

Home Work per Criterion

The HOME WORK per Criterion consists of:

- Achieving compliance to the National Interpretation Guidance per criterion;
- Collection of international, national and local laws and regulations (i.e. Acts, Regulations, Performance Standards, etc.)
- Finding solutions for issues discussed during GNIWG 2.

Note:

- Every GNIWG member can give his view on each of the issues below. We have indicated where we expect certain organizations/GNIWG sub-groups to assist.
- Consultations that need to take place before GNIWG 3 are indicated. Suggestions are welcome.
- More relevant laws and regulations can be sent to Anke Massart (anke.massart@gmail.com): both the name of law/regulation and its content!

Criterion	NI Guidance, Issues Raised, Home Work	Responsible/Consultation needed
1.1	<p>No specific NI guidance.</p> <p>No laws on disclosure of information.</p>	-
1.2	<p>“For national interpretation, specific approaches to personal privacy safeguards, including any legal requirements, should be considered.”</p> <ul style="list-style-type: none"> ➤ No relevant laws concerning personal privacy safeguards? ➤ No legal requirements for disclosure of the documents stated? ➤ Laws concerning <u>land titles</u>: Do we have listed all relevant laws? ➤ Laws concerning public disclosure of <u>environmental, health and safety, social issues</u>? <ul style="list-style-type: none"> • <i>Environmental Assessment Regulations 1999 + Amendment 2002;</i> <i>Environmental Protection Agency Act 1994</i> 	<p style="text-align: center;">ALL</p> <p>Consultation with Lands Commission needed, especially concerning 1) recent Lands Commission Act 767 (2008), 2) procedure for calculation of compensation and other procedures concerning land valuation, 3) procedures concerning land registration, 4) feedback on customary rights.</p> <p>Assistance of COLANDEF to list other relevant laws concerning land.</p> <p>EPA, where is stated that the EMP should be publicly disclosed?</p> <p>EPA, please provide us with correct name of department deciding on the content of the</p>

	<ul style="list-style-type: none"> • Others? <ul style="list-style-type: none"> – Guidance: It was said to mention EMP in the guidance. The EMP is required by the EPA (Environmental Assessment Regulations 1999) but does it state that the EMP should be public? I can find public hearing throughout the application process. Is there an index of what should be stated in the EMP? 	<p>EMP. Therefore, 1) we can state that companies should contact this department before development of EMP; 2) we can proof that all the documents are included in EMP.</p>
2.1	<p>“For national interpretation, all relevant legislation should be identified, and any particularly important requirements identified. Contradictions and inconsistencies should be identified and solutions suggested.”</p> <ul style="list-style-type: none"> ➤ International and national legal register is being developed. ➤ Where to find all international laws ratified in Ghana? ➤ Collect all Performance Standards of measurable indicators that are used in Ghana (i.e. water, air, etc.) for comparison with International Standards. 	<p>Legal councils of various NIWG members.</p> <p>Consultation EPA, Ghana Standards Board, Water Resource Commission, Energy Commission,...</p>
2.2	<p>“For national interpretations, any customary land use rights or disputes which are likely to be relevant should be identified.”</p> <ul style="list-style-type: none"> ➤ Assistance needed with the definition of “customary rights / customary land use rights”. ➤ Can we identify any customary land use rights/disputes which are likely to occur? 	<p>Consultation: Lands Commission</p>

<p>2.3</p>	<p>“For national interpretations, any commonly encountered situations should be identified.”</p> <ul style="list-style-type: none"> ➤ Any commonly encountered situations? <p>Note: How about customary rights such as “No farming on Tuesdays” vs. “Local festivals”. What does the Ghanaian law say about these types of customary rights?</p> <p>Definition needed of customary rights.</p> <p>Can negotiation (FPIC) resolve such issues?</p>	<p style="text-align: center;">Consultation: Lands Commission</p>
<p>3.1</p>	<p>No specific NI guidance.</p> <p>Note: Confusion on the terms “Economic viability” and “Financial viability”. The principles seems to cover only short term view (i.e. financial viability), rather than the long term view (i.e. economic viability). Financial viability (expenses and revenues => profit or loss) seems covered by presenting and implementing a business plan. However, economic viability looks also at e.g. import protection, subsidies, etc.</p>	<p style="text-align: center;">Consultation RSPO Criteria Working Group as we cannot change the principle nor the criteria text.</p>
<p>4.1</p>	<p>“For national interpretation, national codes of practice or Best management practices (BMPs) should be referenced.”</p> <ul style="list-style-type: none"> ➤ Are there any national codes adopted of e.g. Good Agricultural Practices? 	<p style="text-align: center;">Consultation MOFA on GAP/BMP.</p>
<p>4.2</p>	<p>-</p>	<p style="text-align: center;">-</p>
<p>4.3</p>	<p>“National interpretation should refer to national guidance, and identify the best management practices and appropriate techniques for maintaining soil quality in local conditions, including guidance on soil types, and any appropriate performance</p>	

