

MANZAN SUB-HOTSPOT INTERVENTION AREA
BIA WEST DISTRICT
BYE-LAWS 2020

In exercise of powers conferred on the Forestry Commission as established by Forestry Commission Act, 1999 (Act 571), and the Ghana COCOBOD - under Ghana Cocoa Board Law, 1984, (PNDC. L.81) and, in line with Municipal Assemblies Bye-Law Section 181 of the Local Government Act, 2016 (Act, 963), and Local Government (Department of Municipal Assemblies (commencement) Instrument, 2009 L.I. 1961 Section 9, these Bye-Laws are hereby made as follows:

Title: MANZAN Sub-HIA BYE-LAWS, Bia West District Assembly Management and Protection of Hotspot Intervention Area (Bye-Laws, 2020).

These Bye-Laws shall apply within Manzan Sub-Hotspot Intervention Area (hereinafter called Manzan Sub-HIA) in the Bia West District (hereinafter called the Assembly) within the Juaboso-Bia Hotspot Intervention Area (hereinafter referred to JB HIA).

Part 1: Jurisdiction and Application of Bye-Laws

Establishment of Manzan Sub-HIA

Juaboso-Bia landscape is designated as Hotspot Intervention Areas (HIA) based on predominance of cocoa production, area of forests under threat, and presence of major stakeholders. It adapts a well-established Community Resource Management Area (CREMA) model for purposes of inclusive landscape governance. The adapted model is structured into a three-tier governance structure to involve communities, cocoa farmers, landowners and traditional authorities who live within, and preside over the HIA.

- o The first tier which forms the basis of the HIA governance structure is made up of community governance structures representative of all identifiable or interest groups in each respective community. Same as or similar to Community Resource Management Committee (CRMC), this structure is built on existing community governance and decision-making structures and is tasked with the implementation or enforcement of HIA management decision within the respective communities.
- o The second tier is composed of grouping or clustering of CREMAs and/or non-CREMA communities into Sub-HIAs depending on number of communities within a defined geographical area i.e. fit within a well-defined parameter. This tier has representation from all communities within a grouping or cluster and serves as bridge between the first tier and the third tier.
- o The third tier have representation of all second-tier structures to form a HIA Management Board. This tier is recognised as the aggregated community representation of the entire HIA and is responsible for all HIA management decisions.

Under GCFRP, the JB HIA is demarcated into six Sub-HIAs with one being the Manzan Sub-HIA. The Manzan Sub-HIA is guided by a constitution, and is headed by an executive committee elected through free and fair elections, and with gender considerations that ensured representation of marginalised groups. As stakeholders (chiefs, queen mothers, assembly members, farmers, etc.) in constituent communities of this Sub-HIA, we have organised ourselves to collectively adopt climate smart cocoa production, sustainable natural resource management and conservation practices in our land use and livelihood activities. The aim is to establish a climate-smart cocoa sub-landscape with the intention to transform cocoa farming methods and landscape conservation measures for creating positive and sustainable environmental practices. It is envisaged that, encroachment into forest reserves will cease, and the off-reserve areas will retain significant patches of secondary forest, old forest fallows and relic cocoa agro-forests.

Application of Bye-Laws

The land area, and constituent communities within which these Bye-laws shall apply are specified in Annex I as also contained in the Constitution, and hereby established and designated as Manzan Sub-Hotspot Intervention Area (Sub HIA).

These Bye-Laws shall be in accordance with Forest Protection (Amendment) Act, 2002. Act 624, Timber Resources Management Act 617 (Amendment) Act, 2002, Wild Animals Preservation Act, 1961 (Act 43), the Timber Resource Management and Legality Licensing Regulations, 2017 L.I. 2254, Manual of Procedures – Forest resource Management Planning (Section F) – Controlled Timber Production off Reserve, 1988, the Riparian Buffer Zone Policy for Managing Fresh Water Bodies in Ghana, 2011 and in fulfilment of Collaborative Forest Management Strategies, Forest & Wildlife Policy (2012), as well as environmentally related customary rules and practices specific to the Manzan Sub-HIA.

These Bye-Laws shall give legal backing to the constitution of the Manzan Sub-HIA. It shall empower leadership of the Sub-HIA i.e. SHEC to enforce any rules and regulations of the Sub-HIA as spelt out in the constitution.

Part 2. Prohibitions, Permissions and Sanctions

2.1 Climate Smart/Sustainable Cocoa Production

2.1.a Prohibitions

2.1.a.1 Production, Sale, Distribution and Use of COCOBOD unapproved cocoa agro-chemical(s) (weedicides, pesticides, fertilizers, etc.) shall not be allowed within the Sub-HIA.

