



REVIEW

Does Environmental Laws and Policies Work? A Review Of Ghana’s Case

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ABSTRACT

Enforcing environmental laws and policies has been one of the pressing agenda globally. Despite the mandate given to the Environmental Protection Agency (EPA) by the Act 490, there are still numerous environmental issues unaddressed in Ghana. This paper is geared towards unravelling and identifying the current additions that have been made to existing literature on environmental laws and policies in Ghana. This paper made a wide-ranging general literature review to outline significant contributions concerning environmental laws and policies. Numerous environmental laws and policies were identified but have been fragmented and are not codified in a particular document. It is evident from the review of literature existing that there are still areas for advanced research on the topic of environmental laws and policies placing more emphasis on institution concerned with environmental issues at global level. The study recommended the need for capacity building for environmental personnel and data due to the numerous technological advancement to better assist the implementation and enforcement of environmental laws in Ghana.

1. Introduction

Environmental issues especially, enforcing environmental laws and policies has been one of the pressing agenda globally since the Human Environment Stockholm Conference in 1972. Implementing and enforcing environmental laws still continues to be one of the greatest challenges globally but more especially in developing countries. This may largely be due to lack of capable law enforcement officials, information gap and lack of institutional capacity that will ensure regulation provisions on environmental law enforcement and its implementation. Globally, even though there are some environmental treaties that have been establish over decades, there has been a shift to focus on new

international laws on environmental issues^[1]. These international laws seeks to hinge on environmental issues ranging from pollution control to natural resource depletion. These international laws within the background of sustainable development was a legal subject that emerged at the 1972 Stockholm conference on the human environment^[2]. Ghana’s environmental laws could be traced back to the colonial era. Nevertheless, such good environmental laws during such era did not necessarily ensure a more sustainable environmental protection. Instead, most of such environmental laws were geared towards disease prevention and control. This was largely associated with the problem of implementation and enforcement. Therefore, it is imperative to strengthen the factor of law enforcement and implementation to

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better manage and protect the environmental laws and policies.

In our era, it can be said that environmental problems are more complex than in time past and as such stricter environmental law and policy enforcement are highly needed. The Ghana Environmental Protection Agency 1994, Act 490 orders the Environmental Protection Agency (EPA) to regulate and implement government environmental laws and policies in Ghana. The Act 490 further mandates the EPA to make improvements while preserving and providing solutions to the environmental issues of Ghana. Notwithstanding, the establishment and mandate of the EPA in Ghana still has seen a lot of environmental laws and policies unaddressed. Industrial development in Ghana are increasing on a second nano pace. This generally implies that there would be more pressure on environmental resources and a greater impact on the environment. Hence, environmental laws and policies should be enforced and geared towards environmental protection^[3] (EPA, 2004).

The EPA through their mandate and the Act 490 execute their law enforcement and implementations, however, due to the growing numbers of the industries in Ghana, there is an overwhelming impact on the environment regardless of the enacted environmental laws and policies^[4]. Generally, there seem to be very little information on the presence of the EPA and other environmental laws and policies in Ghana. It is against this backdrop this paper sought to identify and document environmental laws and policies in Ghana with a view of highlighting on environmental laws and policies of Ghana as well as international environmental laws and policies. The researchers conducted a detailed literature review on environmental policies, laws in Ghana.

2. Methodological Approaches

The researchers conducted a general literature review to identify substantial literature contributions published to date concerning environmental laws and policies together with the emerging environmental issues. A scope of online insightful databases, web engines and sites of perceived international as well as national associations and publishers was looked into, to spot out the considerable works completed in the region of environmental laws and policies. Wide-range search terms such as “environmental issues laws in Ghana”, “environmental issues laws and policies” “environmental law enforcement and the state agencies”, “Review of Environmental Sustainability and Policy” among others were used for retrieving the literature. The researchers further reviewed various laws on fisheries in Ghana; “Envi-

ronmental Plan, 2004,” “Ghana Environmental Action Plan, 1991” “Environmental Promotion Council Decree, 1974,” “Environmental Assessment Regulation, Legislative Instrument, 1999.

3. Previous Research Overview

Through a detailed literature review, this paper unraveled various environmental laws and policies in Ghana. However, these environmental laws and policies have not been codified into a single document. These environmental laws and policies are discussed below:

3.1 Ghana’s 1992 Constitution and the Environment

As a constitutional mandate, Ghanaians are required to safeguard and protect the environment without any fear while upholding all other duties as enshrined in Chapter Six (6), article 8 of the 1992 Republic of Ghana Constitution. This constitutional mandate is applicable in all environmental sphere and one peculiar way to that can be done is through the enforcement of the environmental laws and policies in Ghana.

