

WILDLIFE RESOURCES MANAGEMENT BILL, 2014

ARRANGEMENT OF SECTIONS

Wildlife-ownership, implementation, objects and functions

Section

1. Ownership of wildlife and wildlife products
2. Implementing Agency
3. Objects of the Commission with regard to wildlife
4. Functions of the Commission with regard to wildlife

Protected areas

5. Establishment of protected areas
6. Objectives of a national protected areas system
7. Categories of protected areas
8. Management objectives of each category of protected area
9. Management of protected areas
10. Entry into protected areas
11. Activities prohibited in protected areas
12. Establishment of Protected Area Management Advisory Boards
13. Functions of a Protected Area Management Advisory Board
14. Management plan for each protected area
15. Liability for damage

Management of wildlife outside protected areas

16. Establishment of Community Resource Management Areas
17. Functions of a CREMA Executive Committee
18. Role of traditional authorities in CREMAs

Licences and permit

19. Protection categories for wild animals
20. Wildlife Use Rights
21. Prohibition of utilisation of wildlife without wildlife use right
22. Types of licences and permits
23. Application for licence or permit

WILDLIFE RESOURCES MANAGEMENT BILL, 2014

24. Revocation or suspension of a licence or permit

Management of wildlife in captivity

25. Keeping of wild animals
26. Artificial propagation of plants
27. Establishment of zoological gardens and private wildlife sanctuaries

Provision relating to international conventions

28. Implementation of CITES
29. Functions of the CITES National Scientific Authority

Administration and miscellaneous provisions

30. Executive Director of the Division
31. Functions of the Executive Director of the Division
32. Staff of the Division
33. Power to arrest without a warrant
34. Indemnity for acts done in good faith
35. Other offences
36. Regulations in respect of wildlife outside and within protected areas
37. Interpretation
38. Transitional provisions
39. Repeals and savings

SCHEDULES

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BILL

ENTITLED

WILDLIFE RESOURCES MANAGEMENT ACT, 2014

AN ACT to consolidate and revise the laws relating to wildlife and protected areas; provide for the implementation of international conventions on wildlife to which Ghana is a signatory and to provide for related matters.

PASSED by Parliament and assented to by the President

Wildlife – ownership, implementation, objects and functions

Ownership of wildlife and wildlife products

1. (1) Wildlife resources, products and their associated genetic resources in Ghana are vested in the President on behalf of and in trust for the people of Ghana.

(2) Subsection (1) does not affect the right of

(a) a person who is acting within the terms of a licence or permit granted under section 23 (3) to that person to acquire wildlife, a wildlife product or an associated generic resource of wild life, or to acquire and breed wildlife; or

(b) a community which has been granted authority over a defined Community Resource Management Area under section 16.

Wildlife Resources Management Bill, 2014

(3) An animal killed or a trophy acquired by a wildlife officer in the execution of that officer's duties, is the property of the State.

Implementing Agency

2. (1) The Forestry Commission established under section 1 of the Forestry Commission Act, 1999 (Act 571) is the implementing agency for the purposes of this Act.

(2) The Commission shall discharge the duty specified under subsection (1) through the Wildlife Division of the Commission.

Objects of the Commission with regard to wildlife

3. Without limiting the objects of the Commission under Act 571, the objects of the Commission with regard to wildlife are to

- (a) establish, manage and support a system of protected areas with the aim of protecting samples of the major ecological communities of the country in a natural state;
- (b) enable and support communities to maximise the economic benefits to be derived from the sustainable use of wildlife, whilst minimizing loss of life and damage to property caused by wildlife;
- (c) promote the sustainable use of wildlife, including the hunting and taking of wild animals and plants from protected areas, and the internal and international trade in wildlife and wildlife products by ensuring the long term sustainability of the species found in or migrating through Ghana;
- (d) promote and facilitate the implementation of the provisions of international conventions concerned with wildlife to which Ghana has acceded;
- (e) increase knowledge, understanding and appreciation of Ghana's wildlife to facilitate a better management of wildlife for the benefit of Ghanaians; and
- (f) develop effective partnerships with other Government agencies, traditional authorities, civil society organisations, development partners and the private sector at national, regional and district levels to provide for more effective implementation of this Act.

Wildlife Resources Management Bill, 2014

Functions of the Commission with regard to wildlife

4. (1) The Commission shall in furtherance of its objects under section 3(a)

- (a) manage and conserve the existing protected areas and Ramsar Sites, and prevent illegal use of wildlife resources in these areas;
- (b) establish a Protected Area Management Advisory Board for each protected area, to advise on the development and implementation of management plans and facilitate the integration of local community needs into protected area management;
- (c) develop a detailed management plan for each area, and ensure that all plans are implemented;
- (d) promote private sector and community partnerships and grant leases, concessions and access for the development of wildlife-based tourism facilities and services in a way that maximises benefits to local communities and the nation as a whole;
- (e) ensure that environmental impact assessments are conducted for all proposed developments within protected areas and ensure that necessary environmental safeguards are adopted;
- (f) promote payment for ecosystem services;
- (g) issue licences for local community use of resources where this is considered appropriate for the management of a protected area;
- (h) support the establishment and management of protected areas by local authorities, communities, civil society organisations and the private sector;
- (i) identify and create additional protected areas to ensure adequate protection and representation of Ghana's biophysical heritage, provide migration corridors and address other ecosystemic demands necessary to the life cycle of Ghana's wildlife; and
- (j) conduct awareness campaigns around protected areas to win local support for conservation initiatives.

Wildlife Resources Management Bill, 2014

- (2) The Commission in furtherance of its objects under section 3 (b)
- (a) shall assist local communities to identify suitable areas and support them to develop the necessary capacity and institutional structures to establish and manage Community Resource Management Areas;
 - (b) may, at any time, suspend or withdraw authority for the operation of a CREMA if the Executive Director has reason to believe that wildlife is not being managed on a sustainable basis or there are infringements of the provisions of this Act; and
 - (c) shall provide technical advice on control of problem animals in order to protect people's lives and property.
- (3) The Commission shall, in furtherance of its objects under section 3 (c),
- (a) identify species that require special protection, and those that are suitable for sustainable use;
 - (b) issue licences and permits for the regulation of hunting, capturing and trading in wildlife and wildlife products; and
 - (c) work with local authorities, the Police, Customs, Scientific Authority and other agencies to enforce and implement the licence and permit system effectively.
- (4) The Commission shall, in furtherance of its objects under section 3 (d),
- (a) advise and represent Government in all matters pertaining to the implementation of international conventions and agreements concerned with wildlife to which Ghana has acceded, in particular,
 - (i) the Convention on Wetlands of International Importance Especially As Waterfowl Habitat, (RAMSAR), 1971;
 - (ii) the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973; and
 - (iii) the Convention on the Conservation of Migratory Species of Wild Animals, (BONN), 1979;

Wildlife Resources Management Bill, 2014

- (b) liaise with
 - (i) the other parties and the secretariats for each of these Conventions mentioned in paragraph (a) and send the required national reports on the implementation status of each convention to the secretariat of that convention; and
 - (ii) agencies advising and representing governments under the United Nations General Assembly, Convention on Biological Diversity and its Cartagena Protocol, World Heritage Convention, United Nations Convention on the Law of the Sea, United Nations Framework Convention on Climate Change and its Kyoto Protocol and other relevant conventions;
 - (c) be the Management Authority for the purposes of the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
 - (d) be the national authority or focal point for the purposes of the Convention on the Conservation of Migrating Species of Wild Animals (CMS) and the Convention on Wetlands of International Importance Especially as Water fowl Habitat (RAMSAR); and
 - (e) work with local authorities, the Police, Customs and other agencies to enforce and implement the provisions of these international conventions.
- (5) The Commission in furtherance of its objects under section 3 (e) shall
- (a) commission and conduct research on the distribution and status of wildlife, promote public awareness of wildlife conservation issues and develop environmental education generally;
 - (b) collect, maintain and analyse statistics and information relating to wildlife and use results from the analysis to inform policy development and management decision making; and
 - (c) regulate the collection of specimen animals for museums and for scientific and other purposes.

