

Tel: (0302) 664697 / 664698 / 662465

667524 / 0289673960 / 1 / 2

Fax: 233 (0302) 662690

Email: info@epa.gov.gh

Ghana Post (GPS): GA-107-1998



Environmental Protection Agency

P. O. Box MB 326

Ministries Post Office

Accra, Ghana

Website: <http://www.epa.gov.gh>

OUR REF: EA 93/184/06/97

29th May 2020

UN Special Rapporteur on Human Rights and Environment,
Special Procedures Branch,
Office of the United Nations
High Commissioner for Human Rights (OHCHR),
Palais des Nations, Ch-1211 Geneva 10,
Switzerland

Attn: Ms. Viktoria Aberg

Dear Sir,

RE: COMPLETED QUESTIONNAIRE ON HEALTHY ECOSYSTEMS AND HUMAN RIGHTS: SUSTAINING THE FOUNDATION OF LIFE

We refer to your letter UN/HRC and dated 30th March 2020 requesting Member States to provide inputs for the preparation of the upcoming thematic report on “Healthy Ecosystems and Human Rights”, which would be presented to the 75th Session of the UN General Assembly.

Please find attached the completed questionnaire for your attention.

Yours faithfully,

JOHN A. PWAMANG
AG. EXECUTIVE DIRECTOR

cc:

1. The Hon. Minister, Ministry of Environment Science, Technology and Innovation, Accra
2. The Chief Director, MESTI, Accra
3. The Director, Multilateral Relations Bureau, Ministry of Foreign Affairs and Regional Integration, Accra

Questionnaire

The Special Rapporteur invites and welcomes your answers to the following questions:

1. Please provide examples of ways in which declining biodiversity and degraded ecosystems are already having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water, food, culture, non-discrimination, a safe, clean, healthy and sustainable environment, and Indigenous rights.

Having a healthy and safe environment is a fundamental human right for one's physical and mental health and wellbeing. This includes the right to clean air, water, land, food, shelter and healthy ecosystems. Environmental pollution and ecosystem degradation are therefore a violation of these rights. In Ghana the main threats to biodiversity are pollution of land and aquatic systems, land degradation from illegal mining and deforestation, climate change and habitat modification from urbanisation. These have impacted on human rights through:

- *Pollution of water bodies and aquatic systems and interruption of water supply, quality (from invasive aquatic species, use of inappropriate fishing methods and illegal mining) and availability (due also to climate change) to local communities. This has resulted in the shutdown of some water treatment plants, leading to the inability of the water company to provide domestic water to citizenry;*
- *Reduced access to fish stocks for artisanal fishermen due to competition by foreign industrial vessels;*
- *Climate variability leads to destruction of settlements from flooding as well as coastal erosion*
- *Reduction in access to beach front due to increase privatisation of beaches for recreational and tourism operations;*
- *Reduction in area and loss of cultural/ sacred sites and beliefs due to modernization, resulting in marginalisation of traditional worshipers;*
- *Resource degradation also means results in walking longer distances to access potable water and fuel wood as energy for cooking which impacts mainly on women and the youth; and*
- *Reduced access to non-traditional medicinal plant as a result of deforestation.*

The loss of these provisioning and cultural ecosystem services for food, water, spiritual upliftment lead to inadequate diets which affects nutrition, loss of sustainable livelihood options and economic rights and income which leads to dwindling income levels that affect standard of living (including health and education) loss of dignity/self-esteem in society due to poverty.

2. To protect a wide range of human rights, what are the specific obligations of States and responsibilities of businesses in terms of addressing the main direct drivers of biodiversity and ecosystems (e.g. land conversion, loss and degradation of habitat, climate change, overexploitation, pollution, invasive species) and the indirect drivers (unsustainable production and consumption, rapid human population growth, trade, conflict and inequality)?

States have the responsibility to reform economic sectors towards sustainable practices, promoting sustainable land management practices, eliminate incentives and subsidies that are harmful to biodiversity and provision of ecosystem services, promote government policies and actions that support sustainability, enforce laws aimed at protecting biodiversity and domesticate and implement international agreements aimed at conserving biodiversity and protecting access rights of local communities including marginalized groups to resources.

