

*ASUOBIA SUB-HOTSPOT INTERVENTION  
AREA (SUB-HIA) CONSTITUTION IN THE  
JUABOSO BIA HOTSPOT INTERVENTION  
AREA (HIA).*

*WESTERN-NORTH REGION, GHANA*

*SEPTEMBER, 2020.*

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## List of Acronyms

<i>Sub-HIA</i>	<i>Sub-Hotspot Intervention Area</i>
<i>SHEC</i>	<i>Sub-Hotspot Executive Committee</i>
<i>NTFP</i>	<i>Non-Timber Forest Products</i>
<i>CREMA</i>	<i>Community Resource Management Area</i>
<i>CEC</i>	<i>CREMA Executive Committee</i>
<i>AGM</i>	<i>Annual General Meeting</i>
<i>EM</i>	<i>Emergency Meetings</i>
<i>GSM</i>	<i>General SHEC Meeting</i>
<i>NCRC</i>	<i>Nature Conservation Research Center</i>
<i>GEF</i>	<i>Global Environment Fund</i>
<i>SGP</i>	<i>Small Grants Programme</i>

<i>NBSSI</i>	<i>National Board for Small Scale Industries</i>
<i>3PRCL</i>	<i>Partnership for Protection, Production Resilience in Cocoa Landscapes</i>
<i>FCTF</i>	<i>Forest Caretakers Transport Fund</i>

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## ARTICLE I. PREAMBLE

*We the Chiefs, Queen Mothers, farmers and people of the Asuo Bia Sub-HIA area desire to establish a climate-smart cocoa sub-landscape with the intention to transform our cocoa farming methods and landscape conservation measures for the purpose of creating positive and sustainable environmental practices as outlined in the Ghana Cocoa Forests REDD+ Programme.*

*We envisage that through effective implementation of land-use planning process, cocoa farms of the Sub-HIA will have greater capacity to adapt to changes in rainfall patterns and increases in temperature. Encroachment (including poaching) into forest reserves will significantly reduce and the off-reserve landscape will retain significant patches of secondary forest, old forest fallows and relic cocoa agro-forests.*

*We have constituted ourselves into Asuo Bia Sub-Hotspot Intervention Area (HIA) Executive Committee (SHEC) to ensure effective management and do hereby enact, adopt, and give ourselves to this constitution.*

## ARTICLE II. LEGAL INCORPORATION

*The primary instrument for this constitution to be recognized under law is the Forestry Commission, Wildlife Division, Policy for Collaborative Community Resource Management (Section 5.2) as provided for by Section 1 of the Wild Animal Preservation Act, 1961, Act 43 and LI 462 of the Local Government Act 1993 and the Forest and Wildlife policy (section 2.1, sub section 2.1.2) 2012.*

## ARTICLE III. NAME OF SUB-HIA

*The name of our Sub-HIA shall be Asuo Bia Sub-HIA*

## ARTICLE IV. Sub-HIA JURISDICTION AND LANDSCAPE

*The Asuo Bia Sub-HIA is a 31,371.93 **Ha** area of the Mafia stool land located in Bia west District and reaching from the community of Addo Nkwanta in the north to Sarfo Agyei in the south. The communities that qualify to be members of the Asuo Bia Sub-HIA include (listed alphabetically):*

*Asanteman, Adjoafua, Acheakwao, Akuapem, Agyeikrom, Addo Nkwanta, Adomkrom, Asafo Agyei, Awutu, Awuni camp, Asuentaa, Asobodwe, Akweikrom, Ayigbeline, Akuokokrom, Attakrom, Boabankrom, Bianco, Canaan, Elluokrom, Gabion, Israel,*

*Kankyiabo, Kramokrom, Kumikrom, Kroboman, Kwamoah, Mfanteman, Mesre Nyame, Mempeasem, New Agogo, New papase, New Techiman, Nsu-Nyameye, Nyamebikyere No.1, Nyamebikyere no.2, Old papase, Osonokrom, Obeykrom, Piogarkrom, Padikrom, Sakyikrom, Sikaneasem, Tei Mensah, Tigari, Yerepemso Tweapease. **The map of the sub-HIA is attached in Annex 1.***

