Amendment proposed – sub-clause 1, paragraph (i), line 2, insert “brooding” after “roosting”
- 53) **Clause 36** – Amendment proposed - add a new paragraph to be inserted after paragraph (j) as new “K” as follows:
 - (K) prescribe the nature of support to be given to a Community Resource Management Area by local authorities, communities, civil society organisations; and the private sector”,*
- 54) **Clause 36** – Amendment proposed - sub-clause 2, paragraph (c) (iii), substitute “burning of grass” with “bush burning”
- 55) **Clause 36** – Amendment proposed – sub-clause 2, paragraph (c) (xvii), substitute “specimens” with “specimen”

10.0 INTERPRETATION

- (a) Amendment proposed – interpretation of “Animal” in line 2, insert “a reptile” after “bird”
- (b) Amendment proposed – interpretation of “Community Resources Management Area” in line 2, after resources insert “or has the potential to develop resources and”.
- (c) Amendment proposed – interpretation of “CREAMA” substitute “Resources” with “Resource”.

(d) Amendment proposed – interpretation of “Domestic animal”, substitute the definition of “domestic animal” with “includes any tamed animal found in a home or in a community and used by the people in the home or in the community except captive bred animals”

(e) Amendment proposed – interpretation of “introduction from the sea”, substitute “specimens” with “specimen”

(f) Amendment proposed – interpretation of “mine” – includes a place, excavation or working in a place on which or by which an operation connected with mining is carried on together with the buildings, premises, erections and appliances belonging or appertaining to them above and below the ground for the purpose of winning, treating or preparing minerals, obtaining or extracting a mineral or metal by a mode or method or for the purpose of dressing mineral ores, and a quarry where building and industrial minerals are mined;

(g) Amendment proposed – interpretation of “private wildlife sanctuary” substitute the definition for “private wildlife sanctuary” with “means an area surrounded by a suitable fence and designated by the licence or permit issued by the Commission for the purpose”

(h) Amendment proposed – interpretation of “problem animal” means any animal whose actions may require intervention by the Commission

(i) Amendment proposed – interpretation of “protected animal”, line 2, substitute “specie” with “species”.

(j)) Amendment proposed – interpretation of “Strict Nature Reserve” means a strictly protected area set aside to protect biodiversity and geological or geophysical features and in which human visitation, use and impacts are strictly controlled to ensure protection of the conservation values.

(k)) Amendment proposed – interpretation of “wildlife officer” in line 2, delete “public” after “other”

(l)) Amendment proposed – interpretation of “Wildlife Resource Management” includes conservation, sustainable development and utilisation of wildlife resources; and”

(m)) Amendment proposed – interpretation of “wildlife officer” in line 5, delete “and”

11.0 SCHEDULE

(i)) Amendment proposed – First Schedule – delete “Animals Completely Protected” and insert “FULLY PROTECTED ANIMALS”.

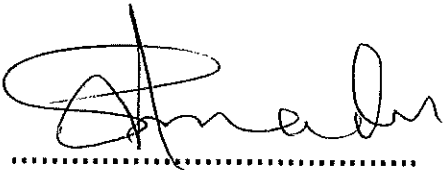
(ii)) Amendment proposed –First Schedule, Series C Birds – line (18) under Balearicidea (cranes) delete “cane” and insert “crane”.

(iii)) Amendment proposed – Second Schedule - insert the heading “PARTIALLY PROTECTED ANIMALS” below Section 19 (2) and 22 (2).

12.0 CONCLUSION

The Committee having examined the provisions of the Bill is of the view that the enactment of the above legislation when it comes into force will address the challenges currently facing the Wildlife Division to enable it manage the wildlife resources efficiently and sustainably in the country.

Respectfully submitted.



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**HON ALHAJI AMADU SEIDU
CHAIRMAN, COMMITTEE ON
LANDS AND FORESTRY**



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**SAMUEL ADDEI
CLERK, COMMITTEE ON
LANDS AND FORESTRY**