These would include:

- *Formulation of biodiversity policies and plans;*
- *Enforcement of mining regulations and activities that pollute water sources;*
- *Controlling Lumbering and other activities that destroy forests, sacred groves and community source of livelihood;*
- *Enforcement of laws that protect biodiversity in and outside protected areas;*
- *Enforcement and implementation of the voluntary Target Setting of Ghana for the Sustainable Development Goal (SDG) 15, target 15.3 to achieve the Land Degradation Neutrality by 2030;*
- *Depoliticizing environmental issues to prevent the politicians from taking undue advantage of the poor and the vulnerable in society;*
- *Resourcing State institutions responsible for protecting human rights to intensify their education on human rights to let people know and fight for their rights;*
- *Promoting cleaner production and green businesses using environmental impact assessment and strategic environmental assessment; and*
- *Mainstreaming biodiversity and ecosystem services into local and national legislation and planning to ensure sustainable financing for conservation and sustainable development activities*

3. Please provide specific examples of constitutional provisions, legislation, regulations, policies, programs or other measures that employ a rights-based approach to prevent, reduce, or eliminate harm to biodiversity and ecosystems or to restore and rehabilitate biodiversity and ecosystems.

Several policies and legislations have been developed and used to ensure human rights and natural resource protection. These include:

Environmental Policies and Regulations

- *Environmental Protection Agency (EPA) Act 1994, (Act 490)*
- *Environmental Assessment Regulations 1999, LI1652*
- *Water Resources Act 1996 (Act 522)*
- *Environmental Sanitation Policy (Revised, 2010)*
- *National Climate Change Policy (2013)*
- *National Environment Policy 2014*
- *National Biodiversity Policy 2016*
- *Land Use and Spatial Planning Act 2016 (Act 925)*
- *Public Health Act, 2012 (Act 851)*
- *Ghana Disability Act, 2006 (Act 715)*
- *The Labour Act 2003 (Act 651)*
- *Ghana Strategic Investment Framework (GSIF) for Sustainable Land Management (SLM)*
- *Hazardous and Electronic Waste Control and Management Act 2016, Act 917 and Regulations 2016, LI2250;*

Forest and Wildlife Policies and Regulations

- *Wetlands Ramsar Regulations 1999 (L.I. 1659)*
- *Wildlife Conservation Regulations 197. L.I 710*
- *Local Government Act 1993 (Act 462)*
- *Forest and Wildlife Policy 1994*
- *Forestry Commission Act 1991 (Act 571)*
- *Forest and Wildlife Policy, 1994*
- *Forest Ordinance of 1927 (Cap 157)*

- *Forest Development Master Plan (FDMP)*
- *Ghana's Forest and Plantation Strategy 2015 -2040*
- *Forestry Commission Act, 1999 (Act, 571)*
- *Concessions Act of 1962 (Act 124)*
- *Forest Protection Decree of 1974 (NRCD 243)*
- *Trees and Timber Decree 1974 (NRCD 273)*
- *Economic Plant Protection Act of 1979*
- *Trees and Timber (Amendment) Act 1994 (Act 493)*
- *Timber Resources Management Act 1997 (Act 547)*
- *Forest Plantation Development Fund Act of 2000 (Act 583)*
- *Timber Resources Management (Amendment) Act 2002, Act 617*
- *The Forest Protection (Amendment) Act 2002 (Act 624)*
- *The Forest Plantation Development Fund (Amendment) Act 2002 (Act 623)*

Mining Policies and Regulations

- *Minerals and Mining Act 2006 (Act 703)*
- *Mining and Minerals Act of 2006 (Act 703) (repeals and replaces Minerals and Mining Law 1986, Minerals and Mining (Amendment) Act of 1994 among others)*
- *National Mining Policy –June 2007 (draft)*

Agriculture Policies and Regulations

- *Fisheries Act 2002 (Act 625)*
- *Fisheries and Aquaculture Regulations 2010 (LI 1968)*
- *Food and Agriculture Sector Development Policy (FASDEP)*
- *Medium Term Agriculture Sector Investment Plan (METASIP)*

4. If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment,⁴ has this right contributed to protecting, conserving and restoring biodiversity and healthy ecosystems? If so, how? If not, why not?