## **ARTICLE V. NAME OF THE Sub-HIA GOVERNING BODY**

*The body that governs the Asuo Bia Sub-HIA shall be known and called the Asuo Bia Sub-Hotspot Intervention Areas Executive Committee, here after referred to as the “Sub-HIA Executive Committee (SHEC)”.*

## **ARTICLE VI. OBJECTIVES OF THE SHEC**

*The objectives for setting up the SHEC are as follows:*

- 1. To support the implementation of climate-smart cocoa production in the territory of the Sub-HIA in line with the Ghana Cocoa Forest REDD+ Programme.*
- 2. To collaborate with other Sub-HIAs in the broader landscape to form a larger HIA body which will form the basis to enter into formal agreement with Compact of other stakeholders as well as work closely with other levels of governance structure.*
- 3. To bring communities and stakeholders within the Sub-HIA under one umbrella to advocate for peace and development of the Sub-HIA.*
- 4. To educate communities on the importance of conservation of the natural and cultural resources and to stem further habitat degradation.*
- 5. To encourage community participation in decision-making and development of the Sub-HIA communities and other evolving global trends such as climate change, gender and environmental issues.*
- 6. To promote alternative livelihoods to community residents through sustainable NTFP harvesting and other income generating initiatives.*
- 7. To ensure the survival of biodiversity of the Sub-HIA through effective implementation of land-use planning.*

## ARTICLE VII. MEMBERSHIP of Sub-HIA EXECUTIVE COMMITTEE

*Membership shall consist of native residence and non-native residents elected from the CECs that form the Sub-HIA and other stakeholders within the Sub-HIA. Total membership of the SHEC shall consist of 9 members, designated as either voting or non-voting members. Voting members on the SHEC shall be only the 7 elected members of SHEC. The SHEC may also co-opt any external advisors that they require, to support with expert advice and decision making.*

## ARTICLE VIII. THE SHEC LEADERSHIP

*The SHEC leadership shall consist of the following;*

- *Chairperson*
- *Secretary*
- *Treasurer*
- *Organizer*

## ARTICLE IX. ELECTIONS

### *Section A- Election of SHEC members*

#### *Nomination of SHEC members*

- *Individuals nominated for membership in the SHEC must be selfless, transparent, team players and honest.*
- *Individuals who have interest in becoming members of the SHEC may nominate themselves or be nominated by another representative of a CREMA or non-CREMA community*
- *The process should strive for fair representation from both the CECs and/or non-CREMA communities*
- *All nominations shall be seconded or challenged for the nomination to be considered valid or otherwise.*
- *Each valid nominee shall be given time to state the reasons why he/she wants to be a representative to the SHEC.*

- *A chief shall not be nominated as a candidate for SHEC membership because of the special position reserved for them as Patrons in the HIA governance structure.*
- *All candidates who are nominated and seconded to stand for election to the SHEC will be vetted by a committee composed of representatives from the Consortium, HIA Management Board and the Sub-HIA Executive Committee before being allowed to contest. This is to ensure that SHEC members understand the issues at stake and also prevent unqualified persons from being elected to the SHEC.*

### **Election process**

- *CECs shall elect representatives to the Sub-HIA Executive Committee (SHEC).*
- *Non-CREMA areas shall also elect/appoint representatives to the SHEC.*
- *The number of representatives from the CREMAs or Non-CREMA communities shall be dependent on the size of the areas of interest.*
- *In order to arrive at an odd number for quick decision making by executives, CECs with larger land size or population shall present 4 representatives, while the other(s) present 3 representatives.*
- *Winners of the elections shall be declared by simple majority.*
- *In case of a tie, subsequent voting shall take place until the tie is broken. If positions of voters become entrenched, a dice is cast for the position after the third vote.*
- *All members shall swear an oath upon assumption of office*
- *Representation on the SHEC should have all genders fairly represented.*

### **Section B Election of SHEC Leadership**

- *The SHEC leadership shall be elected by a simple vote by members at a general meeting.*
- *Unopposed nominations shall be deemed duly elected.*
- *In case of a tie, subsequent voting shall take place until the tie is broken. If positions of voters become entrenched, a dice is cast for the position after the third vote.*



- *All members shall swear an oath upon assumption of office.*

## **ARTICLE X. TENURE OF OFFICE**

*The Leadership shall serve a Two-year term and any member may continue to serve for up to four terms (8 years). Any leader can resign his/her position in writing to the SHEC Chairperson one month ahead giving reasons for his/her action or forfeit all associated benefits. Accordingly, The Chairperson may resign his/her position in writing to the Patron(s).*