3.2 The Environmental Protection Agency (EPA) in Ghana

The Environmental Protection Agency of Ghana was established on the premise of the Act 490. The Act 490 mandate them under its laws to collaborate with other governmental agencies to enact and enforce environmental laws and policies in Ghana. According to Yeboah and Mensah, the current EPA has evolved through a number of changes until the current name now^[5]. Through the 1974 National Redemption Council Decree (NRCD, 239) the Environmental Protection Council (EPC) was settled in Ghana. Section 2 of the NRCD mandated the EPC to ensure a responsible environment through proper planning and execution of developmental projects including those already in existence that interfere with the quality of the environment. However, in 1994 the Act 490 of Ghana made it possible for the establishment of the Environmental Protection Agency (EPA) as a corporate body to replace the EPC. Since the establishment of the EPA in 1994, it has been in existence championing environmental issues in Ghana to date. Appiah and Osman sets that the fundamental capacity of the EPA under the Act 490 is to “guarantee compliance with any set down environmental appraisal strategies in the arranging and execution of development projects, including compliance for regard of existing project.” Okley includes that the EPA Act 490 along with Environmental Assess-

ment Regulations, 1999 (L.I 1652) additionally sets up the Environmental Assessment Systems (EAS) in Ghana ordering them to Screen, Register, direct Environmental Impact Assessment (EIA) and Environmental Management Planning (EMP) ^[6].

Box 1. The role of the EPA

The Environmental Protection (Act 490 of 1994) set up the authority, responsible, structure and financing of the Environmental Protection Agency (EPA). Part 1 of the Act commands the EPA with the definition of environmental policy, issuing of environmental licenses and contamination decrease sees and recommending norms and rules. The demonstration characterizes the necessities and obligations of the Environmental Protection Inspectors and enables the Environmental Protection Agency to demand that an Environmental Impact Assessment procedure to be attempted. Besides, the Act sets up and order the EPA to see and solicitation data on any endeavor that as it's would like to think can have unfriendly environmental impacts and educate the defender to take the vital measures to forestall the antagonistic impact. As it has been laid out in the past segment, the Environmental Protection Agency Act 1994 (Act 490) commits EPA to direct Environmental Impact Assessment (EIA) that is (EIA) must be led by Environmental Protection Agency as it is its duty regarding guaranteeing compliance with EIA techniques in the arranging and execution of development projects, incorporating compliance as for existing activities. This necessitates any task liable to have possibly unfriendly consequences for nature be exposed to an Environmental Impact Assessment.

3.3 ACT 490 and EPA

Environmental laws and policies can be linked to the Stockholm conference in 1972 on the Human Environment. Identifying the ethics of the Stockholm conference in 1972 paved way for the establishment of the Environmental Protection Council (EPC). Nukpezah raw material depletion and natural resources use. Hence industry is equally expected to play a role in pollution reduction and minimisation of raw materials and natural resources usage. The study makes use of both quantitative and qualitative research approaches drawing on both primary and secondary sources of data. Through SWOT analysis, an evaluation of the regulatory framework governing environmental governance was carried out and new opportunities for effective environmental management espoused. In addition, the policy instruments available for environmental governance were thoroughly analysed and discussed in this research. Further, through comparative analysis the environmental initiatives of industries in the manufacturing sector were investigated on the basis of size and industry type. The study developed a model based on 22 indicators in 3 thematic areas namely (1 further adds that, although the EPC had the mandate of coordinating, planning, executing, advising and ensuring a proper safeguarding of the environment, it was still seen as a “toothless bulldog” as it could not fully ensure that the proper safeguard of the environment ^[7]. Reviewing

the EPC unraveled that there were a lot of deficits in the legal framework of its laws and policies enforcement. In 1992. Grubbs reveals that there was the Earth Summit in 1992 and opened up for signatories in 1994 which made reviews to the existing laws and policies ^[8]. Hence, the formation of the parliament Act 490 to safeguard the environment.

According to larsey since the enactment of the Ghana Act 490 which regularizes the EPA, there has been a vibrant mechanism for understanding and translating environmental laws and policies into achievable action plans ^[9]. Furthermore, Ashford adds that the EPA through the Act 490 formulates laws and policies to protect the environment specifically acting as an advisory commission ^[10]. Notwithstanding, the Act 490 further mandates the EPA to fully coordinate and plan activities that is basically concerned with technical and practical know how of the environment.

