

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

These Bye-Laws shall apply within Sukusuku Torya Sub-Hotspot Intervention Area (hereinafter called Sukusuku Torya 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 Sukusuku Torya 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 Sucusuku Torya Sub-HIA. The Sucusuku Torya 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 1 as also contained in the Constitution, and hereby established and designated as Sucusuku Torya 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 Sucusuku Torya Sub-HIA.

These Bye-Laws shall give legal backing to the constitution of the Sucusuku Torya 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 Dealers in agro-chemicals without demonstrable competence in the management and use of same shall not be allowed to sell or distribute agrochemicals to end users.

2.1.a.3 Fire shall not be used for any hunting purposes in cocoa farms within the Sub HIA.

2.1.a.4 Charcoal production or carbonisation of wood to charcoal shall not be done in cocoa farms

2.1.a.5 Farmers shall not release/sell or convert their cocoa farms to any activity related to illegal gold mining.

2.1.a.6 Mosquito nets and other rubber materials shall not be used for the fermentation of cocoa beans.

2.1.a.7 Establishment of new cocoa farms (expansion or encroachment) in any recognised forest reserve, except in admitted farms shall not be allowed within the Sub-HIA.

2.1.a.8 Illegal Logging in cocoa farms shall not be allowed within the Sub-HIA.

### **2.1.b Permissions**

2.1.b.1 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.2 Dealers in agro chemicals shall display/provide license to engage in the sale of agro chemicals and demonstrate competence to educate farmers on safe use of such chemicals.

2.1.b.3 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.4 Legal logging in cocoa farms shall only be done when affected farmers have consented, and have been duly compensated for crop damages.

2.1.b.5 Fermentation of cocoa beans shall not be done in less than 6 days and not more than 7 days.

2.1.b.6 Only COCOBOD recommended plant materials shall be used for fermentation of cocoa beans other than mosquito nets and other rubber materials.

2.1.b.7 Farmers shall adopt, use or practice slash without burn method in preparation of cocoa farmlands within the Sub HIA.

### **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 Identity (name, location, address, etc.) of offenders of section 2.1.a.2 shall be published by the SHEC and respective traditional authority to deter end users i.e. farmers from sourcing agrochemicals from such outlets.

2.1.c.3 Any person who violates section 2.1.a.3 and 2.1.a.4 shall be reported to the SHEC and/or the respective traditional authority for appropriate sanctions to apply including compensation where the fire causes damage to property.

2.1.c.4 Offenders of section 2.1.a.5 shall be reported to the SHEC and respective traditional authority for appropriate sanction to apply.

2.1.c.5 Cocoa farmers who violate sections 2.1.a.6 for the first time:

- o will have their cocoa produce not purchased by any LBC.
- o serial offenders will be exempted or denied access to any government and/or private sector incentives for climate smart cocoa production.

2.1.c.6 Offenders of section 2.1.a.8

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

- o have their equipment and logs or lumber seized by the SHEC and disposal of same determined thereof.
- o pay compensation to farmers for stolen trees/timber and/or damages to crops.

## **2.2 Forest Resource Protection**

### **2.2.a Prohibitions**

2.2.a.1 Use of fire or burning for whatever purpose shall not be allowed in any recognised forest reserve within the Sub-HIA.

2.2.a.2 Mining (legal & illegal) in any established forest reserve shall not be allowed 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 shall be allowed or sited or operate in recognised forest reserve.

2.2.a.5 Gathering of NTFPs and other forest resource products 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 Farms under Modified Taungya System (MTS) shall only exist for the stipulated number of years i.e. 3 years as allowed under the MTS guidelines.

2.2.b.2 Only permitted crops (plantain, cocoyam, yam, etc.) shall be planted under MTS in the Sub-HIA.

2.2.b.3 Permitted logging must be done with minimal destruction of other tree species and shall be monitored by SHEC in collaboration with the FC-FSD.

2.2.b.4 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.5 TUC holders operating in the Sub HIA shall support community base afforestation projects by planting or providing shade tree seedlings to communities for replanting within the Sub-HIA.