## **ARTICLE XI. FUNCTIONS OF THE SHEC LEADERSHIP**

### **Section A- General Functions**

*The leadership shall:*

- *Take decisions on behalf of the SHEC.*
- *See to the success of the day to day operations of the SHEC.*
- *Act on emergency occasions while reporting to the SHEC at a meeting convened for the purpose.*
- *Represent the interest of the SHEC internally and externally.*
- *See to the welfare of the members and workers.*
- *Ensure collaboration between the Committee and other stakeholders.*
- *Act upon any other issues related to the Sub-HIA.*

### **Section B- Specific Functions**

**Chairperson:**

- Shall be the head of the SHEC, i.e. governing body of the Sub-HIA, and shall preside over all meetings.*
- Shall be a signatory to the SHEC bank account.*
- Shall keep the Patron(s) sufficiently informed on decisions taken at meetings and developments concerning the Sub-HIA.*
- Shall be the “Spending Officer” and see to the financial discipline of the Sub-HIA.*
- The Chairperson and the SHEC Leadership shall recruit workers when necessary.*

**Secretary:**

- a) *Shall be responsible for the preparation and presentation of the minutes of all meetings.*
- b) *He/she shall be responsible for general correspondence of the Sub-HIA and shall keep records of all such correspondence.*
- c) *Shall perform any other duty delegated to him/her by the SHEC leadership or the SHEC.*
- d) *shall convene meetings on the advice of the Chairperson*
- e) *Shall be a signatory to the SHEC bank account.*
- f) *Shall preside over meetings in the absence of the chairperson or when the chairperson delegates him/her to do so.*

**The Treasurer:**

- a) *Shall in conjunction with the Chairperson, be responsible for the financial transactions of the SHEC.*
- b) *Shall be a signatory to the SHEC bank account.*
- c) *Shall submit a financial report at the SHEC meetings or whenever requested by the SHEC or SHEC Leadership.*
- d) *Shall perform any other duties assigned to him/her by the SHEC, SHEC Leadership, or Chairperson.*

**The Organizer**

- a) *The organizer Shall be responsible for getting members informed at least three days before any meeting or functions of the SHEC*
- b) *The organizer shall be responsible for the preparation of all grounds and venues for meetings and functions of the SHEC*
- c) *The organizer shall be responsible for the handling and distributions of documents, food, drinks or any other items during meetings and functions of the SHEC*
- d) *The organizer shall perform any other duties assigned to him/her by the SHEC or chairperson.*

**The Manager (Where applicable):**

- a) *The Manager shall be responsible for the day to day management of the Sub-HIA.*
- b) *The Manager shall ensure the effective and efficient implementation of the landscape management plan relevant to the Asuo Bia Sub-HIA.*
- c) *The Manager is answerable to the SHEC. At regular meetings, the Manager shall report to the SHEC on status, progress, and challenges of development activities in the Sub-HIA.*
- d) *The Manager shall supervise the employees of the SHEC and ensure discipline among them.*
- e) *The Manager shall ensure effective implementation of the SHEC bye-laws.*
- f) *The Manager shall maintain close contact with the Chairperson of the SHEC leadership*
- a) *The Manager shall offer technical advice to the SHEC, as well as help to organize developmental activities in the Sub-HIA.*
- g) *The Manager shall monitor the use of any project related funds at the Sub-HIA.*
- h) *The Manager shall perform any other duties that may be assigned to him by the SHEC or Chairperson from time to time.*

**ARTICLE XII. COMMITTEES**

*The SHEC shall set up committees or subcommittees for the purpose of fulfilling any of its objectives.*

*These committees may be standing or ad-hoc in nature;*

**Section A. Standing committees:**

*The SHEC may set up committees with continuous existence. Members of such committees may be changed but the committee remains to undertake assignments on an on-going basis.*

**Section B. Ad-hoc committees:**

*The SHEC may from time to time set up committees to perform any specific duty which is temporary in nature.*