Wildlife Resources Management Bill, 2014

- 3 (f) (6) The Commission shall, in furtherance of its objects under section
- (a) encourage and support the private sector to establish private wildlife reserves, zoological gardens and captive breeding facilities; and
 - (b) license, monitor and regulate the operation of private wildlife reserves, zoological gardens and captive breeding facilities.

Protected areas

Establishment of protected areas

5. (1) Subject to subsection (2), the Minister, on the advice of the Division given through the Commission, may, by legislative instrument, establish a protected area including a marine protected area.

- (2) The Minister shall not establish a protected area unless
- (a) the Minister has consulted the local authority and the land owners of the proposed area in the manner prescribed by the Regulations;
 - (b) the legislative instrument that establishes the protected area satisfies the conditions for compulsory acquisition under article 20 of the Constitution by providing for
 - (i) payment of fair and adequate compensation;
 - (ii) a right of access whether direct or on appeal from any other authority to the High Court by a person who has an interest in or right over the property for the determination of the person's interest or right and the amount of compensation to which the person is entitled; and
 - (iii) the resettlement of persons who will be displaced by the establishment of the protected area.

Objectives of a national protected areas system

6. The objectives of establishing a national system of protected areas are to

- (a) ensure that a viable network of sites representative of the natural ecosystems that occur in Ghana, are maintained in an undisturbed state;

Wildlife Resources Management Bill, 2014

- (b) conserve sites of biological importance and natural scenic beauty;
- (c) ensure that viable populations of all indigenous wild species including passage migrants are adequately conserved and that rare, endangered and endemic species are specially protected;
- (d) provide and maintain ecological and life sustaining processes such as water catchment and protection, and soil conservation and genetic diversity;
- (e) provide opportunities for research, education, recreation and tourism;
- (f) generate economic activity in and around protected areas and promote the sustainable use of wildlife;
- (g) enhance rural development by integrating protected area management into local economies; and
- (h) protect and maintain cultural and archaeological resources.

Categories of protected areas

7. The Minister in establishing a protected area under section 5 may declare the area to be

- (a) a National Park;
- (b) a Resource Reserve;
- (c) a Wildlife Sanctuary;
- (d) Ramsar Site; or
- (e) of some other category determined by the Minister on the advice of the Commission.

Management objectives of each category of protected area

8. (1) The Minister in declaring an area to be a National Park shall take into consideration the need to

- (a) protect natural and scenic areas of national or international significance from exploitation or human habitation;
- (b) prevent any settlement, cultivation or grazing of domestic livestock which might compromise the area's ecological functions and values;
- (c) promote and manage visitor use of the Park for inspirational, educational, scientific, cultural and recreational purposes only; and

Wildlife Resources Management Bill, 2014

(d) satisfy the needs of local communities, including the use of resource for subsistence, so far as these do not adversely affect the other objectives of management.

(2) The Minister in declaring an area to be a Resource Reserve shall take into consideration the primary objectives of a Resource Reserve, which are, to

- (a) protect and maintain the biological diversity and other natural values of the area in the long term;
- (b) promote sustainable use of the plants and animals that occur naturally in the area, and by that, contribute to poverty alleviation and economic development; and
- (c) prevent any settlement, cultivation or grazing of domestic livestock which might compromise the area's ecological functions and values.

(3) The Minister in declaring an area to be a Wildlife Sanctuary shall take into consideration the need to

- (a) enable, encourage and support the establishment of protected areas at local community and district levels;
- (b) protect particular species and natural habitats including totem animals and sacred groves, that are of cultural, scientific and conservation importance;
- (c) protect from disturbance the breeding, migration or feeding sites of particular species and maintain the habitat conditions necessary for the conservation of those species; and
- (d) facilitate public appreciation of the area by providing facilities to visitors for cultural, educational, scientific, recreational or touristic reasons.

(4) The Minister in declaring an area to be Ramsar Site shall take into consideration the need to protect

- (a) sites of international importance which contain representative, rare or unique wetland types; and
- (b) sites of international importance in relation to conservation biological diversity.

Management of protected areas

9. (1) The Division shall be the highest administrative authority in respect of protected areas and shall be responsible for the management of each protected area.

Wildlife Resources Management Bill, 2014

(2) Despite subsection (1), a District Assembly in which a Ramsar Site is located may in consultation with the Commission, prescribe by-laws, customary and traditional conservation practices which are compatible with the Ramsar Convention and permitted under this Act.

(3) Despite subsection (1), the Division may with the approval of the Commission, assign some of its management responsibilities to

- (a) a reputable conservation organisation,
- (b) a community-based organisation,
- (c) a corporate body, or
- (d) a private individual

by entering into a management agreement with any of these organisations, bodies or persons to carry out management functions necessary for the effective implementation of this Act.

Entry into protected areas

10. (1) Subject to subsections (2) and (3), a person shall not enter, be in or reside in a protected area.

(2) Subsection (1) does not apply to

- (a) a person in the employment of the Commission who in the execution of official duties enters or resides in a protected area and a member of the person's immediate family who either resides with or visits the person,
- (b) a person who visits another person who is an employee of the Commission and is resident in a protected area,
- (c) a person who belongs to a community resident in the protected area before the date when the area was declared as a protected area and which community has not yet been re-settled, or
- (d) a researcher, scientist, tourist or visitor granted permission by the Executive Director or the Executive Director's authorised representative to enter or reside in a protected area.

(3) The Executive Director or an authorised representative of the Executive Director may, subject to specified conditions and on payment of a prescribed fee, grant permission to a person to enter into a protected area on days and hours prescribed by Regulations.

Wildlife Resources Management Bill, 2014

(4) The breach of a condition in a permit granted under subsection (3) entitles the Executive Director or an authorised representative of the Executive Director to remove the person from the protected area and to take further action against the person as permitted by law.

Activities prohibited in protected areas

11. (1) A person who is not a wildlife officer performing duties under this Act or duly authorised under this Act or the Regulations, shall not

- (a) convey into or be in possession of a weapon, explosive, trap or poison within a protected area;
- (b) kill, hunt, injure, capture, disturb or be in possession of, an animal, or take or destroy any egg or nest, in a protected area without lawful excuse;
- (c) cause damage to or disturb an object of geological, ethnological, historical, archaeological or other scientific interest within a protected area; remove the object from a protected area or have possession of the object;
- (d) introduce a wild or domestic animal, a fish or vegetation into a protected area, permit a domestic animal, over which that person has control or which that person is responsible for, to stray into a protected area or allow vegetation planted outside a protected area which that person is responsible for to spread into the protected area;
- (e) remove an animal or vegetation, whether alive or dead, or a part of an animal or vegetation from a protected area;
- (f) cut, damage or destroy any tree or other vegetation in a protected area or be in possession of a cut or uprooted vegetation while in a protected area;
- (g) erect a permanent or temporary structure, fence or marker, construct any road or airstrip, or otherwise alter the natural environment, except where the person is expressly permitted by the Minister or a wildlife officer vested with power to grant the permit;
- (h) destroy or deface any object, whether animate or inanimate, in a protected area;
- (i) wilfully or negligently cause any fire in a protected area; and
- (j) carry out any mining activity in a protected area.