	<p>thresholds, such as maximum acceptable slope gradient for planting.”</p> <ul style="list-style-type: none"> ➤ Finalize reference to documents and soil suitability maps. ➤ Any laws related to soil conservation;; e.g. <i>Land Planning and Soil Conservation Act 1953, National Land Policy 1999. The latter one contains a list of land and natural resource laws and regulations. Others?</i> 	<p style="text-align: center;">Further consultation:</p> <p style="text-align: center;">CSIR: Soil Science Department or Soil Research Institute</p> <p style="text-align: center;">Concerning laws, regulations, guidelines, maps available (topography and suitability).</p>
<p>4.4</p>	<p>“National interpretation should refer to national guidelines or best practice and where appropriate include performance thresholds for requirements such as the size and location and methods of restoration of riparian strips or acceptable maximum runoff levels.”</p> <ul style="list-style-type: none"> ➤ Assistance from Water Resource Commission to collect the correct laws, regulations and performance standards! (<i>E.g. WRC Act 522, Water Use Regulations LI 1692, Ghana Water and Sewage 1965, Drilling License and Groundwater Development Regulations, 2006 LI 1827, National Irrigation Policy, National Water Policy, Irrigation Development Authority Act</i>), Others? ➤ Water Resource Commission: What should be included on the water management plan? (abstraction, consumption (domestic, agricultural, industrial (water per ton FFB), water quality (effluent discharge, drinking water, streams coming in and going out of the plantation), run-off and rainfall.) 	<p style="text-align: center;">Consultation Water Resource Commission especially to discuss: 1) legislation, 2) National Water Policy, 3) other institutions Ghana Irrigation Development Authority, Ghana Water Company Ltd., Community Water and Sanitation National Program and Ministry of Rural Development.</p>

	<ul style="list-style-type: none"> ➤ What are the laws and regulations: effluent (EPA standard ?, water quality standards? Does Ghana have ratified standards or will the NI state international standards? ➤ Standard needed for POME land application. 	<p>EPA</p>
<p>4.5</p>	<p>“National interpretation should provide further guidance on what practices are most appropriate for a particular country, and where needed, on practices which are appropriate to smallholders.”</p> <ul style="list-style-type: none"> ➤ National laws concerning Integrated Pest Management? (OPRI, EPA) <p>Kindly add:</p> <ul style="list-style-type: none"> ➤ Hooking of <i>Oryctes</i> beetles ➤ Checks of leaf miner ➤ Chemical treatment of leaf miner (what chemicals are registered by EPA?) ➤ 	<p>Consultation OPRI and ARC: are there any IPM guidelines?</p>
<p>4.6</p>	<p>“National interpretation should consider: statutory requirements concerning pesticide use, lists of legally prohibited agrochemicals, agrochemical residues that should be tested for and the appropriate levels of residues, and best management practices for pesticide use or sources of information on these.</p> <ul style="list-style-type: none"> ➤ EPA: provide GNIWG members with the latest list of registered chemicals and compare list with international classifications. ➤ EPA: laws and regulations concerning use of pesticides, disposal of chemical containers and obsolete chemicals, etc. (<i>Pesticides Act 528</i>). Others, like sale of drugs/poisons, Food regulations (residue), etc.? 	<p>Consultation MOFA and EPA: 1) pesticide register, 2) responsibilities of departments involved; 3)ratified international laws, 4) disposal of containers; 5) guidelines for storage and handling; 6) obsolete chemicals.</p> <p>Check on status of National Sanitation Policy (Ministry of Rural Dev) concerning disposal of pesticide containers as they are part of solid waste.</p>