Also, the EPA has been empowered to gather and publish a comprehensive environmental issue database through organizing seminars and training programs (Act 490, 1994). The Act 490 has succeeded in sharpening the “teeth” of the EPA through empowerment and giving them the full mandate for environmental governance. As compare to the earlier EPC, the EPA has been seen as a more effective force in dealing with environmental laws and policies in Ghana.

To another extent, the EPA is empowered to license and issue environmental permit while controlling all issues on pollution and other unlawful environmental waste discharges which is mostly harmful to the quality of the environment. This can be said that the EPA has been fully mandated to monitor the environment. However, a study by Darko-Mensah & Okereke on environmental performance suggests that the real situation is not so ^[11]. In reality, the EPA still encounters numerous challenges making their capacity to proper monitor the environment still in the shadows. The Act 490 further empowers the EPA governing body through a Legislative Instrument (L.I) to make regulations in discussion with the minister in authority for environment all with the aim of protecting the environment. The environment has been has been of importance till date and as such in 1999 there was the establishment of the L.I 1652-Environmental Assessment Regulations ^[6]. This L.I mandated people who under take environmental projects to license and register while undertaking all Environmental Impact Assessments (EIAs). The Act 90 and L.I although provides adequate structures for environmental governance in Ghana, however, there are still loop holes that hinder the enforcement and implementations of environmental laws and policies in Ghana.

It is imperative to know that, although there is a comprehensive framework that regulates environmental protection, laws and policies in Ghana, Okley affirms that there are a number of weaknesses associated with the environmental process. The case of non-compliance to environmental laws and policies enforcement in Ghana, the Act 490 mandates the minister of environment to order prosecution through a police officer^[12]. Currently, in Ghana the Act 490 gives more power to the minister who has been appointed through a political line rather than the officers of the EPA who are directly on the fore front of the enforcing environmental laws and policies. The Act 490 is deliberately open for political control from a top-down approach. In situations where there are irreconcilable circumstances with respect to the minister of environment as a result of government one-sided interests, such enforcement of non-compliance by the minister isn't done and could compromise environmental quality for government's 'slanted' outline.

Moreover, the legislative procedure of the Act 490 highlights a few punishments for non-compliance to environmental law and strategy enforcement, for example, money related punishments. The punishment is viewed as fixed and doesn't consider misfortune in fiscal incentive with time. The punishment for non-compliance to ecological protection, laws and policies in Ghana through a significant advertiser with respect to EIA is an insignificant 200 UD dollars. This little entirety turns out to be increasingly immaterial with time and even with inflation. The outcome of this is it makes beginning an attempted without environmental license not very risky.

In spite of the fact that there are various environmental laws and policies in Ghana, there are as yet insufficient structures and plan to guarantee the full execution. The EPA are working eagerly to guarantee the viable authorization of environmental laws and policies. Notwithstanding, they are faced with a genuine challenge of inadequate personnel with the necessary capacity. This finding is pair with an outcome from an unstructured interview with authorities of the EPA in Ghana. The findings further unwinds that the significant boundary against the effective enforcement of environmental laws and plans in Ghana; lack of capacity, insufficient funds and absence of logistics. Atwood and Paisley-Jones sets that the Pesticide Control Unit of the United States EPA has a staff limit of around 1,500, in any case, in Ghana a similar Pesticide Control Unit joined with the Chemical Control Management has a staff limit of eight (8) and an absolute EPA staff quality of around (300)^[13]. The EPA needs more vehicle which hinders their monitoring and assessment order. This further compromises the capacity

to respond to any antagonistic environmental effect. In spite of the fact that the EPA Board is legally necessary to designate examiners to screen and review modern offices, the EPA comes up short on the necessary limit regarding work force and fund to guarantee consistence and authorization of environmental quality norms and these fills in as danger to full execution of the plan. The Act 490 clears route for the National Environment Fund and other governmental grants to help the EPA adequately complete their order. Be that as it may, these funds and grants are not dispensed to the EPA on schedule or are low budgeted.

Notwithstanding the various issues that represents a ton of dangers to the EPA in doing their activities adequately, there are different imperatives accentuations which includes logical and different constraints that make crafted by the EPA as chief government organization for executing environmental laws and policy difficult^[3]. There are a few boundaries to effective execution of government plan. As talked about before, absence of funds and lacking capacity confines checking and confirmation of environmental compliance by industries. Logistical issues, for example, deficient vehicles and getting to vehicles from a pool for monitoring purposes additionally restrains observing and review system with respect to the EPA.