Wildlife Resources Management Bill, 2014

- (2) Despite subsection (1), it is not an offence if a person
- (a) kills a dangerous animal in a protected area where the killing is necessary in defence of human life or to prevent the infliction of personal injury; or
 - (b) carries out activities approved in the management plan of the protected area, and permitted in writing by the Executive Director or a wildlife officer authorised to grant the permit, in accordance with the plan.

(3) Subsection (1) does not apply within a Ramsar Site, except as provided for in local bye-laws.

(4) A domestic animal found within a protected area, other than an animal in the lawful possession of a wildlife officer, or introduced into the protected area in accordance with subsection (2) (b), may be destroyed by a wildlife officer.

(5) A vegetation introduced into a protected area in contravention of this Act may be destroyed by or on the instructions of a wildlife officer.

(6) A person who introduces into a protected area, a domestic animal or a vegetation described under subsection (4) or (5) shall

- (a) bear the cost of its destruction;
- (b) compensate the Commission for any non-remedial damage to the protected area; and
- (c) remedy any damage caused in a manner directed by the Commission.

(7) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than one hundred and twenty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than two years or to both the fine and the imprisonment.

Establishment of Protected Area Management Advisory Boards

12. (1) Despite section 9(1), the Division shall establish for each protected area, a Protected Area Management Advisory Board which shall comprise between seven and thirteen members, including where possible

- (a) at least one nominee from the Division;
- (b) one representative of the traditional authority within which the protected area is situated;

Wildlife Resources Management Bill, 2014

- (c) one representative of the District Assembly within which the protected area is situated;
- (d) one member of a CREMA Executive Committee representing a CREMA adjoining the protected area boundary;
- (e) one representative of private sector interests in the protected area;
- (f) one member of a women's group; and
- (g) one member of a community-based organisation operating in the communities close to the protected area.

(2) Other persons and representatives or organisations whose services are necessary for the achievement of the objectives of the protected area may serve on the Advisory Board.

(3) Board members shall be appointed for a term not exceeding three years, and the appointment may be renewed for a maximum of one further term.

(4) Where a protected area falls within more than one district, the Division may despite subsection (1), establish in each district a Protected Area Management Advisory Unit with the same composition as the Board in subsection (1), and representatives from the Protected Area Management Advisory Units shall together form an apex body which shall be the Board.

(5) A Protected Area Management Advisory Unit established under subsection (3) shall advise the Board on management issues affecting that part of the Protected Area which falls within its jurisdiction.

Functions of a Protected Area Management Advisory Board

13. (1) A Board established under section 12 (1) or (4), shall
- (a) advise the Division on how to integrate the objective and development strategy of the protected area into the district planning system and the decentralisation process;
 - (b) assist in the formulation of conservation linked poverty reduction or enterprise development ventures which might be supported in the areas adjoining the protected area;
 - (c) administer and control funds that may be generated for community benefit as provided for in subsection (2);
 - (d) assist the Division in its formulation of a management plan for the protected area, to identify and integrate the concerns of the local people;

Wildlife Resources Management Bill, 2014

- (e) assist the Division to implement the protected area management plan by winning local support for practical, effective and harmonious management of the protected area;
- (f) ensure the development and protection of sacred, cultural and other sites that are valued by the local people;
- (g) identify harvestable resources, determine resource allocation levels and mechanisms for monitoring off-take;
- (h) in consultation with the Division, allocate licence rights to the local people for purposes of harvesting from a protected area, harvestable resources for which the Division has given approval;
- (i) establish channels of communication between the local communities and the Division with a view to properly educating the local communities about the reserve and general conservation in the protected area and thus enabling the communities to easily share with the Division, their specialised and personal knowledge of general or specific conditions or activities, and their impact on the protected area;
- (j) advise the Division on the development and implementation of protected area outreach programmes;
- (k) assist the Division with the formation of Community Resource Management Committees at village levels;
- (l) promote the adoption of traditional technical knowledge and practices in the development and management of the protected area;
- (m) help resolve conflicts that may arise between members of the communities adjoining the protected area and the authorities of the protected area, especially where this involves problem animals or access to resources within the protected area;
- (n) identify and co-ordinate with other entities, including Government bodies, private land owners, traditional authorities and other people whose activity and responsibility relate to or impact on protected areas;
- (o) supervise and evaluate the performance of responsibilities assigned to persons under section 9 (3) and recommend controls for the persons; and
- (p) do anything incidental to the achievement of the above functions.

Wildlife Resources Management Bill, 2014

(2) A Board established under section 12(1) and (4) may, in consultation with the Commission, charge fees from visitors and other users of a protected area that may be prescribed in Regulations.

(3) Revenue derived from the fees shall be administered by the Board for the benefit of the communities living immediately adjacent to the protected area.

(4) The fees charged for entry or use of a protected area shall be paid in addition to other fees and charges payable to the Commission.

Management plan for each protected area

14. (1) The Division shall have for each protected area, a management plan.

(2) The Division shall manage a protected area in accordance with the management plan.

(3) The management plan for each protected area shall be prepared by the Division in consultation with the Protected Area Management Advisory Board and other stakeholders that the Division considers relevant.

(4) A management plan prepared in accordance with subsection (3) shall be reviewed and approved by the Commission before its implementation by the Division.

(5) An approved plan shall be evaluated every five years and may be modified.

Liability for damage

15. A person whose action leads to
(a) damage, or
(b) a threat to a protected area
shall bear the cost incurred in remedying the damage or averting the threat.

Management of Wildlife outside Protected Areas

Establishment of Community Resource Management Areas

16. (1) A geographically defined area outside a protected area which is endowed with sufficient resources and where communities have organised themselves for the purpose of sustainable resource management, may be established and managed as a Community Resource Management Area.

Wildlife Resources Management Bill, 2014

(2) A CREMA shall be managed by a locally elected Management Area Executive Committee, which shall

(a) be recognised and registered by the Division, and granted authority for a specified period to

(i) authorise and supervise the hunting and capturing of wildlife,

(ii) trade in wildlife and wildlife products specified in the Second Schedule in accordance with section 17 (b), and

(iii) exercise any other privilege over wildlife conferred through ownership of wildlife

within the Management Area and as provided for in section 1 (2) (b);

(b) be recognised and empowered by the local authority in the District where the CREMA is located to manage the resources in the CREMA through the enactment of local bye-laws issued by relevant District Assemblies;

(c) be managed in accordance with a constitution, the contents of which shall be prescribed in Regulations; and

(d) integrate its operations into and respect traditional decision making structures and local land tenure systems in the area for which it is established.

(3) Members of a Management Area Executive Committee shall be elected from amongst elected members of the Community Resource Management Committees established in each of the communities within the Management Area.

(4) Despite subsection (3), the Division may provide technical advice and support on issues concerning wildlife census and the establishment of off-take quotas.