<p>4.7</p>	<p>“For national interpretation, all legal requirements together with any local or national guidance on safe working practice in agriculture should be identified and used. It will also be important to identify what constitutes a ‘hazardous’ operation in the local context.”</p> <ul style="list-style-type: none"> ➤ Factories, Offices and Shops Act. ➤ OHS act? Other guidelines? 	<p>Consultation with GAWU on the existence of an OHS guideline next to the Factories, Office and Shops act?</p>
<p>4.8</p>	<p>Legislation on training: mentioned in Labour Act. Not really in Factories, offices and shops act.</p>	<p>Consultation with GAWU on the existence of guideline for training of employees.</p>
<p>5.1</p>	<p>-</p>	<p>-</p>
<p>5.2</p>	<p>For national interpretation, appropriate sources or information include government or international lists of threatened species (‘red data lists’), national wildlife protection legislation, authorities responsible for protected areas and species, or relevant NGOs.</p> <ul style="list-style-type: none"> ➤ Legislation listed complete? ➤ Toolkit HCV for Ghana 	<p>Consultation GWS and WWF to ensure that 5.2 covers the local situation.</p>
<p>5.3</p>	<p>National interpretation could include, as appropriate: details or relevant national laws or policies, a list of waste types which must be considered, any types of disposal which are not acceptable (e.g. untreated waste water may not be discharged directly into streams or rivers-refer to criterion 4.4), existing best practice guidelines on recycling and re-use of nutrients, managing effluent ponds, increasing mill extraction efficiency and appropriate disposal of wastes.</p>	<p>Consultation with EPA and Ministry for rural development (national sanitation policy).</p>
<p>5.4</p>	<p>No specific guidance.</p>	<p>Consultation with Energy Commission as</p>

	<ul style="list-style-type: none"> ➤ Legislation concerning energy generation, use of energy, etc. 	there no regulations or policies were found.
5.5	<p>National interpretation should identify any specific situations where such use of fire may be acceptable, for example through reference to “Guidelines for the implementation of the ASEAN policy on zero burning’, or comparable guidelines in other locations.</p> <ul style="list-style-type: none"> ➤ Legislation is listed in second draft. ➤ National Wildfire Policy also included. ➤ However, no clear indication on when fire can be used. 	Consultation with National Fire Service and MOFA to determine when fire can be used (e.g. phytosanitary).
5.6	<p>No specific guidance.</p> <ul style="list-style-type: none"> ➤ Pollution prevention laws and regulations? ➤ Air emissions, air quality standards? National or international? 	Consultation with EPA on the fact that criterion 5.6 is sufficiently included in EMP or not.
6.1	-	-
6.2	<p>National interpretation should consider issues such as appropriate levels of consultation and the types of organizations or individuals that should be included.</p> <p>⇒ Are there any existing <u>guidelines for appropriate communication and consultation?</u></p>	ALL
6.3	No specific guidance.	/
6.4	Procedure for calculation of compensation when acquiring land.	Consultation with Lands Commission.
6.5	<p>No specific guidance.</p> <ul style="list-style-type: none"> ➤ Decent Living Wage studies? Who responsible? ➤ National Minimum (tripartite committee)? 	Labour forum to be organized in February or March.

	<ul style="list-style-type: none"> ➤ Standard for housing of workers? 	
6.6	<p>No specific guidance.</p> <ul style="list-style-type: none"> ➤ Collective Bargaining, Unions. 	Labour forum to be organized in February or March.
6.7	<p>No specific guidance.</p> <ul style="list-style-type: none"> ➤ Child labour vs child work: Learn from cocoa experience ➤ Legal minimum age? ➤ Can GEA assist? 	Labour forum to be organized in February or March.
6.8	<p>No specific guidance.</p> <ul style="list-style-type: none"> ➤ Check laws concerning migrant workers. ➤ Other laws, regulations or guidelines concerning discrimination? 	Labour forum to be organized in February or March.
6.9	<p>No specific guidance.</p> <ul style="list-style-type: none"> ➤ Check upon laws concerning breastfeeding. 	Labour forum to be organized in February or March.
6.10	-	-
6.11	-	-
7.1	-	
7.2	National interpretation should specify the local or national code of practice or other guidelines that should be followed; or set out what 'good practice' constitutes within the local and national context.	<p>Further consultation:</p> <p>CSIR: Soil Science Department or Soil Research Institute</p>

7.3	- There is a National Interpretation of the Toolkit for HCV assessment in Ghana.	-
7.4	-	Further consultation: CSIR: Soil Science Department or Soil Research Institute
7.5	No specific guidance.	/
7.6	No specific guidance.	/
7.7	-	-
8.1	-	-