## ARTICLE XIII. RULES GOVERNING CONDUCT OF SHEC MEMBERSHIP

*A member shall not:*

- i. Without good reason and prior notification, nominate someone to represent him/her for more than two consecutive meetings*
- ii. Be involved or be seen to be involved in any illegal environmental activity such as poaching, illegal logging, or 'management practices' without the necessary prescribed precautions;*
- iii. Be persistently drunk during meetings of the SHEC or any of its activities;*
- iv. Be intolerant or disrespectful of the views of other members;*
- v. Be found not to be performing his/her assigned duties by other members;*
- vi. Leak out any decisions that may be considered as confidential by the SHEC and;*
- vii. Engage in acts that amount to tarnishing the image of the Sub-HIA.*

*It shall be deemed as a case of indiscipline if any member conducts him/herself contrary to the rules governing membership and any other acts that may be considered as such by the disciplinary sub-committee of the SHEC on an impartial, fair and just basis.*

## ARTICLE XIV. DISCIPLINARY ACTION

*A disciplinary sub-committee shall be established by the SHEC to deal with all cases of indiscipline that are brought before it and any member judged by the disciplinary committee to have been involved in any act of indiscipline or broken any rules governing conduct of SHEC membership shall be dealt with in the following manner:*

- 1. First Offence: shall be contacted and spoken to.*
- 2. Second Offence: shall be warned with a letter, and copy of the letter placed on file.*
- 3. Third Offence: have his/her membership of the SHEC terminated.*

## ARTICLE XV. TERMINATION OF MEMBERSHIP

*If the membership of any SHEC member is terminated based on the recommendations of a disciplinary committee, the affected member shall be informed in writing about the grounds for his/her termination.*

## **ARTICLE XVI. REPLACEMENT**

- 1. In case of death and incapacitation of a member of the SHEC, a new member shall be nominated to replace him or her. The case will be referred to the SHEC leadership for action.*
- 2. Members, other than those from the local communities (the District Assembly representative to the SHEC) shall be replaced if they are sent on transfer to an area outside the jurisdiction of the SHEC.*
- 3. In case of termination through disciplinary action, a new member shall be elected to replace the dismissed member.*

## **ARTICLE XVII. MEETINGS**

### **Section A- Annual General Meeting (AGM)**

- The SHEC shall hold an Annual General Meeting (AGM) once a year.*
- The AGM shall be held within the first quarter of the incoming year.*
- An Annual Report and Financial Report shall be presented to the SHEC by the Chairperson and the Treasurer, reporting on the previous year's activities.*
- Major decisions to be taken by the SHEC, will be raised at the Annual General Meeting (AGM).*
- All members shall observe and be bound by any decisions that may be agreed upon by two-thirds of the voting membership or five (5) members of the SHEC at the AGM.*
- AGM shall be properly constituted with a quorum of 5 of the voting members*
- Voting shall be by simple majority and show of hands by members except when members call for secret ballot. If the voting relates to a SHEC member, the affected member shall be asked to stay out while voting proceeds.*
- Ex-officio members shall have no voting rights but shall enjoy all entitlements that may be due to eligible members of the SHEC.*
- Minutes of the meetings will serve as the official record of the meeting and decisions made shall be binding on all members.*

## **Section B. General SHEC Meetings (GSM)**

- i. The SHEC leadership shall call general meetings on quarterly bases (every 3 months) to deal with issues necessary for the smooth implementation of the SHEC's activities and operations in the Sub-HIA catchment area.*
- ii. Subject to this Constitution, the SHEC shall have the power to deal with issues affecting the management of the Sub-HIA.*
- iii. Where there is need for voting before adoption, it shall be by simple majority.*
- iv. Voting shall be by show of hands except when members decide to vote using secret ballot. If the voting relates to a SHEC member, the affected member shall be asked to stay out while voting proceeds.*
- v. All members shall observe and be bound by any decisions that may be agreed upon by two-thirds of the voting membership or five (5) members of the SHEC at a General Meeting.*
- vi. General SHEC Meetings shall be properly constituted with a quorum of 5 of the voting members*
- vii. Ex-officio members shall have no voting rights but shall enjoy all entitlements that may be due to eligible members of the SHEC.*
- viii. Minutes of the meetings will serve as the official record of the meeting and decisions made shall be binding on all members.*