Functions of a CREMA Executive Committee

17. The Executive Committee of a Management Area shall,

(a) regulate and control access to harvestable wildlife in the area designated as a Management Area;

(b) be responsible for the regulation of hunting and other uses of wildlife in the Management Area within the framework agreed with the Division, and in accordance with legislation for safeguarding protected, rare or endangered species;

Wildlife Resources Management Bill, 2014

- (c) advise the Division on the issuing of requisite permits for trading in wildlife products that originate in the Management Area;
- (d) monitor and report to the Division, wildlife population trends, levels of off-take and trade in wildlife and wildlife products;
- (e) collaborate with other Management Area Executive Committees, protected Area Management Advisory Boards and land-use management agencies, especially those in neighbouring areas with whom wildlife resources are shared, for the conservation, sustainable use and integrated management of shared resources and other activities with potential impact outside the Management Area;
- (f) help the Division to resolve conflicts over problem animals and other resource management issues with Management Area community members; and
- (g) promote awareness of wildlife conservation and management needs in its area of operation.

Role of traditional authorities in CREMAS

18. Traditional authorities shall play a central role in the identification, establishment and management of Management Areas, and shall

- (a) ensure that decisions over allocation, tenure and use of land in the Management Area are in accordance with Management Area objectives;
- (b) resolve disputes, especially those involving land under traditional land tenure system;
- (c) promote appropriate traditional wildlife management practices; and
- (d) develop, share and utilise as appropriate, understanding of traditional knowledge related to wildlife and wildlife resource management.

Licences and Permits

Protection categories for wild animals

19. (1) The animals specified in the First Schedule are classified as fully protected species and shall be totally protected throughout Ghana.

Wildlife Resources Management Bill, 2014

(2) The animals specified in the Second Schedule are classified as partially protected animals.

(3) A person shall not

(a) hunt, capture or destroy a fully protected animal;

(b) possess a fully protected animal whether captured or killed;
or

(c) possess products or a part or derivative made or acquired from a fully protected animal.

(4) A person shall not hunt, possess, capture or destroy a partially protected animal except under a permit or licence issued by the Executive Director under section 23.

(5) A person who contravenes subsection (3) or (4) commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than two years or to both the fine and the imprisonment.

Wildlife Use Rights

20. The following wildlife use rights are subject to the grant of a permit or a licence exercisable under this Act:

(a) hunting;

(b) keeping or possession of wild animals;

(c) trading in wildlife and wildlife products;

(d) using wildlife for educational or scientific purpose including medical experiments and development.

Prohibition of utilisation of wildlife without wildlife use right

21. (1) A person shall not engage in an activity specified under section 20 without first obtaining a licence or a permit for the purpose.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than two years or to both the fine and the imprisonment.

Types of licences and permits

22. (1) A licence or permit may be granted for the following:

(a) to hunt or capture any partially protected animal;

Wildlife Resources Management Bill, 2014

- (b) to trade in bushmeat derived from any partially protected specie;
- (c) to trade in live wild animals and wildlife products belonging to any exempt or partially protected species;
- (d) to export or import wildlife and wildlife products;
- (e) to keep a wild animal as a pet;
- (f) to group hunt and capture wild animals, where this is part of a cultural festival;
- (g) to hold, keep and breed animals in captivity;
- (h) to establish zoological gardens and wildlife reserves;
- (i) to acquire or possess ivory or other trophy;
- (j) to take and propagate wild plants; and
- (k) to do anything in relation to wildlife that the Executive Director considers appropriate.

(2) Without limiting the effect of subsection (1)(b) and (c), the Division shall not grant a licence for international trading unless the proposed trade is in accordance with the provisions in the Convention on International Trade in Endangered Species of Wild Fauna and Flora as specified in the Second Schedule to this Act.

(3) The Division may delegate the authority to issue a licence or permit under subsection (1) (a) to a local hunting licence agent, as prescribed in Regulations.

(4) A person who without the necessary permit or licence, engages in an activity mentioned in subsection (1) commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than two years or to both the fine and imprisonment.

Application for licence or permit

23. (1) An application by a person for a licence or permit to engage in an activity listed under section 22(1) shall be made to the Division, in writing addressed to the Executive Director.

(2) The application shall be submitted with the prescribed fees.

(3) The Division shall consider the application and may grant or refuse the licence or permit within thirty days from the date of receipt of the application and inform the applicant in writing accordingly, not later than ten days after the date the decision is made.

Wildlife Resources Management Bill, 2014

(4) The Division may request the applicant to provide further information and may for that purpose extend the period for the grant of a licence.

(5) A licence or a permit granted by the Division under subsection (3) is subject to

- (a) the provisions of this Act;
- (b) Regulations made under this Act;
- (c) conditions imposed and specified in the licence or permit; and
- (d) the provisions of International Conventions implemented by Regulations made under this Act and subsequent Conference Resolutions relating to these Conventions.

(6) The Division shall, where an application made under subsection (1) is refused under subsection (3), state the reasons for the refusal.

(7) A person dissatisfied with a decision of the Division made under subsection (3) may appeal to the Chief Executive of the Forestry Commission.

Revocation or suspension of a licence or permit

24. (1) The Division may subject to subsections (2) and (3), revoke or suspend a licence or permit granted to a person under section 23 (3), if the person does anything contrary to the conditions of the licence or permit

(2) The Division shall on the suspension of a licence or permit, notify the holder of the suspended licence or permit of the default that has occasioned the suspension and require a remedy of the default within thirty days from the date of the notice.

(3) The Division may revoke a suspended licence or permit if the holder of the suspended licence or permit does not remedy the default within the time stipulated in the notice given under subsection (2).

(4) A person aggrieved by a decision of the Division to suspend or revoke that person's licence or permit may apply in writing to the Commission for review of the decision.

Management of Wildlife in captivity

Keeping of wild animals

25. (1) A person shall not keep a wild animal if that person has not been issued with a licence for that purpose by the Executive Director.

(2) The wild animal to be kept under subsection (1) should have been obtained from a lawful source.

Wildlife Resources Management Bill, 2014

(3) A person shall not exhibit a wild animal to the public except in accordance with conditions that the Executive Director considers appropriate to impose in respect to the manner in which the wild animal is to be kept and members of the public allowed access to the animal.

(4) A person may engage in captive breeding of wildlife or keep captive bred wildlife if that person has a licence or permit issued by the Executive Director under section 23(3) for the purpose and if

- (a) the captive breeding or keeping is intended to
 - (i) increase wild populations of a specie by restocking depleted areas;
 - (ii) reduce pressure on wild populations of a specie through the supply of bushmeat, wild animals or wildlife products to satisfy commercial needs;
 - (iii) produce large numbers of a specie for commercial use; and
 - (iv) establish private and public collections of wild animals for educational and research purposes;
- (b) the facility in which the wildlife is to be kept
 - (i) ensures that treatment of the animals within the facility is humane;
 - (ii) ensures the safety of persons and animals in the facility;
 - (iii) prevents the introduction or spread of disease or other health hazards; and
 - (iv) ensures that the species are not negligently or unintentionally released from the facility.

Artificial propagation of plants

26. (1) A person may engage in the artificial propagation of any wild plants for domestic or commercial purposes if the plants do not have adverse impact on the natural ecology of the area in which they are propagated.

(2) A person engaged in artificial propagation of wild plants shall take steps to reduce any negative environmental impact that the breeding of the plants may have.

(3) A plant shall be considered as having been artificially propagated if the plant is grown under controlled conditions and grown from seeds, cuttings, divisions, callus tissues or other plant tissues or propagules obtained from the wild or from cultivated parental stock.

Wildlife Resources Management Bill, 2014

(4) The international trade of artificially propagated plants or their derivatives listed in any of the CITES appendices or both shall be subject to the provisions of the International Trade in Endangered Species of Fauna and Flora.