This paper has laid out certain challenges looked by the EPA above, be that as it may, there is a need to exploit such challenges faced by the EPA to unravel some opportunities that lies in there. The EPA as a government office, ought to urge industries to voluntarily embrace other environmental norms, for example, Eco-naming, Environmental accounting and Eco-Auditing consequently clinging to environmental laws and policies^[14]. Worldwide voluntary approach is extraordinary compared to other plan and may give an enforcement mechanism to environmental law and policies. As of late, granting 'punishment units' which mulls over the value of the punishment at the time the non-compliance offense was committed has been talked about by EPA. As referenced before, feeble institutional structures, capacity, logistical and budgetary issues keep on being dangers to smooth usage of environmental administration system in Ghana. Aside from the opportunities examined, the fuse of parts of customary principles and qualities into national enactment are further sources of chance that must be exploited. Ntiama-Baidu calls attention to that the impact of western culture and western sort instruction are disintegrating such customary conviction frameworks which from simply vital point of view help to save assets at diminished expenses^[15].

Table 1. Summary SWOT ANALYSIS of enforcement of the ACT 490 and EPA on environmental laws and policies

INTERNAL	EXTERNAL
<p>Strengths</p> <ul style="list-style-type: none"> •The Act 490 possess regulatory and enforcement to mandate the EPA compared to earlier legislations adopted •The Act 490 retains a broad framework for interpreting environmental laws and policies into action at national level 	<p>Weakness</p> <ul style="list-style-type: none"> •There is a poor inspection and management system in the enforcement process of the environmental laws and policies •The Act 490 makes the EPA slow to make new environmental laws and policies underutilizing power to make new laws; ie: there are no rigid laws from the EPA on noise and e-waste in Ghana
<p>Opportunities</p> <ul style="list-style-type: none"> •There is an effective communication of strategic financial benefits that accrue to industries on adopting voluntary codes •The Act 490 empowers EPA to exercise emergency powers in the event of non-compliance to environmental laws and policies in Ghana 	<p>Threats</p> <ul style="list-style-type: none"> •There is an absolute lack of human capacity and financing difficulties for the EPA to fully implement ACT 490

3.4 Environmental Laws and Policies in Ghana

Ghana has a lot interest on its environmental issues as a result there are a number of laws and policies outlined to protect the environment. According to the EPA (2014), a lot of environmental laws and policies have been outline and they include:

- (1) Environmental Sanitation Policy
- (2) Environmental Protection Agency- Guideline
- (3) National Irrigation Policy
- (4) Growth and Poverty Reduction Strategy (GPRS II) (2006- 2009)
- (5) National Action Program to Combat Drought and Desertification
- (6) National Land Policy
- (7) National Water Policy
- (8) National Wildlife Policy

However, the table 1 below thematically categorizes environmental laws and policies in Ghana.

3.4.1 Act 490 Environmental Laws and Policies Enforcement in Ghana

The paper further discuss other environmental laws and policies enforcement enshrined in the Act 490 of Ghana. Sections in the Act 490 that provide opportunity for environmental laws and policies are highlighted and discussed.

(1) Section 12 of the Act 490 hinges on the EIA as part of the environmental laws and policies of Ghana. The EPA through writing requires that any individual liable for undertaking any task which in the perspective on the EPA is

probably going to have adverse effect on the environment must present a necessary EIA to the EPA inside the period indicated. In the circumstance where the Agency gives a notification under subsection (1), it will advise the organ or the office regarding government that has duty regarding the issue of a permit, grant, an endorsement or an assent regarding an issue influencing the condition that the notification has been given, and that organ or office will not give the permit, grant, endorsement or assent except if with the earlier endorsement recorded as a hard copy of the Agency after compliance with the notice.

(2) Section 15 of the Act 490 unravels the Environment Protection Inspectors (1) The Board may, for the motivations behind this Act, choose condition security monitors. (2) An inspector or an individual approved by the Board (a) may, notwithstanding the forces indicated in section 54, at a reasonable time enter any premises to guarantee compliance with this or some other authorization relating to the protection of the environment, and (b) will, whenever required to do as such by the individual accountable for the premises, produce the imperative position. (3) An individual who attacks or discourages a properly approved individual acting in the presentation of a capacity under subsection (2) commits an offense and is obligated on outline conviction to a fine not surpassing two hundred punishment units or to a term of imprisonment not surpassing a half year or to both the fine and the imprisonment.