## **Section C. Emergency Meetings**

- i. An Emergency Meeting (EM) of the SHEC shall be called when the need arises.*
- ii. Any voting member of the SHEC in consultation with the Chairperson may call such meetings on condition a signed/thumb-printed petition by 3 members of SHEC members demanding such an EM be held.*
- iii. The chairperson shall organize a meeting within 7 days upon receiving such a petition.*
- iv. Meetings may be called at short notice through letters, by verbal communication or any quick means e.g. internet depending on the importance of the situation.*
- v. Where there is need for voting before adoption, it shall be by simple majority.*
- vi. Voting shall be by show of hands except when members decide to vote using secret ballot.*

- vii. *If the voting relates to a SHEC member, the affected member shall be asked to stay out while voting proceeds.*
- viii. *All members shall observe and be bound by any decisions that may be agreed upon by two-thirds of the voting membership or five (5) members of the SHEC at a General Meeting.*
- ix. *Emergency Meetings shall be properly constituted with a quorum of 3 of the voting members, however binding decisions shall be based on the decisions of 5 members.*
- x. *Ex-officio members shall have no voting rights but shall enjoy all entitlements that may be due to eligible members of the SHEC.*
- xi. *Minutes of the meetings will serve as the official record of the meeting and decisions made shall be binding on all members.*

## ARTICLE XVIII. FINANCES

### Section A – Source of Funds

*The SHEC is aware and appreciates the fact that funding for such bodies is often short term. It therefore recognizes the need for a long-term strategy for securing funds to service the functions and activities of the SHEC. The following strategies shall therefore be pursued to source funds.*

- i. **External Sources of Finance**
  - a. *The supporting NGOs (i.e. NCRC and other similar local and international organization) shall be encouraged to write project proposals on conservation-linked rural development forest protection, climates smart cocoa production and poverty reduction enterprises.*
  - b. *The proposal shall be floated for consideration and possible funding to:*
    - *Ghana’s development partners, e.g. Cocoa buying/sourcing companies, UNDP Global Environment Facility (GEF), USAID, Small Grants Programme (SGP), Foreign Embassies in Ghana, Non-Governmental Organizations (NGOs) etc.,*
    - *Ministry of lands and Natural Resources, Ministry of Local Government and Rural Development, Ministry of Finance and*

*Economic Planning, and Ministry of Women and Children's Affairs,*

- *Other government agencies like the National Board for Small Scale Industries (NBSSI), the relevant District Assembly, the Forestry Commission etc. and Philanthropists and corporate bodies.*

**ii. Internal Sources of Finance**

- a. *The SHEC shall have the power to raise funds voluntarily from within the Sub-HIA, the district, region, or outside the region or country for the development of the Sub-HIA.*
- b. *Funds from any legitimate source for the development of the Sub-HIA shall be accepted.*

**Section B – Operation of Bank Accounts**

- i. *SHEC shall open an account (savings or current) with the nearest recognized bank and all monies received shall be paid in there by the treasurer.*
- ii. *The account shall have three signatories, namely the a) Chairperson, b) Treasurer and c) Secretary. Two of the three signatories shall be required to authorize any banking transactions at any one time.*
- iii. *The Chairperson and Treasurer shall be the main signatories to the account and in case the Treasurer is not available, the Secretary shall be the second signatory.*
- iv. *In the absence of the Chairperson, the Treasurer and Secretary together shall organize to sign emergency transactions on behalf of the Chairperson.*

**Section C- Administration of funds**

**General**

- a. *The SHEC leadership shall be responsible for proper administration of funds.*
- b. *The Chairperson shall be the principal signatory to the SHEC's account.*
- c. *A quarterly imprest shall be kept by the Treasurer for miscellaneous expenses. (GHS 400.00)*
- d. *Apart from the quarterly imprest, all monies in the possession of the Treasurer shall be deposited in the Association's account within forty – eight (48) hours.*



- e. *No money except for the imprest, shall be spent without it passing through the SHEC's account.*
- f. *All spendings must be documented and backed by documentations (i.e. Receipts and Honor Certificate)*

#### **Section D: Special Purpose Funds**

*Any special purpose funds (e.g. the Touton/3PRCL Forest Caretakers Transportation Fund) which is received by the Sub-HIA shall be used strictly according to the guidelines given by that particular fund. In such cases if transportation and feeding are to be paid from such a fund, the amount to be spent should be exactly the cost incurred.*