Establishment of zoological gardens and private wildlife sanctuaries

27. (1) A person, organisation or community may establish a private zoological garden or private wildlife sanctuary if that person, organisation or community has a licence or permit issued by the Executive Director under section 23 (2) for the purpose.

(2) The Executive Director, in granting a licence or permit to establish zoological garden or wildlife sanctuary, shall take into consideration the management plan of the applicant which shall contain, among other things,

- (a) proposed location of the zoological garden or private wildlife sanctuary;
- (b) proposed security systems to be put in place;
- (c) type of species and the quantity of each species that are going to be kept in the zoo or the wildlife sanctuary and their mode of acquisition; and
- (d) the source of funding and business plan.

Provisions relating to international conventions

Implementation of CITES

28. (1) For purposes of achieving the objectives of CITES as set out in the First Schedule, there is established by this Act, a CITES National Management Authority and CITES Scientific Authority.

(2) The National Management Authority shall be the Wildlife Division.

(3) The National Scientific Authority shall be appointed by the Minister on the recommendations of the Commission.

Functions of the CITES National Scientific Authority

29. (1) The National Scientific Authority shall

- (a) advise the National Management Authority on issues of compliance with the CITES provisions;

Wildlife Resources Management Bill, 2014

- (b) monitor the status of CITES listed species in Ghana
 - (i) with the aim of recommending appropriate levels of export of specimens; and
 - (ii) in order to maintain the species throughout its range at a level consistent with its role in the ecosystem and above a level at which the species might become eligible for inclusion in Appendix 1 of CITES;
- (c) advise the Management Authority on whether scientific institutions seeking registration for the purpose of being issued labels for scientific exchange meet
 - (i) the criteria established by CITES; and
 - (ii) other national standard requirements prescribed by Regulations;
- (d) advise the Management Authority on whether the issuance of
 - (i) permits for imports;
 - (ii) permits for exports; or
 - (iii) certificates for introduction from the sea or re-exports is potentially detrimental to the survival of the species in Appendices I and II of the CITES; and
- (e) advise the Management Authority on whether or not the issuance of permits for internal trade, export, re-export or import of species listed in
 - (i) Regulations made under this Act, and
 - (ii) Appendices I, II and III of CITES,is likely to be detrimental to the survival of the species.

(2) The Scientific Authority shall in the performance of its functions, base its findings and advice on the scientific review of available information on the population status, distribution, population trend, harvest, other biological and ecological factors of and trade information on the species concerned.

Administration and miscellaneous provisions

Executive Director of the Division

30. The Head of the Division shall be the Executive Director of the Wildlife Division appointed under section 17 (1) of the Forestry Commission Act, 1999 (Act 571).

Functions of the Executive Director of the Division

31. (1) The Executive Director shall

- (a) be responsible for the day to day administration of the Division in accordance with the mandate of the Division under this Act; and
- (b) in the performance of the functions and duties of the office be answerable to the Forestry Commission through the Chief Executive of the Commission.

(2) The Executive Director may in the performance of the functions of the office under this Act, delegate a function of the office to a staff of the Division, but shall not be relieved of the ultimate responsibility for the discharge of the delegated function.

Staff of the Division

32. (1) The Commission may in consultation with the Minister, Minister for the Interior and Minister for Defence, train and equip paramilitary personnel that are necessary for the performance of the functions of the Commission.

(2) The paramilitary staff of the Commission shall be subject to conditions prescribed in Regulations made under this Act.

(3) The Minister may appoint honorary wildlife officers in accordance with modalities prescribed by Regulations.

Power to arrest without a warrant

33. (1) A wildlife officer may arrest without a warrant, a person whom the officer reasonably suspects to have committed an offence under this Act, if

- (a) that person's name and address is not disclosed by the person on demand by the officer;
- (b) the person gives a name and address which the officer reasonably believes to be false; or
- (c) the officer has reason to believe the person will abscond.

(2) A person arrested under subsection (1) shall be sent to the nearest police station without delay but in any case within forty-eight hours after the arrest.

Indemnity for acts done in good faith

34. (1) An action shall not lie against a wildlife officer for an act done by that officer in good faith in the execution or intended execution of the officer's duties or powers under this Act.

(2) A wildlife officer who does an act in good faith but which results in a criminal action against that officer shall be granted legal aid for defence of the action.

Other offences

- 35.** (1) A person commits an offence under this Act if that person
- (a) makes a false or misleading statement, or declaration with the intent
 - (i) to obtain a licence or permit; or
 - (ii) of clearing specimens for import, export, other trade or commercial use; or
 - (b) does any other thing that contravenes this Act.

(2) A person who contravenes a provision of subsection (1) is liable on summary conviction to a fine of not more than two thousand penalty units or to a term of imprisonment of not more than five years or to both the fine and imprisonment.

Regulations in respect of wildlife outside and within protected areas

36. (1) The Minister may, on the recommendation of the Commission and by legislative instrument, make Regulations to give effect to the provisions of this Act, and in particular, make Regulations to

- (a) prescribe the contents of the constitution establishing a Community Resource Management Committee;
- (b) prescribe the requirements for the establishment and operation of captive breeding facilities and zoological gardens;
- (c) prescribe fees to be charged under section 23 (2);
- (d) prescribe the conditions attached to the operations of the staff of the Division;
- (e) provide for further conditions for the issue of licences and permits;

Wildlife Resources Management Bill, 2014

- (f) establish closed seasons when hunting is prohibited with the view to facilitate the rearing of young animals;
- (g) restrict and prohibit the use of certain equipment and methods for hunting animals;
- (h) prescribe measures for resolving issues of conflict between problem animals and people;
- (i) provide for the protection and preservation of specified habitats, including the feeding, roosting and nesting sites of protected and partially protected animals outside protected areas;
- (j) prohibit the taking of eggs of birds, turtles or other animals specified in the Regulations whose conservation status is on the decline due to that practice;
- (k) implement international conventions which relate to wildlife and to which Ghana is a signatory and has ratified; and
- (l) amend a Schedule to this Act.

(2) The Minister may on the recommendation of the Commission, by legislative instrument, make Regulations to give effect to the provisions of this Act relating to protected areas, and in particular, make Regulations

- (a) to establish protected areas;
- (b) to determine the constitution, functions and operation of Protected Area Management Advisory Boards and any other local committees which offer advice on the administration of protected areas;
- (c) to provide measures for the protection and preservation of animal and plant life in protected areas in a natural state, which include
 - (i) setting out objectives, management strategy and the extent of public use for each management zone of a protected area;
 - (ii) designation of different management zones within a protected area;
 - (iii) the prohibition of burning of grass and the cutting of trees and vegetation within a protected area;

Wildlife Resources Management Bill, 2014

- (iv) introduction and control or eradication of alien species in a protected area;
- (v) the remedy of harm caused by alien species introduced into a protected area;
- (vi) control and management of problem animals, and management interventions necessary to control animal numbers inside a protected area;
- (vii) conditions under which permission may be granted to a person to enter or to reside in a protected area;
- (viii) conditions under which a domestic animal may be introduced into and conveyed through a protected area;
- (ix) confiscation, destruction and disposal of a domestic animal or other items brought illegally into or found within a protected area;
- (x) conditions under which a concession may be granted to build and operate a facility or provide a service in a protected area;
- (xi) conditions under which development of public roads, power transmission lines, radio and telecommunications masts and other infrastructure may be allowed in a protected area;
- (xii) requirements for an environmental impact assessment of developments inside a protected area;
- (xiii) measures to be taken to ensure proper waste disposal and prevent pollution of water bodies and damage to the environment within a protected area;
- (xiv) regulation of traffic in a protected area, including the closing of roads at specified times;
- (xv) use of vehicles, including bicycles, motorcycles, boats and aircraft within a protected area;
- (xvi) regulation, control, restriction or prohibition of visitor activities such as walking, camping, picnicking, boating and fishing in a protected area; and
- (xvii) conditions under which research, including the taking of specimens, may be conducted;