(3) Section 54 of the Act 490 take a position on the Power of inspectors (1) A member from the important sub-board of a District Assembly so approved or an inspector delegated under segment (15) may (a) inspect an equipment utilized or to be utilized in applying pesticides; (b) assess the capacity or zones utilized for the capacity or removal of pesticides; (c) inspect land actually, or answered to be, exposed to pesticides; (d) research complaints of injury to people and animals, or harm to land and contamination of water bodies coming about because of the utilization of pesticides; take tests of pesticides applied or to be applied; screen the deal and utilization of pesticides; inspect and take duplicates of a permit or some other reports required by this Act or the Regulations. (2) An inspector who has reasonable reason to acknowledge that an offense has been submitted under this Act or against the Regulations may, without warrant, (an) enter and search premises, other than premises used exclusively as a place of residence, where the inspector acknowledges on sensible grounds that the offense has been committed or that a pesticide which has been unlawfully used is being taken care of; (b) stop and search a vehicle which the inspector acknowledges is being used in the commission of the offense; (c) hold onto the equipment, pesticide or machine which the reviewer acknowledges on

sensible grounds is being used in the commission of the offense; (d) capture a person who the auditor acknowledges on sensible grounds has presented the offense.

Table 2. Summary of Environmental laws and Policies in Ghana

1. AIR POLLUTION Environmental Protection Agency Act, 1994(Act 490), Management of Ozone Depleting Substances and Products Regulations,2005
2. ENERGY AND MINERAL RESOURCES Atomic Energy Commission Act,2000, Diamonds Act,1972, Energy Commission Act, 1997,Mining and Minerals Act,1986, Minerals Commission Act,1993, Minerals Export Duty(Abolition) Act,1987 , Small Scale Gold Mining Act,1989, West African Gas Pipeline Act,2004
3. COASTAL & MARINE ENVIRONMENT Fisheries Act, 2002, Maritime Zone(Delimitation) Act,1986
4. FLORA AND FAUNA Animals (Control and Importation)Act,1952 , Control and Prevention of Bush Fires Act,1990, Economic Plants Protection Act,1979, Forest Plantation Development Act,2000, Timber Resource Management Regulation Act,1998, Timber Resource Management Regulations,1998, Timber Industry and Ghana Timber Marketing Board Act,1977, Wild Animals Preservation Act 1961(Act 43)
5. HUMAN DEVELOPMENT AND SETTLEMENT Food and Drugs Board, Administration of Lands, Act 1962, Ghana Ports and Harbors Authority Act,1986, Ghana Maritime Security Act, 2004, , Ghana Shipping Act,2003, Ghana National Fire Service Act, 1997, Ghana Meteorological Agency Act,2004, Ghana Tourist Control Authority Act,1973,Local Government Service Act, Standards Authority Act,1973, Telecommunications(Frequency Registration and Control) Act,1977, Town and Country Planning Act,1945, Towns Act,1992, Traditional Medicine Practice Act,2003,
6. WATER MANAGEMENT AND POLLUTION Environmental Protection Agency Act, 1994(Act 490) Part I & II, Ghana Water and Sewerage Corporation Act 1965 (Act 310), Water Resources Commission Act, 1996 (Act 522)
7. SOLID WASTE MANAGEMENT Abandoned Property(Disposal)Act ,1974, Environmental Assessment Regulations 1999, (LI 1652) , Layout Designs, Local Government Act (1994), Act 462
8. LAND MANAGEMENT Lands Commission Act,1994 , Lands Miscellaneous Provision Act,1963, Rubber Estates Limited and Fire Stone Act,1977, Land Registry Act,1962 Irrigation Development Authority Act,1977, Lands(Statutory Wayleaves) Act,1963 , Land Title Registration Act,1986

Source: Environmental Protection Agency, 2014.

3.5 Environmental Management at the District Assembly Level

Environmental laws and policy enforcement as examined above is a significant issue in Ghanaian environmental discussion. Aside the environmental laws and strategies being driven by an office in Ghana, the 1992 Republic of Ghana Constitution throws more light on District Assembly; a political authority in the local level of Ghana. The 1992 Constitution of the Republic of Ghana vest in the District Assembly legitimate and policymaking order. The Local Government Act 462 (1993), Section 3, Subsection 3 (1) reveals three kinds of locale classifications in Ghana;

District (least people of 75,000 people), Municipalities (Municipal Assemblies in areas with a base people of 95,000 people) and Metropolises (Metropolitan Assemblies in territories with a base people of 250,000 people).

The Assemblies have an executive board of trustees, which is passing by a District Chief Executive who is assigned by the President. The District Chief Executive has enormous authority over the illicit relationship of the Assembly. The District Environmental Management Committee join environmental issues (natural laws and strategy requirement) into their Medium Term Development Plan which ordinarily has a multi year life expectancy relying upon open accessible assets and the time span for the projects. The Environmental Management Committee answer quickly to expounds on instances of activities that corrupt nature. The Police Force is every so often attempted to restore legality on environmental laws and strategy usage in the various organizations in the locales ^[16]. These reports are accumulated and arranged into a file to enable the area to discuss and grasp appropriate movement. A couple of people from the District Environmental Management group are the National Disaster Management Committee (NADMO), the Environmental Health and Sanitation Unit, District Community Development Officer, the Ghana Education Service (GES), the Department of Social Welfare, the Gender Desk office the, representatives of conventional rulers and the Town and Country Planning most of whom starting at now have basic information about nature and are given further getting ready.