2.1.a.2 No cocoa farmer or their affiliate associations shall resist or exclude themselves from any Government or COCOBOD initiated rehabilitation or renovation of diseased and/or overaged cocoa farms within the Sub HIA.

2.1.a.3 New cocoa farms shall not be established in any recognised national park, or forest reserve, except in admitted farms.

2.1.a.4 Expansion of farms (admitted farms) into forest reserves shall not be allowed within the Sub HIA.

2.1.a.5 Existing illegal cocoa farms in forest reserves shall not be allowed to continue to exist and expand in the Sub HIA.

2.1.a.6 Selling and Buying of fresh or undried cocoa beans shall not be allowed within the Sub-HIA.

2.1.a.7 Cocoa farmers shall not sell cocoa beans to any individual or groups or entities except certified LBCs within the Sub-HIA.

2.1.a.8 The use of fire or slash and burn method shall not be adopted in the preparation of land for cocoa farm under rehabilitation or renovation within the Sub HIA.

2.1.a.9 Child labour in any form shall be solicited, used or allowed within the Sub-HIA.

2.1.b Permissions

2.1.b.1 Weed control in cocoa farms shall be done primarily by weeding within the Sub-HIA.

2.1.b.2 Where available, only COCOBOD certified weedicides may be used for weeds control and management in cocoa farms.

2.1.b.3 All cocoa farmers in the Sub-HIA shall endeavour to plant 8-9 COCOBOD recommended shade trees per acre in their cocoa farms.

2.1.b.4 All cocoa farmers shall procure/receive/accept and plant only improved cocoa seedlings in the establishment of new or rehabilitation of cocoa farms.

2.1.b.5 Cocoa farmers may initiate, and rehabilitate their diseased or aged cocoa farms within the Sub-HIA but by adhering to COCOBOD recommended rehabilitation practices.

2.1.b.6 The use of fire shall only be allowed in farm preparations within the Sub-HIA under the guidance and supervision of GNFS officers of community fire volunteer squad.

2.1.c Offences/Sanctions

2.1.c.1 Any person, group or entity that violates section 2.1.a.1 will be reported by the SHEC to COCOBOD, EPA, and Ghana Police Service for arrest and prosecution.

2.1.c.2 Farmers or association of farmers found of violating section 2.1.a.2 will be exempted or denied access to any government and/or private sector incentives for climate smart cocoa production.

2.1.c.3 Offenders of section 2.1.a.3, 2.1.a.4, and 2.1.a.5,
o will be reported by SHEC to FC for arrest and prosecution.
o the SHEC shall support the FC to destroy such illegal farms in recognised forest reserves.

2.1.c.4 Farmers or individuals who found culpable of sections 2.1.a.6 and 2.1.a.7 shall be

- o reported to the appropriate traditional authority for query, and fine if the item in question (fresh cocoa beans) was genuinely produced.
- o if item in question (fresh cocoa beans) is found to be stolen, culprits shall be reported to the GPS by the SHEC for arrest and prosecution.

2.1.c.5 LBCs that violate section 2.1.a.6 and 2.1.a.7

- o will be reported to Quality Control Unit by the SHEC for appropriate sanctions.
- o depending on gravity of offence, an LBC may be ceased from buying cocoa in the sub-HIA by the SHEC and appropriate traditional authority.

2.1.c.6 Farmers who violate section 2.1.a.8 and 2.1.a.9 shall be reported to the appropriate traditional authority by the SHEC for appropriate sanctions to apply.

2.2 Forest Resource Protection

2.2.a Prohibitions

2.2.a.1 Farms under Modified Taungya System (MTS) shall not exist beyond the stipulated number of years i.e. 3 years as allowed for under the MTS guidelines.

2.2.a.2 Use of fire or burning for whatever purpose shall not be allowed in any recognised forest reserve within the Sub-HIA.

2.2.a.3 Illegal logging shall not be allowed in any recognised forest reserve, in off-reserve areas and on-farm.

2.2.a.4 Economic/commercial activities involving the use of processing plants or machinery shall not be allowed or sited or operate in recognised forest reserve.

2.2.a.5 Gathering of NTFPs in commercial quantities without permit from FC (WD or FSD) shall not be allowed within the Sub HIA.

2.2.b Permissions

2.2.b.1 SHEC shall collaborate with FC, and other interested stakeholders to rehabilitate degraded areas of state owned forest reserves in the Sub-HIA.

2.2.b.2 Permitted or legal logging shall be done with minimal destruction of other tree species, and all logging operations shall be monitored by SHEC in collaboration with the FC-FSD to ensure conformity with logging guidelines.

2.2.b.3 Residents will require the permission from the SHEC to harvest 1-3 timber trees owned and managed by the SHEC, but for domestic use only.

2.2.b.4 Farmers and landowners within the Sub-HIA can plant, nurture naturally occurring trees, own and harvest same with prior knowledge and permission of the SHEC and FC-FSD.