Wildlife Resources Management Bill, 2014

- (d) to determine the powers and duties of a wildlife officer, an individual or an entity given responsibility to manage an aspect of wildlife or a protected area under section 9(3);
- (e) to prescribe the services that may be provided to the public by wildlife officers, entities and individuals given responsibility for an aspect of wildlife and the fees to be paid for each service;
- (f) to prescribe the fee to be paid by a person, for
 - (i) being allowed entry into,
 - (ii) doing a specified thing in, or
 - (iii) the use of an article, facility or service in, a protected area; and
- (g) to prescribe arrangements for sharing revenue and benefits with local communities adjoining a protected area.

Interpretation

37. In this Act, unless the context otherwise requires,
- “animal” means a vertebrate or an invertebrate animal, young of the animal and a part or product of the animal; a bird or its eggs and, except in a protected area, does not include fish ;
 - “bushmeat” means the flesh, bone, skin and any other associated part of a wild animal, whether fresh, dried, smoked or otherwise preserved;
 - “captive breeding” means the keeping of wild animals in human controlled conditions with restricted settings for the purpose of increasing their numbers for release into their natural environment or for a domestic purpose or a commercial purpose;
 - “capture” includes an act immediately directed at the taking of an animal, a nest, eggs or young of an animal alive;
 - “CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, any Appendices to it and resolutions of the conferences of the parties to the Convention;
 - “close season” in relation to an animal or a specified utility in an area, means a period when the hunting, taking, or disturbance of that animal and that area is prohibited;

Wildlife Resources Management Bill, 2014

- “Commission” means the Forestry Commission established under section 1 (1) of the Forestry Commission Act, 1999 (Act 571);
- “Community Resource Management Area” means a geographically defined area endowed with sufficient resources where residents of a local community have organised themselves for the purpose of sustainable resource management;
- “conference resolution” means agreed guidelines made at a conference of the State parties to a Convention for the implementation of the Conventions implemented by Regulations made under this Act;
- “CREMA” means a Community Resources Management Area;
- “Division” means the Wildlife Division of the Forestry Commission established under section 10(2) of the Forestry Commission Act 1999 (Act 571);
- “domestic animal” means a horse, bull, cow, ox, ram, ewe, goat, pig, dog, cat, or a bird commonly regarded as a domestic animal, or the young of any of these animals;
- “Executive Director” means the person holding the public office of Executive Director of the Division;
- “export” includes re-export;
- “honorary officer” means a person appointed as an honorary officer under section 32(3);
- “hunt” means to
- (a) kill, injure, shoot at or follow;
 - (b) wilfully or recklessly disturb or molest by any method;
- or
- (c) lie in wait for or search for, with intent to kill, injure or shoot at an animal;
- “introduction from the sea” means transportation into the country of specimens of species taken from the marine environment not under the jurisdiction of a State,
- “licence” means a licence issued under this Act and includes a permit;

Wildlife Resources Management Bill, 2014

- “local hunting licence agent” means a person to whom power is delegated under section 22(3) as an agent for issuing hunting licences;
- “local authority” includes a District Assembly, Municipal Assembly and Metropolitan Assembly;
- “Management Area Executive Committee” means the locally elected body responsible for management of a Community Resource Management Area;
- “Management Area” means Community Resource Management Area;
- “Management plan” means the policy framework, development strategy and action plan for a protected area, which guides the management of a protected area or zoological garden;
- “Minister” means the Minister responsible for wildlife;
- “National Management Authority” means the Wildlife Division of the Forestry Commission;
- “national park” means a demarcated place or stretch of land declared a national park under section 7 of this Act and described in Regulations;
- “officer” means a wildlife officer;
- “partially protected animal” means any animal which is not declared as a fully protected animal and specified in the Second Schedule;
- “private wildlife sanctuary” means an area surrounded by a suitable fence and designated by the licence or permit holder as a wildlife sanctuary;
- “protected animal” means an animal which is classified as a protected specie under section 19 and as specified in the First Schedule and its parts and derivatives;
- “protected area” means an area established under section 5 of this Act;
- “Protected Area Management Advisory Board” means a management advisory body established under section 12(1) or (4);
- “RAMSAR” means the Convention on Wetlands of International Importance Especially as Waterfowl Habitat 1971;

Wildlife Resources Management Bill, 2014

- “re-export” export of a specimen that has previously been imported;
- “Regulations” means Regulations made under this Act;
- “resource reserve” means an area of land declared to be a resource reserve under section 7 of this Act;
- “specimen” means
- (a) an animal or a plant, or
 - (b) a part or derivative of any animal or plant, taken from the wild;
- “State” means Ghana or its authorised and accredited agent, the Wildlife Division of the Forestry Commission;
- “trap” means a net, rod, hook, spring, gin, snare, contrivance or device by means of which an animal can be captured, netted or snared;
- “trophy” means any horn, ivory, tooth, tusk, bone, claw, hoof, hide, skin, hair, feather, egg or other portion of an animal recognized as a durable portion of the animal;
- “weapon” means a firearm or ammunition, or an instrument capable of propelling a projectile or capable of being propelled or used in a manner that can kill or injure an animal;
- “wild” means the natural habitat of
- (a) a plant that has not been tamed or domesticated;
 - (b) an animal that has not been tamed or domesticated;
- or
- (c) other organisms that have not been tamed or domesticated;
- “wildlife” means any animal or plant or other organism, whether indigenous or naturalised in Ghana and found in the wild;
- “wildlife product” means any animal or plant or anything derived from an animal or plant or an animal or plant part;
- “wildlife officer” means a person for the time being holding the public office of Executive Director or other public officer of the Wildlife Division of the Forestry Commission charged with the implementation and administration of this Act, and includes an honorary officer; and
- “wildlife sanctuary” means an area of land declared to be a wildlife sanctuary under this Act.

Wildlife Resources Management Bill, 2014

Transitional provisions

38. A Management Area recognised by the Division and existing prior to the commencement of this Act shall, subject to necessary modifications to bring it into conformity with this Act, be considered as having been established under this Act.

Repeals and savings

39. (1) The Wildlife Animals Preservation Act, 1961 (Act 43) is repealed.

(2) Despite subsection (1), any statutory instruments, orders, licences and permits issued under the repealed Act and in force before the commencement of this Act shall remain valid until revoked or otherwise dealt with under this Act.

Wildlife Resources Management Bill, 2014

FIRST SCHEDULE
Section 19 (1)
ANIMALS COMPLETELY PROTECTED

The hunting, capture, destruction, or possession of any species or parts of the listed species in this Schedule is absolutely prohibited at all times.

