
**COLLOQUIUM ON INTEGRATING ENVIRONMENTAL
LAW TRAINING IN JUDICIARIES IN AFRICA**

**VENUE: INDABA HOTEL & CONFERENCE CENTRE,
FOURWAYS JOHANNESBURG, SOUTH AFRICA 25-27
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**SCOPE AND CONTENT OF ENVIRONMENTAL LAW
DEVELOPMENT AND EVOLUTION
DAY TWO, 26TH JANUARY 2017(SECTION IV 11-
12.30PM)**

The first law on environment law was said to have come into force in AD 80 to protect clean water for drinking in the city of Rome. Ghana enacted environmental crime laws to address sanitation in the 1870's and District Assemblies have since then been empowered to enact bye laws to regulate sanitation. District Courts in Ghana are seized with jurisdiction to entertain matters on sanitation which forms the bulk of environmental crime in the country. Some other environmental crimes contained in the Criminal Offences Act, 1960 (Act 29) include the offences on public nuisance such as hindering burial of a dead person, selling unwholesome food ; drumming and firing of guns without authorization; throwing rubbish in the street and keeping of rubbish in front of a house or premises.

Environmental law was developed to protect flora and fauna, climate and water bodies from the inimical acts of human beings which if measures were not taken to address would threaten the very existence of human beings on this earth. Farming must be encouraged to provide adequate food to feed human beings but measures shall be taken to ensure that the farming activities do not adversely affect the environment. Natural resources have been provided in their natural state and should be harnessed for the use of mankind but if the methods that are used to harness these resources are unchecked and controlled, its impact on the environment and flora and fauna would be disastrous. Human beings must develop through industrialization and it is not in doubt that industrialization poses serious threats to the environment through emission of polluted air, waste generation and storage. The very existence of human beings on earth depends on the environment but if our activities on the environment are not checked, a time may come that the negative effect of human beings on the environment will terminate the existence of human beings. Having identified the negative impact of the activities of human beings on the environment which is a threat to the existence of human beings, there was the need to develop environment law to control the negative impact of human beings on the environment such as the generation, treatment, storage, transportation and disposal of industrial waste; the control of waste discharges , emissions and other forms of pollutants and of substances which are potentially dangerous to the environment; the prevention of

discharge of all forms of waste into the environment and the prescription of guidelines relating to air, water, land and sound pollutions.

DEFINITION

The parameters of environmental law are difficult to define as everything on environment dovetails into the ambit of environmental law. All foreign materials which go into the space, air, land, water and rivers including noise that affect human beings and animals fall within the ambit of environmental law. In effect, anything that affects the environment comes under the domain of environmental law. These includes mining, fishing, noise making, burials of human beings and other mammals in particular places, emissions of air into the environment, any act that results in land degradation and any form of pollution into the air, land or space. However, an attempt has been made by environmentalists to define environment law as standards by governments to establish and manage resources and to ensure environmental quality.

CONCEPTS , PRINCIPLES AND TYPES OF ENVIRONMENTAL LAW

The basic concepts of environmental law are who did what, what did the person do, where did the person do it, when did the person did the act, why did the person do it and how did the person do the act. The concepts are normally referred to as who, what, where, when, why, how and thereabout. The basic concepts help to identify the person involved and the reasons for that person's act.

There are basic principles of environmental law such as nature

knows best and should be preserved, every form of life is important and must be protected, life is dependent on each other and therefore everything is connected to everything, nothing is stable as everything changes, everything must go somewhere, the earth we live on is finite, and God created nature and made it beautiful and nature is indeed beautiful and must be preserved. (**See the 7 Environmental Principles by Blogger 2010**)

In Ghana the basic types of environmental law are Command -and control legislations, (type of environmental harmful activity is determined and standards are set to prohibit that identified activity) , Environmental assessment mandates (the levels of environmental impact is identified, goals are set and a standard is set to determine it's viability) , Economic incentives (economic instruments are used to create incentives to protect the environment) and Setting aside schemes that is protecting land and waters in their natural state.

INTERNATIONAL AND DOMESTIC ENVIRONMENTAL LAWS

In Ghana, there is a clear distinction between international laws and domestic laws. International laws do not form part of the sources of law in Ghana unless they are either domesticated into Acts of Parliament or a resolution of Parliament is passed.(**See articles 11 and 75 of the Constitution of Ghana, 1992**).

EMERGING ISSUES IN LITIGATION

Emerging issues in litigation arising from environmental law include where to site industries, cemeteries, morgues, gas stations or Fuel Service Stations , illegal Use of Chemical, the use of Genetically Modified Crops in the country and illegal mining by

Ghanaians and foreigners mostly Chinese .

CLIMATE CHANGE

Climate change is a household word in Ghana but as a nation not much effort has been put in to address it. Discussion on it continues but the country alone cannot address it without the support of the countries who have contributed to the climate change.

PUBLIC INTEREST LITIGATION

There are public interest litigations which commence from the High Court. Most of them are on mining activities, where the miners fail to address environmental issues such as uncovered pits, the use of dynamite to cause harm to water bodies and the fishes and mammals living in them , mining under river beds and diversion of rivers which are the main source of drinking water for the people in rural communities and to some extent dams to provide drinking water for the people

CONCLUSION

Environmental law should not only be taught but there is the need to create awareness of the harmful effect environmental issues may have on the flora and fauna. The discussion on environmental issues shall be backed by the availability of money to train judges and magistrates to be well developed. Seminars alone do not help to address environmental issues but they must be backed by sponsorship of some of the topics in environmental law in the judicial training institutions by identifiable bodies. .