The Community Environmental Management Committees have been established to experience training under the Ghana Environmental Management Project (GEMP) which was started in 2008 and subsidized by the Canadian International Development Agency (CIDA) with the end goal of the environmental law and policy enforcement. Environmental byelaws that spread key environmental issues, for example, natural laws and policy on security of forest wildlife and territories, forest resources and protected areas, cultural heritage conservation, protection and conservation of coastal environment among others. This forms some portion of endeavors to put a solid beware of environmental corruption by guaranteeing that region congregations receive development approach that are environmental friendly. Different guidelines incorporate the National Environmental Management plan, Environmental Impact Assessment (EIA) and the District Environmental Sanitation Action Plan (DESAP). Environmental protection at the district assembly get together level is guided by the district assembly bye-laws.

The main statutory and policymaking mandates of the District Assembly in Ghana are enshrined in Acts and laws as follows:

(1) A range of finance legislation, such as the District Assemblies Common Fund Act No. 455 of 1993, and local government fiscal regulations (Kuusi, 2009).

(2) Civil Service Law 1993 (PNDCL 327);

(3) Local Government Act No. 462 of 1993;

(4) Local Government Service Act 656 of 2003, (and other legislation pertaining to administration of local government and central government personnel at local level);

(5) Institute of Local Government Studies Act 647 of 2003

(6) National Development Planning (System) Act 480 of 1994;

National Development Planning Commission Act 479 of 1994;

(7) District Assemblies' Common Fund Act 455 of 1993;

(8) Local Government (District Tender Boards) Establishment Regulations (which has now been repealed);

The environmental officer at the district assembly is responsible for ensuring the implementation and enforcing of these bye-laws. There are a number of environmental bye-laws which when incorporated into the procurement system at the district level would ensure environmental sustainability when enforced effectively. The Ahanta West District Assembly- is one of the twenty two districts in the Western Region of Ghana, has these laws and policies:

(1) Ahanta West District Assembly (Protection of Forest Wildlife and Habitats) Bye-law, 2013

(2) Ahanta West District Assembly (Forest Resources and Protected Areas) Bye-law, 2013

(3) Ahanta West District Assembly (Cultural and Natural Heritage Conservation) Bye-law, 2013

(4) Ahanta West District Assembly (Protection and Conservation of Coastal Environment) Bye-law, 2013 [17].

These laws are similar in the other districts in Ghana but the problem lies in how they could be incorporated into the procurement system and fully accepted.

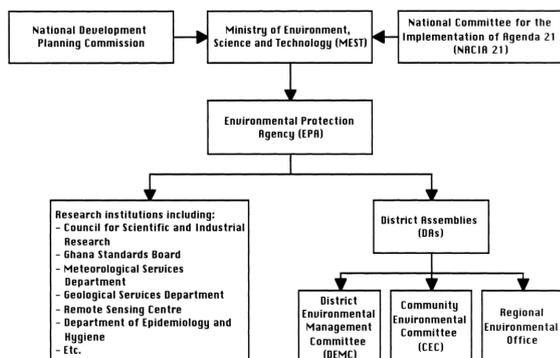


Figure 1. Diagram of the Environmental Law and Policy making and enforcement, advisory and implementing institutions in Ghana

Source: Boon,1998.

3.6 National Environmental laws and Policies Awareness and Enforcement

Couple with environmental literature, there is a national environmental law and policy implementation codes to help fortify this course [18]. These environmental laws and policies will bolster and authorize the economical utilization of Ghana's regular and man-made assets while ensuring that the overall condition isn't exhausted. The national environmental laws and policies will likewise guarantee that the Ministry of Environment, Science and Technology (MEST) and EPA and other coordination and the board organizations from the national level down to the nearby levels play out their obligations as revered and characterized by the various environmental Acts. Imperial includes that, it decides institutional courses of action for the definition of systems, enactment, guideline, observing and requirement for security and characteristic asset improvement [19]. The national environmental laws and approaches in congruity with the policies of the 1992 Constitution of the Republic of Ghana, with specific reference to the decentralization strategy coordination of sectoral interests incorporation of environment administration. So as to keep away from irreconcilable situation of the national environmental laws and strategies with that of the region just as other sectorial approaches, the arrangement system allots duties to isolate organizations for natural and characteristic asset development and the board exercises. Then again, environmental protection, guideline and observing are vested ahead of the pack organization, EPA.