SERIES A – MAMMALS	SCIENTIFIC NAME
<i>Primata;</i>	
Chimpanzee	Pan troglodytes
Black and White	Colobus polykomos
Olive colobus	Colobus verus
Red colobus	Colobus badius
Diana monkey	Cercopithecus diana
Bosman's potto	Perodicticus potto
Senegal galago (Bush baby)	Galago senegalensis
Dwarf galago (Bush baby)	Galagoides demidovii
<i>Pholidota:</i>	
Giant pangolin	Manis gigantea
Long tailed pangolin	Manis tetradactyla
Tree pangolin	Manis tricuspis
<i>Tubulidentata</i>	
Aardvark	Orycteropus afer
<i>Sirenia</i>	
<i>Cetacea</i>	
All whales	Cetacea spp
All Dolphins	Cetacea spp
Manatee	Trichechus senegalensis
<i>Carnivora</i>	
Lion	Panthera leo
Leopard	Panthera pardus
Cheetah	Acinonyx jubatus
Ratel or Honey Badger	Mellivora capensis

Wildlife Resources Management Bill, 2014

Clawless otter	<i>Aonyx capensis</i>
Golden cat	<i>Felis aurata</i>
Lynx	<i>Felis caracal</i>
Serval	<i>Felis serval</i>
African civet	<i>Viverra civetta</i>
Two spotted palm civet	<i>Nandinia binotata</i>
Forest genet	<i>Genetta maculata</i>
Bush genet	<i>Genetta tigrina</i>
Wild cat	<i>Felis libyca</i>
Spotted hyena	<i>Crocuta crocuta</i>
Hunting dog	<i>Lycaon pictus</i>
Side striped jackal	<i>Canis adustus</i>
<i>Proboscidea</i>	
Elephant	<i>Loxodonta africana</i>
<i>Artiodactyla</i>	
Hippopotamus	<i>Hippopotamus amphibious</i>
Senegal hartebeest	<i>Damaliscus lunatus</i>
Sitatunga	<i>Tragelephus spekei</i>
Water chevrotain	<i>Hyamoshcus aquaticus</i>
Bongo	<i>Boocercus eurycerus</i>
Roan antelope	<i>Hippotragus equinus</i>
Giant forest hog	<i>Hylochoerus meinertzhageni</i>
Reed buck	<i>Redunca redunca</i>
Red fronted gazelle	<i>Gazella rufifrons</i>
Yellow backed duiker	<i>Cephalophus silvicultor</i>
SERIES B - REPTILES	SCIENTIFIC NAME
<i>Crocodylia:</i>	
Nile crocodile	<i>Crocodylus niloticus</i>
Long snouted crocodile	<i>Crocodylus cataphractus</i>
Broad fronted crocodile	<i>Osteolaemus tetraspis</i>

Wildlife Resources Management Bill, 2014

Lacertilia:

Bosc monitor lizard	Varanus exanthematicus
Nile monitor lizard	Varanus niloticus

Chelonia:

All marine turtles including;	
Hawksbill turtle	Eretmochelys imbricata
Green or Edible turtle	Chelonia mydas
Leathery turtle	Dermochelys coriacea

SERIES C – BIRDS

SCIENTIFIC NAME

All birds of prey including:

Falcons, kites, hawks eagles, buzzards, kestrels , Owls	Falconidae Tytonidae and Strigidae
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Egrets

Great white egret	Casmerodius albus
Little egret	Egretta garzetta
Cattle egret	Bubulcus ibis

Sagittariidae

Secretary bird	Sagittarius serpentarius
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Ciconiidea (Storks):

Marabou	Leptoptilos crumeniferus
Jabiru or saddle-bill	Ephippiorynchus senegalensis
Sacred ibis	Threskiornis aethiopicus
Hadada	Hagedashia hagedash
Spotted breasted ibis	Lampribis rara
Goliath heron	Typhon goliath

Balearicidea (cranes):

Crowned crane	
Balearica pavonina	

Wildlife Resources Management Bill, 2014

Phasianidae (Game birds)

White breasted Guinea fowl

Agelastes meleagrides

Picathartidae

Bare headed rock fowl

Picathartes gymnocephalus

Sterninea

All terns

Wildlife Resources Management Bill, 2014

SECOND SCHEDULE

Section 19 (2) and 22(2)

The hunting, capturing or destroying of any species listed in this Schedule is absolutely prohibited between 1st August and 1st December in any year. The hunting, capturing or destroying of any young or adult accompanied by its young of any species listed in this Schedule is absolutely prohibited at all items.

SERIES A – MAMMALS

SCIENTIFIC NAME

Primata:

White collared mangabey	Cerocebus torquatus
Mona monkey	Cercopithecus mona
Spot nosed monkey	Cercopithecus petaurista
Green monkey	Cercopithecus aethiops
Patas monkey	Erythrocebus patas
Baboon	Papio anubis

Carnivora

Gambian mongoose	Mungos gambianus
Cusimanse	Crossarchus obscurus
(Long nose mongoose)	
Dwarf mongoose	Herpestes sanguinus
Marsh mongoose	Atilax paludinosus
White tailed mongoose	Ichenumia albicauda
Egyptian mongoose	Herpestes ichneumon

Lagomorpha:

Togo hare	Lepus capensis
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Rodentia

Crested porcupine	Hystrix sp.
Brush tailed porcupine	Artherurus africanus
Pel's flying squirrel	Animalurus peli
Flying squirrel	Animalurus spp.
Pygmy flying squirrel	Idiurus spp.
<i>Tree squirrels</i>	Heliosciurus sp.
	Funisciurus sp.
	Protoxerus stangeri
	Aethosciurus sp.
	Ground squirrels
	Xerus sp.

Wildlife Resources Management Bill, 2014

Giant rat (Pouched rat)

Cricetomys gambianus

Hyracoidea:

Tree bear

Dendrohyrax arboreus

Rock hyrax

Procavia capensis

Artiodactyla:

Warthog

Red River hog

Bush buck

Buffalo

Western hartebeest

Waterbuck

Kob

Oribi

Royal antelope

Black duiker

Bay duiker

Red flanked duiker

Red duiker

Maxwell's duiker

Gray duiker

Phacochoerus aethiopicus

Potamochoerus porcus

Tragelaphus scriptus

Syncerus caffer

Alcelaphus bucelaphus

Kobus defassa

Kobus kob

Ourebia ourebi

Neotragus pygmaeus

Cephalophus niger

Cephalophus dorsalis

Cephalophus rufitatus

Cephalophus natalensis

Cephalophus maxwelli

Sylvicapra grimmia

Chiroptera

Erinaceidae:

Hedgehogs

Erinaceus sp.

All bats

Atelerix sp.

Paraechinus sp.

Wildlife Resources Management Bill, 2014

SERIES B – REPTILES

SCIENTIFIC NAME

Ophidia:

African python	Python sabae
Royal python	Python regia

Chelonia:

Bell's hinged tortoise	Kinixys belliana
Common hinged tortoise	Kinixys sp.
Gaboon terrapin	Pelusios sp.
Marsh terrapin	Polemedusa subrufa
Soft shelled turtle	Trionyx triunguis

SERIES C – BIRDS

SCIENTIFIC NAME

Psittacidae:

All parrots

Columbidae:

All doves and pigeons

Musophagidae

All touracos and plantain eaters

Ploceidae:

All weavers, waxbills,
manikins, bishop birds, fire
finches, cordonbleus, whydahs
and canaries

SERIES C – BIRDS

SCIENTIFIC NAME

Phasianidae:

All francolins (bush fowl)	Francolinus sp.
Stone partridge (Stone bantam)	Ptilopachus petrosus
Quails	Coturnix sp.
All Guinea-fowls	Numida meleagris
	Guttera sp.

