

FOREWORD

LAW AND HUMAN ECOLOGY: A COMMONWEALTH PROJECT

Environmental safeguards, and the control and preservation of common requirements and amenities, often become effective only when given the sanction of the law. The technique of legislation is an important aspect of the accumulated experience of developed nations and civilisations; reflecting, in this instance, progress in the establishment of regulatory regimes and harmony between people in society and their environment.

In the present high-income countries the body of environmental law has evolved slowly and painfully, often as a response to abuses which had already occurred, until ultimately a comprehensive system of legislative control had been brought into operation.

The existence of these systems is of great relevance to the developing countries; for these countries are now rapidly embarking on the processes of urbanisation, industrialisation, and the commercial development of agriculture, which bring in train the environmental hazards already experienced - and to some extent countered - by the developed nations. In addition, the developing countries are experiencing unique problems which they are handling in ways of particular relevance to each other, and of importance to the rest of the world.

For these reasons, it is believed that an analysis of the existing environmental legislation of developing countries, together with an extraction from it of elements which would be immediately useful to others as models and guides, would be of great potential value. However, such is the volume and variety of this legislation that a complete analysis would be too formidable a task at this stage. The project therefore has been confined to the Commonwealth framework, which, while including within itself the full range of world problems encountered at all stages of economic and political development, has certain simplifying features in that each of the countries chosen will have in common membership of the British Commonwealth. This in turn means not only that their laws will be written in English, but that they will also be for the most part what the lawyer refers to as "common law" countries.

This must not be taken to imply, though, that they will all be operating exactly to the pattern of the English legal system: while they will, to a greater or lesser extent, reflect their common heritage in the English legal system, they are likely increasingly to reflect both their individual post-colonial national development - e.g. older legislation imposing penalties related to the pound sterling but recent legislation framed in relation to the State's own currency; and the wider influence of international pressures for the conservation of the environment. Such pressures result in International Conventions which both attract attention to problems which are not contained within national boundaries, and suggest the need for legislative standards. For example, the African Convention on the Conservation of Nature and Natural Resources 1968, had by

1984 been signed by twenty-eight African countries, including nine members of the Commonwealth. This Convention is primarily concerned with wildlife, but it also embraces the conservation of other natural resources, such as soil and water. Compliance with its requirements inevitably involves the signators in legislation; for example, under Article VII, the parties are required to manage aquatic environments whether in fresh, brackish, or coastal water, with a view to minimising deleterious effects of any water and land use practice which might adversely effect aquatic habitats.

The pilot study

Environmental aspects of water supply and control have been chosen for the pilot study, and a series of volumes devoted to these themes in Commonwealth countries is planned. Ghana, the first African Commonwealth Country to gain independence, is the initial volume in this series. Ghana fits well into the model of a developing country as outlined in this introduction: apart from having taken energetic steps to legislate on the issues of water supply and control, it is a party to the African Convention and, in compliance, has legislated (Legislative Instrument 710) to reclassify its 'Reserves' as 'Natural Parks', 'Strict Nature and Wildlife Sanctuaries' and 'Game Protection Reserves'. All persons are excluded from these Reserves except with the consent of the Chief Game and Wildlife Officer. Ghana is also obliged to legislate in compliance with the Article VII of the same Convention already referred to.