Also, there is a lawful structure that supports the investment of all Ghanaians in the administration of the nation's environmental assets. It guarantees that all parts of the lawful framework are in agreement with the preeminent law of the nation and the predominant political, socio-social and financial strategies, and to fit these with the standards of reasonable development. The structure ought to make conditions for defining, checking on and refreshing sectoral guidelines for the reclamation, protection, the executives and supportable utilization of all assets in the nation [20].

So as to guarantee that the national environmental law and policy is effectively deciphered into possible activity, the Environmental Protection Agency (EPA), in interview with Ministry of Environment, Science and Technology (MEST) and the National Development Planning Commission (NDPC) and other significant organizations, have built up another National Environmental Action Plan (NEAP) specifying systems and activity plans, and setting targets and time periods for the Medium Term (for exam-

ple Ten years). The NEAP explicitly centers around and organize objectives and goals which require activity by government and different MDAs inside the following ten years.

Box 2. THE NATIONAL ENVIRONMENTAL ACTION PLAN (NEAP)

<p>VISION</p> <p>The new vision for environmental management depends on an incorporated and comprehensive administration framework for the environment in Ghana. It is focused on practical improvement now and later on. The vision for the environmental approach, in this way, is: "To deal with the earth to continue society on the loose."</p> <p>The policies tries to join Ghanaians in moving in the direction of a general public where all inhabitants of the nation approach adequate and healthy food, clean air and water, not too bad lodging and different necessities of life.</p> <p>MISSION</p> <p>The objective of the Government of Ghana is to enhance the establishments laid by the past policies and exercises actualized under the Ghana Environmental Action Plan. The objective depends on coordinated and all encompassing environmental administration practices and procedures throughout the following ten years. In such manner, government is resolved to: use every single accessible asset available to its in the best method to accomplish the points of the arrangement advance the mix and coordination of its way to deal with environmental administration among all the MDEs.</p> <p>The Environmental Protection Agency (EPA), the official government foundation will be liable for guaranteeing the incorporated and composed execution of the approach and the related exercises during the specified period. EPA will guarantee that: individuals' environmental rights are authorized the difficulties of environmental manageability are satisfactorily routed to catch up on the needs and objectives of government strategy are executed.</p>

4. Discussion and Implications

The effective enforcement of environmental laws and policies is crucial for proper environmental management. Environmental issues are very important discourse to every country, yet, it is one of the difficult issues to discuss owing to the fact that there are a lot inconsistent in the available information. The discussion of enforcing environmental laws and policies in Ghana are increasingly influenced by evolving ideas on the global perspective to environmental problems and their management.

Ghana in its quest to enforce environmental laws and policies dealt with environmental issues on an ad-hoc basis even before the 1972 Stockholm Conference. This ad-hoc basis did not really help the vision as it had a very limited scope, however, Ghana enacted many environmental laws and policies that empowered various bodies to manage certain aspect of the environment. Moving

forward, Ghana based on the Rio Conference 1992 to make a lot of reforms in its environmental laws and policies to achieve sustainable environmental development. Although these reforms and amendments based on these conferences had their own challenges, they have served as a strong foundation for Ghana to carefully draft a better environmental policy.

There are a lot of environmental related programs taught and studied in the various educational institutions in Ghana. However, it is still unclear whether there is a national environmental study presented largely due to the lot of fragmented and inconsistencies in environmental data in Ghana. Environmental issues in Ghana revolves around issues desertification, land degradation through improper agricultural practices, deforestation, destructive mining activities, and coastal erosion. The most emerging ones are climate change, urban noise pollution, natural disaster and e-waste.

Discussions from environmental laws and policies literature confirms that, the 1992 Rio Conference till date is considered one of the most influential in reviewing environmental laws and policies as compared to the Stockholm conference in 1972 which paved way for the establishment of the EPC. Moving down the lane, Ghana has drawn inspiration from these to make documentation of a National Environmental Action Plan (NEAP) and has established a mandatory national environmental administration (EPA) despite the lot of fragmented environmental issues. In order for an effective enforcement of environmental laws and policies in Ghana, the EPA was established. The EPA is a motivated administrative agency that specifically advocate and enforce environmental laws and policies. They assist the two hundred and twelve (212) in Ghana to develop environmental plans in consistency with the NEAP.