Wildlife Resources Management Bill, 2014

Otididae:

All bustards

Ardeotis arabs
Neotis denhami
Eupodotis senegalensis
Eupodotis melanogaster

Anatidae:

- | | |
|-----------------------------------|-------------------------|
| (a) Hartlaub's duck | Pteronetta hartlaubii |
| (b) White faced duck (wishiwishi) | Dendrocygna viduata |
| (c) Fulvous duck | Dendrocygna bicolor |
| (d) Pygmy goose | Nettapus auritus |
| (e) Knob billed goose | Sarkidiornis melanotos |
| (f) Egyptian goose | Alopochen aegyptiacus |
| (g) Spur winged goose | Plectropterus gambensis |

SERIES D

Other species of animals not specifically mentioned in any of the preceding series.

Date of *Gazette* notification: 4th December, 2014.

WILDLIFE RESOURCES MANAGEMENT BILL, 2014

MEMORANDUM

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

The current legislation that governs wildlife and protected areas, that is, the Wild Animals Preservation Act, 1961 (Act 43), the Wildlife Conservation Regulations, 1971 (L.I. 685) and the Wildlife Reserves Regulations, 1971 (L.I. 710) were enacted over forty years ago and are now deficient, regressive and outdated.

These laws predate both the 1874 and 1994 Wildlife Conservation Polices and do not address cardinal issues like community participation in wildlife management or the private sector involvement in the Wildlife industry. The name and terminology of the law is itself archaic and fails to recognise the new thinking in wildlife conservation. “Wild Animals Preservation” focuses on fauna and neglects flora and fails to give recognition to the fact that conservation of the habitat of wild animals is essential to the conservation of the animals. “Preservation” does not also reflect the current concept of wildlife management.

Furthermore, various international organisations to which Ghana belongs have published principles and guidelines on forest management which Ghana has endorsed and which are not reflected in the current legislation.

Hence this Bill seeks to bring our wildlife administration abreast with current management structures and best practice and to involve the various wildlife hosts communities in the management of wildlife resources.

The Bill also seeks to engage the private sector in wildlife development and management and to incorporate the provisions of the international conventions relating to wildlife that this country has ratified.

WILDLIFE RESOURCES MANAGEMENT BILL, 2014

Clause 1 to 4 of the Bill deals with ownership of wildlife, the implementation agency and the objects and functions of the agency with regards to wildlife.

Clause 1 states that the ownership of wildlife resources and products are vested in the President in trust for the people of Ghana. This is subject to the rights of persons granted licences or permits and communities granted authority over a defined Community Resources Management Area.

The Forestry Commission established under section 1 of the Forestry Act, 1999 (Act 571) is the implementing agency for the purposes of this Act, *clause 2*. The Commission is to discharge its duty through the Wildlife Division of the Commission.

Clause 3 spells out the objects of the Commission with regards to wildlife. The objects, among other things, are to establish, manage and support a system of protected areas with the aim of protecting samples of the major ecological communities of the country in a natural state. It is also to promote the sustainable use of wildlife, including the hunting and taking of wild animals and plants from protected areas and the internal and international trade in wildlife and wildlife products by ensuring the long term sustainability of the species found in or migrating through Ghana.

Clause 4 sets out the functions of the Commission in furtherance of the objectives.

Clause 5 provides for the Minister to establish a protected area by legislative instrument in consultation with the Division. The legislative instrument is to satisfy the conditions for compulsory acquisition of land under article 20 of the Constitution.

The objectives of a protected area are provided in *clause 6* and fall within the object of the Commission in relation to wildlife. The various categories of a protected area are specified in *clause 7*, whilst *clause 8* provides the guidelines for setting up the various types of protected areas.

WILDLIFE RESOURCES MANAGEMENT BILL, 2014

Clause 9 establishes the Division as the highest administrative authority for the management of protected areas and *clause 10* specifies the persons who are permitted to enter or reside in a protected area. Entry is limited to authorised employees of the Wildlife Division, persons entering for research purposes and inhabitants who are yet to be relocated.

Clause 11 prohibits a person from removing animals or plants from a protected area or from introducing animals or plants into a protected area without the authority of the Division. Prohibited activities which are inimical to the sustenance of a protected area are also specified.

Clause 12 provides for the establishment and composition of a Protected Area Management Advisory Board for each protected area and *clause 13* sets out the functions of the Board.

Clause 14 imposes an obligation on the Division in consultation with the Protected Area Management Advisory Board and other stakeholders to prepare a management plan for each protected area. A management plan requires the approval of the Commission before implementation.

A person whose action leads to damage or threat to a protected area is liable for the cost of removing the damage or averting the threat, *clause 15*. *Clause 16* to *18* is on management of wildlife outside a protected area. *Clause 16* provides for the establishment and management of a Community Resources Area Management or the CREMA. The functions of the Executive Committee of the CREMA and the role of the traditional authorities are specified in *clauses 17* and *18*.

Clause 19 to *24* deals with licences and permits. *Clause 19* provides for categories of protected animals and prohibits their capture or destruction without authority. *Clause 20* permits wildlife use rights with a permit granted by the Division. *Clause 21* prohibits the carrying out of activities specified in *clause 20* without a licence or permit. The types of licences and the processes for obtaining a licence from the Division are outlined in *clauses 22* and *23*. The power of the Division to suspend or revoke a licence is specified in *clause 24*.

WILDLIFE RESOURCES MANAGEMENT BILL, 2014

Clause 25 to 27 provides for management of wildlife in captivity. *Clause 25* permits a person who has the requisite licence to engage in captive breeding of wildlife or keep captive bred wildlife and outlines the conditions that are to be satisfied. *Clause 26* permits a person to engage in artificial propagation of wild plants for domestic or commercial purposes and sets out the conditions required for these purposes. *Clause 27* makes provision for the establishment and management of private and public zoological gardens and wildlife sanctuaries.

The provisions on international conventions are in *clauses 28 and 29*. *Clause 28* establishes the CITES National Management Authority and the CITES Scientific Authority. The Wildlife Division is specified as the National Management Authority whilst the National Scientific Authority is to be appointed by the Minister on the recommendation of the Commission. The objectives of CITES are set out in the First Schedule.

Clause 29 provides for the functions of the National Scientific Authority which is to advise the National Management Authority on issues of compliance with the CITES provisions, among other things.

Clause 30 to 42 deals with the administration and miscellaneous provisions. *Clause 30* provides for the office of the Executive Director of the Wildlife Division of the Forestry Commission as the head of the Division. The functions of that office are specified in *clause 31*. *Clause 32* enables the Minister in consultation with the Minister for the Interior and the Minister for Defence to train and equip paramilitary personnel of the Division for the performance of their duties under the Act.

A wildlife officer has the power to arrest a person for offences under this Act, *clause 33*. A person arrested is to be sent to the police station within forty-eight hours.

Clause 34 provides indemnity for an act done by a wildlife officer in good faith in the normal course of duty. A wildlife officer who does an act in good faith but which results in a criminal action is to be provided with legal assistance. *Clause 35* makes it an offence for a person to make a false or misleading statement or do anything that contravenes the Act.

WILDLIFE RESOURCES MANAGEMENT BILL, 2014

The power to make Regulations by legislative instrument and the issues for which subsidiary legislation is required are in clause 36.

Clause 37 is on interpretation and clauses 38 and 39 deal with transitional provisions and repeals and savings, respectively.

HON. NII OSAH MILLS
Minister for Lands and Natural Resources

Date: 13th November, 2014.