

## Ghana

**Country:** [Ghana](#) [1]

**EIA Law:** The Environmental Protection Agency Act, 1994

**Law Link:** [Link](#) [2]

**EIA Regulations:** Environmental Assessment Regulations, 1999

**Regulations Link:** [Link](#) [3]

**Projects Requiring EIA:** Government projects

Private Projects

**Abridged Assessments:** Yes

**Assessment Detail:** "Where the Agency upon consideration of an application decides that there is the need for a preliminary environmental assessment to be submitted in respect of the application, the Agency shall request the applicant to submit [it] . . . ." EA Regulations sec. 9. If after reviewing the preliminary environmental assessment the Agency is satisfied that a significant adverse environmental impact is likely to result from the activities . . . the applicant shall be asked to submit an environmental impact statement. EA Regulations sec. 9

**Best Practices in Lieu of EIA:** No

**Who Conducts Screening:** Government

**Who Conducts Screening Detail:** "The Agency shall on receipt of an application and any other relevant information required, as an initial assessment, screen the application . . . ." EA Regulations sec. 5. The Agency shall issue a screening report on the application. EA Regulations sec. 6

**Criteria for Screening:** List or appendix of project or activity types

Proposed project or activity may cause significant environmental impact

**Criteria for Screening Detail:** The Agency has authority to request an EIA from any person responsible for an activity that may have adverse effect on the environment. EPA Act sec. 12(1); EA Regulations sec. 3 + Schedule 1

**Who Prepares EIA:** Project Proponent (with or without contractor)

**Who Prepares EIA Detail:** "[T]he applicant shall submit an environmental impact statement in respect of the proposed undertaking . . . ." EA Regulations sec. 10(1)

**Who Pays for EIA:** Project Proponent

**EIA Contractor Qualifications:** No

**Conflict of Interest:** No

**Terms of Reference:** Yes

**Terms of Reference Detail:** "The draft terms of reference shall stipulate that the environmental impact statement on the proposed undertaking will deal with matters including the following [listing contents of statement]." EA Regulations sec. 12

**Days for Decision Maker Review:** 90 days except in situations where a public hearing is held. EA Regulations sec. 20

**Automatic Approval:** No

**Written Decision:** Yes

**Written Decision Detail:** "Where an environmental impact statement is acceptable to the Agency this shall be communicated in writing...and the requisite environmental permits shall be issued to the applicant." EA Regulations 19.

**Authority to Impose Conditions:** No

**Authority to Impose Conditions Details:** No authority to impose conditions is expressly contained in Law or Regulations.

**Expiry of Decision:** 18 months

**Expiry of Decision Detail:** EA Regulations sec. 21(1)

**Financial Assurances or Bond:** Yes

**Financial Assurances Detail:** "An environmental impact statement for mining and other extractive industry shall include reclamation plans." EA Regulations 14(1). "An undertaking in respect of which a reclamation plan is required shall be required to post a reclamation bond based on approved work plan for reclamation." EA Regulations sec. 23

**Interdisciplinary Team:** No

**Range of Alternatives:** Yes

**Range of Alternatives Detail:** EA Regulations sec. 12(c)

**No Action Alternative:** Yes

**No Action Alternative Detail:** "The draft terms of reference shall stipulate that the environmental impact statement

on the proposed undertaking will deal with...(c) alternatives to the undertaking including alternative situations where the undertaking is not proceeded with." EA Regulations, sec. 12(c).

**Type(s) of Impact Analysis:** Direct environmental impacts

Social impacts

Cultural impacts

Health impacts

Economic impacts

Other

**Mitigation:** Yes

**Mitigation Detail:** EIS must include "proposals to mitigate any potential negative socio-economic, cultural and public health impacts on the environment." EA Regulations 12(h). Project proponent must submit an environmental management plan to the Agency within 18 months of commencing operations and thereafter every three years. The plan shall set out steps to manage any significant environmental impact that may arise from the project. EA Regulations sec. 24

**Monitoring Plans:** Yes

**Monitoring Plans Detail:** EIS must include "proposals to be developed to monitor predictable environmental impact and proposed mitigating measures. EA Regulations sec. 12(i). permit holders must submit a management plan & annual environmental report. Reg. 24

**Public Notice of Draft EIA:** No

**Draft EIA Available:** No

**Draft EIA Locations:** Not available

**Public Notice of Final EIA:** Yes

**Public Notice of Final EIA Detail:** When it receives an EIS, the Agency shall "publish for 21 days a notice . . . of the environmental impact statement in the mass media. . . ." EA Regulations sec. 16(2)

**Final EIA Available:** No

**Final EIA Available Detail:** The Agency appears to have discretion whether to make the EIS (or parts of the statement) available to the public. It shall "post at appropriate places such parts of the environmental impact statement as it considers necessary." EA Regulations sec. 16(2).

**Final EIA Locations:** Agency or ministry office

**Fee to View EIA Documents:** No

**Fee to Obtain EIA Documents:** No

**Availability of Reference Studies:** No

**Public Notice of Final Decision:** No

**Public Scoping:** Yes

**Public Scoping Detail:** Project proponent must make scoping report available for inspection by the general public in the locality of the proposed project. EA Regulations sec. 15.

**Public Review of TOR:** No

**Public Participation Opportunities:** Scoping

Public Meetings and/or public hearings

Review of final EIA

**Public Meetings:** Sometimes

**Public Meetings Detail:** Public hearings are held under certain circumstance - if there is "great adverse public reaction" to the proposed project; the project will involve dislocation, resettlement, or relocation of communities; or the Agency considers that the undertaking could have extensive and far reaching effect on the environment. EA Regulations sec. 17

**Public Input at Meeting:** Yes

**Public Input at Meeting Detail:** The public hearing panel "shall hear such persons and bodies that will make submissions to it . . ." EA Regulations sec. 17(5)

**Criteria to Hold Public Meeting:** The proposed project is controversial

**Days for Public to Review Final EIA:** unspecified

**Public Comments on Draft EIA:** No

**Public Comments on Final EIA:** Yes

**Public Comments on Final EIA Detail:** EA Regulations sec. 16(4).

**Response to Public Comments:** Yes

**Response to Public Comments Detail:** Panel conducting public hearing on proposed project "shall consider all submissions made to it and make its recommendations in writing to the Agency . . ." EA Regulations sec. 17(5)

**Facilitation of Public Participation:** No

**Citizen Administrative Review:** Yes

**Citizen Administrative Review Detail:** Any person aggrieved by a decision or action of the Agency may submit a

complaint in writing to the Minister of the Environment within 30 days of the complainant becoming aware of the the decision or action to which the complaint relates. EA Regulations sec. 27

**Citizen Judicial Review:** No

**Project Monitoring:** Yes

**Project Monitoring Detail:** Project proponent must submit an annual environmental report (starting 12 months after commencing operations). EA Regulations sec. 25(1)

**Enforceability of EIA:** No

**Enforceability of Permit:** No

**Days for Public to Review Draft EIA:** 0

Modified: October 25th, 2019

**Source URL:** <https://elaw.org/eialaw/ghana>

### Links

[1] <https://elaw.org/countries-and-regions/ghana>

[2] <http://www.epa.gov.gh/ghanalex/acts/Acts/ENVIRONMENTAL%20PROTECTION%20AGENCY%20ACT%201994.pdf>

[3] <http://www.epa.gov.gh/ghanalex/acts/Acts/ENVIRONMENTAL%20ASSESSMENT%20REGULATION,1999.pdf>