Yes, the Republic of Ghana is one of the 156 UN Member States. However, Ghana's environment and environmental resources have come under intense pressure and threat of utter degradation in recent decades. Increased population growth leading to human activities (such as farming, mining, poaching, bush fires, and logging), pressures of poverty, application of low technologies in natural resource exploitation and utilization and unsustainable farming practices, domestic animals in the reserve during dry season for watering, poor law enforcement, lack of surveillance strategy for the reserve, bushfires in the reserve every year, and lack of support by law enforcement agencies are some of the key factors accounting for the rate of environmental degradation.

Ghana has, therefore, taken several initiatives as part of efforts to meet commitment under all the UN Conventions including Biological Diversity and its Associated Protocols, United Nations Combat Desertification and Desertification (UNCCD), United Nations Framework Convention on Climate Change (UNFCCC) and to conserve biological diversity such as the development of the National Biodiversity Strategy and Action Plan 2016 and the National Biodiversity Policy to complement existing policies on Forest and Wildlife, Fisheries, Environment, Water Resources and Mining. Within these sectors, respective legislative instruments are used to regulate human activity. Notable among these are the Environmental Assessment Regulations 1999, LI1652 which uses EIA to regulate development activities to ensure they do not impact negatively on biodiversity, and the Wetlands Management and Conservation Regulations 1999 (LI 1659), which designated six (6) Ramsar sites and prescribed measures for their management.

The designation of 18 national wildlife protected areas (seven national parks, six resource reserves, four wildlife sanctuaries, and one strict nature reserve) and 266 forest reserves in most of the major ecological zones of the country is another significant step at the national level to safeguard biodiversity. In many areas outside the forest and wildlife protected areas, collaborative management systems have been established by the Forestry Commission and other NGOs for devolution of authority to local communities to manage wildlife outside the reserves through the Community Resource Management Areas (CREMAS). Some of these national and Community protected areas bear additional international designations such as Important bird

monitoring areas and UNESCO Biosphere Reserves, which are an indication of their contribution to conservation and modelling sustainable development.

There are also about 371 sacred groves across the country, which serve various cultural services for local communities such as preservation of birth places of prominent paramountcy's, battle grounds of several ancient wars, royal mausoleums and abode of protective gods. These sacred sites help to conserve significant biodiversity.

Through the aforementioned national actions, Institutions are strengthened at all levels to undertake their constitutional mandates in collaboration with other stakeholders to ensure public awareness for the preservation of ecosystems and human rights at all levels as well as the enforcement of regulations.

The interrelationship among agriculture, biodiversity conservation, and forestry calls for a holistic integrated landscape approach to provide ecosystem services. Ghana is currently using a programmatic approach through the integrated landscape approach in which most of the land management related institutions and sectors are involved.

5. Please provide specific examples of good practices in preventing, reducing, or eliminating harm to biodiversity and ecosystems, or restoring and rehabilitating biodiversity and ecosystems. These examples may occur at the international, national, sub-national, or local level. Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices (e.g. measurable outcomes such as increases in terrestrial and marine protected areas, increases in Indigenous and Community Conserved Areas, declining rates of deforestation and poaching, or progress in the recovery of species that were previously threatened or endangered).

Good practices include:

- The use of strategic environmental assessment, environmental impact assessment to regulate and guide development activities;
- Introduction of payment for ecosystem services projects;
- Institutionalization of biodiversity offsets;
- Introduction of natural capital accounting;
- Use of a programmatic approach through the integrated landscape approach;
- Spatial and sub-basin land use planning;
- Marine protected areas;
- Mainstreaming of green economy, climate change and ecosystem services into development planning;
- Devolution of responsibility for management of wildlife outside protected areas to local communities through Community Resource Management Areas;
- Formation of partnerships with private sector and civil society for youth and community education on waste management and pollution;
- Promotion of integrated pest management and climate smart agriculture among local farmers; and
- Development of Biodiversity Offset Schemes and guidelines.