*Apart from emergency situations, the decision to use funds for any activity MUST be taken by NOT LESS THAN FOUR (4) MEMBERS of the SHEC and the four should include, AT LEAST, ONE member from each of the CREMA/Non-CREMA areas.*

*Funds CANNOT be used for any social function/activity including funeral donation, outdoor donation, political party function, community development levies, festival celebration and any such related social issues.*

*Accounts on the status of the funds should be given to SHEC and other relevant bodies every 3 months.*

## **ARTICLE XVIV. OBLIGATIONS OF PATRONS AND DISTRICT ASSEMBLY**

### **Section A- Patrons**

*The Patrons shall:*

- i. *The Patrons shall be traditional leaders of the Sub-HIA.*
- ii. *The Patrons shall have a vital role to play in maintaining peace and unity in order to advance the Sub-HIA's development.*
- iii. *Ensure that concerns and problems of the local people on climate smart cocoa and natural resource management are brought to the notice of the SHEC for attention / action.*

- iv. *Invoke traditional authority/edicts to ensure that communities observe good practices and attitudes towards natural resource use.*
- v. *Invoke traditional authority against poaching and other illegal activities to act in cases where any person(s) disobeys or sanctions wrongdoers where appropriate.*
- vi. *Take steps to educate community members on the need to stop environmental degradation.*
- vii. *Educate community members on the activities of the SHEC in general.*
- viii. *Support in carrying out decisions identified and agreed upon by the SHEC relating to the Sub-HIA.*

## **Section B- District Assembly**

*The Bia West District Assembly shall:*

- i. *Assist in servicing the activities of the SHEC where possible.*
- ii. *Legalize and promulgate bye-laws where required.*
- iii. *Assist in the development of proposals in line with the Bia West Sub-HIA development planning priorities and sourcing for funds.*
- iv. *Ensure that the development needs and programs of the local communities are incorporated into the district development agenda and given due attention.*

## **ARTICLE XX. AMENDMENTS**

*This constitution is subject to amendment or abrogation as and when necessary.*

*Amendment to this constitution shall be by general consensus at an AGM.*

- i. *Any article(s), clause(s) or section(s) of this constitution may be altered or added to, reviewed or otherwise amended at an Annual general meeting, provided a written or verbal notice of such amendment is submitted to the secretary at least one clear month of such meeting to be convened for that purpose.*
- ii. *The resolution of amendments or review shall be carried by at least 3 members present and voting.*
- iii. *Before suspension of any part of this constitution, there shall be a motion of suspension tabled, seconded and further supported by a simple majority through voting at an Annual general meeting.*

- iv. *In case of a total review of this constitution, a committee shall be set up to carry out the task, present its work for a debate with an onward submission of its report to the SHEC Leadership. A general meeting shall be called for the acceptance of the reviewed constitution or otherwise.*
- v. *Any Article(s), clause(s) or section(s) of this constitution shall be removed if found to be in contradiction to the aims and objectives of the SHEC or Sub- HIA.*

## **ARTICLE XXI. INTERPRETATION OF THE CONSTITUTION**

*The interpretation of this constitution shall be empowered in the hands of a committee (Judicial) set up by the SHEC on matters which the constitution shall be silent.*

- I. *All such interpretations or rulings shall be expressed in precise terms and shall be published and annexed to the constitution.*
- II. *Such interpretation(s) or ruling shall become a precedent and shall be binding on the committee until annulled by a resolution of two – third majority of members present at annual general meeting and voting.*

## **ARTICLE XXII. PROMULGATION**

*This constitution is deemed to have come into being on the 30<sup>th</sup> Day of September, 2020.*

# OFFICIAL ENDORSEMENT OF CONSTITUTION

*This constitutional document has been approved and endorsed in its entirety by the Sub-HIA Executive Committee (SHEC) of the Asuobia Sub-Hotspot Intervention Area, Bia West District, Western North Region, Ghana.*

*NANA AHOIN PANNIN II.  
SUB-HIA PATRON*

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*DATE*

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*NANA JOSEPH KUMI II.  
SUB-HIA PATRON*

\_\_\_\_\_  
*DATE*

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*ABU JONAS K.  
CHAIRPERSON, SHEC*

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*DATE*

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*OPPONG DANIEL  
SECRETARY, SHEC*

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*DATE*