2.2.b.5 The SHEC shall collaborate with relevant stakeholders to facilitate the registration of trees (planted or naturally occurring).

2.2.b.6 Cocoa and Forest related companies working within the Sub-HIA shall adhere to, and deliver on their commitments on co-operate social responsibilities.

2.2.c Offences/Sanctions

2.2.c.1 Violation of section 2.2.a.1 shall call for destruction of such farms/crops by the FC supported by the SHEC.

2.2.c.2 Offenders of section 2.2.a.2 shall be reported to FC-FSD, WD and GNFS by the SHEC for appropriate sanctions to be applied.

2.2.c.3 Offenders of section 2.2.a.3 related to planted or nurtured trees on-farm will:

- o have their equipment and logs or lumber ceased by the SHEC and disposal of same determined thereof.
- o where such act results in crop or farm damage, culprits shall pay a jointly agreed compensation to farmers.
- o where such act occurs on fallow lands, culprits shall also be made to plant 10 trees in place of one tree illegally logged.

2.2.c.4 Offenders of section 2.2.a.3 related to trees on-reserve will:

- o be reported to FC-FSD or WD for appropriate sanctions to be applied.

2.2.c.5 Violation of section 2.2.a.4 will attract closure and seizure of equipment either solely or jointly by the SHEC/Community, FC FSD and WD and disposal of such equipment determined thereof.

2.2.c.6 Contravention of section 2.2.a.5 will attract seizure of NTFPs collected by offenders either solely or jointly by the SHEC/Community, FC FSD and WD, and disposal of such NTFPS determined thereof.

2.3 Water Resource Protection

2.3.a Prohibitions

2.3.a.1 Farming in, or along stipulated buffer zones of water resources within the Sub-HIA shall not be allowed.

2.3.a.2 Unapproved fishing methods including the use of poisonous chemicals and complete draining of water bodies shall not be allowed within the Sub-HIA.

2.3.a.3 Prospecting or Testing for minerals, and Mining activities shall not be allowed inside any water resource in the Sub HIA.

2.3.a.4 Commercial activities such as car washing bays, and fuel stations shall not be set up or sited inside or within the buffer zone of water resources within the Sub HIA.

2.3.a.5 Any form of water pollution that threatens life shall not be allowed within the Sub-HIA.

2.3.b Permissions

2.3.b.1 Fishing can be done using simple/approved fishing materials i.e. hook and line, nets, etc.

2.3.b.2 Farming can be done along water resources but outside dedicated buffer area i.e. 15 meters.

2.3.b.3 Sand winning shall be done but outside dedicated buffer zone of water resources.

2.3.b.4 The SHEC shall collaborate with relevant bodies to develop buffer zones around water resources within the Sub-HIA.

2.3.c Offences/Sanctions

2.3.c.1 Offenders of section 2.3.a.1 shall replant trees to replace the damaged vegetation under authority of the appropriate traditional authority.

2.3.c.2 An individual or entity that violates section 2.3.a.2 in a;

- o stream/pond shall be reported to the appropriate traditional authority for appropriate sanction to apply.
- o river shall be reported to GPS, EPA for arrest and prosecution.

2.3.c.2 Offenders of section 2.3.a.3 will have their equipment seized by the SHEC/community and disposal of same determined thereof.

2.3.c.2 For violation of section 2.3.a.4;

- o first time offenders will be cautioned by the appropriate traditional authority and the SHEC to cease any activity in the buffer zone.
- o serial offenders will be reported to the EPA and DEHD for appropriate sanctions to apply

Offenders of section 2.3.a.5 will be reported by the SHEC to the appropriate state institution or traditional authority for sanctioning.

2.4 Mineral Resource Protection

2.4.a Prohibitions

2.4.a.1 Pre and Post mining activities i.e. legal and illegal including prospecting/testing shall not be allowed within the Sub HIA.

2.4.c Offences/Sanctions

2.4.c.1 Equipment belonging to offenders of section 2.4.a.1 will be seized by the SHEC/Community(ies) in collaboration with the relevant traditional authorities, Ghana Police Service and disposal of such equipment determined thereof.

2.5 Wildlife Management and Protection

2.5.a Prohibitions

2.5.a.1 Individuals, households or groups within the sub-HIA shall not, and/or support other persons to hunt or trap wildlife in the Bia National Park.

2.5.a.2 Hunting or setting wildlife traps shall not allowed during closed hunting season (1st August - 31st December) both in on and off reserve areas.

2.5.a.3 Individuals or groups shall not carry any weapon (guns) capable of harming or killing wildlife in any established recognised forest reserve in the closed hunting season.

2.5.a.4 Poaching shall not be allowed within the Sub-HIA.