2.2.b.6 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.7 The SHEC shall collaborate with relevant stakeholders to facilitate the registration of trees (planted or naturally occurring).

2.2.b.8 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 Offenders of section 2.2.a.1 shall be reported to FC-FSD, WD and GNFS by the SHEC for appropriate sanctions to be applied.

2.2.c.2 offenders of section 2.2.a.2 shall be arrested, and any equipment in offender possession ceased by community/CHEC, and disposal of same determined thereof.

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 pay compensation to farmers for stolen trees/timber and/or damages to crops.

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 Contravention of section 2.2.a.5 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.6 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 Farmers and other users of agro-chemicals shall not wash chemical containers/protective gear in any water resource within the Sub HIA.

2.3.a.4 Dumping of household/industrial/farm waste into any water resource shall not be allowed within the sub-HIA

2.3.a.5 Mining activities shall not be allowed inside any water resource in the Sub HIA.

2.3.a.6 Any form of water pollution that threatens life shall not be allowed within the Sub-HIA.

### **2.3.b Permissions**

2.3.b.1 Farming around any water resource shall leave a buffer zone of at least 30meters away from the water resource within the Sub-HIA.

2.3.b.2 The SHEC shall collaborate with relevant bodies develop buffer zones around water resources within the Sub-HIA.

### **2.3.c Offences/Sanctions**

2.3.c.1 Contravention of section 2.3.a.1 attract replanting of trees by the offender to replace the damaged vegetation.

2.3.c.2 Offenders of section 2.3.a.2 2.3.2.4 will be sanctioned by appropriate traditional authority in collaboration with the SHEC.

2.3.c.2 Violation of section 2.3.a.3, 2.3.a.5, and 2.3.a.6 shall be reported by the SHEC to the appropriate state institution for sanctioning.

## **2.4 Mineral Resource Protection**

### **2.4.a Prohibitions**

2.4.a.1 Illegal gold mining in any form shall not be allowed within the Sub-HIA.

2.4.a.2 Communities, traditional authorities, individuals or groups within the Sub-HIA shall not accept or support any form of illegal gold mining.

2.4.a.3 *Prospecting/Testing for minerals or mining in/along/around any water resource shall not be allowed within the Sub-HIA.*

### **2.4.b Permissions**

2.4.b.1 Gold mining shall be done only when the undertaking individual or entity has dully acquired, and gone through all requisite processes for legal gold mining.

2.4.b.2 Mining companies shall reclaim mined out areas after their mining operations.

### **2.4.c Offences/Sanctions**

2.4.c.1 Equipment belonging to offenders of section 2.4.a.1 and 2.4.a.3 will be ceased by the SHEC/Community(ies) in collaboration with the relevant traditional authorities, Ghana Police Service and disposal of such equipment determined thereof.

2.4.c.2 Culprits of section 2.4.a.2 will be:

- o excluded from individual material benefits accruing from climate smart practices.

- o be named and shamed for betrayal.

## 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 forest or protected areas within the Sub-HIA.

2.6.a.2 Use of fire for farm preparation shall not be permitted in the dry season.

### 2.6.b Permissions

2.6.b.1 Use of fire for farm preparation 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.

## **2.7 Related Customary Laws**

### **2.7.a Prohibitions**

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

2.7.a.2 Women in their menstruation period are not to visit or enter into rivers within the sub-HIA.

2.7.a.3 It is strongly prohibited to enter in stream Susan with soap within the Sub HIA.

2.7.a.4 Women in their menstruation period are not to cross some sacred portion of River Manzan.

2.7.a.4 People are only allowed entry into sacred portions of river Danyaame with permissions form the chief.

### **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 Sukusuku Torya 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 Hotspot Intervention Area Committee
Sub-HIA	Sub-Hotspot Intervention Area
WD	Wildlife Division

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**Annexes**

***Annex I: List of Communities in Sukusuku Torya Sub HIA***

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***Annex II Map of Sukusuku Torya Sub HIA***

# SUKUSUKU TORYA SUB HIA