In the bid of enforcing environmental laws and policies in Ghana, the EPA through its activities and mandate have advocated for the need to establish an environmental assessment and cooperative management boards that include representatives of indigenous institutions. To this effect, there has been the introduction of technical glossaries and training manuals based on indigenous ecological knowledge, environmental laws and policies and their human environmental practices that might be significant contribution to the progress of the current environmental impact assessment practice in Ghana. The nature and operations of indigenous Ghanaian institutions, their ecological knowledge, beliefs, practices, and social norms on environmental assessment process in Ghana confirms this finding^[21].

The EPA in this regard joins forces with the National Security Services specifically the Police Service to ensure

that environmental laws are enforced strictly and offenders brought to book accordingly.

The EPA has taken the mandate given to them by the Act 490 to collaborate with the Ghana Police Training School to educate and sensitise the Ghana Police Officers on environmental issues, laws and policies before they even enter into duty and are further given in-service training before they are promoted. A research conducted by Tuokuu et al., (2018) on "Environmental policy assessment in the Ghanaian gold mining industry: insights from stakeholders" adds to this discussion. Although there are lapses and inconsistencies to this effect, creating awareness on the enforcement of environmental laws and policies appears to be one of the sure ways to deepen and strengthen the country's environmental issues.

Even though Ghana has endeavoured in many ways to enforce its environmental laws and policies, it is not the same as the citizenry complying to the provisions that makes up the laws and policies. The rising question is, "to what extent has the leading agencies enforced environmental laws and policies in Ghana?" Even though enforcing environmental laws and policies seems to be gaining grounds, it hasn't totally eliminated the environmental problems that exist. Rather, it's a means to an end where the aims of the EPA could be realised. Enforcing environmental laws and policies is one thing and realising its effectiveness is another thing. There are many factors that contribute to the effective enforcement of these environmental laws and policies. These factors actually work depending on the specific circumstances of EPA.

Governments enact environmental laws and policies and set environmental standards to protect the environment. As declared in the EPA, "the protection of the environment is essential to the well-being of Ghana." In other words, environmental laws and policies must be properly regulated by the EPA within an overall environmental management framework. Yet the mere existence of environmental laws are rarely sufficient to ensure their success. The inspection and enforcement of environmental laws and policies are therefore essential for ensuring implementation of standards and protection of the environment.

5. Recommendations

The following recommendations are therefore suggested to effectively enforce environmental laws policies in Ghana with the aim of deepening and strengthening environmental protection. These recommendations when adopted and adhered will further improve the planning and designing of environmental sustainability issues in Ghana. The following recommendations are therefore suggested:

(1) There is the need for capacity building in the area

of environmental personnel and data due to the numerous technological advancement. This will further enable the adequate enforcement of existing laws and policies while better appreciating their role.

(2) The government of Ghana must promote activities that are wide in scope and includes promoting expanded regional and sub-regional participation on environmental issues, enhancing institutional capacity, tending to policy failures, promoting good governance.

(3) The government of Ghana should address existing environmental laws and policies strategy that have fizzled. Ghana after Rio and Stockholm meetings saw the introduction of numerous environmental laws and sectoral policies established to accomplish sustainable environmental development. However, some of these policies and laws have not been effective to address environmental problems. There is the need to review some of these laws and policies, remove the contradictions, and address the main causes of failures.

(4) The government through its leading environmental agencies ie. EPA should invest more in formal and informal environmental education strategies. Enforcing environmental laws and policies in a country comes as a wake up call to all citizens. In order for the general public to fully understand and participate, they must be aware of the environmental problems and the need for everyone to adhere to the environmental laws and policies. However, as it stands, there is an inadequate awareness between human activities and the environment due to inadequate information and environmental education.

6. Conclusion

In Ghana, government in the course of the last thirty (30) and even past has upheld the aim of accomplishing a feasible environmental development and the general performance has slowly improved overtime. Regardless, environmental challenges have likewise increased, and developing issues in the critical areas of pollution, metropolitan congestion, loss of plant and animal species and climate change have compounded. The government of Ghana through its driving environmental agency; EPA has expanded the concerns and operational priority, in acknowledgment that long-term economic growth, social transformation and environmental sustainability are connected and should consequently establish the foundations of government's environmental laws and policies. Despite the fact that the EPA along with other environmental organizations are working effectively to guarantee a sustainable environment through the upholding of environmental laws and policies yet at the same time Ghana's present pattern of development puts a ton of weight on the environment. The endeavors by Gha-

na and other stakeholder institution so far are very honorable. Anyway there is as yet the need to consistently receive realistic environmental laws and policies while having the option to uphold them to take care of these problems as they continue drawing the nation's environmental sustainability vision in reverse.

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