2.5.a.5 Hunters (permitted and unpermitted) shall not use fire for hunting during the dry season.

2.5.a.6 Group hunting shall not be allowed in any part of the Sub-HIA.

2.5.b Permissions

2.5.b.1 Only Wildlife Staff or Guards may carry weapons (guns) in forest reserve or protected areas during closed hunting season.

2.5.b.2 HIA patrol teams (CRMCS, CEC, SHEC) shall only carry simple tools (cutlass) to ease their movement during routine monitoring but with prior knowledge of FC-WD.

2.5.b.3 Only persons who have obtained permit from the FC-WD will be allowed to hunt within the Sub HIA in the open hunting season.

2.5.c Offences/Sanctions

2.5.c.1 Offenders of section 2.5.a shall be reported by the SHEC to the respective traditional authority and the FC-WD for appropriate sanctions to apply.

- o SHEC acting solely or jointly with the respective traditional authority, FC-WC shall cease offenders' equipment and game, and the disposal of ceased items determined thereof.

2.6 Bush Fires -Use and Prevention

2.6.a Prohibitions

2.6.a.1 No individual or groups of individuals shall set fire in recognised forest reserve, or protected areas within the Sub-HIA.

2.6.b Permissions

2.6.b.1 Use of fire for farm preparation or slash and burn must be done under the guidance or supervision of community fire volunteer or an officer of GNFS.

2.6.b.2 A person or farmer who uses fire for farm preparation within the Sub HIA must ensure that the fire does not extend to other farms or areas.

2.6.b.3 In case of fire outbreak(s), the community and fire volunteers may initiate action to contain and/or quench the fire.

2.6.c Offences/Sanctions

2.6.c.1 Offenders of section 2.6.a.1 shall be reported to the FC-WD, FSD, GNFS and GPS for appropriate sanctions to apply.

2.6.c.2 Offenders of section 2.6.a.2 shall be reported to the appropriate traditional authority for appropriate sanctions to apply.

2.6.c.3 Where an offender destroys property (farm, house, etc.) of another person, he/she by the instruction of the Traditional Authority, SHEC and other relevant bodies shall compensate or make good of such destroyed property.

2.7 Related Customary Laws

2.7.a Prohibitions

2.7.a.1 Farming activities is not allowed Thursdays.

2.7.a.2 Women are not allowed to cross the river Ntwewura and river Manzan on Wednesdays.

2.7.a.3 Swimming in streams that serves domestic purposes are totally prohibited.

2.7.a.4 Sacred places (sacred groves and rivers) are not allowed to visit without permission from chiefs

2.7.a.5 The use of detergents/soap in and around any water resource shall not be allowed within the Sub-HIA.

2.7.b Offenses/Sanctions

2.7.b.1 Offenders shall be reported to the respective traditional authority for appropriate sanctions to be applied including fines for pacification of gods where necessary.

Part 3. Indemnity

No person shall bring an action against any Sub-HIA constituent member or the Bia West District Assembly in respect of any proven act in good faith, in the performance of duties/activities in the interest of the Sub-HIA, its Lower and Upper tier structures.

Part 4. Amendment of Bye-Laws

These Bye-Laws are subject to amendment from time to time by the Bia West District Assembly at a session where two-thirds majority of SHEC members within the Sub-HIA call for amendment of the Bye-laws

Part 5. Interpretation

In this Bye-Law, unless the context otherwise requires;

5.1 **SHEC** means executive committee of the Sub HIA with representation from constituent communities and it is the highest decision-making body of the Manzan Sub-HIA.

5.2 **Group Hunting** means more than two persons joining or combining efforts to undertake hunting activity.

5.3 **Prohibitions** are practices or undertakings that are completely not permitted in the Sub HIA.

5.4 **Permissions** are practices or undertakings that may be allowed but under strict regulations.

5.5 **Offences/Sanctions** are punishments in violation of stipulated regulations in the Sub HIA.

Acronyms

CEC	Community Resource Management Area Executive Committee
COCOBOD	Ghana Cocoa Board
CREMA	Community Resource Management Area
CRMC	Community Resource Management Committee
DA	District Assembly
EPA	Environmental Protection Agency
FC	Forestry Commission
FSD	Forestry Service Division
GCFRP	Ghana Cocoa Forest REDD+ Programme
GNFS	Ghana National Fire Service
GPS	Ghana Police Service
HIA	Hotspot Intervention Area
LBC	Licensed Buying Companies
MTS	Modified Taungya System
NTFP	Non-Timber Forest Products

SHEC
Sub-HIA
WD

Sub Hotspot Intervention Area Committee
Sub-Hotspot Intervention Area
Wildlife Division

Annexes
Annex I: List of Communities in Manzan Sub HIA

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Annex II Map of Manzan Sub HIA