For specifics, one can also mention Ghana's ban on illegal mining since 2016 which reduced water pollution and environmental degradation significantly, Ghana's Wildlife protected areas covering 1.3 million hectares of forest and savanna ecosystem, which is well managed by appropriate institutions and stakeholders and Over 2,200 hectares of degraded Ramsar sites have been restored mainly by planting mangroves.

6. Please identify specific gaps, challenges and barriers that your government, business, or organization has faced in attempting to employ a rights-based approach to preventing, reducing, or eliminating harm to biodiversity and ecosystems.

- i. Inadequate inter sectoral collaboration on conservation and human rights impacts
- ii. Inadequate government institutional capacity for law enforcement
- iii. Weak regulatory framework: Penalties and fines for environmental offences not deterrent enough
- iv. Politicization of environmental issues and lack of independence of environment related institutions
- v. Inadequate awareness and capacity on the part of policy makers on the need to halt biodiversity loss,
- vi. General low public awareness and understanding of the importance of and the need to contribute to conservation.

7. Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to declining biodiversity and degraded ecosystems (e.g. women, children, persons living in poverty, members of Indigenous peoples and local communities, older persons, persons with disabilities, ethnic, racial or other minorities and displaced persons). How can these populations be empowered to protect and restore declining biodiversity and degraded ecosystems?

- i. *Provision of alternative livelihood options especially green businesses*
- ii. *Enhanced conservation education and participatory awareness at local levels*
- iii. *Enhanced institutional capacity and improved interinstitutional collaboration*
- iv. *Community empowerment for participatory monitoring and collaborative management*
- v. *Promote community youth fora and engagement*
- vi. *Promote community employment and local content (Sustainable Procurement)*
- vii. *Promotion of advocacy groups and offer of pro-bono services to support them in legal issues*

8. How do you safeguard the rights of individuals and communities working on biodiversity issues (potentially identified as environmental human rights defenders or land defenders)? What efforts has your Government made to create a safe environment for them to: freely exercise their rights without fear of violence, intimidation, or reprisal?

This is being done by ensuring responsible governance and tenure of natural resources: land, forests fisheries, minerals and water resources (eg: ARAP Project, application of FAO Voluntary guidelines on responsible Tenure), Promoting constitutional rule and Promotion of freedom of speech. Additionally, Human Rights Institutions and Human right courts should be established to enable the people to access and seek redress of human right abuses relating to biodiversity and ecosystem services, e.g.: proposed establishment of 'Green Courts' by the EPA in collaboration with the office of the Attorney General's, Ministry of Justice.

9. There is substantial evidence that consumption in high-income States is adversely affecting biodiversity and ecosystems in low and middle-income States. What are ways in which high-income States should assist low-income States in responding to biodiversity loss and ecosystem degradation, while simultaneously contributing to sustainable development in those low-income States?

High income states can support low income states to respond through

- (i) *Creating fair and balanced international trade systems especially for green products from low income countries*
- (ii) *Formation of international and interregional partnerships with low income countries for sustainability projects e.g.: twinning's and capacity building exchanges for protected areas, government institutions and local communities for biodiversity conservation projects, support for climate change mitigation projects, etc.*
- (iii) *Providing support for Promoting sustainable consumption and production practices and towards reducing and transforming residues and waste in high income countries. This involves introducing and improving standards, systems and regulations aimed at internalising the external cost of production, extraction and consumption, promoting resource efficiency, circular and other economic models.*
- (iv) *Financial support should be provided to low income countries to employ transformative change facilitated by innovative governance approaches that incorporate existing approaches such as integrative (mainstreaming across government sectors to ensure policy coherence and effectiveness), inclusive (help to reflect multiple values and ensure equity), informed and adaptive governance (novel strategies for knowledge production and learning from experience, monitoring and feedback loops).*

10. For businesses, what policies or practices are in place to ensure that your activities, products, and services across the entire supply chain (extraction/sourcing, manufacturing, distribution, sale, and end-of-life management) minimize biodiversity loss and ecosystem degradation and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?

1. *Development of biodiversity offset scheme with private sector;*

2. *Continual improvement and monitoring of EIA procedures, sector specific guidelines and application of strategic environmental assessments; and*
3. *Introduction of voluntary certification schemes and environmental performance rating systems (AKOBEN) for industry.*