

UNMASKING THE PERPETRATORS OF ENVIRONMENTAL CRIMES IN AFRICA.

PRESENTATION BY SIR DENNIS ADJEI ON WORLD COMMISSION ON ENVIRONMENTAL LECTURES UNDER THE THEME: ENVIRONMENTAL RULE OF LAW IN AFRICA.

INTRODUCTION

Environmental matters reign supreme by the fact that human beings, animals, fishes and plants depend on the environment for their survival. A healthy environment produces healthy life for all the living creatures within that environment while unhealthy environment produces unhealthy creatures

The importance of safeguarding the national environment with the co-operation of other countries and international bodies has been recognized by the Constitution of Ghana, 1992; the supreme and fundamental law of Ghana. It provides thus:

The State shall take appropriate measures needed to protect and safeguard the national environment for posterity; and shall seek co-operation with other states and bodies for purposes of protecting the wider

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Courts as part of customary international law. The African Charter on Human and Peoples Rights known as the Banjul Charter which has a binding effect on the signatory countries also provides for a right to general satisfactory environment.⁴

A duty is imposed on every state to protect and preserve its environment for the living and posterity but greed and selfishness have defeated the importance of environmental rule of law. Who are behind the greed and the selfishness and cannot be exposed? To ensure that environmental rule of law does not exist on paper and we do not pay lip service to it, the perpetrators of environmental offences and crimes must be unmasked.

ENVIRONMENTAL ISSUES

Environmental pollution in Africa has been on the ascendency despite efforts by persons in authority to prevent or curb the menace. The use of fresh air which is to be enjoyed in its unadulterated state to keep mankind healthy has been seriously polluted through the activities of the same mankind. Is it not right to say that human beings are their own enemies? Air pollution affects every part of the continent and therefore all the living creatures within the continent are breathing and inhaling polluted air. Most of the countries in Africa and in particular Ghana depend on the sea and other river bodies for their fish intake. The pollution of the sea affects the use of the sea, the fish and mammals which are used to feed mankind and their domesticated and captive animals. Unregulated bush fires also pollute the environment and seriously affect river bodies, animals and plants. Trees and plants do not have access to escape bushfires and are seriously suffered forgetting that

FIGHT AGAINST ENVIRONMENTAL OFFENCES AND CRIMES

The Government of Ghana on assumption of office determined to curb illegal mining which is really a menace and set up a team of soldiers, police officers, the

furthermore, pollute the water bodies, air, underground water tables, land and the vegetation. At the end of the day, they smuggle the quantities of gold they mine back to their home country without the suffering countries benefitting from it.

POLITICAL WILL TO CURB THE MENACE

Are the arresting officers and the prosecutors for environmental offences up to the duties assigned to them by law to discharge? Do they account and how are they assessed?

Some politicians are deeply involved in the illegal activities which results in environmental pollution for their selfish gains but they are presumably above the laws of the land.

Marine pollution in Africa are principally caused by the ship owners and captains from Europe and the Western World. They cannot commit those offences in their continents without being punished but commit them in Africa with impunity.

All those involved in environmental offences are known but the political will to arrest and prosecute them is not there.

Africa may have one of the best laws on environmental pollution and institutions of higher learning where environmental laws are taught. Africa may have good structures on paper to fight environmental crimes but until the perpetrators are unmasked and strong political will is committed to abate the crime, the goals of environmental rule of law in Africa shall remain a nightmare.
